

**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday July 6, 2023**

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

Commission Vice Chair Bret Swenson called the meeting to order at 6:31 p.m.

Present: Commission Vice Chair Bret Swenson, Commissioner Karina Brown and Alternate Commissioner Clair Schenk

Commission Chair Garrett Mansell via Zoom @ 7:49 p.m.

Absent: Commissioner Tyler Obrey and Commissioner Matt Logan

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

Guests Present: Mayor Larry Jacobsen arrived at 7:24 p.m.

Applicants:

There was general consent for the evening's agenda.

There was general consent for June 1, 2023 meeting minutes

Public Hearing: Ordinance 23-27- Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

Commissioner Swenson opened the public hearing at 6:32 p.m.

Seeing no public comment, Commissioner Swenson closed the public hearing at 6:32 p.m.

Discussion and Consideration: Ordinance 23-27- Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

Mr. Roberts utilized an electronic presentation entitled *Land Use Chart Amendments* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included:

- **Background**
- **Summary of Changes**

Commissioner Schenk brought up discussion on code requirements for mobile ice cream trucks

47 **• Staff Recommendation**

48 Recommend approval of Ordinance 23-27 – Amending NCC 19.20.010 Land Use Chart and
49 19.04.010 Definitions

50
51 Commissioner Schenk agreed that food trucks/mobile business should not be required to get a
52 business license in every city. He reported that he had worked with a member of the *Hell's Angels*
53 gang who transferred drugs around the neighborhood in an ice cream truck.

54
55 Commissioner Brown commented that *Logan* had mixed-use with commercial and residential on
56 top.

57
58 Commissioner Swenson was concerned with a business coming to Nibley that was not on the chart.
59 Mr. Roberts recited the update that was addressed in *NCC 19.20.010 Classification of New And*
60 *Unlisted Uses* (a printed copy of this updated code is included in the printed, record copy of the
61 meeting minutes).

62
63 **Action:** Recommend approval of Ordinance 23-27 – Amending NCC 19.20.010 Land Use
64 Chart and 19.04.010 Definitions

65 **Motion:** Commissioner Brown

66 **Second:** Commissioner Schenk

67 **Vote:** Unanimous; 3-0

68
69 **Public Hearing: Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise**
70 **landscaping requirements**

71
72 Commissioner Swenson opened the public hearing at 6:52 p.m.

73
74 Seeing no public comment, Commissioner Swenson closed the public hearing at 6:52 p.m.

75
76 **Discussion and Consideration: Ordinance 23-28: Amending NCC 19.24.170 Landscaping,**
77 **instituting water wise landscaping requirements**

78 Mr. Roberts utilized an electronic presentation entitled *Water wise landscaping requirements* (a
79 printed copy of the presentation is included in the printed, record copy of the meeting minutes). His
80 presentation included:

81 **• Background**

82 **• Additional Standards**

83 **• Staff Recommendation**

84 Recommend approval of Ordinance 23-28: Amending NCC 19.24.170 Landscaping,
85 instituting water wise landscaping requirements

86 **• Photos submitted by Commissioner Swenson**

87
88 Mr. Roberts explained in response to Commissioner Schenk, that the program was for existing
89 developments through the buyback program and the standards were for new developments.

91 Commissioner Swenson received clarification that state participation in the program would not
92 occur unless the city adopted the standards for new developments. It was Mr. Roberts'
93 understanding that *Hyde Park* was the only city in the valley that adopted the program.
94

95 Commissioner Schenk brought up discussion on plant material and tree requirements in the park
96 strip.
97

98 Commissioner Swenson wondered if there should be language in the draft that would require
99 existing residents that wanted to participate in the program to install trees in the park strips that
100 were missing them. Mr. Roberts responded that other than eligibility, the city was not getting in
101 the middle of the administration of the program between the resident and the state.
102

103 Mr. Roberts explained the city's tree policy plan. He reiterated for Commissioner Brown that if
104 passed, these changes would make existing residents eligible for the turf buyback program that
105 she read about.
106

107 Commissioner Schenk received affirmation that there were regulations in the code for bushes and
108 shrubs in the clear view triangle.
109

110 Commissioner Swenson recited NCC 19.24.170(A)(1) Landscaping (a printed copy of this is included
111 in the printed, record copy of the meeting minutes). He pointed out that it did not mention *water
112 conservancy* in the purpose. Mr. Roberts added it to the draft.
113

114 Commissioner Swenson questioned section (2) *Yard Requirements For Residential Zones: At least
115 sixty percent (60%) of the area contained within a required front or side yard adjacent to a street
116 in any residential zone shall be landscaped.* He wanted to know where that number came from.
117 Mr. Roberts replied that it was already in the code and thought the idea was to prohibit a front
118 yard with just hardscape. Commissioner Swenson asked what happened after the *two (2) years*. In
119 response to Commissioner Brown, Mr. Roberts commented that the landscaping deposit
120 previously recommended to City Council did not pass but could be recommended again. He said
121 the *two (2) years* gave a clear deadline for completion and the ability to enforce through fines.
122

123 Mr. Roberts responded to Commissioner Brown that the primary purpose of this amendment to
124 the ordinance was to make residents eligible for the turf buyback program. He said he did not
125 know how the money was administered from the state in answer to Commissioner Swenson.
126

127 Commissioner Swenson asked if the state required participation in every zone and wondered if
128 some could be eliminated. Mr. Roberts said the state did not break it down by zone and did not
129 think it was an option, but could be explored. They discussed the larger zones.
130

131 Commissioner Brown clarified that they were not required to pass the landscaping requirements.
132 Mr. Roberts pointed out that he received a handful of requests from residents that would like to
133 participate in the program.
134

135 Mayor Larry Jacobsen arrived at 7:24 p.m.

136 Mr. Roberts brought up the photos submitted by Commissioner Swenson for discussion regarding
137 *turf grass in areas less than eight (8) feet in width*. Mayor Jacobsen explained the meaning of *area*
138 and the Commission discussed it. Mr. Roberts wanted to check on the interpretation with the
139 state. The Commission discussed another photo regarding code of a standard street cross section
140 and other examples that would not be allowed if the ordinance passed.

141

142 The Commission debated the meaning of 19.24.170(B)(4) *Turf grass is not allowed in park strips or*
143 *areas less than eight (8) feet in width in new development*. They discussed the 20% groundcover
144 recommendation from staff and received clarification from Mr. Roberts that it did not have to
145 pass to be eligible for the program. Commissioner Swenson pointed out that the park strip would
146 still look good without bushes. He questioned the meaning of 19.24.170(A)(4) *Maintenance*:
147 *Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition*.
148 Mr. Roberts agreed that it was somewhat subjective and was already in the code.

149

150 Commissioner Swenson asked if there were right of ways in Nibley that were not park strips in
151 reference to (B) *Landscaping in Public Street Rights Of Way*: Mr. Roberts explained that it was
152 applicable to new developments.

153

154 Mayor Jacobsen found a letter copied to him from Water Conservation Manager Shelby Erickson
155 at the Utah Department of Natural Resources Division of Water Resources. He read the language
156 she used *“no lawn on parking strips or areas less than eight feet in width and new residential*
157 *development.”* He thought Hyde Park’s adopted ordinance put them in a “pickle” as recognized by
158 Commissioner Swenson, because it stated that *no turf and asphalt are allowed in the park strip*.

159

160 Commissioner Mansell joined via Zoom at 7:49 p.m.

161

162 Mr. Roberts confirmed Commissioner Schenk’s question that existing residents needed to adhere
163 to these standards as well as others required by the state. Mayor Jacobsen said that he was
164 approached by people who wanted to do it and they wanted the city to pay a portion of the cost.

165

166 Commissioner Swenson agreed with Commissioner Mansell on further discussion. He wanted
167 clarification on the park strips and thought the other zones were “red flags”. Mr. Roberts wanted
168 to set a threshold size for a residential lot. Mayor Jacobsen gave clarification.

169

170 Commissioner Swenson recommended continuing the discussion. There was general consent.

171

172 **Action:** Recommendation to Continue Discussion and Consideration: Ordinance 23-28:
173 Amending NCC 19.24.170 Landscaping, instituting water wise landscaping
174 requirements

175 **Motion:** Commissioner Schenk

176 **Second:** Commissioner Brown

177 **Vote:** Unanimous; 4-0

178

179 **Staff Report and Action Items**

180 Mr. Roberts reported on the following:

181 • Action Items for the landscaping ordinance:

182 ○ Research question on park strips in areas less than eight feet

183 ○ Discussion at next meeting regarding shrubs

184 ○ Applicable to all developments including larger lots

185 ○ Requirement in all zones

186 • Commercial Rezone Application next meeting

187 • Heritage Parkway Subdivision Preliminary Plat

188 • WaterMark Property Agreement

189

190 Commissioner Swenson adjourned the meeting at 8:04 p.m.

191

192 **ATTEST:**

193

194

195 Jamie Ann Gonzales, Assistant Recorder