
**City of Nibley
Joint Planning Commission/City Council Meeting
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday August 4, 2022**

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

Mayor Larry Jacobsen called the meeting to order at 6:30 p.m.

Present: Commission Chair Bret Swenson, Commissioner Karina Brown and Alternate Commissioner Erin Mann via Zoom

Mayor Larry Jacobsen, Councilmember Kathryn Beus, Councilmember Norman Larsen, Councilmember Nathan Laursen and Councilmember Tom Bernhardt arrived at 6:39 p.m.

Absent: Commission Vice Chair Tyler Obray, Commissioner Garrett Mansell and Commissioner Matt Logan

Councilmember Kay Sweeten
Councilmember Kathryn Beus left the meeting at 8:32 p.m.

Staff Present: City Planner Levi Roberts, Assistant Recorder Jamie Ann Gonzales and City Recorder Cheryl Bodily

Guests Present: Consultant John Janson, People + Place, Consultant Jake Young, People + Place and Sean Milne, Cache County Economic Development

There was general consent to change the order of the agenda and suspend the joint meeting.

Commission Chair Bret Swenson received general consent from the Planning Commission for approval of July 21, 2022, meeting minutes.

Discussion and Consideration: Recommendation for Ridgeline Park Phases 4 and A-D Final Plat, located near 3150 South 250 West (Applicant: Visionary Homes)

Mr. Roberts utilized an electronic presentation entitled *Ridgeline Park – Phase 4 & A-D Final Plat* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Preliminary Plat, Final Plat, Condominium Final Plats, Zoning & Space Requirements...*

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

... Zoning & Space Requirements, Streets and Trail, Utility Lines & Easements, Construction Drawings, Geotechnical, Condominium Design Renderings, Architectural Design, Landscaping, Open Space Amenities and Maintenance, and Staff Recommendation.

Action: The Planning Commission recommended approval for Ridgeline Park Phases 4 and A-D Final Plat, located near 3150 South 250 West (Applicant: Visionary Homes) with staff recommendation
Motion: Commissioner Brown
Second: Commissioner Mann
Vote: Unanimous

Staff Report and Action Items

Mr. Roberts reported on the following:

- Firefly Estates Phase 2
- Nibley Meadows Phases 1-3 and Phase 10
- August 18, 2022, Planning Commission Meeting Agenda
 - Subdivision Submission Requirements Amendments Public Hearing
 - Combining Lots Exemption and Subdivision Plat Amendment Approval Authority Public Hearing
 - Moderate Income Housing Plan Update (state required by October 1, 2022)
- City Engineer acceptance of new position at Logan City
 - City Manager Justin Maughan as interim City Engineer during transition

Commission Chair Bret Swenson adjourned the Planning Commission portion of the meeting at 6:57 p.m.

Mr. Roberts left the meeting at 6:58 p.m.

The Joint Planning Commission/City Council meeting resumed at 6:58 p.m.

Mr. Roberts returned at 6:59 p.m.

Mr. Roberts introduced Mr. Janson and Mr. Young.

Mr. Roberts left the meeting at 7:00 p.m.

Mr. Roberts returned at 7:01 p.m.

Workshop: Transfer of Development Rights Study and Ordinance

Mr. Janson utilized an electronic presentation entitled *Nibley Transfer of Development Rights (TDR)* (a printed copy of this electronic presentation is included in the printed, record copy of the meeting minutes). His presentation included *Sending/Preservation Areas to Receiving*

Areas, TDR Systems, What Makes This Work?, Making TDR “Pencil”, Land for Sale – Cache County Data, Assessor Data, TDR Calculations, Market will Prevail, Survey and Heritage Days Results, Potential Receiving Areas, and Housing Types and Amenities.

Mr. Young continued the presentation on Map Draft TDR Zones. He discussed the two methods available for conservation easements on a trail corridor, in response to Councilmember Larsen.

Commissioner Brown received clarification on TDR participation for unincorporated parcels in the county. Mr. Young affirmed that it would have to be land that was adjacent to the current city boundary and would have to annex into Nibley City. Mr. Janson elaborated that participation could be from awareness of the program or an offer from a developer.

In response to Commissioner Mann’s question, Mr. Roberts reported that staff had a conversation with a landowner that was interested in exploring TDR to preserve their land.

Mayor Larry Jacobsen circled back to discussion on conservation easements for trails along the Blacksmith Fork area referring to the draft ordinance *19.48.020(5)(1)(d)*. He commented on the “incredible coordination of landowners” to get a complete trail. Mr. Young responded that trails were built “segment by segment” and easements should be held onto until there was public access. Mr. Janson reiterated that it was an incentive to get the trail. Mayor Jacobsen thought it could bring about “neighborhood neighbor cooperation or regional cooperation”. And said that there needed to be 100% cooperation to get a complete trail.

Councilmember Beus questioned the incentive in receiving areas that were already identified as potential R-PUD (Residential Planned Unit Development) overlays.

Councilmember Laursen pointed out the USU property, and the southern border as a receiving area that was missing on the map draft.

Councilmember Larsen asked about property taxes in the county compared to Nibley. Mayor Jacobsen replied that the residential property taxes were almost identical, but the tax “burden” would increase if a farmer wanted to annex into Nibley. However, Mr. Young added that greenbelt would not have an increase.

Mr. Janson continued the presentation with the *Draft Ordinance*. Mayor Jacobsen received clarification that a Land trust or non-profit did not guarantee acceptance of an easement. Mr. Janson mentioned stewardship costs. Mr. Young added that there could be a potential code enforcement cost to the city.

Mr. Janson went on to discuss *Policy and some Hurdles*. He addressed Councilmember Beus’ question on R-PUDs and suggested reducing the existing ordinance density and acre requirement. Mayor Jacobsen clarified that areas that were already identified as potential R-PUDs meant acceptance of an application and did not mean that City Council would approve them. He suggested that the R-PUD could be reduced without a TDR receiving area or eliminate

the R-PUD unless it was part of a receiving area. Commissioner Swenson was in favour of the latter.

Mr. Young urged the Planning Commission and City Council to consider that amenities would come with the TDR density in the receiving areas, and the only way the program worked was because developers would be able to use their credits by right.

Mrs. Bodily left the meeting at 7:53 p.m.

Mr. Young touched on *Next steps*. He confirmed that the city could buy the development rights in response to Commissioner Swenson's question.

Mrs. Bodily returned at 7:58 p.m.

Mr. Roberts brought up discussion on Commissioner Swenson's question and wondered if the city could hold the development rights and then sell to a developer. Commissioner Swenson did not think there would ever be a trail along the Blacksmith Fork River because most of the property along the area had homes on it. Mayor Jacobsen explained how the city could purchase trail access. Commissioner Swenson asked about a minimum length. Mr. Janson confirmed it was included in the draft ordinance *19.48.020(4)(a)*.

Mr. Janson discussed other options for the buildable, vacant parcels on the zoning map that were not marked as sending or receiving. Commissioner Mann wanted to know if the ordinance needed to be updated to allow for smaller lots. Mr. Roberts responded that there could be a threshold for density.

Commissioner Mann thought it was important to get public input on density as part of next steps. Mr. Roberts thought it was a good suggestion. Mayor Jacobsen thought the response from the public input would be great if they were next to a sending area.

Councilmember Beus did not want to be called "greedy" but asked if the city could sell the development rights on their property. Councilmember Laursen had questions and legal concerns about the sale of "in between" developed space with no improvements. Mr. Janson did think it was as much of a legal issue as it was more of an ethical issue but affirmed that it could be done. Mr. Milne described an example of a precedent case in Utah that did not receive any citizen "flack". And in response to Commissioner Swenson, explained a creative method used by a municipality in Salt Lake Valley.

Commissioner Mann received clarification that it was the Land trust's responsibility to maintain the use of the open space if farming stopped. Commissioner Swenson asked if the property had to continue as farming. Mr. Janson indicated that there were other uses allowed in the draft ordinance *19.48.020(2)*.

Mr. Janson affirmed that there would be an update to the draft and map to incorporate some of the issues discussed.

Mr. Young brought up the southern receiving area on the map as mentioned by Councilmember Laursen to clarify. Mayor Jacobsen thought individual areas on the map needed to be focused on.

Councilmember Laursen expressed that he was nervous about the procedure of keeping track of all the credits. Mrs. Bodily explained the recording process.

Mr. Janson responded to Commissioner Brown's question on the process for the developer seeking a sending area.

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

Mr. Roberts suggested a contact list.

Mayor Jacobsen thought it was a great draft but needed more scrutiny on the areas. Councilmember Laursen liked the addition in the ordinance about proximity and soil.

Mr. Janson thought that awareness to the program was the "key to success" as asked by Mayor Jacobsen and he expressed that the R-PUD was working against it.

Mayor Jacobsen adjourned the meeting at 7:54 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder