

---

**City of Nibley  
Planning Commission  
Nibley City Hall  
455 West 3200 South  
Nibley, UT 84321  
Thursday July 7, 2022**

---

**Call to Order – Roll Call – Approval of Agenda – Approval of Minutes**

Meeting called to order at 6:31 p.m.

**Present:** Commission Vice Chair Tyler Obray, Commissioner Garrett Mansell, Commissioner Matt Logan, and Alternate Commissioner Erin Mann  
Commissioner Karina Brown arrived at 6:34 p.m.

**Absent:** Commission Chair Bret Swenson

**Staff Present:** City Planner Levi Roberts and Assistant Recorder Jamie Ann Gonzales

**Guests Present:**

**Applicants:** Shane Johnson

**Action:** Approval of the evening's agenda

**Motion:** Commissioner Mansell

**Second:** Commissioner Logan

**Vote:** 3-1; with Commissioner Obray, Commissioner Mansell and Commissioner Logan in favor, Commissioner Mann did not vote

**Action:** Approval of June 16, 2022, meeting minutes

**Motion:** Commissioner Logan

**Second:** Commissioner Mansell

**Vote:** 3-1; with Commissioner Obray, Commissioner Mansell and Commissioner Logan in favor, Commissioner Mann did not vote

**Public Hearing: Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial) (Applicant: Shane Johnson)**

Commissioner Obray recited the rules for public comment.

Commissioner Obray opened the public hearing at 6:33 p.m.

Commissioner Brown arrived at 6:34 p.m.

Mr. Roberts utilized an electronic presentation entitled *Shane Johnson Rezone Application* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Plat, Zoning Map, Future Land Use Map, General Plan Guidance, Other considerations, and Staff Recommendation*.

Commissioner Obray opened the public comment period at 6:42 p.m.

Seeing no public comment, Commissioner Obray closed the public hearing at 6:42 p.m.

**Discussion and Consideration: Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial) (Applicant: Shane Johnson)**

Mr. Johnson explained that he wanted to split the zone now because of the short window for operations of landscaping products. He discussed the difficulty in getting a surveyor. He proposed a conditional timeframe on the splitting of the zone and responded that he was only surveying that one acre.

Commissioner Mansell started discussion on the split and rezone under a minor subdivision. Mr. Roberts stated that the city did not have a lot-split ordinance and anytime a property was divided, it was technically a subdivision. He explained the section attached to *Ginny's Pit Stop* that was recommended for rezone.

Commissioner Obray asked if the ordinance allowed for a time clause on the business permit, conditional on the completion of the rezone. Mr. Roberts suggested tying a time clause to the rezone and not the business license. The Commission discussed it. Commissioner Obray pointed out that it was bad practice to split a zone, but the ordinance allowed it. He expressed the desire for commercial enterprise and thought this was a good fit. Mr. Roberts added that the applicant would be required to get approval for a conditional use permit.

Commissioner Mann asked the applicant if he had product that he was ready to start selling and that was the reason for the rush. Mr. Johnson replied that he had product available and explained the side work needed for bins, water meter, and power. Commissioner Mann wondered if he would be ready before the landscaping season ended. Mr. Johnson explained that the best time was when it cooled down in the fall and they would start getting ready for that now.

Commissioner Obray received confirmation that the products would be open for sale to the public. Mr. Johnson commented that there would not be any heavy equipment on site or traffic impacts.

As a side note, Commissioner Mansell expressed his concern for the traffic at the intersection on 3200 S. Mr. Roberts thought it was a good point and probably worth doing a study.

Commissioner Obray addressed the Commission regarding a time frame on the business license upon completion of the minor subdivision. Commissioner Mansell wondered about enforceability. Mr. Roberts gave an example of a recent situation with a conditional use permit that was revoked and thought the process would be similar. He questioned the one hundred eighty-day time frame proposed by the applicant.

Commissioner Obray brought up discussion about the time frame and approval process of a minor subdivision. Mr. Roberts thought it would need to go through the Planning Commission and City Council and sometimes took longer than expected. Because this was a commercial rezone, Commissioner Mansell questioned the process. Mr. Roberts confirmed that it would go through the subdivision process.

Mr. Roberts confirmed that street trees would be required according to the landscaping ordinance, in response to Commissioner Mann. She received clarification from the applicant that access would be on 3200 S and not the highway.

**Action:** Recommend approval of Ordinance 22-13: Rezone a portion of Parcel 03-026-0014 and 03-026-0006, located at 35 West 3200 South from R-2 (Residential) to C (Commercial) which would be splitting the parcel, provided that the applicant is able to get a separate Tax ID number by March 1<sup>st</sup>, 2023, or it will revert from C (Commercial) back to R-2 (Residential)

**Motion:** Commissioner Logan

**Second:** Commissioner Brown

**Vote:** Unanimous

#### **Public Hearing: Ordinance 22-14: Future Land Use Map Amendments**

Mr. Roberts utilized an electronic presentation entitled *Future Land Use Map Updates* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background*, *DRAFT-Nibley Future Land Use Amendments – June 2022*, and *Staff Recommendation*.

Commissioner Mann received clarification on rezoning the area surrounding 3200 S/Hwy 89/91 and the designation on the Future Land Use Map. The Commission discussed the area and uses. Commissioner Brown thought it was a way to preserve open space. Commissioner Logan questioned the limitations of Agricultural. Mr. Roberts thought it could be less of an incentive but confirmed that it was staff's recommendation. He added that it made sense to start looking at areas that could be preserved.

Commissioner Mann liked the idea of keeping a contiguous open space next to USU Farms and thought it was impactful as people came into the valley. She asked about the results from the TDR survey and *Heritage Days* booth. Mr. Roberts replied that the results were still being compiled. He thought it was a good question and could further inform changes in the future.

Commissioner Brown thought it would be great to designate as Agricultural right next to the USU Farm. She mentioned a study that was recently conducted by the Open Space Advisory Committee which concluded that residents would be willing to pay to preserve open space.

Commissioner Obray did not think cities should pick “winners and losers” and elaborated on the city’s restriction for the property owner. He thought the citizens of Nibley should pay to preserve open space and should not impact the private property rights of another citizen.

Commissioner Brown said it was the “gateway into the valley” and what people loved to see when they drove into Cache Valley.

Commissioner Logan brought up discussion of mixed zoning and giving options to come to Nibley. He expressed that he did not want what happened with *Strata*, to happen again. Commissioner Obray explained that the area would not be a viable farm as the area developed.

Commissioner Mann liked the idea of keeping it designated as Agricultural on the Future Land Use Map since it was a guiding document. Commissioner Obray recognized staff’s opinion against R-2 zoning because of the manure pit on the adjacent property. Commissioner Mansell affirmed the reasoning to have a buffer for now. Commissioner Obray agreed with keeping it Agricultural but expressed letting the property owner have options.

Commissioner Obray opened the public hearing at 7:20 p.m.

Seeing no public comment, Commissioner Obray closed the public hearing at 7:20 p.m.

#### **Discussion and Consideration: Recommendation for Ordinance 22-14: Future Land Use Map Amendments**

Commissioner Mann brought up discussion about the other two areas that were reviewed.

**Action:** Recommend approval for Ordinance 22-14: Future Land Use Map Amendments  
**Motion:** Commissioner Mansell  
**Second:** Commissioner Logan  
**Vote:** Unanimous

#### **Workshop: Combining lots exemption and Subdivision Plat Amendment approval authority**

Mr. Roberts utilized an electronic presentation entitled *Combining Lots exemption* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). He expressed that what William Green went through was a “waste of time” and this would get around that. He gave background.

Commissioner Mansell brought up discussion regarding abandonment of easements to avoid a plat amendment and used an example from North Logan in *Wildercrest*. Commissioner Obray explained *abandonment* for Commissioner Mann. Mr. Roberts recommended moving forward with the exemption and said they could look at abandoning easements. Commissioner Mansell

agreed to send a copy of the *Wildercress* document to the Commission for consideration. Mr. Roberts questioned if it would change the process for combing lots if the easements could not be vacated. The Commission discussed it.

Mr. Roberts further discussed the intent for subdivision plat amendment approval authority. He elaborated on Commissioner Obray's question to make it staff's approval.

### **Staff Report and Action Items**

Mr. Roberts reported on the following:

- Hawk Hollow
- Final Plat Reviews
- Street Trees
- Moderate Income Housing Plan Update
- TDR Joint Workshop with City Council
- Ridgeline Park 2900 road
- Two-Lane turn on 3200 S
- Connecting 3200 S through the Highway
- Future Land Use Mixed Zoning
- General Plan Update
- Annexation Plan

Meeting adjourned at 7:54 p.m.

### **ATTEST:**

---

Jamie Ann Gonzales, Assistant Recorder