

1 A Meeting of the Nibley City Planning Commission and Nibley City Council held at Nibley
2 City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, August 4, 2022.

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4 The following actions were made during the meeting:
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9 OFFICIAL MINUTES OF THE MEETING
10 City Recorder Cheryl Bodily took minutes
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12 **Call to Order and Roll Call**

13 Mayor Larry Jacobsen welcomed participants to the August 4, 2022, joint Nibley City
14 Planning Commission and Nibley City Council meeting to discuss Transfer of
15 Development Rights Study and Ordinance.
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17 Seeing no objection, Mayor Larry Jacobsen chaired the joint meeting, calling the
18 meeting to order at 6:31 p.m. He asked for a roll call of Planning Commission and City
19 Council members. The following Planning Commission members were present:
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21 Commissioner Bret Swenson
22 Commissioner Karina Brown
23 Commissioner Erin Mann (Commissioner Mann participated electronically)
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25 The following City Council members were present:
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27 Councilmember Kathryn Beus
28 Councilmember Norman Larsen
29 Councilmember Nathan Laursen
30 Mayor Larry Jacobsen.
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32 Mayor Jacobsen also noted the presence of Nibley City Planner, Levi Roberts, Assistant
33 City Recorder, Jamie Gonzales, Nibley City Recorder, Cheryl Bodily, and Shawn Milne,
34 with Cache County Economic Development Director.
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36 Mayor Jacobsen asked for consent to approve the joint Council/Planning Commission
37 meeting agenda with a changed to the order of the Planning Commission meeting and
38 the joint meeting, allowing the TDR consultants time to arrive. No objection was given
39 to adopt the agenda with these changes.
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41 Planning Commission Chair, Bret Swenson took over chair of the meeting at 6:32 p.m.
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43 *See Nibley City Planning Commission minutes for August 4, 2022.*
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1 The August 4, 2022, Nibley City Planning Commission meeting ended at 6:57 p.m.

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3 The joint Nibley City Planning Commission and Nibley City Council meeting session
4 began at 6:58 p.m.

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6 Councilmember Bernhardt arrived at 6:39 p.m.

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8 **Workshop: Transfer of Development Rights Study and Ordinance**

9 Mr. Roberts introduced John Janson and Jake Young with People + Place, LLC. Mr.
10 Janson used an electronic presentation entitled *Nibley Transfer of Development Rights*
11 *(TDR) HOW CAN WE SAVE FARMLANDS AND IMPORTANT OPEN SPACES?* (a printed
12 version of this presentation is included in the printed meeting minutes). The topics
13 included in this presentation included the following: Sending/Preservation Areas to
14 Receiving Areas, TDR Systems, What Makes this Work? Making TDR “Pencil”, Land for
15 Sale—Cache County, Assessor Data, TDR Calculations, Market will Prevail, Survey and
16 Heritage Days Results including Q1: To retain the character of Nibley, which lands are
17 important to you to preserve their current state? Please think about the entire city,
18 Sending Area Responses, Potential Receiving Area, Housing Types and Amenities.

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20 Jake Young took over the presentation and discussed the map he presented, Nibley City
21 Draft TDR Zones 08.03.2022.

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23 Karina Brown asked about a parcel that was in the County or unincorporated, if would
24 they have to apply to Nibley City to be annexed; and they would only want to do this if
25 they were approached by a developer. Mr. Young said there couldn’t be islands or
26 peninsulas, it would have to be land that was adjacent to the current city boundary and
27 the parcels would have to be annexed. Because TDR was a City program they had to
28 annex and be brought into the City. He described that the areas were withing the Nibley
29 City annexation boundary. Erin Mann asked about conversations between farmers that
30 were interest in exploring TDR. Mr. Roberts said there hadn’t necessarily been
31 conversations between a developer and a landowner. Mayor Jacobsen discussed the
32 development of trails along the Blacksmith Fork River and declaration of the Blacksmith
33 Fork trail area as a sending area for trail easement. He questioned that there would
34 have to be an incredible coordination of landowners. Mr. Young described that there
35 would need to be coordination, trail planning and that they shouldn’t stop the trail if
36 someone owned a piece in the middle that didn’t have trail access. He said you hold to
37 the easement and build the trail when the City had public access. Land easement can sit
38 for years and decades. Mr. Janson said the TDR was in incentive. Councilmember Beus
39 questioned that most of the receiving areas were already designated as R-PUD areas
40 and asked if the TDR credits would be in addition to the density already given in the R-
41 PUD ordinance? Mr. Janson said this would be covered later in the presentation.
42 Councilmember Laursen felt that the southern border (4400 South) was a missing
43 receiving area on the TDR zone map. He pointed out the location of the property owned
44 by Utah State University and didn’t feel the map would go that far. Councilmember

1 Larsen asked if the consultants had calculated the differences in property tax versus
2 what the landowners had in the County. Mayor Jacobsen said the land would be taxed at
3 approximately the same but if the property were to annex to Nibley, then they would
4 pay Cache County taxes in addition to Nibley City taxes.

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6 Mr. Janson discussed the Draft Ordinance, Policy discussion and some Hurdles. He
7 discussed allowable densities and used Mapleton City as an example. They had allowed
8 credits to be used in subdivisions. He discussed that the R-PUD would be a struggle. He
9 questioned if one would need to be involved in a TDR system with the R-PUD ordinance
10 in place. He suggested the densities be reduced in the R-PUD ordinance to incentivize
11 the use of TDR credits. Mayor Jacobsen discussed that there was no guarantee of the
12 City Council granting an R-PUD in any area. Mayor Jacobsen discussed removing the R-
13 PUD in receiving areas. This suggestion received support from Commissioner Swenson.
14 Mr. Young said receiving area also brought amenities and asked them to consider that a
15 developer that had credits were allowed to use them by right, instead of through the
16 legislative process. Mayor Jacobsen said this could make the R-PUD Mr. Janson's next
17 slide was titled Next steps.

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19 Commissioner Swenson questioned if a city could buy development rights or TDR
20 credits. Mr. Janson said that a city could. Mr. Young described that there was nothing
21 currently in the ordinance that prohibited it. Commissioner was most interested in
22 purchasing trail rights along the Blacksmith Fork river. Mr. Janson and Mayor Jacobsen
23 discussed development rights on a two-acre property. Mr. Young and Janson questioned
24 if Nibley City would want to include receiving areas being smaller amount though the
25 entire city with greater amount in the receiving areas or any sort of combination? Mr.
26 Janson clarified there could be other vacant parcels that could be developed and
27 questioned if the City would want to give some percentage of increase for smaller
28 areas? Commissioner Mann and Levi Roberts discussed seeking further public input.
29 Councilmember Beus, Commissioner Laursen, Mayor Jacobsen, Mr. Milne and the
30 consultants discussed if it would be lawful to sell development credits for parcels
31 currently owned by the City.

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33 Councilmember Beus left the meeting at 8:32 p.m.

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35 Mayor Jacobsen said they needed to spend time on the Nibley City Draft TDR Zones
36 08.03.2022 map and look at individual areas. Councilmember Laursen said that the
37 procedural aspect of keeping track of credits made him nervous. Mr. Young, Mr. Roberts
38 and Recorder Bodily described ways this could be accomplished. Commissioner Brown
39 questioned how this process could work for a developer looking for TDR credits. Mr.
40 Janson said an informal list could be kept of farmers who were interested unless they'd
41 gone through and gotten a certificate of the number of credits they would get for their
42 individual properties; these certificates should be tracked and recorded. Mr. Young and
43 Mayor Jacobsen described that a developer might go to the Cache County Parcel
44 Viewer.

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2 Mayor Jacobsen asked the consultants what the keys to success where for the TDR to
3 work? Mr. Jason said awareness, especially in the development community that the TDR
4 was an option and he felt that the current R-PUD was working against Nibley.
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6 Seeing no objection, Mayor Jacobsen adjourned the meeting at 8:38 p.m.
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Attest: _____
City Recorder