



NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, February 11, 2021 – 6:30 p.m.

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may also participate in the meeting via the Zoom meeting link provided at www.nibleycity.com. Public comment should be submitted to cheryl@nibleycity.com by 6:30 p.m. and will be read into the public record.

1. Opening Ceremonies (Councilmember Beus)
2. Call to Order and Roll Call (Chair)
3. Approval of the 1-28-2021 and 2-3-2021 Meeting Minutes and Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. **Discussion & Consideration** – Determination of the Process for Hiring a New City Manager
6. **Presentation** – Stormwater Department
7. **Public Hearing** – Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen
8. **Discussion & Consideration** – Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen (Second Reading)
9. **Public Hearing** – Ordinance 21-03: Commercial Zoning Standards
10. **Discussion & Consideration** – Ordinance 21-03: Commercial Zoning Standards (First Reading)
11. **Discussion & Consideration** – Ordinance 21-01 (previously numbered 20-17): Amendments to the Nuisance Ordinance (Second Reading)
12. **Discussion & Consideration** – Ordinance 21-02 (previously numbered 20-20): Establishing a Time Limit and Deposit to Install Landscaping for New Construction (Second Reading)
13. **Workshop** – Resolution 21-05: Transportation Master Plan Map Amendments
14. **Discussion & Consideration** - to file a Protest or Written comments for the Annexation of parcels 03-001-0010 & 03-001-0013 into the City of Logan
15. **Council and Staff Report**
16. **Adjourn to Closed Session** – To Discuss personnel pursuant to Utah Code 52-4-205

In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431.

¹ Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.

² Items on the Consent Agenda are considered to be routine and/or non-controversial, and will be approved in one vote.



Agenda Item #5

Description	Discussion & Consideration – Determination of the Process for Hiring a New City Manager
Presenter	Mayor Dustin
Recommendation	Discuss and Consider Process
Reviewed By	Mayor

Background:

The Council will discuss the process for hiring a New City Manager.

Agenda Item #6

Description	Presentation – Stormwater Department
Department	Public Works
Presenter	Justin Maughan, Public Works Director
Recommendation	Receive the presentation. Give direction on proceeding.
Reviewed By	Mayor, City Manager, Public Works Director

Background:

A presentation will be given regarding the use of low impact designs for stormwater management, include the use of roadside swales.

Nibley City Stormwater Update

Justin Maughan, PE

11 Feb 2020

Flood Control vs Water Quality:

- Traditionally Stormwater design focused on flood control
- Early 2000's EPA concerned about water quality
- State of Utah stepped in and said we will manage and control it
- Created the MS4 Program
 - Updates every 5 years – somewhat of a moving target

Municipal Separate Storm Sewer System (MS4)

MCM 1 – Public education and outreach

MCM 2 – Public involvement/participation

MCM 3 – Illicit discharge detection and elimination

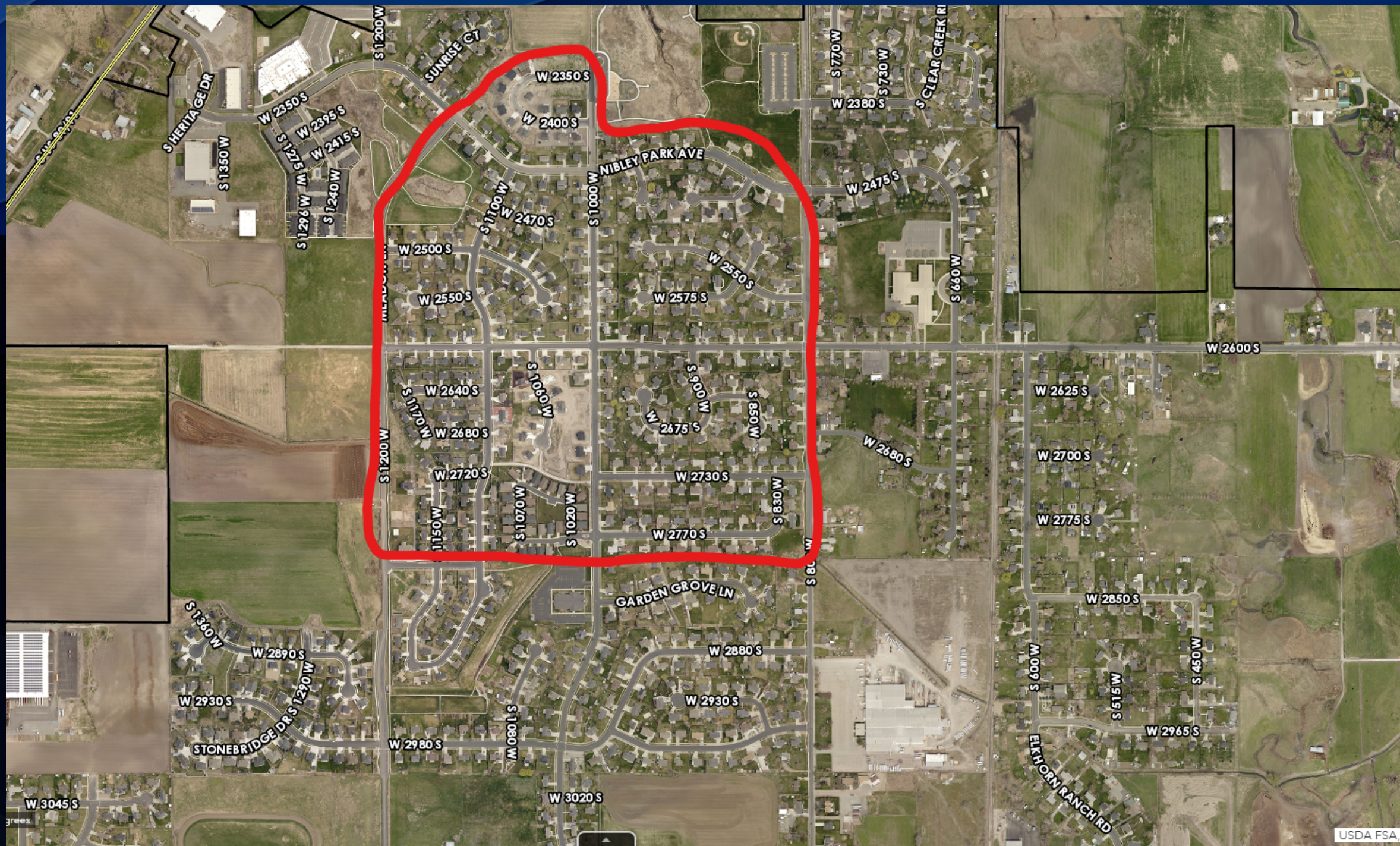
MCM 4 – Construction Site Runoff Control

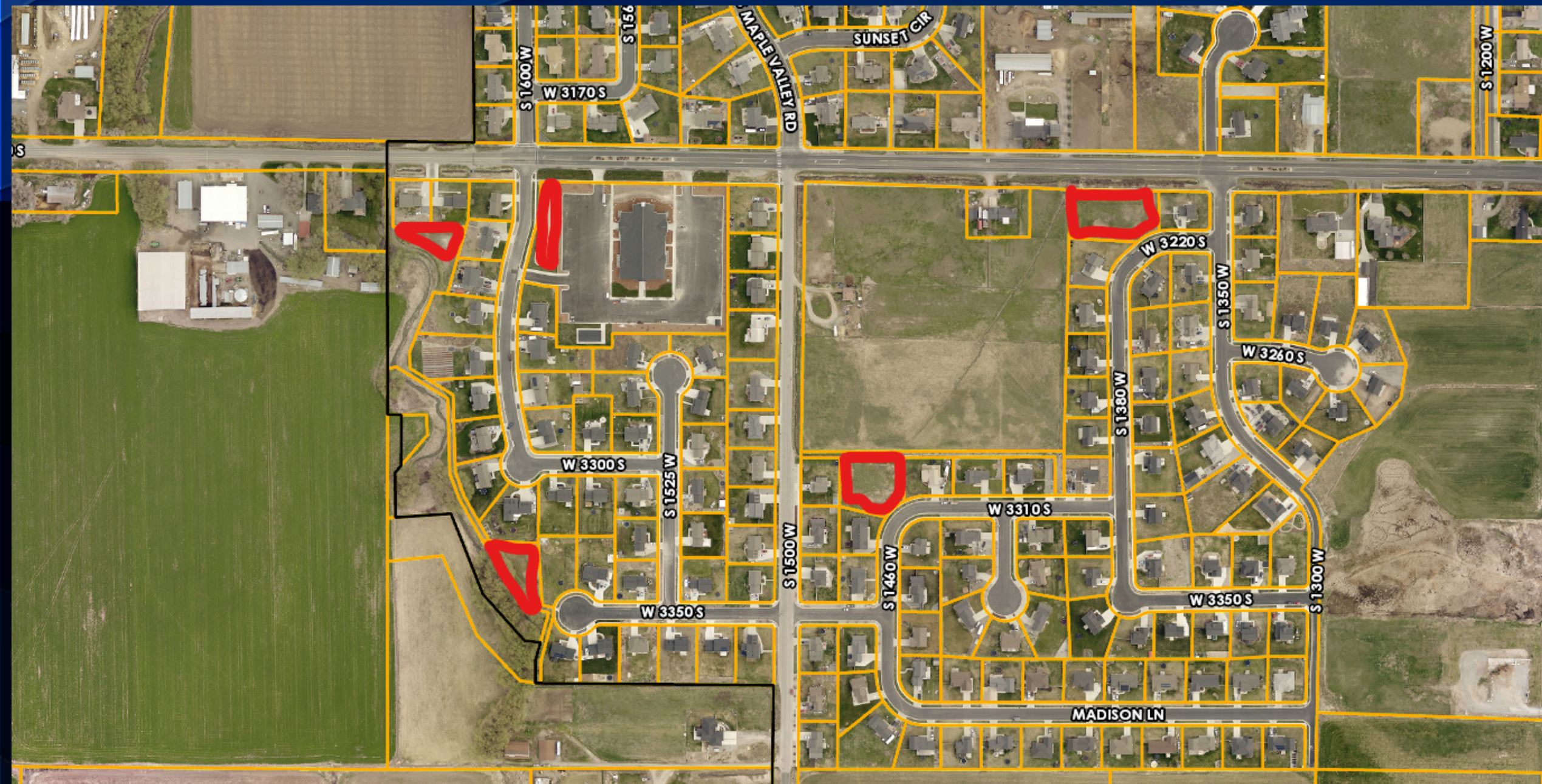
MCM 5 – Long Term Management

MCM 6 – Good House Keeping

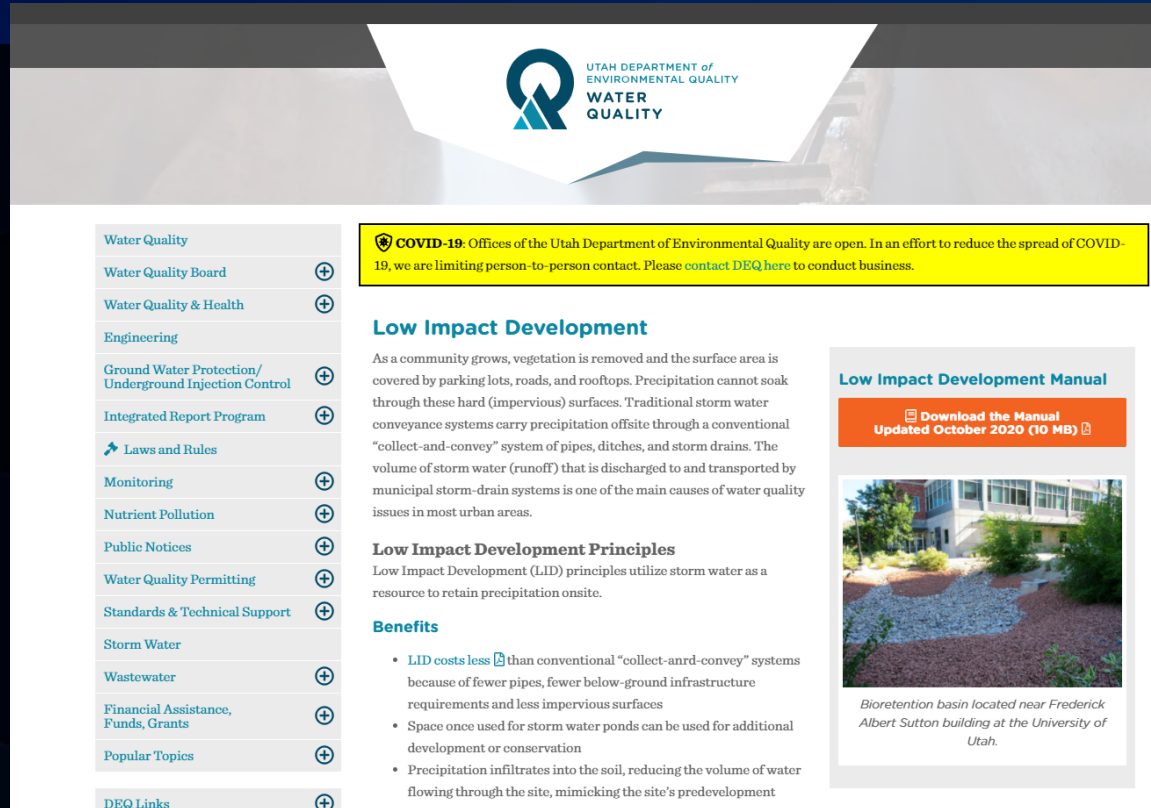
MCM 5 – Long Term /Post Construction Stormwater Management







MCM 5 – Long Term /Post Construction Stormwater Management: Low Impact Development, must retain 80% storm



The screenshot shows the Utah Department of Environmental Quality (UDEQ) Water Quality website. The header features the UDEQ logo and the text "UTAH DEPARTMENT of ENVIRONMENTAL QUALITY WATER QUALITY". A yellow banner at the top of the main content area contains a COVID-19 notice. The left sidebar lists various water quality topics, with "Storm Water" selected. The main content area is titled "Low Impact Development" and includes a paragraph explaining the concept, a section on "Low Impact Development Principles", and a "Benefits" section. A "Low Impact Development Manual" download link is also present, along with a photo of a bioretention basin.

UTAH DEPARTMENT of ENVIRONMENTAL QUALITY
WATER QUALITY

COVID-19: Offices of the Utah Department of Environmental Quality are open. In an effort to reduce the spread of COVID-19, we are limiting person-to-person contact. Please [contact DEQ here](#) to conduct business.

Low Impact Development

As a community grows, vegetation is removed and the surface area is covered by parking lots, roads, and rooftops. Precipitation cannot soak through these hard (impervious) surfaces. Traditional storm water conveyance systems carry precipitation offsite through a conventional "collect-and-convey" system of pipes, ditches, and storm drains. The volume of storm water (runoff) that is discharged to and transported by municipal storm-drain systems is one of the main causes of water quality issues in most urban areas.

Low Impact Development Principles

Low Impact Development (LID) principles utilize storm water as a resource to retain precipitation onsite.

Benefits

- LID costs less than conventional "collect-and-convey" systems because of fewer pipes, fewer below-ground infrastructure requirements and less impervious surfaces
- Space once used for storm water ponds can be used for additional development or conservation
- Precipitation infiltrates into the soil, reducing the volume of water flowing through the site, mimicking the site's predevelopment hydrology

Low Impact Development Manual

[Download the Manual Updated October 2020 \(10 MB\)](#)



Bioretention basin located near Frederick Albert Sutton building at the University of Utah.

- LID costs less than conventional "collect-and-convey" systems because of fewer pipes, fewer below-ground infrastructure requirements and less impervious surfaces
- Space once used for storm water ponds can be used for additional development or conservation
- Precipitation infiltrates into the soil, reducing the volume of water flowing through the site, mimicking the site's predevelopment *hydrology*
- Infiltration contributes to groundwater recharge
- Precipitation provides irrigation for trees and other vegetation, which in turn shades and cools streets, and increases property values in neighborhoods, commercial and industrial areas
- Fewer pollutants are caught up in the runoff and transported to receiving waters
- Other benefits include: improved wildlife habitat, thermal pollution reduction, energy savings, smog reduction, and enhanced wetlands protection





936 N 300 E



©20 Google

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Agenda Item #7 & 8

Description	Public Hearing – Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen and Discussion & Consideration – Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen (Second Reading)
Department	Administration
Presenter	Justin Maughan, Public Works Director
Recommendation	Receive public comment. Move to recommend Disposal of Real Property located at 1221 West 3200 South (parcel tax ID 03-017-0016), and an Accompanying Right-of-Way Agreement with Dell Loy Hansen
Reviewed By	Mayor, City Manager, Public Works Director

Background:

Staff have been working for some time on acquiring the Right-of-Way needed to complete the roundabout project on 1200 West and 3200 South and are very close to having completed that task. The project is on track to go to bid near the end of February, with the aim of a spring-time construction start date.

Dell Loy Hansen owns a piece of property north of 3200 South, between 3200 South and the Stonebridge subdivision, along the west side of 1200 West. In order to construct the roundabout and roadway north of 3200 South, the City needs to acquire 0.29 acres of that property. Dell Loy has agreed to trade the City the amount of property needed for the roadway, and an additional 0.13 acres along the northern property line (for a total of 0.43 acres), in exchange for 0.37 acres that is the remainder parcel of the Connie McMannus property the City purchased for this project. It would be difficult for the City to do anything with this remainder parcel other than landscaping. The 0.13 acres along

Dell Loys northern property line is a 25 foot wide strip that could be used as a trail corridor, to tie into the trail system Malouf is planning, as well as a storm drainage corridor.

RIGHT OF WAY CONTRACT

Partial Acquisition and Easement

Project No:		Parcel No.(s):	
Project Location	3200 South & 1200 West Roundabout		
County of Property	CACHE	Tax ID / Sidwell No:	03-017-0016
Property Address:	Northwest corner of 3200 South 1200 West, Nibley, Utah 84321		
Owner / Grantor (s):	Dell Loy Hansen c/o Brent Skinner		
Owner's Address:	595 South Riverwoods Parkway, Suite 400, Logan, Utah 84321		
Owner's Home Phone		Owner's Work Phone	435-757-6154

IN CONSIDERATION of the foregoing and other consideration hereinafter set forth, it is mutually agreed by the parties as follows:

The Owner/Grantor hereby agrees to sell a portion of the property located at Northwest corner of 3200 South 1200 West, Nibley, Utah 84321, which portion is more particularly described on Exhibit A to Nibley City, a body corporate and politic of the State of Utah (hereinafter "City"), for Transportation Purposes for the amount of \$0.00

1. Upon signing this Right of Way contract, Owner consents to allow City to enter the Property and Easement Area in order to conduct any necessary testing (such as environmental or geotechnical), surveying, or other due diligence.
2. Owner shall leave the Property and Easement Area in the same condition as it was when this contract was signed. No work, improvement, or alteration will be done to the Property or Easement Area other than what is provided for in this Contract. Owner agrees to maintain the Property and the Easement Area until County takes possession. Owner agrees not to sell the Property or the Easement Area to anyone else, or to enter into any contract that will affect the use of the Property and the Easement Area when City takes possession.
3. Owner agrees to transfer the Property and Easement Area free of all debris and toxic materials (including paint or other household products).
4. Owner agrees to pay any and all taxes assessed against the Property to the date of closing. City agrees to pay all taxes assessed against the Property from and after the date of closing.
5. Owner understands that at Closing, at its discretion, City may pay the full amount of \$0.00 directly to Owner. **In that event, it is Owner's responsibility to understand and fulfill any obligations to lienholders, mortgagees, or others who may have an interest in the Property or the proceeds from its sale.** At the option of City the transaction may be handled through a title and escrow company selected by City and at City's expense, in which event at closing, the title company will disburse funds to lienholders, mortgagees or others having an interest in the Property, with the remainder of the purchase price paid to Owner.
6. "Transportation Purposes" means public use for street and road purposes, together with the right to use the same for water, sewer, gas, power, telephone and other public utilities and all those other uses that are ordinarily associated with streets or roads or vital to the public's health, safety and welfare.
7. Owner is aware that Utah Code Ann. § 78B-6-520.3 provides that in certain circumstances, the seller of property, which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor waives any right under Utah Code Ann. § 78B-6-520.3 that Grantor may have to repurchase the property being acquired herein.
8. Grantor agrees to sign the mylar plat prepared by CRS Engineers, from which exhibits A, B and C attached here to were extracted from, and that the plat shall be the governing document upon which property shall be transferred, and recorded with the Cache County Recorder by Nibley City.
9. Nibley City will construct the widening of 1200 West roadway, irrigation piping, curb, gutter and sidewalk and will transfer 15,928 square feet of the corner property currently owned by Nibley City to the property owner (Dell Loy Hansen). Also, a 20 foot perpetual utility and slope easement will be recorded along the frontage of said property being transferred from Nibley City to the property owner.
10. This Right of Way Contract contains the entire agreement between Owner and City and each party agrees that they are not relying on any representations or understandings not expressly set forth herein, and it shall be governed by the laws of the State of Utah. The undersigned represent and warrant that he/she/they have authority to sign on behalf of Owner. The value of these improvements is included in the Total Settlement.

Total Settlement \$0.00

Owner's Initials _____

Owner/Grantor

Date _____

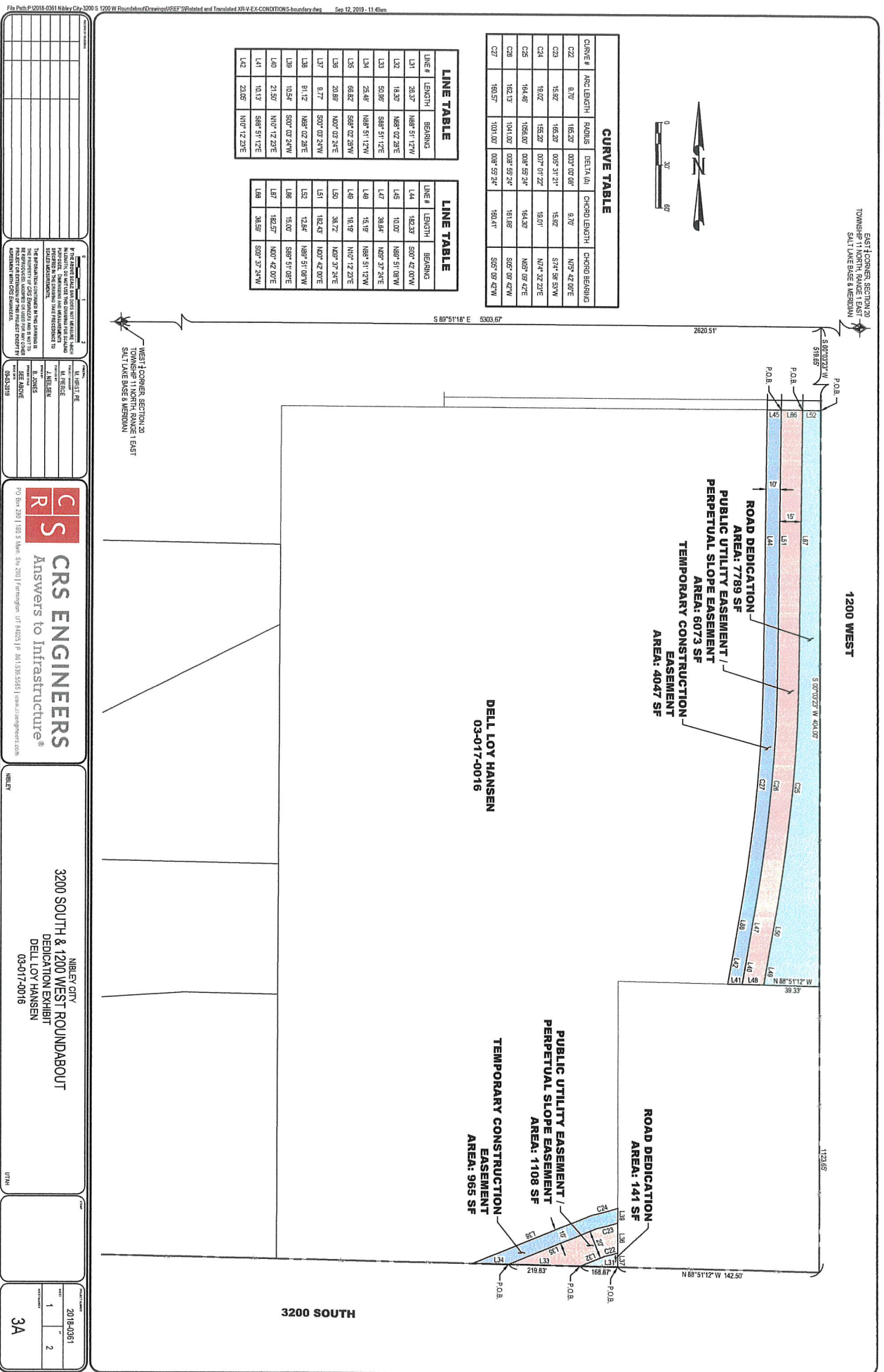
Date _____

Date _____

Date _____

Date _____

Exhibit A



CURVE TABLE			
CURVE #	ARC LENGTH	DELTA (d)	CHORD BEARINGS
C22	9.70	165.20	003° 00' 08"
C23	15.82	165.20	005° 31' 21"
C24	18.02	155.20	007° 51' 22"
C25	164.48	1056.00	008° 59' 24"
C26	162.13	1041.00	008° 59' 24"
C27	160.57	1031.00	008° 59' 24"

LINE TABLE		
LINE #	LENGTH	BEARING
L31	28.37	N88° 51' 12" W
L32	14.30	N85° 02' 28" E
L33	50.80	S88° 51' 12" E
L34	25.48	N88° 51' 12" W
L35	66.82	S88° 02' 28" W
L36	20.89	N00° 03' 24" E
L37	9.77	S00° 03' 24" W
L38	81.12	N85° 02' 28" E
L39	10.54	S00° 03' 24" W
L40	21.50	N87° 12' 23" E
L41	10.13	S88° 51' 12" E
L42	20.05	N87° 12' 23" E

LINE TABLE		
LINE #	LENGTH	BEARING
L44	162.33	S00° 42' 00" W
L45	10.00	N89° 51' 08" W
L47	38.84	N00° 37' 24" E
L48	15.10	N88° 51' 12" W
L49	18.19	N87° 12' 23" E
L50	38.72	N00° 37' 24" E
L51	162.43	N00° 42' 00" E
L52	12.94	N89° 51' 08" W
L58	15.00	S88° 51' 08" E
L57	162.57	N00° 42' 00" E
L59	38.59	S00° 37' 24" W

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF CRS ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CRS ENGINEERS.

DATE	2018-03-01
BY	UTM
CHECKED BY	UTM
APPROVED BY	UTM

CRS ENGINEERS
Answers to Infrastructure®

3200 SOUTH & 1200 WEST ROUNDABOUT
DEDICATION EXHIBIT
DELL LOY HANSEN
03-017-0016

ROADWAY DEDICATION

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE LOCATED S.89°51'18"E, 2,620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 519.65 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°03'23"W, 404.00 FEET ALONG GRANTORS EAST PROPERTY LINE TO THE NORTH LINE OF PARCEL 03-017-0014; THENCE N.88°51'12"W, 39.33 FEET ALONG SAID NORTH LINE; THENCE N.10°12'23"E, 19.19 FEET; THENCE N.09°37'24"E, 38.72 FEET TO A POINT OF CURVATURE WITH A 1,056.00-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 164.46 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.05°09'42"E, 164.30 FEET, CENTRAL ANGLE EQUALS 08°55'24") TO A POINT OF TANGENCY; THENCE N.00°42'00"E, 182.57 FEET; THENCE S.89°51'08"E, 12.84 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,789 SQUARE FEET OR 0.179 ACRE.

ALSO: A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS SOUTH PROPERTY LINE LOCATED S.89°51'18"E, 2,620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 1,123.65 FEET AND N.88°51'12"W, 142.50 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE N.88°51'12"W, 26.37 FEET; ALONG SAID SOUTH PROPERTY LINE; THENCE N.68°02'28"E, 18.30 FEET; THENCE EASTERLY 9.70 FEET ALONG THE ARC OF A 185.20-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (NOTE: CHORD TO SAID CURVE BEARS N.75°42'06"E, 9.70 FEET, CENTRAL ANGLE EQUALS 03°00'08"); THENCE S.00°03'24"W, 9.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 1441 SQUARE FEET OR 0.003 ACRE.

PUBLIC UTILITY EASEMENT / PERPETUAL SLOPE EASEMENT

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE LOCATED S.89°51'18"E, 2,620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 519.65 FEET AND N.89°51'08"W, 12.84 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°42'00"W, 182.57 FEET TO A POINT OF CURVATURE WITH A 1,056.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 164.46 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.05°09'42"W, 164.30 FEET, CENTRAL ANGLE EQUALS 08°55'24") TO A POINT OF TANGENCY; THENCE S.09°37'24"W, 38.72 FEET; THENCE S.10°12'23"W, 19.19 FEET TO THE NORTH LINE OF PARCEL 03-017-0014; THENCE N.88°51'12"W, 15.19 FEET ALONG SAID NORTH LINE; THENCE N.10°12'23"E, 21.50 FEET; THENCE N.09°37'24"E, 38.64 FEET TO A POINT OF CURVATURE WITH A 1,041.00-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 162.13 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.05°09'42"E, 161.96 FEET, CENTRAL ANGLE EQUALS 08°55'24") TO A POINT OF TANGENCY; THENCE N.00°42'00"E, 182.42 FEET TO GRANTORS NORTH PROPERTY LINE; THENCE S.89°51'08"E, 15.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

CONTAINING 6,073 SQUARE FEET OR 0.139 ACRE.

ALSO: A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS SOUTH PROPERTY LINE LOCATED S.89°51'18"E, 2,620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 1,123.65 FEET AND N.88°51'12"W, 168.87 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE N.88°51'12"W, 50.96 FEET; ALONG SAID SOUTH PROPERTY LINE; THENCE N.68°02'28"E, 66.82 FEET; THENCE EASTERLY 15.92 FEET ALONG THE ARC OF A 165.20-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (NOTE: CHORD TO SAID CURVE BEARS N.74°58'53"E, 15.92 FEET, CENTRAL ANGLE EQUALS 05°31'21") TO GRANTORS EAST PROPERTY LINE; THENCE S.00°03'24"W, 20.89 FEET ALONG SAID EAST PROPERTY LINE; THENCE WESTERLY 9.70 FEET ALONG THE ARC OF A 185.20-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (NOTE: CHORD TO SAID CURVE BEARS S.75°42'06"W, 9.70 FEET, CENTRAL ANGLE EQUALS 03°00'08"); THENCE S.68°02'28"W, 18.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,108 SQUARE FEET OR 0.025 ACRE.

TEMPORARY CONSTRUCTION EASEMENT

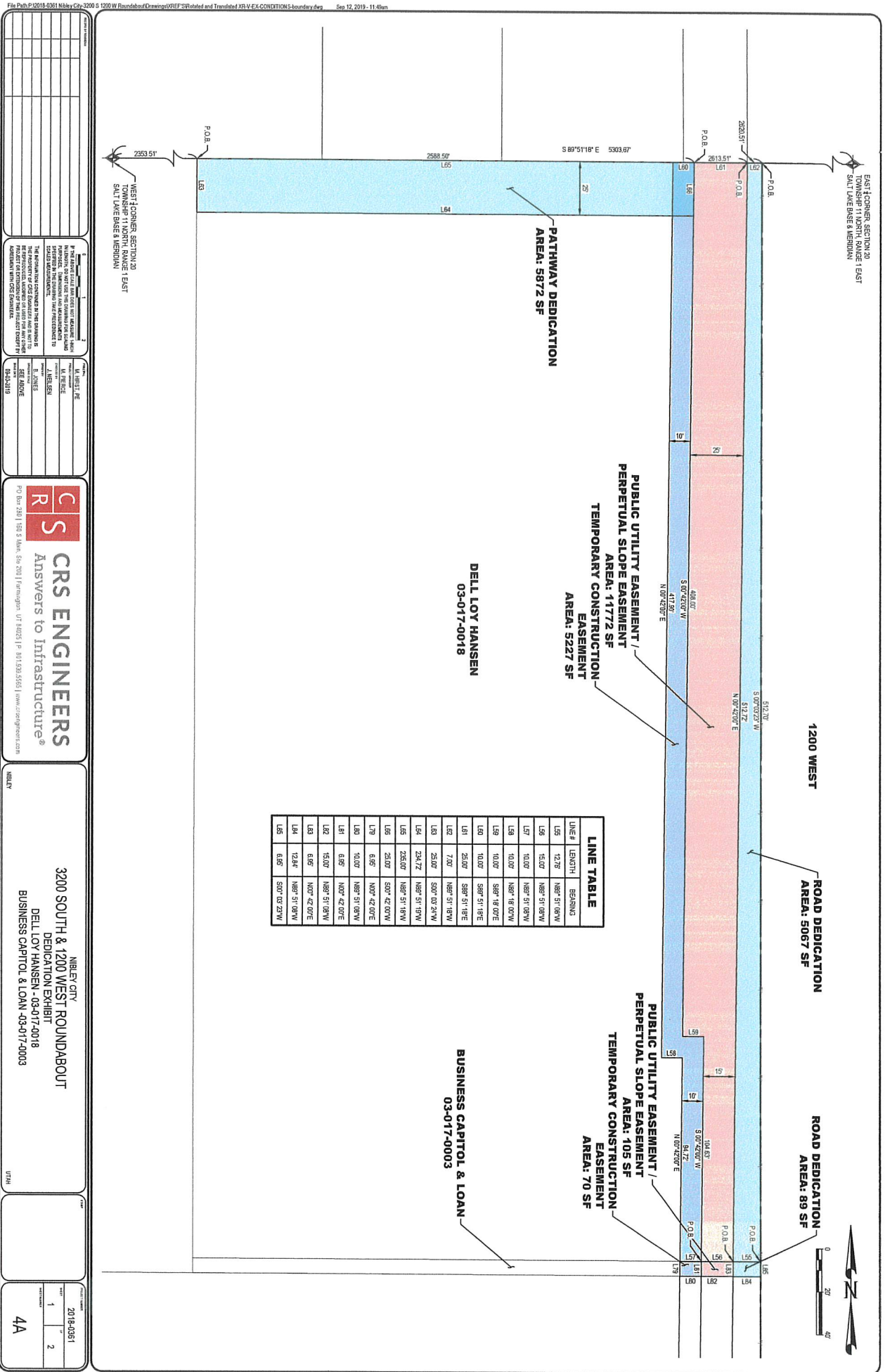
A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE LOCATED S.89°51'18"E, 2,620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 519.65 FEET AND N.89°51'08"W, 27.84 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°42'00"W, 182.42 FEET TO A POINT OF CURVATURE WITH A 1,041.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 162.13 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.05°09'42"W, 161.96 FEET, CENTRAL ANGLE EQUALS 08°55'24") TO A POINT OF TANGENCY; THENCE S.09°37'24"W, 38.64 FEET; THENCE S.10°12'23"W, 21.50 FEET TO THE NORTH LINE OF PARCEL 03-017-0014; THENCE N.88°51'12"W, 10.13 FEET ALONG SAID NORTH LINE; THENCE N.10°12'23"E, 23.05 FEET; THENCE N.09°37'24"E, 38.59 FEET TO A POINT OF CURVATURE WITH A 1,031.00-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 160.57 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.05°09'42"E, 160.41 FEET, CENTRAL ANGLE EQUALS 08°55'24") TO A POINT OF TANGENCY; THENCE N.00°42'00"E, 182.33 FEET TO GRANTORS NORTH PROPERTY LINE; THENCE S.89°51'08"E, 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,047 SQUARE FEET OR 0.093 ACRE.

ALSO: A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS SOUTH PROPERTY LINE LOCATED S.89°51'18"E, 2,620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 1,123.65 FEET AND N.88°51'12"W, 219.83 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE N.88°51'12"W, 25.48 FEET ALONG SAID SOUTH PROPERTY LINE; THENCE N.68°02'28"E, 91.12 FEET; THENCE EASTERLY 19.02 FEET ALONG THE ARC OF A 155.20-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (NOTE: CHORD TO SAID CURVE BEARS N.74°58'53"E, 19.01 FEET, CENTRAL ANGLE EQUALS 07°01'22") TO GRANTORS EAST PROPERTY LINE; THENCE S.00°03'24"W, 10.54 FEET ALONG SAID EAST PROPERTY LINE; THENCE WESTERLY 15.92 FEET ALONG THE ARC OF A 165.20-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (NOTE: CHORD TO SAID CURVE BEARS S.74°58'53"W, 15.92 FEET, CENTRAL ANGLE EQUALS 05°31'21"); THENCE S.68°02'28"W, 66.82 FEET TO THE POINT OF BEGINNING.

CONTAINING 965 SQUARE FEET OR 0.022 ACRE.

2018-03-31		2019-03-31	
2		2	
3B		3B	



PARCEL 03-017-0018 - DELL LOY HANSEN

ROAD DEDICATION

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE AND ON THE NORTH LINE OF THE SAID SW 1/4 LOCATED S.89°51'18"E, 2.620.51 FEET ALONG THE SECTION LINE FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°03'23"W, 512.70 FEET ALONG GRANTORS EAST PROPERTY LINE TO GRANTORS SOUTH PROPERTY LINE; THENCE N.89°51'08"W, 12.76 FEET ALONG SAID SOUTH PROPERTY LINE; THENCE N.00°42'00"E, 512.72 FEET TO GRANTORS NORTH PROPERTY LINE; THENCE S.89°51'18"E, 7.00 FEET ALONG SAID NORTH PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 5,067 SQUARE FEET OR 0.116 ACRE.

PUBLIC UTILITY EASEMENT / PERPETUAL SLOPE EASEMENT

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE AND ON THE NORTH LINE OF THE SAID SW 1/4 LOCATED S.89°51'18"E, 2.613.51 FEET ALONG THE SECTION LINE FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°42'00"W, 512.72 FEET TO GRANTORS SOUTH PROPERTY LINE; THENCE N.89°51'08"W, 15.00 FEET ALONG SAID SOUTH PROPERTY LINE; THENCE N.00°42'00"E, 104.63 FEET; THENCE N.89°18'00"W, 10.00 FEET; THENCE N.00°42'00"E, 408.00 FEET TO GRANTORS NORTH PROPERTY LINE; THENCE S.89°51'18"E, 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 11,772 SQUARE FEET OR 0.270 ACRE.

TEMPORARY CONSTRUCTION EASEMENT

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE AND ON THE NORTH LINE OF THE SAID SW 1/4 LOCATED S.89°51'18"E, 2.568.50 FEET ALONG THE SECTION LINE FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°42'00"W, 408.00 FEET; THENCE S.89°18'00"E, 10.00 FEET; THENCE S.00°42'00"W, 104.63 FEET TO GRANTORS SOUTH PROPERTY LINE; THENCE N.89°51'08"W, 10.00 FEET ALONG SAID SOUTH PROPERTY LINE; THENCE N.00°42'00"E, 94.72 FEET; THENCE N.89°18'00"W, 10.00 FEET; THENCE N.00°42'00"E, 417.90 FEET TO GRANTORS NORTH PROPERTY LINE; THENCE S.89°51'18"E, 10.00 FEET ALONG SAID NORTH PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 5,227 SQUARE FEET OR 0.120 ACRE.

PATHWAY DEDICATION

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE AND ON THE NORTH LINE OF THE SAID SW 1/4 LOCATED S.89°51'18"E, 2.353.51 FEET ALONG THE SECTION LINE FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.89°51'18"E, ALONG SAID LINE, A DISTANCE OF 235.00 FEET; THENCE S.00°42'00"W, 25.00 FEET; THENCE N.89°51'19"W, 234.72 FEET TO GRANTORS WEST PROPERTY LINE; THENCE N.00°03'24"E, 25.00 FEET ALONG SAID WEST PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 5,872 SQUARE FEET OR 0.135 ACRE.

PARCEL 03-017-0003 - BUSINESS CAPITOL & LOAN

ROAD DEDICATION

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE LOCATED S.89°51'18"E, 2.620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 512.70 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°03'23"W, 6.95 FEET (10.48 FEET BY RECORD) ALONG GRANTORS EAST PROPERTY LINE TO GRANTORS SOUTH PROPERTY LINE; THENCE N.89°51'08"W, 12.84 FEET ALONG SAID SOUTH PROPERTY LINE; THENCE N.00°42'00"E, 6.95 FEET (10.48 FEET BY RECORD) TO GRANTORS NORTH PROPERTY LINE; THENCE S.89°51'08"E, 12.76 FEET ALONG SAID NORTH PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 89 SQUARE FEET OR 0.002 ACRE.

PUBLIC UTILITY EASEMENT / PERPETUAL SLOPE EASEMENT

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE LOCATED S.89°51'18"E, 2.620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 512.70 FEET AND N.89°51'08"W, 12.76 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°42'00"W, 6.95 FEET (12.48 FEET BY RECORD) TO GRANTORS SOUTH PROPERTY LINE; THENCE N.89°51'08"W, 15.00 FEET ALONG SAID SOUTH PROPERTY LINE; THENCE N.00°42'00"E, 6.95 FEET (12.48 FEET BY RECORD) TO GRANTORS NORTH PROPERTY LINE; THENCE S.89°51'08"E, 15.00 FEET ALONG SAID NORTH PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 105 SQUARE FEET OR 0.002 ACRE.

TEMPORARY CONSTRUCTION EASEMENT

A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE LOCATED S.89°51'18"E, 2.620.51 FEET ALONG THE SECTION LINE AND S.00°03'23"W, 512.70 FEET AND N.89°51'08"W, 27.76 FEET FROM THE NW CORNER OF THE SAID SW 1/4; RUNNING THENCE S.00°42'00"W, 6.95 FEET (12.48 FEET BY RECORD) TO GRANTORS SOUTH PROPERTY LINE; THENCE N.89°51'08"W, 10.00 FEET ALONG SAID SOUTH PROPERTY LINE; THENCE N.00°42'00"E, 6.95 FEET (12.48 FEET BY RECORD) TO GRANTORS NORTH PROPERTY LINE; THENCE S.89°51'08"E, 10.00 FEET ALONG SAID NORTH PROPERTY LINE TO THE POINT OF BEGINNING.

CONTAINING 70 SQUARE FEET OR 0.002 ACRE.

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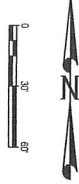
CRS ENGINEERS
Answers to Infrastructure®

3200 SOUTH & 1200 WEST ROUNDABOUT
DEDICATION - LEGAL DESCRIPTIONS
DELL LOY HANSEN - 03-017-0018
BUSINESS CAPITOL & LOAN - 03-017-0003

EAST HORNER SECTION 22
TOWNSHIP 11 NORTH RANGE 1 EAST
SALT LAKE BASE & MERIDIAN

1200 WEST

S 00°03'21" W 823.35'



CURVE #	ARC LENGTH	RADIUS	DELTA (Δ)	CHORD LENGTH	CHORD BEARING
C28	74.62'	68.00'	047° 55' 52"	71.49'	S34° 10' 19" W
C29	51.62'	165.20'	016° 03' 47"	51.75'	S66° 10' 00" W
C31	40.60'	165.20'	014° 54' 53"	40.52'	N65° 10' 44" E
C32	50.87'	68.00'	047° 55' 52"	55.24'	N64° 10' 19" E

LINE #	LENGTH	BEARING
L28	47.70'	S10° 12' 23" W
L29	33.62'	S80° 47' 37" E
L31	22.75'	S10° 12' 23" W
L32	10.69'	S58° 09' 15" W
L33	20.89'	N00° 03' 21" E
L34	10.69'	N65° 08' 15" E
L35	18.22'	N10° 12' 22" E
L36	33.62'	N62° 47' 37" W
L37	48.64'	N10° 12' 22" E
L38	20.25'	S89° 51' 12" E

S 89°51'18" E 5303.67'

WEST HORNER SECTION 20
TOWNSHIP 11 NORTH RANGE 1 EAST
SALT LAKE BASE & MERIDIAN

DELL LOY HANSEN
03-017-0016

PUBLIC UTILITY EASEMENT /
PERPETUAL SLOPE EASEMENT
(INCLUDED AS PART OF THE DEDICATION)
AREA: 4494 SF

NIBLEY CITY DEDICATION
TO DELL LOY HANSEN
AREA: 15928 SF

NIBLEY CITY CORP
03-017-0014

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1. PROJECT NUMBER	
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4. PROJECT DESCRIPTION	
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7. PROJECT RISK	
8. PROJECT STATUS	
9. PROJECT CONTACT	
10. PROJECT COMMENTS	
11. PROJECT APPROVAL	
12. PROJECT SIGNATURE	
13. PROJECT DATE	
14. PROJECT REVIEW	
15. PROJECT ACTION	
16. PROJECT FOLLOW-UP	
17. PROJECT CLOSURE	
18. PROJECT ARCHIVE	
19. PROJECT REPORT	
20. PROJECT SUMMARY	
21. PROJECT CONCLUSION	
22. PROJECT RECOMMENDATION	
23. PROJECT LESSONS LEARNED	
24. PROJECT BEST PRACTICES	
25. PROJECT CHALLENGES	
26. PROJECT OPPORTUNITIES	
27. PROJECT RISKS	
28. PROJECT MITIGATIONS	
29. PROJECT MONITORING	
30. PROJECT EVALUATION	
31. PROJECT IMPACT	
32. PROJECT BENEFITS	
33. PROJECT COSTS	
34. PROJECT REVENUE	
35. PROJECT PROFIT	
36. PROJECT LOSS	
37. PROJECT BREAK-EVEN	
38. PROJECT ROI	
39. PROJECT NPV	
40. PROJECT IRR	
41. PROJECT PAYBACK PERIOD	
42. PROJECT SENSITIVITY ANALYSIS	
43. PROJECT SCENARIO ANALYSIS	
44. PROJECT RISK ANALYSIS	
45. PROJECT QUALITY ANALYSIS	
46. PROJECT SAFETY ANALYSIS	
47. PROJECT ENVIRONMENTAL ANALYSIS	
48. PROJECT SOCIAL ANALYSIS	
49. PROJECT ECONOMIC ANALYSIS	
50. PROJECT POLITICAL ANALYSIS	
51. PROJECT LEGAL ANALYSIS	
52. PROJECT ETHICAL ANALYSIS	
53. PROJECT REPUTATION ANALYSIS	
54. PROJECT BRAND ANALYSIS	
55. PROJECT CUSTOMER ANALYSIS	
56. PROJECT EMPLOYEE ANALYSIS	
57. PROJECT SUPPLIER ANALYSIS	
58. PROJECT PARTNER ANALYSIS	
59. PROJECT COMPETITOR ANALYSIS	
60. PROJECT MARKET ANALYSIS	
61. PROJECT INDUSTRY ANALYSIS	
62. PROJECT TECHNOLOGY ANALYSIS	
63. PROJECT INNOVATION ANALYSIS	
64. PROJECT SUSTAINABILITY ANALYSIS	
65. PROJECT RESILIENCE ANALYSIS	
66. PROJECT AGILITY ANALYSIS	
67. PROJECT ADAPTABILITY ANALYSIS	
68. PROJECT FLEXIBILITY ANALYSIS	
69. PROJECT SCALABILITY ANALYSIS	
70. PROJECT PORTABILITY ANALYSIS	
71. PROJECT TRANSFERABILITY ANALYSIS	
72. PROJECT REPRODUCIBILITY ANALYSIS	
73. PROJECT DOCUMENTATION ANALYSIS	
74. PROJECT COMMUNICATION ANALYSIS	
75. PROJECT COLLABORATION ANALYSIS	
76. PROJECT NETWORKING ANALYSIS	
77. PROJECT PARTNERSHIP ANALYSIS	
78. PROJECT ALLIANCE ANALYSIS	
79. PROJECT JOINT VENTURE ANALYSIS	
80. PROJECT MERGERS AND ACQUISITIONS ANALYSIS	
81. PROJECT RESTRUCTURING ANALYSIS	
82. PROJECT DIVESTITURE ANALYSIS	
83. PROJECT SPIN-OFF ANALYSIS	
84. PROJECT SUCCESSION ANALYSIS	
85. PROJECT EXIT STRATEGY ANALYSIS	
86. PROJECT TRANSITION ANALYSIS	
87. PROJECT CHANGE MANAGEMENT ANALYSIS	
88. PROJECT ORGANIZATIONAL DESIGN ANALYSIS	
89. PROJECT HUMAN RESOURCE ANALYSIS	
90. PROJECT FINANCIAL ANALYSIS	
91. PROJECT OPERATIONAL ANALYSIS	
92. PROJECT STRATEGIC ANALYSIS	
93. PROJECT TACTICAL ANALYSIS	
94. PROJECT OPERATIONAL ANALYSIS	
95. PROJECT FINANCIAL ANALYSIS	
96. PROJECT OPERATIONAL ANALYSIS	
97. PROJECT FINANCIAL ANALYSIS	
98. PROJECT OPERATIONAL ANALYSIS	
99. PROJECT FINANCIAL ANALYSIS	
100. PROJECT OPERATIONAL ANALYSIS	

Disposal of Property and Right-of-Way Agreement

Summary

- 1200 W & 3200 S roundabout project is on schedule to go out to bid in February with estimated Spring/Summer construction.
- In order to complete project, additional property is needed on west side of 1200 W, north of 3200 S. (0.43 acres)
- In exchange, the City would give the remainder parcel of McMannus property (0.37 acres) to the property owner of the pieces the City needs for the project (Dell Loy Hansen). Specifically, this property would be used for a trail and stormwater corridor.
- Staff has determined that the McMannus property has little value to the City, with the additional pieces of value for the transportation project.



Disposal of Property and Right-of-Way Agreement

Staff Recommendation

Approve the disposal of Real Property located at 1221 West 3200 South, and the Accompanying Right-of-Way Agreement with Dell Loy Hansen.

Agenda Item #9 & 10

Description	Public Hearing – Ordinance 21-03: Commercial Zoning Standards and Discussion & Consideration – Ordinance 21-03: Commercial Zoning Standards (First Reading)
Department	Planning
Presenter	Justin Maughan, Public Works Director
Recommendation	Move to approve Ordinance 21-03: Commercial Zoning Standards, for first reading.
Reviewed By	Mayor, City Manager, City Planner, City Attorney, Planning Commission

Background:

The Planning Commission is recommending specific changes related to commercial zoning standards related to setback requirements and the site plan review process.

The first recommended change addresses requirements for site plan review for new commercial and industrial development. Currently, NCC 19.14.050 (M) provides a process for site plan review, which includes a concept presentation, preliminary approval (of Planning Commission and City Council) and a final approval (of Planning Commission and City Council). The Planning Commission and City Staff believe that for most developments, this process is overly arduous for applicants and should be simplified. It should also articulate in which instances a new development should go through the site plan review process and should be inclusive of industrial development, as well. During the December 3 meeting, the Planning Commission recommended developing thresholds for approval authority for site plans. For buildings less than 500 sq ft, the City Planner would be the approval authority. For buildings greater than 500 sq ft and less than 10,000 sq ft, the Planning Commission would be the approval authority.

For buildings greater than 10,000 sq ft, the City Council would be the approval authority with a recommendation from the Planning Commission. For developments of this scale (greater than 10,000 sq ft), a concept presentation would also be required to be made to the planning commission prior to final approval.

The second change addresses mitigating impact when commercial uses are adjacent to residential uses. When approving the recent annexation of Malouf, the City Council expressed the concern of new commercial development creating shadows and having other impacts if buildings are in close proximity to homes. This can be addressed through setback requirements of 19.22, which already has additional setback requirements in industrial zones. In the December 3 and 17 meeting, it was discussed to have a minimum setback requirement when a commercial zone abuts a residential zone or dwelling, with additional setback needed when the height exceeds the minimum setback. There was some concern about the potential negative impact this may have on economic development in the City and Staff was directed to submit some examples of commercial building setbacks which are adjacent to residential zones. Within Cache Valley, it appears that there are limited examples of commercial buildings directly adjacent to residential, which have minimal setbacks. In some cases, it does appear that they are out of scale with the context of the neighborhood and additional setback requirements may mitigate potential negative impacts. Based upon the discussion, Staff recommends that in Commercial zones, there should be a minimum setback of 30 feet for additional buildings with one additional foot of required setback for buildings higher than 30 feet. In neighborhood commercial zones, staff recommends a lower minimum setback of 20 feet. This is more appropriate, as neighborhood commercial development already has other restrictions related to square footage and height restrictions and are meant to integrate into residential neighborhoods. That said, some uses may have detrimental impacts upon adjacent housing, which can be mitigated with additional setback requirements.

Planning Commission Recommendation

Approval of 21-03: Commercial Zoning Standards (with the addition that developments of over 10,000 sq ft will require a concept presentation).

Recommended Findings

- The recommended changes improve the clarity and appropriateness of the site plan review process for commercial, industrial and institutional development
- Commercial development may have detrimental impacts when adjacent to residential development that may be mitigated by additional setback standards

ORDINANCE 21-03
COMMERCIAL ZONING STANDARDS

WHEREAS, Nibley City regulates zoning standards, including setback standards and a process to review commercial, industrial and institutional development within the City; and

WHEREAS, commercial development may have detrimental impacts when adjacent to residential development that may be mitigated by additional setback standards; and

WHEREAS, the recommended changes improve the clarity and appropriateness of the site plan review process for commercial, industrial and institutional development.

NOW, THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. The proposed amendments to NCC 19.14, 19.16 and 19.22 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

19.14 Commercial And Neighborhood Commercial Zoning Standards

19.14.010		Purpose
19.14.020	Use	Regulations
19.14.030	Space	Requirements
19.15.040	Parking	Requirements

19.14.050 Neighborhood Commercial Zone C-N

HISTORY

Adopted by Ord. 20-09 on 5/14/2020

19.14.010 Purpose

The purpose of the commercial zone is to provide suitable areas for the location of commercial activities needed to serve the people and commerce of the city. Retail commercial activities which serve the residents of the city will be encouraged.

19.14.020 Use Regulations

See NCC 19.20

19.14.030 Space Requirements

See NCC 19.22

19.14.040 Parking Requirements

See NCC 19.24.160.

19.14.050 Site Plan Review

A. Site Plan Review and Approval Process: Any proposed development of commercial, institutional or industrial uses, including new buildings, expansion of or addition to existing buildings, or change in type use of existing buildings, must meet the requirements of design standards for commercial and institutional uses, as applicable, and the provisions of this title and other applicable standards.

1. Approval Process: All proposed development described in this section are subject to the following site plan approval process. At each stage of the process, applicants shall be required to submit relevant application forms and pay applicable fees.

a. Preapplication Conference: Prior to submitting a site plan application, developers shall meet with the City Planner to become acquainted with the development requirements, procedures and schedules, and to discuss potential issues with the project. At this time, developer shall present the city planner with a general site plan and inform the City Planner of plans for the development.

b. Concept Presentation: Following determination of compliance at the preapplication conference, all proposals for development, redevelopment or additions to buildings greater than 10,000 sq ft shall be required to present and receive approval of a concept plan from the planning commission.

At this time, the planning commission may give preliminary input on the development concept. This input shall be based on the concept's compliance with the Nibley City general plan and all applicable state and local ordinances.

c. Site Plan Review: For all commercial, institutional and industrial development, including new buildings, expansion of or addition to existing buildings, or change

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Use

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Each Commercial Development and Use shall obtain a business license from Nibley City. Commercial Uses as listed in NCC 19.20 as a conditional use shall also obtain a Conditional Use Permit before construction of new developments or operation of a business for existing commercial developments and buildings.¶
Traffic and Connectivity¶
Roadways and intersections shall maintain a Level of Service (LOS) C. Commercial applicants may be required to make any road updates in order to ensure the roadway will maintain LOS C.¶

Site plans must comply with the Transportation and Trails Master Plan.¶
Applicants may be required to provide an additional vehicle access to the site for one or more of the following reasons¶
There is only one vehicle access road to the site¶
Allow for greater emergency access to the site¶
Provide for better connectivity and enhance the safety of surrounding roadways and intersections.¶
Construction access to minimize impact to existing homes and infrastructure¶
Utilities¶

Prior to the issuance of a business license or conditional use permit, utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.¶

A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The City may require an applicant to surrender water shares or water rights.¶

Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs.¶ ... [1]

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in the type of use of existing buildings, developer is required to receive approval from the following bodies, as set forth:

1. For development, redevelopment, or additions to buildings which are below 500 sq ft, the City Planner shall be the site plan approval authority.
 2. For development, redevelopment, or additions to buildings which are greater than 500 sq ft and less than 10,000 sq ft, the Planning Commission shall be the site plan approval authority.
 3. For development, redevelopment, or additions to buildings which are greater than 10,000 sq ft, the City Council shall be the site plan approval authority. Such site plans shall only be presented to the City Council after a recommendation of the Planning Commission.
2. Site Plan Specifications: The site plan shall be prepared, submitted and reviewed in accordance with the Nibley City Code and Standards, as applicable, including Design Standards for Commercial and Institutional Development.
- a. At the time of site plan application, developer shall be required to submit the following plans, drawn to a scale not to exceed one inch equals three hundred feet (1" = 300'):
 1. Overall site plan, including location of buildings, open space, parking, landscaping and pedestrian and traffic circulation, all existing residences, buildings, existing streets and proposed streets within three hundred feet (300') of the site in all directions.
 1. Architectural renderings and elevations, demonstrating building materials and colors.
 2. General drainage and utility layout with topography, showing all topographic features.
 2. As part of the site plan application, the developer shall be required to submit construction drawings that are compliant with the Nibley City Design Standards and Specifications.
 3. As part of the site plan application, the developer shall describe the source, layout, and availability of utilities and utility connections. In particular, the developer shall describe the anticipated water requirements of the proposed development and the developer's plan for supplying water to the site.
 - b. Site Plan Modifications and Amendments: Except as may be provided for elsewhere in this chapter, no element of an approved site plan shall be changed or modified substantially without first obtaining approval of the proposed amendment with the same procedure of the original site plan approval. Substantial modification shall include the change in use of a structure, as defined in 19.20.020, or any modification that changes at least five percent (5%) of the total area in the approved site plan.
 - c. Time Limitations: Developer shall have one year from the date of final site plan submittal to obtain final plan approval. Extensions of time may be granted by the planning commission and/or city council for a period of not longer than one year upon submittal of a request for extension of time, and showing of good cause prior to the expiration of the initial approval or an approved extension of time. A second time extension may be requested, and if granted, the extension can be no longer than six (6) months. No other time extensions shall be granted. Developer shall have to start the design review process over. Self-imposed and economic hardships shall not be a basis for granting an extension.
3. Applicants which require a Conditional Use Permit may submit a site plan at the time they submit a conditional use permit and need not submit a separate application.

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19.14.060 Commercial Zone Requirements

A. Use Permit

1. Each Commercial Development and Use shall obtain a business license from Nibley City. Commercial Uses as listed in NCC 19.20 as a conditional use shall also obtain a Conditional Use Permit before construction of new developments or operation of a business for existing commercial developments and buildings.

B. Traffic and Connectivity

1. Roadways and intersections shall maintain a Level of Service (LOS) C. Commercial applicants may be required to make any road updates in order to ensure the roadway will maintain LOS C.
2. Site plans must comply with the Transportation and Trails Master Plan.
3. Applicants may be required to provide an additional vehicle access to the site for one or more of the following reasons
 - a. There is only one vehicle access road to the site
 - b. Allow for greater emergency access to the site
 - c. Provide for better connectivity and enhance the safety of surrounding roadways and intersections.
 - d. Construction access to minimize impact to existing homes and infrastructure

C. Utilities

1. Prior to the issuance of a business license or conditional use permit, utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.
2. A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The applicant shall be required to supply necessary water rights or shares in accordance with NCC 21.12.020.
3. Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs.
 - a. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, the applicant shall build or install the needed infrastructure before a business license or conditional use permit may be granted.

D. Each Commercial building shall be built to the standards in Nibley City Design Standards for Commercial and Institutional Uses except for Remodeled Residential Units as stated within this chapter.

E. All commercial buildings shall comply with fire code and are subject to inspection of the Fire Marshall before a business license or conditional use permit is granted. New commercial buildings shall also be inspected by the Fire Marshal before a certificate of occupancy can be given. All commercial buildings shall be subject to an annual inspection by the Fire Marshal, and any license, permit, or certificate issued for a building or use may be revoked for failure to comply with fire code.

F. All site plans shall be approved by the City's Engineer and Public Works departments. All site plans shall comply with Nibley City Design Standards and all projects located in Commercial and Neighborhood Commercial Zone shall comply with Nibley City Design Standards for Commercial and Institutional Use.

G. Residential Units Remodeled for Commercial Use:

1. Nibley City Design Standards for Commercial and Institutional Use facade treatments shall not apply to single family homes that have been remodeled for commercial use. Such homes may be referred to as "Remodeled Residential Units."

- 2. Remodeled Residential Units must comply with landscaping, parking, fire code, the Americans with Disability Act (ADA) requirements, building permit requirements, inspections, and all other standards and requirements described within this title.
- 3. Any business taking place in a remodeled residential unit is considered a conditional use and shall obtain a conditional use permit prior to beginning operations, regardless of the use within the building. Any change in the business or use of the Remodeled Residential Unit shall require a new conditional use permit.
- 4. The Commercial Use shall be the primary use of the building.
- 5. The exceptions for Remodeled Residential Units shall only apply to buildings on lots which front collector or arterial streets, as defined by the Nibley City Master Streets Plan.
- H. The City may require the placement of fences or walls to enhance security and mitigate aesthetic or other impacts at facilities adjacent to residential areas.
- I. In Commercial Zones, warehousing and storage may be allowed as part of business if it is attached to offices, retail, or other permitted or conditional use allowed within a Commercial Zone.
- J. All Commercial developments shall comply with landscaping code within NCC 19.24.170.

19.14.050 Neighborhood Commercial Zone C-N Requirements

B. Purpose

- 1. The neighborhood commercial zone C-N is established to provide areas in which the primary use of land is for commercial and service uses to:
 - a. Serve the daily convenience needs of the adjacent residential neighborhoods.
 - b. Provide economic stability.
 - c. Enhance property values.
 - d. Establish strategies for achieving good community design.
 - e. Stabilize areas/zones.
 - f. Reduce traffic congestion and promote walkable communities.
 - g. Promote the policies of the general plan.
- 2. This C-N zone shall be located in areas deemed appropriate and approved by the city council for services to the residents of the city. The zone will create a minimum of detriment, hazard, noise or inconvenience to surrounding residential development.
- 3. The C-N zone shall be characterized by harmonious grouping and architectural offset of building mass of commercial stores and shops which will be architecturally designed for, and will function as, an integrated unit. Clean parking lots and attractive well maintained shops with appropriate landscaping will also be characteristic of this zone.
- 4. Lighting will be of low intensity, low profile and fully shielded to protect the surrounding residential areas. The architectural design and character will be compatible with that of the surrounding residential environment.
- 5. Heavy commercial uses within this zone have been excluded and are not permitted.

C. Permitted Uses: See NCC 19.20.

D. Conditional Uses:

- 1. Regular Conditional Uses: See NCC 19.20.
- 2. Temporary Accessory Uses: Temporary accessory uses and structures are permitted in the C-N zone, provided they are incidental to, and do not substantially alter the character of, the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following: Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further that such shall be permitted only during construction period and thirty (30) days thereafter.
- 3. Use Limitations: All other uses not listed are not permitted.
- 4. Residential Units Remodeled for Commercial Use:

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- a. Nibley City Design Standards for Commercial and Institutional Use facade treatments shall not apply to single family homes that have been remodeled for commercial use. Such homes may be referred to as "Remodeled Residential Units."
 - b. Remodeled Residential Units must comply with landscaping, parking, fire code, the Americans with Disability Act (ADA) requirements, building permit requirements, inspections, and all other standards and requirements described within this title.
 - c. Any business taking place in a remodeled residential unit is considered a conditional use and shall obtain a conditional use permit prior to beginning operations, regardless of the use within the building. Any change in the business or use of the Remodeled Residential Unit shall require a new conditional use permit.
- E. ~~Lot Coverage: No building, structure, or group of buildings with their accessory buildings shall cover more than seventy percent (70%) of the lot or parcel.~~
- F. ~~Parking: Where possible, parking areas shall be located to the side or rear of building. On corner lots, parking shall be avoided on side yards contiguous to the street.~~
- G. Building Size: The maximum size building footprint allowed shall not exceed a total of fifteen thousand (15,000) square feet.
- H. Commercial Condominiums
 - 1. Commercial Condominiums, shall be a permitted use in the Neighborhood Commercial zone, as set forth herein.
 - 2. All shared or common properties, landscaping, parking lots, roadways, and other non-public amenities or improvements that serve the commercial condominium shall be maintained by an owners association, pursuant to duly adopted and recorded agreements.
 - 3. If a development chooses to build condominiums, they must provide sufficient parking and landscaping for each unit, consistent with current City Commercial standards at the time of the rezone application.
 - 4. Front, rear, and side setbacks shall be measured from the foundation walls of the building.
 - 5. There shall be a maximum of five commercial condominium units per acre.
- I. Off Street Parking, Loading, And Access:
 - 1. The requirements of design standards for commercial and institutional uses and NCC 19.24.160, "Parking Requirements", shall apply.
 - 2. The site shall be developed to provide for shared access.
 - 3. The developer/owner of a neighborhood commercial development located along a state-owned highway will cause the required traffic impact study to be performed in conformance with the requirements of the Utah Department of Transportation and provide to the city a valid copy of the UDOT letter of approval.
- J. Signs: The requirements of design standards for commercial and institutional uses shall apply to this zone. Only monument signage will be allowed, and only in the twenty foot (20') front yard setback.
- K. ~~Fencing and Screening: Fencing and screening shall meet the requirements of design standards for commercial and institutional uses; NCC 19.22.010(E), "Fences and walls maximum height"; NCC 19.24.090, "Fence Regulations"; and NCC 19.24.170(C), "Commercial And Industrial Zones" (landscape requirements), shall be required of all fences and landscape screening in this zone.~~
- L. Storage; Displays: All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user, not able to be stored within the commercial structure shall be stored in a completely enclosed building.
- M. Storage; Trash:

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Deleted: <#> Density Requirements: Each single lot or parcel of land in the C-N zone shall contain a minimum of one-fourth (1/4) acre to allow for the building, site development, parking, required landscaping and stormwater detention. Stormwater detention can be planned as one shared basin.¶
Lot Frontage: The combined, contiguous parcels or lot of land in the C-N zone shall abut a public street for a minimum distance of one hundred feet (100'). ¶

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Front Yard: Each yard or parcel in the C-N zone shall have a store front yard of not less than twenty feet (20'). ¶
Side Yard: Each yard or parcel of land in the C-N zone shall have a side yard of not less than ten feet (10'). The minimum side setback from an adjacent residential zone shall be ten feet (10'). ¶
Side Yard; Corner Lots: On corner lots the side yard contiguous to the street shall not be less than twenty feet (20') in width and shall not be used for vehicular parking

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Rear Yard: Each lot or parcel of land in the C-N zone shall have a rear yard of not less than five feet (5'), but at a minimum shall match the space requirements for the rear yard setback of the adjoining zone except the rear yard setback shall be thirty feet (20') adjacent to a residential zone. ¶ ... [2]

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1. No trash, garbage, used materials or wrecked, inoperable or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept in an enclosed building(s) or structure.
2. All structures built to accommodate the storage shall be constructed using a design compatible with the primary structure and meeting all the architectural design standards outlined in the design standards for commercial and institutional uses. Within a development of multiple structures, a common structure shall be constructed suitable for use by all tenants or businesses.

N. Development Standards: The development standards of the C-N zone shall conform to design standards for commercial and institutional uses.

O. Utilities

1. Prior to the issuance of a business license or conditional use permit, utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.
2. A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The applicant shall be required to supply necessary water rights or shares in accordance with NCC 21.12.020.
3. Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs.
 - a. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, the applicant shall build or install the needed infrastructure before a business license or conditional use permit may be granted.

P.

19.16 Industrial Zone I

	Purpose
19.16.010	Use
19.16.020	Regulations
19.16.030	Space
19.16.040	Parking
	Requirements

19.16.010 Purpose

The purpose of the industrial zone is to provide suitable areas that will accommodate the need for industry and industrial-related uses.

19.16.020 Use Regulations

See NCC 19.20.

19.16.030 Space Requirements

See NCC 19.22.

19.16.040 Parking Requirements

See NCC 19.24.160.

19.16.050 Site Plan Review All proposed commercial, institutional, or industrial development, including new buildings and expansion of or addition to existing buildings, or change in the type of use of existing buildings, are subject to the site plan review requirements of NCC 19.14.050

19.22 Space Requirements Chart

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19.22.010 Space Requirements Chart

		A	R-E	R-1	R-1A	R-2	R-2A	C	C-N	I
A.	Minimum lot area	5 acres	2 acres	1 acre	3/4 acre	1/2 acre	12,000 sq. ft. (10) See note 9	--	¼ acre	--
	Minimum lot width, measured at setback line	200	200	200	150	100	100	--	100	--
B.		Setback principal uses								
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	20	20	50
	Side yard, interior	15 ³	15	10	10	10	10	0(10) ³ (30*) ¹¹	10(20*) ¹¹	0(50) ⁴
	Side yard, street	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	20	20	25(35) ³
	Rear yard	30	30	30	30	25	25	0(10) ³ (30*) ¹¹	5(20*) ¹¹	0(50) ⁴
C.		Setback accessory uses								
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	20	20	50
	Side yard, interior	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	0(10) ⁴	0(10) ⁴	0(10) ⁴
	Side yard, street		25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	20	20	25(35) ³

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	Rear yard	1(10) ⁶	1(10) ₆	1(10) ₆	1(10) ₆	1(10) ₆	1(10) ⁶	1(10) ⁴	1(10) ⁴	1(10) ⁴
D.		Height maximum								
	Principal uses	40	40	40	40	40	40	40	35 ¹²	50(70) ₀ ¹
	Accessory uses	30	30	30	30	20	20	30	20	30
E.		Fences and walls maximum height								
	Front yard, property line to setback line	4	4	4	4	4	4	4	4	4
	Rear yard	7(8)8	7(8)8	7(8)8	7(8)8	7(8) ₈	7(8)8	7(8)8	7(8)8	7(8)8
	Side yard	7(8)8	7(8)8	7(8)8	7(8)8	7(8) ₈	7(8)8	7(8)8	7(8)8	7(8)8
	Corner lots	See NCC 19.24.090(B)								

Notes:

1. In all zones in a platted subdivision, lot width is 100 feet minimum, at setback line, but lot area must be 1/2 acre.
2. All measurements are in feet unless otherwise specified.
3. Greater distance required where yard faces arterial road.
4. Greater distance required where property line is adjacent to residential zone or residential dwelling unit.
5. Lesser distance allowed where accessory building is at least 10 feet behind the rear of main building and not less than 10 feet from any dwelling unit on adjacent property.
6. Greater distance required where rear yard faces side yard of adjacent property.
7. Principal use is defined as a dwelling unit in R-E, R-1 and R-2.
8. 8 foot height allowed for a transparent fence, e.g., chainlink, as defined in NCC 19.24.090.
9. The average lot size for the entire subdivision phase and portion thereof shall average at least fourteen thousand (14,000) sq. ft.
10. Greater maximum height allowed if building is at a minimum of 300' from a residential zone.
11. When abutting a residential zone or existing residential dwelling unit, minimum setback is 30 feet for commercial zones and 20 feet for neighborhood commercial zones. The minimum setback shall be increased one additional foot for every additional one foot in height of the building in a commercial zone.

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HISTORY

Adopted	by	Ord.	No	Source	on	6/3/1993
Amended	by	Ord.		03-08	on	4/17/2003
Amended	by	Ord.		<u>06-04</u>	on	6/15/2006
Amended	by	Ord.		<u>17-06</u>	on	3/16/2017
Amended by Res. <u>19-10</u> on 6/27/2019						

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19.14 Commercial And Neighborhood Commercial Zoning Standards

19.14.010 Purpose

19.14.020 Use Regulations

19.14.030 Space Requirements

19.15.040 Parking Requirements

19.14.050 Neighborhood Commercial Zone C-N

HISTORY

Adopted by Ord. [20-09](#) on 5/14/2020

19.14.010 Purpose

The purpose of the commercial zone is to provide suitable areas for the location of commercial activities needed to serve the people and commerce of the city. Retail commercial activities which serve the residents of the city will be encouraged.

19.14.020 Use Regulations

See NCC 19.20

19.14.030 Space Requirements

See NCC 19.22.

19.14.040 Parking Requirements

[See NCC 19.24.160.](#)

19.14.050 Site Plan Review

- A. Site Plan Review and Approval Process: Any proposed development of commercial, institutional or industrial uses, including new buildings, expansion of or addition to existing buildings, or change in type use of existing buildings, must meet the requirements of design standards for commercial and institutional uses, as applicable, and the provisions of this title and other applicable standards.
 1. Approval Process: All proposed development described in this section are subject to the following site plan approval process. At each stage of the process, applicants shall be required to submit relevant application forms and pay applicable fees.
 - a. Preapplication Conference: Prior to submitting a site plan application, developers shall meet with the City Planner to become acquainted with the development requirements, procedures and schedules, and to discuss potential issues with the project. At this time, developer shall present the city planner with a general site plan and inform the City Planner of plans for the development.
 - b. Concept Presentation: Following determination of compliance at the preapplication conference, all proposals for development, redevelopment or additions to buildings greater than 10,000 sq ft shall be required to present and receive approval of a concept plan from the planning commission.

At this time, the planning commission may give preliminary input on the development concept. This input shall be based on the concept's compliance with the Nibley City general plan and all applicable state and local ordinances.

- c. Site Plan Review: For all commercial, institutional and industrial development, including new buildings, expansion of or addition to existing buildings, or change in the type of use of existing buildings, developer is required to receive approval from the following bodies, as set forth:
 1. For development, redevelopment, or additions to buildings which are below 500 sq ft, the City Planner shall be the site plan approval authority.

2. For development, redevelopment, or additions to buildings which are greater than 500 sq ft and less than 10,000 sq ft, the Planning Commission shall be the site plan approval authority.
 3. For development, redevelopment, or additions to buildings which are greater than 10,000 sq ft, the City Council shall be the site plan approval authority. Such site plans shall only be presented to the City Council after a recommendation of the Planning Commission.
2. Site Plan Specifications: The site plan shall be prepared, submitted and reviewed in accordance with the Nibley City Code and Standards, as applicable, including Design Standards for Commercial and Institutional Development.
- a. At the time of site plan application, developer shall be required to submit the following plans, drawn to a scale not to exceed one inch equals three hundred feet (1" = 300'):
 1. Overall site plan, including location of buildings, open space, parking, landscaping and pedestrian and traffic circulation, all existing residences, buildings, existing streets and proposed streets within three hundred feet (300') of the site in all directions.
 1. Architectural renderings and elevations, demonstrating building materials and colors.
 2. General drainage and utility layout with topography, showing all topographic features.
 2. As part of the site plan application, the developer shall be required to submit construction drawings that are compliant with the Nibley City Design Standards and Specifications.
 3. As part of the site plan application, the developer shall describe the source, layout, and availability of utilities and utility connections. In particular, the developer shall describe the anticipated water requirements of the proposed development and the developer's plan for supplying water to the site.
 - b. Site Plan Modifications and Amendments: Except as may be provided for elsewhere in this chapter, no element of an approved site plan shall be changed or modified substantially without first obtaining approval of the proposed amendment with the same procedure of the original site plan approval. Substantial modification shall include the change in use of a structure, as defined in 19.20.020, or any modification that changes at least five percent (5%) of the total area in the approved site plan.
 - c. Time Limitations: Developer shall have one year from the date of final site plan submittal to obtain final plan approval. Extensions of time may be granted by the planning commission and/or city council for a period of not longer than one year upon submittal of a request for extension of time, and showing of good cause prior to the expiration of the initial approval or an approved extension of time. A second time extension may be requested, and if granted, the extension can be no longer than six (6) months. No other time extensions shall be granted. Developer shall have to start the design review process over. Self-imposed and economic hardships shall not be a basis for granting an extension.
3. Applicants which require a Conditional Use Permit may submit a site plan at the time they submit a conditional use permit and need not submit a separate application.

19.14.060 Commercial Zone Requirements

A. Use Permit

1. Each Commercial Development and Use shall obtain a business license from Nibley City. Commercial Uses as listed in NCC 19.20 as a conditional use shall also obtain a Conditional Use Permit before construction of new developments or operation of a business for existing commercial developments and buildings.

B. Traffic and Connectivity

1. Roadways and intersections shall maintain a Level of Service (LOS) C. Commercial applicants may be required to make any road updates in order to ensure the roadway will maintain LOS C.
2. Site plans must comply with the Transportation and Trails Master Plan.
3. Applicants may be required to provide an additional vehicle access to the site for one or more of the following reasons
 - a. There is only one vehicle access road to the site
 - b. Allow for greater emergency access to the site
 - c. Provide for better connectivity and enhance the safety of surrounding roadways and intersections.
 - d. Construction access to minimize impact to existing homes and infrastructure

C. Utilities

1. Prior to the issuance of a business license or conditional use permit, utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.
2. A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The applicant shall be required to supply necessary water rights or shares in accordance with NCC 21.12.020.
3. Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs.
 - a. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, the applicant shall build or install the needed infrastructure before a business license or conditional use permit may be granted.

D. Each Commercial building shall be built to the standards in Nibley City Design Standards for Commercial and Institutional Uses except for Remodeled Residential Units as stated within this chapter.

E. All commercial buildings shall comply with fire code and are subject to inspection of the Fire Marshall before a business license or conditional use permit is granted. New commercial buildings shall also be inspected by the Fire Marshal before a certificate of occupancy can be given. All commercial buildings shall be subject to an annual inspection by the Fire Marshal, and any license, permit, or certificate issued for a building or use may be revoked for failure to comply with fire code.

F. All site plans shall be approved by the City's Engineer and Public Works departments. All site plans shall comply with Nibley City Design Standards and all projects located in Commercial and Neighborhood Commercial Zone shall comply with Nibley City Design Standards for Commercial and Institutional Use.

G. Residential Units Remodeled for Commercial Use:

1. Nibley City Design Standards for Commercial and Institutional Use facade treatments shall not apply to single family homes that have been remodeled for commercial use. Such homes may be referred to as "Remodeled Residential Units."
2. Remodeled Residential Units must comply with landscaping, parking, fire code, the Americans with Disability Act (ADA) requirements, building permit requirements, inspections, and all other standards and requirements described within this title.

3. Any business taking place in a remodeled residential unit is considered a conditional use and shall obtain a conditional use permit prior to beginning operations, regardless of the use within the building. Any change in the business or use of the Remodeled Residential Unit shall require a new conditional use permit.
 4. The Commercial Use shall be the primary use of the building.
 5. The exceptions for Remodeled Residential Units shall only apply to buildings on lots which front collector or arterial streets, as defined by the Nibley City Master Streets Plan.
- H. The City may require the placement of fences or walls to enhance security and mitigate aesthetic or other impacts at facilities adjacent to residential areas.
- I. In Commercial Zones, warehousing and storage may be allowed as part of business if it is attached to offices, retail, or other permitted or conditional use allowed within a Commercial Zone.
- J. All Commercial developments shall comply with landscaping code within NCC 19.24.170.

19.14.050 Neighborhood Commercial Zone C-N Requirements

B. Purpose

1. The neighborhood commercial zone C-N is established to provide areas in which the primary use of land is for commercial and service uses to:
 - a. Serve the daily convenience needs of the adjacent residential neighborhoods.
 - b. Provide economic stability.
 - c. Enhance property values.
 - d. Establish strategies for achieving good community design.
 - e. Stabilize areas/zones.
 - f. Reduce traffic congestion and promote walkable communities.
 - g. Promote the policies of the general plan.
2. This C-N zone shall be located in areas deemed appropriate and approved by the city council for services to the residents of the city. The zone will create a minimum of detriment, hazard, noise or inconvenience to surrounding residential development.
3. The C-N zone shall be characterized by harmonious grouping and architectural offset of building mass of commercial stores and shops which will be architecturally designed for, and will function as, an integrated unit. Clean parking lots and attractive well maintained shops with appropriate landscaping will also be characteristic of this zone.
4. Lighting will be of low intensity, low profile and fully shielded to protect the surrounding residential areas. The architectural design and character will be compatible with that of the surrounding residential environment.
5. Heavy commercial uses within this zone have been excluded and are not permitted.

C. Permitted Uses: See NCC 19.20.

D. Conditional Uses:

1. Regular Conditional Uses: See NCC 19.20.
2. Temporary Accessory Uses: Temporary accessory uses and structures are permitted in the C-N zone, provided they are incidental to, and do not substantially alter the character of, the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following: Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto and provided further that such shall be permitted only during construction period and thirty (30) days thereafter.
3. Use Limitations: All other uses not listed are not permitted.
4. Residential Units Remodeled for Commercial Use:
 - a. Nibley City Design Standards for Commercial and Institutional Use facade treatments shall not apply to single family homes that have been remodeled for

commercial use. Such homes may be referred to as “Remodeled Residential Units.”

- b. Remodeled Residential Units must comply with landscaping, parking, fire code, the Americans with Disability Act (ADA) requirements, building permit requirements, inspections, and all other standards and requirements described within this title.
 - c. Any business taking place in a remodeled residential unit is considered a conditional use and shall obtain a conditional use permit prior to beginning operations, regardless of the use within the building. Any change in the business or use of the Remodeled Residential Unit shall require a new conditional use permit.
- E. Lot Coverage: No building, structure, or group of buildings with their accessory buildings shall cover more than seventy percent (70%) of the lot or parcel.
- F. Parking: Where possible, parking areas shall be located to the side or rear of building. On corner lots, parking shall be avoided on side yards contiguous to the street.
- G. Building Size: The maximum size building footprint allowed shall not exceed a total of fifteen thousand (15,000) square feet.
- H. Commercial Condominiums
 - 1. Commercial Condominiums, shall be a permitted use in the Neighborhood Commercial zone, as set forth herein.
 - 2. All shared or common properties, landscaping, parking lots, roadways, and other non-public amenities or improvements that serve the commercial condominium shall be maintained by an owners association, pursuant to duly adopted and recorded agreements.
 - 3. If a development chooses to build condominiums, they must provide sufficient parking and landscaping for each unit, consistent with current City Commercial standards at the time of the rezone application.
 - 4. Front, rear, and side setbacks shall be measured from the foundation walls of the building.
 - 5. There shall be a maximum of five commercial condominium units per acre.
- I. Off Street Parking, Loading, And Access:
 - 1. The requirements of design standards for commercial and institutional uses and NCC 19.24.160, "Parking Requirements", shall apply.
 - 2. The site shall be developed to provide for shared access.
 - 3. The developer/owner of a neighborhood commercial development located along a state-owned highway will cause the required traffic impact study to be performed in conformance with the requirements of the Utah Department of Transportation and provide to the city a valid copy of the UDOT letter of approval.
- J. Signs: The requirements of design standards for commercial and institutional uses shall apply to this zone. Only monument signage will be allowed, and only in the twenty foot (20') front yard setback.
- K. Fencing and Screening: Fencing and screening shall meet the requirements of design standards for commercial and institutional uses; NCC 19.22.010(E), "Fences and walls maximum height"; NCC 19.24.090, "Fence Regulations"; and NCC 19.24.170(C), "Commercial And Industrial Zones" (landscape requirements), shall be required of all fences and landscape screening in this zone.
- L. Storage; Displays: All materials, supplies, merchandise, or other similar matter not on display for direct sale, rental or lease to the ultimate consumer or user, not able to be stored within the commercial structure shall be stored in a completely enclosed building.
- M. Storage; Trash:
 - 1. No trash, garbage, used materials or wrecked, inoperable or abandoned vehicles or equipment shall be stored in an open area. All such materials shall be kept in an enclosed building(s) or structure.

2. All structures built to accommodate the storage shall be constructed using a design compatible with the primary structure and meeting all the architectural design standards outlined in the design standards for commercial and institutional uses. Within a development of multiple structures, a common structure shall be constructed suitable for use by all tenants or businesses.
- N. Development Standards: The development standards of the C-N zone shall conform to design standards for commercial and institutional uses.
- O. Utilities
1. Prior to the issuance of a business license or conditional use permit, utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.
 2. A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The applicant shall be required to supply necessary water rights or shares in accordance with NCC 21.12.020.
 3. Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs.
 - a. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, the applicant shall build or install the needed infrastructure before a business license or conditional use permit may be granted.
- P.

19.16 Industrial Zone I

19.16.010 Purpose

19.16.020 Use Regulations

19.16.030 Space Requirements

19.16.040 Parking Requirements

19.16.010 Purpose

The purpose of the industrial zone is to provide suitable areas that will accommodate the need for industry and industrial-related uses.

19.16.020 Use Regulations

See NCC 19.20.

19.16.030 Space Requirements

See NCC 19.22.

19.16.040 Parking Requirements

See NCC 19.24.160.

19.16.050 Site Plan Review All proposed commercial, institutional, or industrial development, including new buildings and expansion of or addition to existing buildings, or change in the type of use of existing buildings, are subject to the site plan review requirements of NCC 19.14.050

19.22 Space Requirements Chart

19.22.010 Space Requirements Chart

19.22.010 Space Requirements Chart

		A	R-E	R-1	R-1A	R-2	R-2A	C	C-N	I
A.	Minimum lot area	5 acres	2 acres	1 acre	3/4 acre	1/2 acre	12,000 sq. ft. (10) See note 9	--	1/4 acre	--
	Minimum lot width, measured at setback line	200	200	200	150	100	100	--	100	--
B.		Setback principal uses								
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	20	20	50
	Side yard, interior	15 ³	15	10	10	10	10	0(10) ³ (30*) ¹¹	10(20*) ¹¹	0(50) ⁴
	Side yard, street	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	20	20	25(35) ³
	Rear yard	30	30	30	30	25	25	0(10) ³ (30*) ¹¹	5(20*) ¹¹	0(50) ⁴
C.		Setback accessory uses								
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	20	20	50
	Side yard, interior	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	0(10) ⁴	0(10) ⁴	0(10) ⁴
	Side yard, street		25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	20	20	25(35) ³
	Rear yard	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁴	1(10) ⁴	1(10) ⁴

D.		Height maximum								
	Principal uses	40	40	40	40	40	40	40	35 ¹²	50(70) ₀ ¹
	Accessory uses	30	30	30	30	20	20	30	20	30
E.		Fences and walls maximum height								
	Front yard, property line to setback line	4	4	4	4	4	4	4	4	4
	Rear yard	7(8)8	7(8)8	7(8)8	7(8)8	7(8) ₈	7(8)8	7(8)8	7(8)8	7(8)8
	Side yard	7(8)8	7(8)8	7(8)8	7(8)8	7(8) ₈	7(8)8	7(8)8	7(8)8	7(8)8
	Corner lots	See NCC 19.24.090(B)								

Notes:

1. In all zones in a platted subdivision, lot width is 100 feet minimum, at setback line, but lot area must be 1/2 acre.
2. All measurements are in feet unless otherwise specified.
3. Greater distance required where yard faces arterial road.
4. Greater distance required where property line is adjacent to residential zone or residential dwelling unit.
5. Lesser distance allowed where accessory building is at least 10 feet behind the rear of main building and not less than 10 feet from any dwelling unit on adjacent property.
6. Greater distance required where rear yard faces side yard of adjacent property.
7. Principal use is defined as a dwelling unit in R-E, R-1 and R-2.
8. 8 foot height allowed for a transparent fence, e.g., chainlink, as defined in NCC 19.24.090.
9. The average lot size for the entire subdivision phase and portion thereof shall average at least fourteen thousand (14,000) sq. ft.
10. Greater maximum height allowed if building is at a minimum of 300' from a residential zone.
11. When abutting a residential zone or existing residential dwelling unit, minimum setback is 30 feet for commercial zones and 20 feet for neighborhood commercial zones. The minimum setback shall be increased one additional foot for every additional one foot in height of the building in a commercial zone.
12. Limited to two stories

HISTORY

<i>Adopted</i>	<i>by</i>	<i>Ord.</i>	<i>No</i>	<i>Source</i>	<i>on</i>	<i>6/3/1993</i>
<i>Amended</i>	<i>by</i>	<i>Ord.</i>		<i>03-08</i>	<i>on</i>	<i>4/17/2003</i>
<i>Amended</i>	<i>by</i>	<i>Ord.</i>		<u>06-04</u>	<i>on</i>	<i>6/15/2006</i>
<i>Amended</i>	<i>by</i>	<i>Ord.</i>		<u>17-06</u>	<i>on</i>	<i>3/16/2017</i>

Amended by Res. [19-10](#) on 6/27/2019



550 W 1375 North





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Google Earth

41°43'36.43" N 111°50'59.46" W elev 4508 ft eye alt 4712 f

600 West 200 South



1000 North 550 West



200 North 700 West

Google Earth



600 West 350 South



1000 North 650 West



1420 East Canyon Rd





400 East 1300 North

Agenda Item #11

Description	Public Hearing – Ordinance 21-01 (formally 20-17): Amendments to the Nuisance Ordinance And Discussion & Consideration – Ordinance 21-01 (formally 20-17): Amendments to the Nuisance Ordinance (First Reading)
Department	Planning
Presenter	Justin Maughan, Public Works Director
Recommendation	Move to approve Ordinance 21-01: Amendment to the Nuisance Ordinance.
Reviewed By	City Manager, City Planner, City Attorney

Background:

Nibley City's nuisance ordinance provides a mechanism to address conditions on private property which are dangerous, noxious or unsightly. This ordinance is in need of revision to incorporate recent revisions to State code, address discrepancies and contradictions, and to adjust the appeal procedures. The recommended changes include the following general provisions:

1. Reduce the penalty for a declared nuisance from a Class C misdemeanor to an infraction to be consistent with Utah Code 10-3-703(1)(b), (4). The City could charge an offender with a misdemeanor if the nuisance affects health/safety or the city has fined the person 3 times over the past 12 months (but no more than 1 time per 2 weeks).
2. Change the appeal authority from the City Council to the administrative appeals officer. Staff believes that due to the quasi-judicial nature of appeals, the appeals officer would be a more appropriate appeal authority. This person is already trained to address land use appeals. Appeals regarding nuisances could be addressed in a similar fashion as land use appeals.

3. Adjust some of the timeframes for compliance and appeals. Some of the set timeframes seem unreasonable and staff recommends adjusting them. For example, the code stipulates that appeals must be heard within 5 days from notice of hearing.

Consolidate the definitions and examples for what constitutes a nuisance. Currently, the code includes 2 definitions for a nuisance with examples of what constitutes a nuisance in various sections. This becomes difficult for the code enforcement officer to administer. Consolidating definitions will clarify the code and make it easier for City Staff and the General Public to interpret. In addition, Staff is recommending to add some new descriptions of a nuisance, including maintenance of property and vehicles parked in front lawn areas.

ORDINANCE 21-01
AMENDMENTS TO NIBLEY CITY CODE 7.02; NUISANCES

WHEREAS, Nibley City regulates nuisances within Nibley City boundaries; and

WHEREAS, Nibley City is concerned with ensuring conditions within the City are not deleterious, injurious, noxious or unsightly.

WHEREAS, Utah Code provides limits for violations related to nuisance violations on private property.

WHEREAS, improving the clarity of the nuisance ordinance is anticipated to improve its effectiveness.

NOW, THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. The proposed amendments to NCC 7.02 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

7.02 Nuisances

[7.02.010 Definitions](#)

[7.02.020 Declaration Of Nuisance](#)

[7.02.030 Restroom Or Sewer Facilities](#)

[7.02.040 Restrictions On Blocking Water](#)

[7.02.060 Abatement Procedure](#)

[7.02.070 Penalty For Failure To Comply](#)

7.02.010 Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

AUTHOR: Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

NUISANCE: Whatever is dangerous to human life or health, deleterious, injurious, noxious, unsightly and whatever renders soil, air, water or food impure or unwholesome, which includes but is not limited to conditions described in this chapter.

HISTORY

Adopted by Ord. 1977 Code Code §§ 10-311, 10-312 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.020 Declaration Of Nuisance

Statement: Every act or condition made, permitted, allowed or continued in violation of NCC 7.02.010, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

Specified: Nuisances include, but are not limited to:

Befouling Water: Befouling water in any spring, stream, well or water source supplying water for culinary purposes.

Privies, Cesspools: Allowing any privy vault or cesspool, or other individual wastewater disposal system, to become a menace to health or a source of odor or contamination to air or water.

Deleted: [7.02.050 Nuisances On Property](#)

Commented [1]: (2) Definitions for Nuisance in same chapter; Section 7.02.010 & 7.02.050

Deleted: any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on or scattering over the premises any of the following:

<#>Lumber, junk, trash or debris.

Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers or other discarded items not currently in use is declared to be a nuisance and unlawful. It shall be unlawful for any person either as an owner, agent or occupant to create or aid in creating or contributing to or maintaining a nuisance.

Commented [2]: Add Section 7.02.50(B)(C)(D) Nuisances on Property; Consolidate

Garbage Containers, Permitting any garbage container ~~that has become unclean and offensive~~, to remain on premises ~~without disposal, for a period of no longer than fourteen (14) days.~~

Deleted: Offensive:

Garbage Accumulation: Allowing garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area, except when it is temporarily deposited for immediate removal ~~or being composted.~~

Deleted: when it has become unclean and offensive

Deleted: vegetable waste

Unsheltered Storage of Personal Property: ~~The keeping, depositing and scattering over the premises any objects or equipment, which are not sheltered within a building or canopy. Exceptions include home decor, outdoor furniture, garbage containers and temporary placement of items for sale or disposal.~~

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~~Parked vehicles in front yard: Parking of vehicles, trailers or recreational vehicles in the front yard area outside of a driveway and unsheltered.~~

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Deleted: , # of operational vehicles allowed unsheltered w/registration, Non operational vehicles must be sheltered out of site???

~~Inoperable vehicles & machinery: Unsheltered storage of old, unused, stripped and junked machinery, vehicles, implements, equipment which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junkyards) within the city. Any unregistered passenger vehicle shall be considered unused.~~

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Manure Accumulation: Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which any animals are kept.

Slaughterhouses, Feed Yards: Permitting any slaughterhouse, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.

Discharging Offensive Water Or Liquid Waste: Discharging or placing any offensive water, chemical spray, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.

Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter.

Flies And Mosquitoes: Having or permitting upon any premises any fly- or mosquito-producing condition.

Public Drinking Vessels: Keeping any drinking vessel for public use without providing a method of decontamination between uses.

Ablutions Near Drinking Fountain: Permitting or performing any ablutions in or near any public drinking fountain.

Boarding House Or Factory, Sanitary Condition: Failing to furnish any dwelling house, boarding house or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.

Cleaning Privy Vaults: Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other individual ~~wastewater~~ disposal systems within twenty (20) days after notice from an enforcement officer or official of the city.

Deleted: waste water

Stagnant Water; Offensive Substances: Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.

Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, utility line or connection, utility easement, or any public park without first obtaining the written permission of the city council.

Dead or Diseased Trees: Any dead or diseased trees which constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city.

Unmaintained Structures: Structures which have a foundation, exterior wall, and/or roof not maintained in good repair, thus not allowing all rooms and other interior areas to be weathertight, watertight, and rodentproof and be maintained in good condition. This includes broken windows and surfaces which are not painted, stained, or constructed of decay-resistant materials to protect and preserve the safety and appearance of the structure.

Enumeration: The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

HISTORY

Adopted by Ord. 1977 Code Code §§ 10-313, 10-314 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.030 Restroom Or Sewer Facilities

All restrooms or sewer facilities shall be constructed and maintained in accordance with Utah law and city ordinances. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed.

HISTORY

Adopted by Ord. 1977 Code Code § 10-315 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.040 Restrictions On Blocking Water

It shall be unlawful for any person to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.

Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement.

HISTORY

Adopted by Ord. 1977 Code Code § 10-316 on 1/1/1977

HISTORY

Adopted by Ord. 1977 Code §§ 10-331, 10-332, 10-333, 10-334 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.060 Abatement Procedure

Code Enforcement Officer:

Established: There is hereby established the position of code enforcement officer, whose duties it shall be to enforce the provisions of this chapter. Until a code enforcement officer is designated, the city manager, or designee, or the city's law enforcement agency shall enforce the provisions of this chapter.

Duties: The code enforcement officer, or the city's law enforcement agency is authorized to:

Perform all functions necessary to enforce the provisions of this chapter.

Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.

Existence Of Objectional Condition: If the code enforcement officer or city's law enforcement agency concludes there exists an objectionable condition in violation of this chapter, the code enforcement officer, or the city's law enforcement agency shall:

Ascertain the names of the owners and occupants and descriptions of the premises where such objects and/or conditions constituting a nuisance exist.

Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the nuisance within such time as the code enforcement officer, or the city's law enforcement agency may designate; provided, that any person notified pursuant to this subsection shall be given at least ten (10), but not more than thirty (30) days, as determined by the code enforcement officer, or the city's law enforcement agency following the date of service of such notice, to correct the objectionable condition. The notice shall:

Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.

Inform the owner, occupant or other person that in the event he/she disagrees with the determination of the code enforcement officer, or the city's law enforcement agency and does not wish to comply with the provisions of the notice or that he/she objects to the factual or legal basis

Deleted: 7.02.050 Nuisances On Property

Deleted: ~~<#>~~Definition: For the purpose of this section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on or scattering over the premises any of the following:¶

~~<#>~~Lumber, junk, trash or debris.¶

~~<#>~~Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers or other discarded items not currently in use.¶

Deleted: Duty Of Maintenance: No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.¶

Storage Of Personal Property: Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junkyards) within the city, is hereby declared to be a nuisance and dangerous to the public safety.¶

Abatement By Owners: The owner, owners, tenants, lessees or occupants of any lot within the city on which [1]

Deleted: Storage Of Personal Property: Unsheltered storage of old, unused, stripped and junked machinery.. [2]

Deleted: Abatement By Owners: The owner, owners, tenants, lessees or occupants of any lot within the city on [3]

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for the notice, he/she may request, in writing, an informal hearing before the administrative appeal officer. A written application for a hearing shall stay the time within which the person must conform to the provisions of the notice.

Inform the person that in the event he fails or neglects to correct the objectionable condition, the city will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs, together with reasonable attorney fees and court costs, or will charge the cost of correcting the violation against the property as a tax.

In the event the owner or occupant makes such request for a hearing, the administrative appeal officer shall set the time and place for hearing objections and the city recorder shall notify the owner, occupant or other persons having an interest in said property on the condition thereof, in writing, of the time and place at which they may appear and be heard. The hearing shall be heard within less than twenty (20) days from the date of service or mailing of the notice of hearing.

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Hearing:

Informal Hearing; Written Decision: At the written request of an owner, occupant or other person having an interest in property which is the subject of a notice to remove or abate weeds, objectionable conditions or objects from the property, the administrative appeal officer shall conduct an informal hearing, wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The administrative appeal officer shall also permit the presentation of evidence and argument by the code enforcement officer or the city's law enforcement agency and other interested parties. Thereafter, the administrative appeal officer shall render its written decision, a copy of which shall be mailed to or served upon the owner or any other person to whom the original notice was given by the city's law enforcement agency.

Notice Of Decision; Abatement By Owner Or Occupant: In the event the decision of the administrative appeal officer upholds the determination of the code enforcement officer, or the city's law enforcement agency, the notice originally given by the code enforcement officer or the city's law enforcement agency as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten (10) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the code enforcement officer or the city's law enforcement agency.

Time Period For Compliance: In the event that the decision of the administrative appeal officer either overrules or modifies the determination of the code enforcement officer or the city's law enforcement agency, the written decision of the administrative appeal officer shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to

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conform to the decision, within ten (10) days after service or mailing of a copy of the decision.

Filing Of Amended Notice: The **code enforcement officer**, or the city's law enforcement agency shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.

Failure To Comply; Abatement By City: If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the **abatement of the nuisance**, the **code enforcement officer**, or the city's law enforcement agency **may** employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed at the expense of the city.

Itemized Statement: The **code enforcement officer**, or the city's law enforcement agency shall prepare an itemized statement of all expenses incurred in the **abatement of nuisances, including administrative, personnel, and legal costs**, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail, addressed to the **property on which the nuisance exists, the address of record with county land records for the owner or the property, or** last known address of the property owner, occupant or persons having an interest in the property **if different from the above**.

Failure To Make Payment: In the event the owner, occupant or person having an interest in the property fails to make payment of the amount set forth in the statement to the city treasurer within the twenty (20) days, the **code enforcement officer**, or the city's law enforcement agency may either cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.

Collection:

 Lawsuit: In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue and receive judgment for all of said expenses of destruction and removal, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. **The city may also assign its right to enforce and collect such expenses to a collection agency or other entity for collection, which entity shall have the same right to collect as if they were the city.**

 Taxes: In the event that the building inspector or the city's law enforcement agency elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the costs of the work shall be pursued by the county treasurer in accordance with the provisions of Utah Code § 10-11-4, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

Criminal Proceedings: The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance. The provisions of

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this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

HISTORY

Adopted by Ord. 1977 Code §§10-351, 10-352, 10-353, 10-354, 10-355, 10-356, 10-357, 10-358 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.070 Penalty For Failure To Comply

Infraction: Any owner, occupant or person having an interest in property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of an **infraction** and, upon conviction thereof, subject to penalty as provided in NCC 1.08.010 for each offense, and further sum of ten dollars (\$10.00) for each and every day such person fails to comply beyond the date fixed for compliance. For nuisances related to an individual's use of the individual's residence, the individual shall be subject to prosecution for each 14-day time period the violation continues, each of which periods shall be considered a separate violation. For all other nuisances, each day shall be considered a separate violation.▲

Class C Misdemeanor: Any owner, occupant or person having an interest in property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter may be charged with a class C misdemeanor if the nuisance threatens the health, safety, or welfare of the individual or an identifiable third party or the individual has been convicted of a violation of this chapter on three previous occasions within the past 12 months.

Criminal Proceedings: Compliance by any owner, occupant or person to whom a notice has been given subsequent to the commencement of criminal proceedings as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.▲

Commented [RP5]: Possible escalation provision in accordance with 10-3-703. Don't need it, but I thought I'd give it as a suggestion for the city to consider.

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7.02 Nuisances

7.02.010 Definitions

7.02.020 Declaration Of Nuisance

7.02.030 Restroom Or Sewer Facilities

7.02.040 Restrictions On Blocking Water

7.02.060 Abatement Procedure

7.02.070 Penalty For Failure To Comply

7.02.010 Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

AUTHOR: Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

NUISANCE: Whatever is dangerous to human life or health, deleterious, injurious, noxious, unsightly and whatever renders soil, air, water or food impure or unwholesome, which includes but is not limited to conditions described in this chapter.

HISTORY

Adopted by Ord. 1977 Code Code §§ 10-311, 10-312 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.020 Declaration Of Nuisance

Statement: Every act or condition made, permitted, allowed or continued in violation of NCC 7.02.010, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

Specified: Nuisances include, but are not limited to:

Befouling Water: Befouling water in any spring, stream, well or water source supplying water for culinary purposes.

Privies, Cesspools: Allowing any privy vault or cesspool, or other individual wastewater disposal system, to become a menace to health or a source of odor or contamination to air or water.

Garbage Containers, Permitting any garbage container that has become unclean and offensive, to remain on premises without disposal, for a period of no longer than fourteen (14) days.

Garbage Accumulation: Allowing, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area, except when it is temporarily deposited for immediate removal or being composted.

Unsheltered Storage of Personal Property: The keeping, depositing and scattering over the premises any objects or equipment, which are not sheltered within a building or canopy. Exceptions include home decor, outdoor furniture, garbage containers and temporary placement of items for sale or disposal.

Parked vehicles in front yard: Parking of vehicles, trailers or recreational vehicles in the front yard area outside of a driveway and unsheltered.

Inoperable vehicles & machinery: Unsheltered storage of old, unused, stripped and junked machinery, vehicles, implements, equipment which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junkyards) within the city. Any unregistered passenger vehicle shall be considered unused.

Manure Accumulation: Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which any animals are kept.

Slaughterhouses, Feed Yards: Permitting any slaughterhouse, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.

Discharging Offensive Water Or Liquid Waste: Discharging or placing any offensive water, chemical spray, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.

Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter.

Flies And Mosquitoes: Having or permitting upon any premises any fly- or mosquito-producing condition.

Public Drinking Vessels: Keeping any drinking vessel for public use without providing a method of decontamination between uses.

Ablutions Near Drinking Fountain: Permitting or performing any ablutions in or near any public drinking fountain.

Boarding House Or Factory, Sanitary Condition: Failing to furnish any dwelling house, boarding house or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.

Cleaning Privy Vaults: Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the city.

Stagnant Water; Offensive Substances: Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.

Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, utility line or connection, utility easement, or any public park without first obtaining the written permission of the city council.

Dead or Diseased Trees: Any dead or diseased trees which constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city.

Unmaintained Structures: Structures which have a foundation, exterior wall, and/or roof not maintained in good repair, thus not allowing all rooms and other interior areas to be weathertight, watertight, and rodentproof and be maintained in good condition. This includes broken windows and surfaces which are not painted, stained, or constructed of decay-resistant materials to protect and preserve the safety and appearance of the structure.

Enumeration: The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

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Adopted by Ord. 1977 Code Code §§ 10-313, 10-314 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.030 Restroom Or Sewer Facilities

All restrooms or sewer facilities shall be constructed and maintained in accordance with Utah law and city ordinances. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed.

HISTORY

Adopted by Ord. 1977 Code Code § 10-315 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.040 Restrictions On Blocking Water

It shall be unlawful for any person to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.

Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement.

HISTORY

Adopted by Ord. 1977 Code Code § 10-316 on 1/1/1977

HISTORY

Adopted by Ord. 1977 Code §§ 10-331, 10-332, 10-333, 10-334 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.060 Abatement Procedure

Code Enforcement Officer:

Established: There is hereby established the position of code enforcement officer, whose duties it shall be to enforce the provisions of this chapter. Until a code enforcement officer is designated, the city manager, or designee, or the city's law enforcement agency shall enforce the provisions of this chapter.

Duties: The code enforcement officer or the city's law enforcement agency is authorized to:

Perform all functions necessary to enforce the provisions of this chapter.

Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.

Existence Of Objectional Condition: If the code enforcement officer or city's law enforcement agency concludes there exists an objectionable condition in violation of this chapter, the code enforcement officer or the city's law enforcement agency shall:

Ascertain the names of the owners and occupants and descriptions of the premises where such objects and/or conditions constituting a nuisance exist.

Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the nuisance within such time as the code enforcement officer or the city's law enforcement agency may designate; provided, that any person notified pursuant to this subsection shall be given at least ten (10), but not more than thirty (30) days, as determined by the code enforcement officer or the city's law enforcement agency following the date of service of such notice, to correct the objectionable condition. The notice shall:

Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.

Inform the owner, occupant or other person that in the event he/she disagrees with the determination of the code enforcement officer or the city's law enforcement agency and does not wish to comply with the provisions of the notice or that he/she objects to the factual or legal basis

for the notice, he/she may request, in writing, an informal hearing before the administrative appeal officer. A written application for a hearing shall stay the time within which the person must conform to the provisions of the notice.

Inform the person that in the event he fails or neglects to correct the objectionable condition, the city will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he will be assessed such costs, together with reasonable attorney fees and court costs, or will charge the cost of correcting the violation against the property as a tax.

In the event the owner or occupant makes such request for a hearing, the administrative appeal officer shall set the time and place for hearing objections and the city recorder shall notify the owner, occupant or other persons having an interest in said property on the condition thereof, in writing, of the time and place at which they may appear and be heard. The hearing shall be heard within less than twenty (20) days from the date of service or mailing of the notice of hearing.

Hearing:

Informal Hearing; Written Decision: At the written request of an owner, occupant or other person having an interest in property which is the subject of a notice to remove or abate weeds, objectionable conditions or objects from the property, the administrative appeal officer shall conduct an informal hearing, wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The administrative appeal officer shall also permit the presentation of evidence and argument by the code enforcement officer or the city's law enforcement agency and other interested parties. Thereafter,, the administrative appeal officer shall, render its written decision, a copy of which shall be mailed to or served upon the owner or any other person to whom the original notice was given by the city's law enforcement agency.

Notice Of Decision; Abatement By Owner Or Occupant: In the event the decision of the administrative appeal officer upholds the determination of the code enforcement officer or the city's law enforcement agency, the notice originally given by the code enforcement officer or the city's law enforcement agency as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten (10) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the code enforcement officer or the city's law enforcement agency.

Time Period For Compliance: In the event that the decision of the administrative appeal officer either overrules or modifies the determination of the code enforcement officer or the city's law enforcement agency, the written decision of the administrative appeal officer shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to

conform to the decision within ten (10) days after service or mailing of a copy of the decision.

Filing Of Amended Notice: The code enforcement officer or the city's law enforcement agency shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.

Failure To Comply; Abatement By City: If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the abatement of the nuisance, the code enforcement officer or the city's law enforcement agency may employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed at the expense of the city.

Itemized Statement: The code enforcement officer or the city's law enforcement agency shall prepare an itemized statement of all expenses incurred in the abatement of nuisances, including administrative, personnel, and legal costs, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail, addressed to the property on which the nuisance exists, the address of record with county land records for the owner or the property, or last known address of the property owner, occupant or persons having an interest in the property if different from the above.

Failure To Make Payment: In the event the owner, occupant or person having an interest in the property fails to make payment of the amount set forth in the statement to the city treasurer within the twenty (20) days, the code enforcement officer or the city's law enforcement agency may either cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this chapter.

Collection:

Lawsuit: In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue and receive judgment for all of said expenses of destruction and removal, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. The city may also assign its right to enforce and collect such expenses to a collection agency or other entity for collection, which entity shall have the same right to collect as if they were the city.

Taxes: In the event that the building inspector or the city's law enforcement agency elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the costs of the work shall be pursued by the county treasurer in accordance with the provisions of Utah Code § 10-11-4, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

Criminal Proceedings: The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance. The provisions of

this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

HISTORY

Adopted by Ord. 1977 Code §§10-351, 10-352, 10-353, 10-354, 10-355, 10-356, 10-357, 10-358 on 1/1/1977

Amended by Ord. 2002 Code on 1/1/2002

7.02.070 Penalty For Failure To Comply

Infraction: Any owner, occupant or person having an interest in property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of an infraction and, upon conviction thereof, subject to penalty as provided in NCC 1.08.010 for each offense, and further sum of ten dollars (\$10.00) for each and every day such person fails to comply beyond the date fixed for compliance. For nuisances related to an individual's use of the individual's residence, the individual shall be subject to prosecution for each 14-day time period the violation continues, each of which periods shall be considered a separate violation. For all other nuisances, each day shall be considered a separate violation.

Class C Misdemeanor: Any owner, occupant or person having an interest in property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter may be charged with a class C misdemeanor if the nuisance threatens the health, safety, or welfare of the individual or an identifiable third party or the individual has been convicted of a violation of this chapter on three previous occasions within the past 12 months.

Criminal Proceedings: Compliance by any owner, occupant or person to whom a notice has been given subsequent to the commencement of criminal proceedings as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to this section.

Nuisance Ordinance Update

FEBRUARY 11, 2021 CITY COUNCIL



Background & Purpose

- Nibley City Nuisance Ordinance (NCC 7.02) provides a mechanism to address conditions on private property which are dangerous, noxious or unsightly.
- Proposed changes intend to:
 - Be consistent with state code
 - Adjust appeal authority
 - Improve clarity and enforceability of ordinance

Provisions

- Reduce penalty of nuisance from Class C Misdemeanor to Infraction
- Change appeal authority to administrative appeals officer
- Consolidate and clarify definitions and descriptions of nuisances to improve administration of code

Staff Recommendation

Approve Ordinance 21-01: Amendments to the Nuisance Ordinance

Agenda Item #12 Presentation

Description	Discussion & Consideration – Ordinance 21-02: Establishing a Time Limit and Deposit to Install Landscaping for New Construction
Department	Planning
Presenter	Justin Maughan, Public Works Director
Recommendation	Move to approve Ordinance 21-02: Establishing a Time Limit and Deposit to Install Landscaping for New Construction
Reviewed By	Mayor, City Manager, Public Works Director, City Planner, City Attorney, Planning Commission

Background:

Updated for February 11

During the first reading for this ordinance, a motion was passed to add the following sentence:

The deposit shall be returned to the owner of the property at the time that the determination had been made that the required improvements are in place.

The City Attorney has reviewed this change and determined that requiring the applicant to forfeit the deposit to whomever the owner is would be illegal without consent of the applicant. Therefore, staff recommends changing this sentence to read as follows:

The deposit shall be returned to the applicant or applicant's designee.

This would still allow the deposit to be returned to the owner, but only if the applicant designates them to receive it.

One of the Planning Commission Goals for 2020 is to review landscaping requirements for residential and commercial developments. NCC 19.24.170 provides landscaping requirements for residential, commercial and industrial zones, including the provision that 60% of a front or side yard adjacent to a street must be landscaped. Although these requirements are in code, in many cases there is not a sufficient process in place to ensure that landscaping is installed in a timely manner with new development. The City currently does not require landscaping to be installed prior to issuing a certificate of occupancy. This would not be appropriate, as homes are completed at various times of year, which are not necessarily feasible times to plant.

In order to ensure landscaping is appropriately installed, the following provisions are recommended to be incorporated into Nibley City Code:

- Requiring landscaping to be completed within 18 months of occupancy.
- Requiring a landscaping deposit for building permits, which would be refunded upon completion of landscaping.

The City currently requires a \$1,000 deposit for building site clean-up and damage repair (Resolution 03-11). Staff recommends adding an additional \$1,000 to this deposit for each residential unit. For commercial and industrial development, it is recommended that a deposit of \$1,000 per total acreage be applied at the time of building permit issuance. Staff has determined that this amount is proportionate to the minimum required cost of improvements and is a reasonable incentive to complete such improvements. The actual deposit amount will need to be incorporated into the City's consolidated fee schedule to be approved by the City Council.

Recommended Findings

- In order to effectively ensure compliance with landscaping requirements of Nibley City Code and Design Standards, a completion deadline and deposit is needed.
- City Council should establish the deposit amount of \$1,000 for residential development and \$1,000 per acre for commercial/industrial development, in addition to the already established \$1,000 deposit for building site clean-up and damage repair

Planning Commission Recommendation

The Planning Commission moved to recommend approval of Ordinance 20-20: Establishing a Time Limit and Deposit to Install Landscaping for New Construction. There was brief discussion if \$1,000 was enough of an incentive. The Planning Commission decided to watch how well \$1,000 would motivate the public knowing that the fee could be changed later in Nibley City's Consolidated Fee Schedule. The motion passed unanimously with all five Planning Commissioners in favor.

ORDINANCE 21-02
ESTABLISHING A TIME LIMIT AND DEPOSIT TO INSTALL LANDSCAPING FOR NEW
CONSTRUCTION

WHEREAS, Nibley City regulates the provision of landscaping within Nibley City boundaries to encourage pleasant and attractive conditions and abate impacts related to heat, noise, glare and erosions; and

WHEREAS, to effectively incentivize the installation of required landscaping, a time limit and appropriate deposit is necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH THAT:

1. The proposed amendments to NCC 19.24.170 be adopted.
2. The initial landscaping deposit shall be set at \$1,000 for each residential dwelling unit and \$1,000/acre for commercial, industrial, and institutional development. This amount may be adjusted by resolution from time to time.
3. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
4. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
5. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

19.24.170 Landscaping

1. Landscaping Requirements:

1. Purpose: The purpose of the landscaping requirements in this section shall be to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings and thus create the necessary atmosphere for the orderly development of a pleasant community. Landscaping also contributes to the relief of heat, noise and glare through the proper placement of green plants and trees.
2. Yard Requirements ~~for~~ Residential Zones: At least sixty percent (60%) of the area contained within a required front ~~and~~ side yard adjacent to a street in any residential zone shall be landscaped.
3. Scope ~~of~~ Requirements: Where landscaping is required, such landscaping shall comply with the requirements set forth in this section for the specific use and location.
4. Maintenance: Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition.
5. Completion: All required landscaping on both private property and public rights of way is required to be installed within eighteen (18) months of receiving certificate of occupancy for all new construction. A landscaping deposit assessed at the time of building permit issuance shall be withheld until the building inspector or designee determines that such improvements have been completed according to Nibley City Code and Design Standards. The deposit shall be returned to the applicant or applicant's designee. If required landscaping improvements are not complete within eighteen (18) months of certificate of occupancy, the deposit shall be forfeited.

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Landscaping Ordinance

FEBRUARY 11, 2021- CITY COUNCIL

Background & Purpose

- Nibley City requires landscaping in residential front yards, in commercial developments and in park strips.
- Other than code enforcement, there is currently little assurance that landscaping will be installed with new construction.
- Establishing a time limit and deposit will help ensure that new construction includes landscaping that is compliant with our landscaping ordinances.

Provisions

- Establish 18 month time limit to install required landscaping (private and public ROW).
- Establish deposit of \$1,000 per residence and \$1,000 per acre for commercial development to be refunded when landscaping is verified to be compliant.

Planning Commission Recommendation

Approve Ordinance 21-02 (previously numbered 20-20): Establishing a Time Limit and Deposit to Install Landscaping for New Construction with the following findings:

1. In order to effectively ensure compliance with landscaping requirements of Nibley City Code and Design Standards, a completion deadline and deposit is needed.
2. The City Council should establish the deposit amount of \$1,000 for residential development and \$1,000 per acre for commercial/industrial development, in addition to the already established \$1,000 deposit for building site clean-up and damage repair.

Agenda Item #13

Description	Workshop – Resolution 21-05: Transportation Master Plan Map Amendments
Department	Public Works-Streets, Planning
Presenter	Justin Maughan, Public Works Director
Recommendation	Discuss proposed changes in preparation for public hearing and consideration for adoption
Reviewed By	Mayor, City Manager, Public Works Director, City Planner, City Engineer

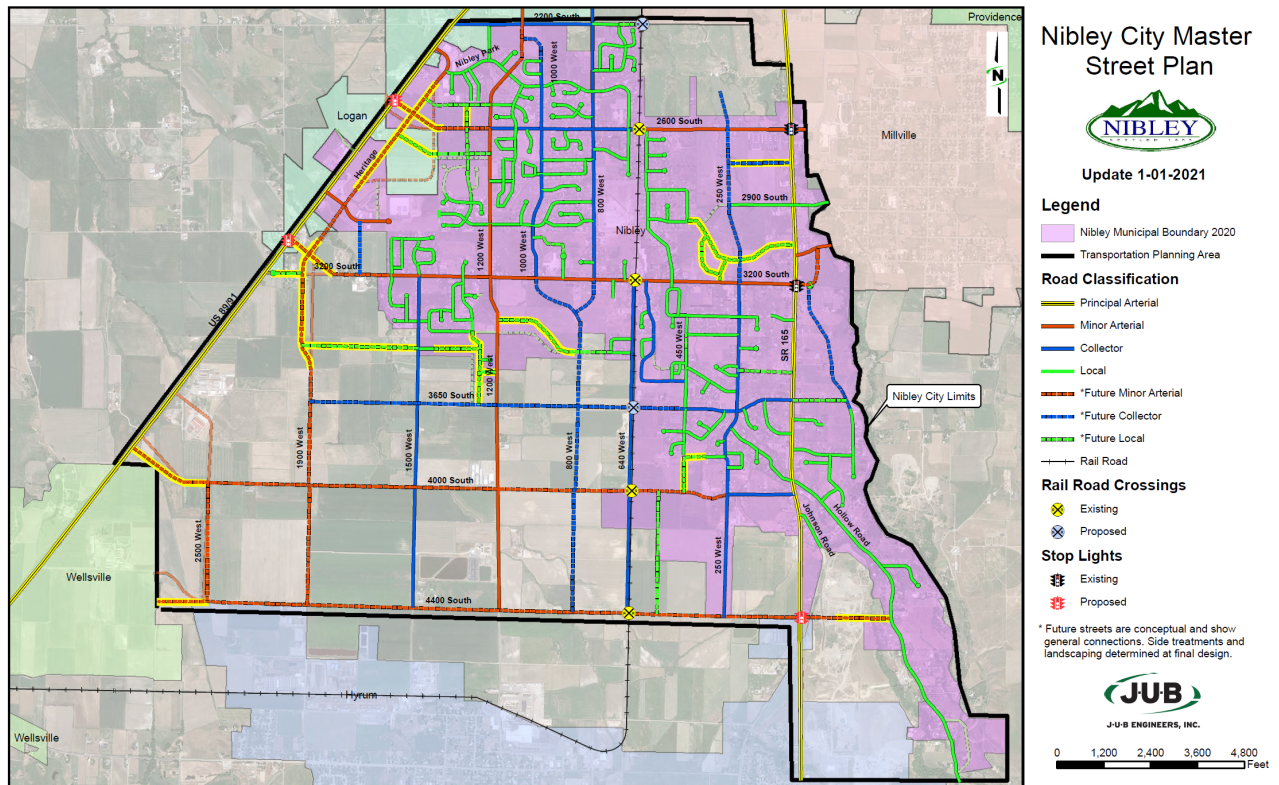
Background:

The Transportation Master Plan was last adopted in January 2019. The overall purpose of this plan is to coordinate future transportation facilities with land use. The Plan includes a Master Streets Plan, which recommends alignments, right of way widths and facility types for future streets. Future streets are improved as development occurs. The Mayor and the City Staff has expressed the need to consider updating some alignments of streets in the plan to improve connectivity and reflect recent development changes. Specific recommendations include:

- **450 West-** extend 450 W from its existing terminus at 3800 S to connect to 4000 S to improve street connectivity and traffic circulation as this area develops. This connection was previously taken out, as the area south of the existing 450 W may have a permanent conservation easement. However, this has not occurred and it is advised to include this connection for the time that this area may develop.
- **Meadowview Lane-** extend Meadowview Ln to connect to the planned 450 W to improve connectivity in this area and provide appropriate emergency access.
- **3200 South-** realign 3200 S to intersect with 2000 W at a signalized intersection with Hwy 89/91 in accordance with the ongoing study for the intersection. This allows for more efficient traffic flow and improves safety.

- **Heritage Drive** – realign Heritage Dr to stay parallel with Hwy 89/91. This provides a more direct connection and more efficient traffic flow. The existing plan includes an alignment that follows the edge of Tri H Farms. This alignment was made at the request of the landowner of Tri H Farms. In exchange, the landowner agreed to annex into Nibley City. However, this has not occurred.
- **2965 South extension** – The existing plan includes a connection from 2965 S in Elkhorn Estates to 2900 South at Main St. Rather than connecting this street to 2900 S, the approved plan for Ridgeline Park is to curve the roadway to the south and connect to Main St at the Maverik Driveway. This alignment avoids impacts to existing wetlands while retaining the connectivity. 2900 S would retain a connection between Main St and 250 W.
- **2750 South-** A connection is recommended at 2750 S between Main St and 250 West to improve accessibility and connectivity as the town center develops.
- **2700 South-** A local connection is recommended between 1200 W and Heritage Dr to improve local connectivity when this area develops.
- **4400 South** – To improve connectivity and safety, an extension of 4400 South to Hollow Rd is recommended. This connection could divert traffic at the existing offset intersection of Hollow Rd and Main St.
- **3410 South** – Given the future land use plans of areas south of 3200 S and west of 1500 W, a local extension of 3410 S between 1500 W and 1900 W is recommended to improve street connectivity in the area.
- **Stonebridge local streets** – The existing Transportation Master Plan includes the local roads approved as part of the Stonebridge subdivision. As phase 3 and 4 of this subdivision has not yet developed, there may be an opportunity to improve the circulation in this area. The through street at Stonebridge Dr is retained to connect to future development to the north, but the remaining cul-de-sacs are recommended to be excluded from the plan. This would not prevent Stonebridge from developing as originally approved but allows for more flexibility in the street design.
- **Ridgeline Park and Nibley Farms local streets.** The streets approved as part of the approved final plat for these subdivisions are included to reflect the planned streets for each neighborhood.

The Map below highlights the proposed changes.



Planning Commission Recommendation

Approve Resolution 21-05 Transportation Master Plan Map Amendments, adopting the proposed amended map.

Recommended Finding

- The recommended changes to the Transportation Master Plan will help ensure a more efficient, connected transportation system as development occurs.

RESOLUTION 21-05

TRANSPORTATION MASTER PLAN MAP AMENDMENTS

WHEREAS, Utah law allows municipalities to create and plan for local infrastructure and transportation needs; and

WHEREAS, Nibley City has established a transportation system and network for its residents and other traffic to travel through the City; and

WHEREAS, Nibley City wishes to update the Transportation Master Plan Map or Master Streets Plan to plan for future growth and traffic patterns within Nibley City; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

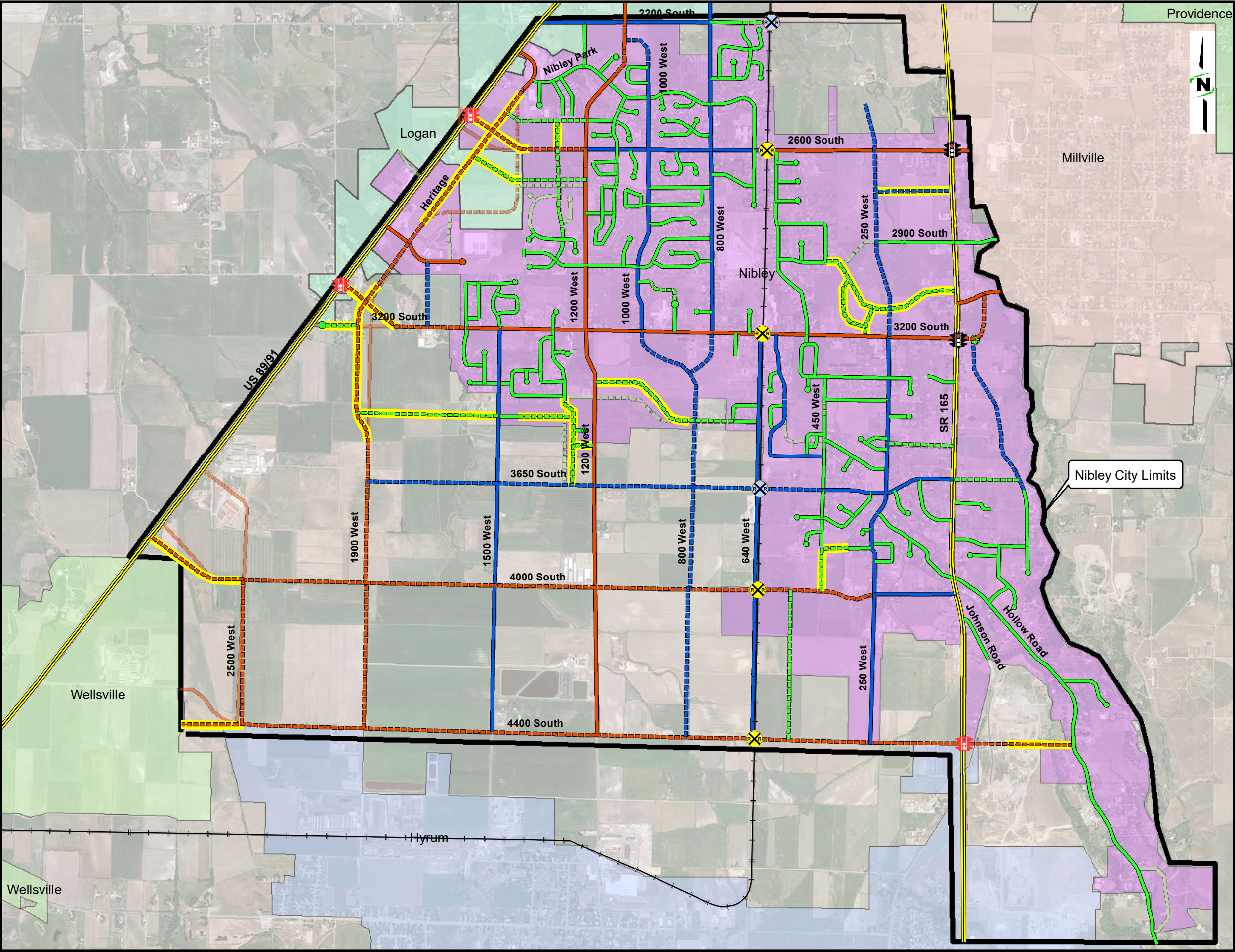
1. That the attached Transportation Master Plan Map is adopted by the Nibley City Council.
2. This map shall replace the previously adopted Transportation Master Plan Map.

Dated this ____ day of _____ 2021

Shaun Dustin, Mayor

ATTEST

David Zook, City Recorder



Nibley City Master Street Plan



Update 1-01-2021

Legend

- Nibley Municipal Boundary 2020
- Transportation Planning Area
- Road Classification**
 - Principal Arterial
 - Minor Arterial
 - Collector
 - Local
 - *Future Minor Arterial
 - *Future Collector
 - *Future Local
 - Rail Road

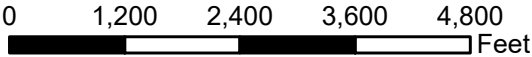
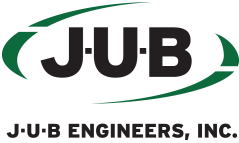
Rail Road Crossings

- Existing
- Proposed

Stop Lights

- Existing
- Proposed

* Future streets are conceptual and show general connections. Side treatments and landscaping determined at final design.



Transportation Master Plan Map Amendments

Background & Purpose

- TMP last updated in 2018
- Amendments to street alignments proposed due to new development and changing circumstances to improve functionality, connectivity and circulation.

Nibley City Transportation Master Plan

Nibley City Master Street Plan

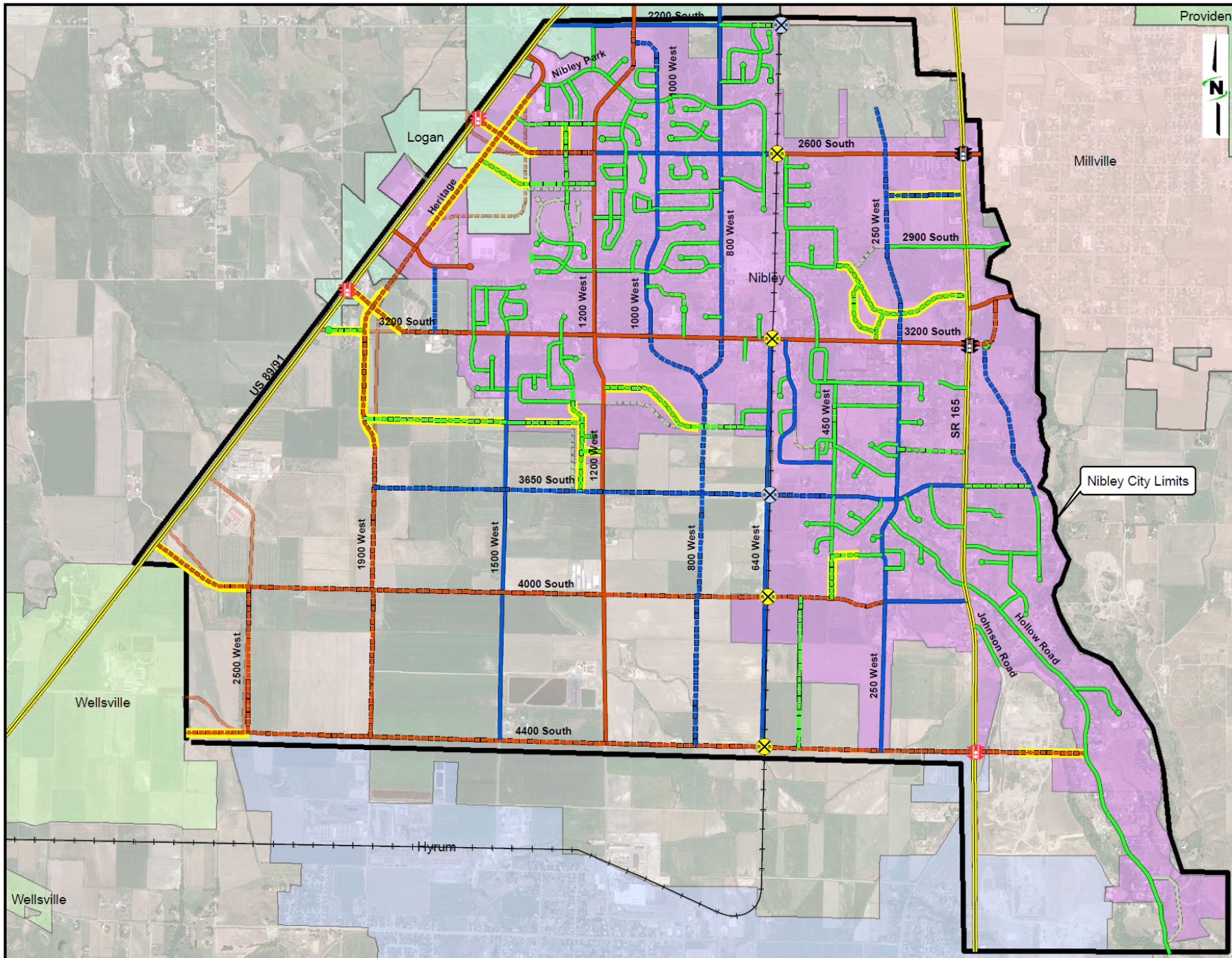
Legend

- Principal Arterial
- Minor Arterial
- Collector
- Local
- Rail Road
- Future Minor Arterial
- Future Collector
- Future Local

*Future streets are conceptual and show general connections.
Side treatments and landscaping determined at final design.



0 1,350 2,700 5,400
Feet



Nibley City Master Street Plan



Update 1-01-2021

Legend

- Nibley Municipal Boundary 2020
- Transportation Planning Area

Road Classification

- Principal Arterial
- Minor Arterial
- Collector
- Local
- *Future Minor Arterial
- *Future Collector
- *Future Local
- Rail Road

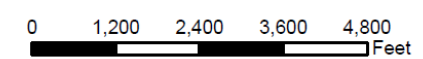
Rail Road Crossings

- X Existing
- X Proposed

Stop Lights

- ⦿ Existing
- ⦿ Proposed

* Future streets are conceptual and show general connections. Side treatments and landscaping determined at final design.



Planning Commission Recommendation

Approval of Resolution 21-05: Transportation Master Plan Map Amendments with the finding:

- The recommended changes to the Transportation Master Plan will help ensure a more efficient, connected transportation system as development occurs.

Agenda Item #14

Description	Discussion & Consideration – to file a Protest or Written comments for the Annexation of parcels 03-001-0010 & 03-001-0013 into the City of Logan
Department	Planning
Presenter	Justin Maughan, Public Works Director
Recommendation	Discuss and consider and give direction on filing a protest or submitting comments for the proposed annexation
Reviewed By	Mayor, City Manager, City Planner

The Municipal Council of the City of Logan has accepted the petition of Mark Daines, on behalf of Paul Ray and Leann B. Campbell & DRC Legacy Holdings LLC, to annex 37.45 acres into Logan City. This includes parcels 03-001-0010 & 03-001-0013, located directly north of Clear Creek Subdivision, east of 800 west and north of 2200 south. This area is immediately adjacent to Nibley City's northern boundary and located within Nibley City's Annexation Declaration Area.

Utah Code 10-2-407 provides:

1) A protest to an annexation petition under Section [10-2-403](#) may be filed by:
a) the legislative body or governing board of an affected entity;

Section 2 states:

(2)Each protest under Subsection (1) shall:

(a)be filed:

(i)no later than 30 days after the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i); and

(ii)(A)in a county that has already created a commission under Section 10-2-409, with the commission; or

(B)in a county that has not yet created a commission under Section 10-2-409, with the clerk of the county in which the area proposed for annexation is located;

Section 5 states:

(5)

(a) If a protest is filed under this section:

(i) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i), deny the annexation petition; or

(ii) if the municipal legislative body does not deny the annexation petition under Subsection (5)(a)(i), the municipal legislative body may take no further action on the annexation petition until after receipt of the commission's notice of its decision on the protest under Section 10-2-416.

The notice which Logan City sent specifies that a protest must be filed with the Cache County Boundary Commission no later than 4:00 PM on February 19. Therefore, if City Council decides to file a Protest for the annexation, action should be taken during this meeting. The protest would then be appropriately delivered to the Boundary Commission and other required entities.

Regarding the Boundary Commission's decision, UCA 10-2-415 provides:

(8) In considering protests, the commission shall consider whether the proposed annexation:

(a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the annexation policy plan of the proposed annexing municipality;

(b) conflicts with the annexation policy plan of another municipality; and

(c) if the proposed annexation includes urban development, will have an adverse tax consequence on the remaining unincorporated area of the county.

As this area is within Nibley City's Annexation Declaration Area, the City Council should consider protesting this annexation. This area is specifically included in the annexation declaration area specifically because we can efficiently service utilities to this area. In addition, it is adjacent to Clear Creek Park, which future residents of the area are likely to use on a regular basis. The area is within Cache County School District, so children residing in this area will be attending Nibley City schools.

In addition to considering submitting a protest to the boundary commission, the City Council should consider submitting a formal comment to Logan City to address concerns. Specific concerns include the future zoning designation of mixed residential, which allows for up to 20 units/acre. The population infusion in the area

may overwhelm Nibley services. The Council may consider a request to be involved in the process to designate zoning for this area to be more contiguous with Nibley City Plans. In addition, in coordination with regional partners, Nibley City has been pursuing a trail connection from 2200 South to 1800 South, connecting to the Logan River Trail. Nibley may request that this trail be provided as part of any future development on this alignment, which includes the Cambell property proposed for annexation.

At this time, the Council should decide:

- A. Whether to protest the annexation with the Cache County Boundary Commission. If so, the Council may explain specific justification for the protest or direct Staff to develop the justification based upon the Annexation Policy Plan.
- B. Whether to file written comments to Logan City on the proposed annexation and the substance of those comments.



ANNEXATION REVIEW & COMMENT

Comments are **due** to the
Department of Community Development by

Friday, February 19, 2021

Campbell/Legacy Holdings Annexation

18.95 Acres

(See Attached Annexation Plat and Notice)

Please review this request and submit **written comments** about any issue, service capability, or difficulty that should be considered by Logan City. **E-mail comments to mike.desimone@loganuth.org**. The complete file is available in our office should you need further information.

If you do not submit any comments on this project, it will be interpreted to mean that your department, division or entity has no requirements for this proposed annexation.

DISTRIBUTION:

Paul Taylor – Building
Eve Ivie – Building
Kirk Jensen – Economic Development
Bill Young – Engineering
Tom Dickinson – Engineering
Issa Hamud – Environmental
Amy Anderson – Environmental
Robert Jensen – Environmental
Rex Davis – Environmental/Forester
Craig Humphreys – Fire Department
Chuck Shaw – GIS
Mark Montgomery – Light & Power
Chris Niemann – Light & Power
Matt Turnbow – Light & Power
Russ Akina – Parks & Recreation
Chief Jensen – Police Department
Cameron Draney – Public Works
Paul Lindhardt – Public Works
Hart Wybrow – Street Department
Aaron Smith – N. Improvement
Stacy Christofferson – Business License
Jesse Sharp – Public Works
Katie Evertsen – Postmaster
Frank Schofield – Logan City School District
Jeff Barber – Logan City School District
Grant Koford – Bear River Health Dept.
Airport Manager
Jeff Gilbert – CMPO
Logan Downtown Alliance

Nibley City Recorder
Millville City Recorder
Providence City Recorder
Cache County Recorder
Cache County Assessor
Cache County Clerk
Cache County Development Services (Chris Harrild)
Cache County Boundary Commission
Cache County School District
Cache County Fire District
Cache Valley Transit District
Cache Mosquito Abatement District

**CITY OF LOGAN, UTAH
ANNEXATION CERTIFICATION**

TO: Logan Municipal Council

**RE: Paul Campbell (owner) and Mark Daines (applicant).
Property located on the east side of 800 West and north of 2200 South, Logan, Utah
84321 and consisting of two parcels (TIN: 03-001-0010 & 03-001-0013) containing
approximately 37.45 acres.**

I, Teresa Harris, Recorder of the City of Logan, Utah, do hereby certify that the Petition for Annexation filed in my office on January 6, 2021 meets the requirements of UCA 10-2-403 (3), (4) and (5).

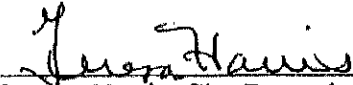
Contains signatures of owners of private real property in proposed annexed area.

Includes an accurate and recordable plat map of the proposed annexation, prepared by a licensed surveyor.

Designates as contact sponsor:

Mark Daines 3966 S 4000 W Wellsville, UT 84339

This petition does not propose the annexation of an area that is currently part of another annexation or a feasibility study.

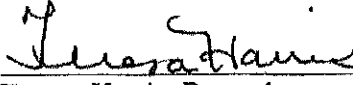

Teresa Harris, City Recorder



This Certification was provided to the Logan Municipal Council on the 19 day of January, 2021, with a copy mailed, postage prepaid on January 20, 2021.
to:

Mark Daines 3966 S 4000 W Wellsville, UT 84339

DATED this 20 day of January, 2021.


Teresa Harris, Recorder





APPLICATION FOR ANNEXATION REVIEW

Date of Application 12/15/2020 Total Acreage Involved 37.45

Address of Proposed Annexation 2012 S 800 W

Current and Proposed Future Use of the Land (Future Zoning) Current – Agriculture; Future – Multi Residential

Include the following additional information with this application:

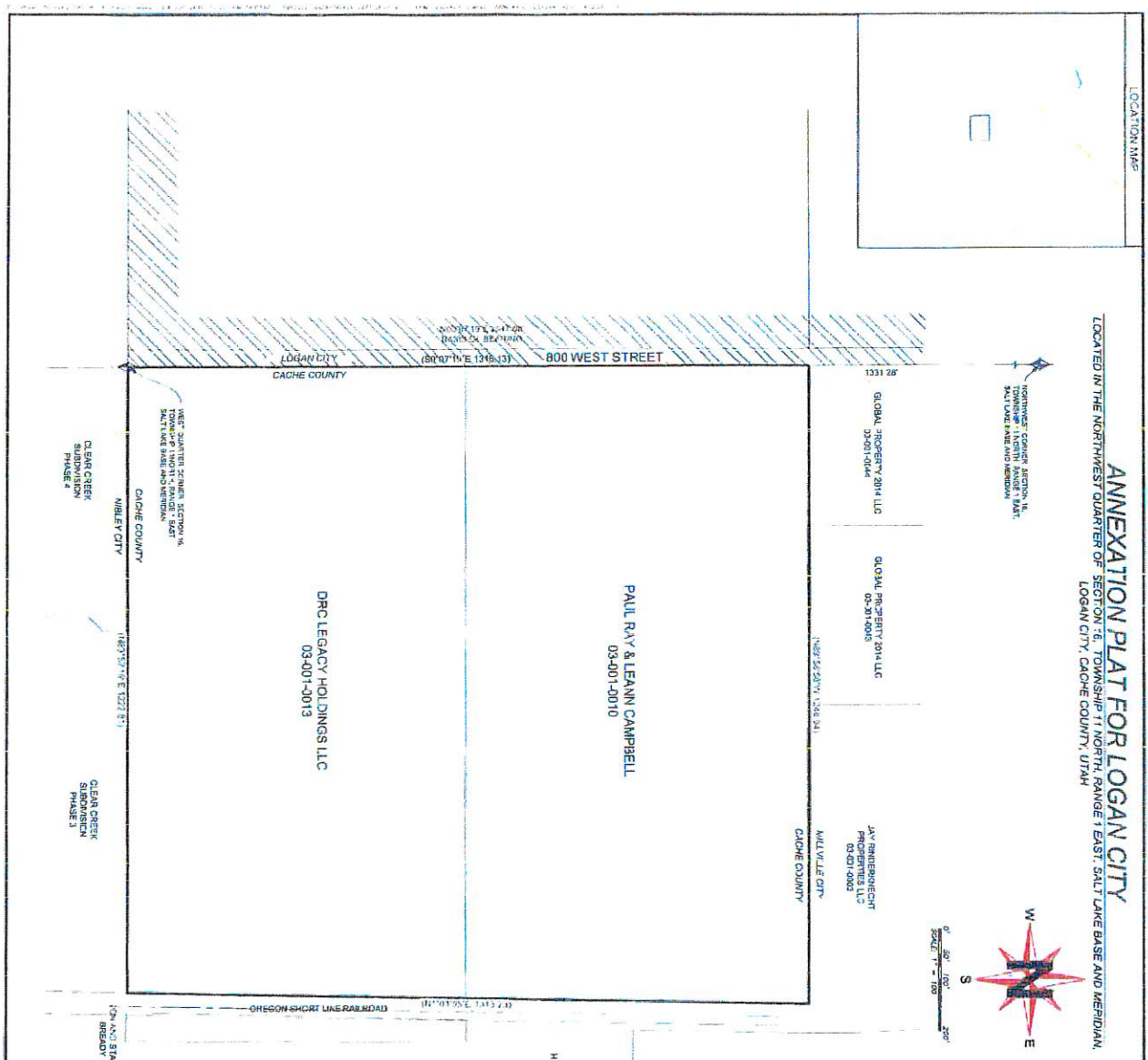
1. Plat Map(s) showing all of the land included in the proposed annexation
2. A copy of the current year Cache County Tax Roll Report for each property

Please ensure the following table is complete. Indicate the official sponsor of the annexation by circling the name. Attach additional pages if necessary.

Printed Name of Property Owner	Date	Tax ID #	Property Address	Assessed Valuation	Signature of Property Owner in Favor of Annexation
1. Paul Ray & Leann B Campbell	12/15/20	03-001-0010	2012 S 800 W	1,322,050.00	
Mailing Address and Phone Number of Contact Person				Property Size	
Paul Campbell 2012 S 800 W Logan, UT 84321 <i>✱ MARK DAINES</i>				18.95 Acres	
2. DRC Legacy Holdings LLC	12/15/20	03-001-0013	2200 S 800 W	852,750.00	
Mailing Address and Phone Number of Contact Person				Property Size	
Paul Campbell 2012 S 800 W Logan, UT 84321 <i>* MARK DAINES</i> <i>3966 S 400 W</i> <i>WELLSVILLE UT 84339</i>				18.50 Acres	
3.					
Mailing Address and Phone Number of Contact Person				Property Size	

LOCATION MAP

ANNEXATION PLAT FOR LOGAN CITY
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
LOGAN CITY, CACHE COUNTY, UTAH



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE MERIDIAN, AND THE BEARINGS ARE MEASURED IN THE FOLLOWING ORDER: THE BEARING OF THE NORTH LINE OF THE NORTHWEST CORNER OF THE SECTION 16, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

CITY ENGINEER'S APPROVAL

APPROVED THIS _____ DAY OF _____ A.D. 2011 BY THE
CITY ENGINEER

CACHE COUNTY SURVEYOR

APPROVED THIS _____ DAY OF _____ A.D. 2011 BY THE
CITY ENGINEER

CACHE COUNTY RECORDER

SURVEYOR'S CERTIFICATE

I, MICHAEL L. WILKINSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HAVE BEEN LICENSED BY THE STATE OF UTAH. I HAVE EXAMINED THE PLAT AND THE FIELD NOTES, AND I HAVE FOUND THAT THE PLAT IS CORRECTLY PREPARED AND THAT THE FIELD NOTES ARE CORRECTLY KEPT. I HAVE ALSO FOUND THAT THE PLAT IS IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF UTAH, AND THAT THE PLAT IS IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF UTAH.



BOUNDARY DESCRIPTION OF AREA TO BE ANNEXED

THE AREA TO BE ANNEXED IS THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, LOGAN CITY, CACHE COUNTY, UTAH, WHICH IS BOUNDED BY THE NORTH LINE OF THE NORTHWEST CORNER OF THE SECTION 16, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THE EAST LINE OF THE NORTHWEST CORNER OF THE SECTION 16, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THE SOUTH LINE OF THE NORTHWEST CORNER OF THE SECTION 16, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND THE WEST LINE OF THE NORTHWEST CORNER OF THE SECTION 16, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

LEGEND

- SECTION CORNER
- WITNESS CORNER
- LOGAN CITY LIMITS
- CACHE COUNTY LIMITS

LOGAN CITY CORPORATE ACCEPTANCE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF LOGAN CITY, UTAH, HAS REVIEWED THE PLAT AND THE FIELD NOTES, AND HAS FOUND THAT THE PLAT IS CORRECTLY PREPARED AND THAT THE FIELD NOTES ARE CORRECTLY KEPT. I HAVE ALSO FOUND THAT THE PLAT IS IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF UTAH, AND THAT THE PLAT IS IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF UTAH.

CACHE COUNTY CORPORATE ACCEPTANCE

THIS IS TO CERTIFY THAT THE COUNTY BOARD OF CACHE COUNTY, UTAH, HAS REVIEWED THE PLAT AND THE FIELD NOTES, AND HAS FOUND THAT THE PLAT IS CORRECTLY PREPARED AND THAT THE FIELD NOTES ARE CORRECTLY KEPT. I HAVE ALSO FOUND THAT THE PLAT IS IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF UTAH, AND THAT THE PLAT IS IN ACCORDANCE WITH THE ACTS OF THE LEGISLATURE OF THE STATE OF UTAH.

UTAH LAND SURVEYING, LLC

1315 FARMWAY DRIVE, EX-100, SALT LAKE CITY, UT 84119
PHONE: 801-725-5555
F: 801-725-5555
WWW.UTAHLANDSURVEYING.COM

CACHE COUNTY RECORDER

1315 FARMWAY DRIVE, EX-100, SALT LAKE CITY, UT 84119
PHONE: 801-725-5555
F: 801-725-5555
WWW.UTAHLANDSURVEYING.COM

Campbell Annexation

2012 South 800 West (approx.)



January 2021

Campbell Annexation
2012 South 800 West (approx.)



Proposed Annexation Area
37.45 acres

Proposed Zoning Jan. 2021

Campbell Annexation

2012 South 800 West (approx.)



Campbell Annexation

2012 South 800 West (approx.)



Proposed Zoning

Jan. 2021

NOTICE OF INTENT TO FILE A PETITION FOR ANNEXATION INTO THE CITY OF LOGAN

Pursuant to U.C.A §10-2-403, I, petitioner, on behalf of Paul Campbell, do hereby inform you of the intent to submit to the City of Logan a formal petition for annexation of property located north of 2200 South and east of 800 West, consisting of approximately 37.45 acres and identified as TIN: 03-001-0010 & 03-001-0013. This notice is being sent to you because you are considered an "affected entity" as defined in U.C.A. §10-2-401(a),

Mark Daines
3966 S 4000 W
Wellsville, UT 84339

This Notice is being sent to:

Logan City Recorder
Providence City Recorder
Millville City Recorder
Nibley City Recorder
Cache County Recorder
Cache County Clerk
Cache County Assessor
Cache County Development Services
Cache County Boundary Commission
Logan City School District
Cache County School District
Cache County Fire District
Cache Valley Transit District
Cache Mosquito Abatement District

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
FOR PURPOSES OF ANNEXING REAL PROPERTY INTO THE CITY OF LOGAN**

The Municipal Council of the City of Logan has accepted the petition of Mark Daines, on behalf of Paul Ray and Leann B. Campbell & DRC Legacy Holdings LLC, for the purposes of annexing 37.45 acres, more or less, into the City of Logan.

The Recorder of the City of Logan certified to the Municipal Council on January 19, 2021 that the petitioned annexation meets the statutory requirements of Utah Code Ann. §10-2-403(3), (4), and (5).

The subject property is contiguous to Logan City, is located at 2012 South 800 West on the east side of 800 West and north of 2200 South, and is identified as TIN: 03-001-0010 & 03-001-0013. The area of annexation is described as follows:

A tract of land to be included in the Corporate Limits of Logan City, Cache County, Utah located in Section 16, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, described as follows:

Parcel #03-001-0010

BEG 40 RDS N OF SW COR OF NW/4 OF SEC 16 T 11N R 1E & TH E 80 RDS TH N 0°09'36" W 314 FT TH 36.8 FT TO E LN OF OSL RR TH N 1°14'02" E 346.08 FT TO E-W CENTER LINE OF SD NW/4 TH W 1291.62 FT TO W LN OF SEC 16 TH S 40 RDS TO BEG 19.74 AC LESS OSL RR R/W 0.50 AC NET 19.24 AC LESS; THAT PT OF ABOVE LYING EAST OF OSL RR R/W (PT 0019) CONT 0.29 AC NET 18.95 Acres.

Parcel #03-001-0013

BEG AT SW COR OF W/2 OF NW/4 SEC 16 T 11N R 1E & TH E 74 RDS TH N'LY 40 RDS TH W 74.5 RDS TO PT N OF BEG TH S 40 RDS TO BEG CONT 18.5 Acres.

The complete annexation petition and supporting documentation is available for inspection and copying in the offices of the City Recorder, City of Logan 290 North 100 West Logan, Utah 84321 and in the Department of Community Development at the same address during regular City business hours. More information is available by contacting Mike DeSimone, Director of Community Development, at 435-716-9022 or mike.desimone@loganutah.org.

The Municipal Council of the City of Logan may approve the annexation following a public hearing on Tuesday, March 2, 2021 beginning at 5:30 p.m. in the Municipal Council Chambers at the Logan City Hall, 290 North 100 West, Logan. All public comments shall be submitted in writing by February 19, 2021. This public hearing will take place and action may be taken unless a protest is filed with the Cache County Boundary Commission. A protest to the proposed annexation may be filed by the legislative body or governing board of an affected entity or the owner of rural real property as defined in Utah Code Ann. §17B-2a-1107.

The written protest must be filed with the Cache County Boundary Commission, 199 North Main, Logan, Utah 84321, no later than 4:00 p.m. on February 19, 2021 and a copy of the protest delivered to the Logan City Recorder, 290 North 100 West, Logan, Utah 84321. Failure to meet any and all of the requirements specified in Utah Code shall invalidate the protest.

Teresa Harris, Logan City Recorder

Publication Dates: January 26, February 2, and February 9, 2021

Parcel #03-001-0010 in 2020 - Cache County CORE

Owner(s)

History



CAMPBELL, PAUL RAY & LEANN B (06/18/2013 - Present) (Vesting: 1042530)

Owner(s)

History

CAMPBELL, PAUL RAY & LEANN B (06/18/2013 - Present) (Vesting: 1042530)

Property Address

2012 S 0800 W
NIBLEY

Current Owner Mailing Address

2012 S 800 W
NIBLEY, UT 84321-6824

① Tax District: COUNTY OUTSIDE (028)

① Tax Status: Taxable

① Parcel History: REM 3/87; REM 5/13-0019;

① Square Feet: 4319

① Legal Description: BEG 40 RDS N OF SW COR OF NW/4 OF SEC 16 T 11N R 1E & TH E 80 RDS TH N 0°09'36" W 314 FT TH W 36.8 FT TO E LN OF OSL RR TH N 1°14'02" E 346.08 FT TO E-W CENTER LINE OF SD NW/4 TH W 1291.62 FT TO W LN OF SEC 16 TH S 40 RDS TO BEG 19.74 AC LESS OSL RR R/W 0.50 AC NET 19.24 AC LESS: THAT PT OF ABOVE LYING EAST OF OSL RR R/W (PT 0019) CONT 0.29 AC NET 18.95 AC

① Acres: 18.95

① Water Rights: Yes, by document(s): #1234188

① Building Type: SFR

① Year Built: 1972

Taxation Term

Amount

Prior Year Taxes (2019)

\$2,684.92

① Market Value

\$1,322,050.00

LAND GREENBELT

\$807,750.00

BUILDING RESIDENTIAL

\$388,900.00

LAND HOMESITE (GREENBELT LAND)

\$77,500.00

BUILDING AGRICULTURE

\$47,900.00

① Taxable Value

\$308,475.00

① Tax Rate

x 0.009244

① Tax Amount

\$2,851.54

① Last Payment Date

11/19/2020

Payment Category

Amount

① Principal

\$2,851.54

① Payments

\$2,851.54

① Current Amount Due

\$0.00

Parcel #03-001-0013 in 2020 - Cache County CORE

Owner(s)

History



DRC LEGACY HOLDINGS LLC (02/04/2020 - Present) (Vesting: 1234818)

Owner(s)

History

DRC LEGACY HOLDINGS LLC, (02/04/2020 - Present) (Vesting: 1234818)

Property Address

Current Owner Mailing Address

2012 S 800 W
NIBLEY, UT 84321-6824

📍 Tax District: COUNTY OUTSIDE (028)

📍 Tax Status: Taxable

📍 Acres: 18.5

📍 Water Rights: Yes, by document(s): #1234188 #1234817
#1234818

📍 Parcel History: COMB W/PT 03-001-0004; REM 5/13-0019;

📍 Legal Description: BEG AT SW COR OF W/2 OF NW/4 SEC 16 T 11N R 1E & TH E 74 RDS TH N'LY 40 RDS TH W 74.5 RDS TO PT N
OF BEG TH S 40 RDS TO BEG CONT 18.5 AC

Taxation Term

Amount

Prior Year Taxes (2019)

\$47.33

📍 Market Value

\$852,750.00

LAND GREENBELT

\$852,750.00

📍 Taxable Value

\$4,790.00

📍 Tax Rate

~~x~~ 0.009244

📍 Tax Amount

\$44.28

📍 Last Payment Date

11/19/2020

Payment Category

Amount

📍 Principal

\$44.28

📍 Payments

\$44.28

📍 Current Amount Due

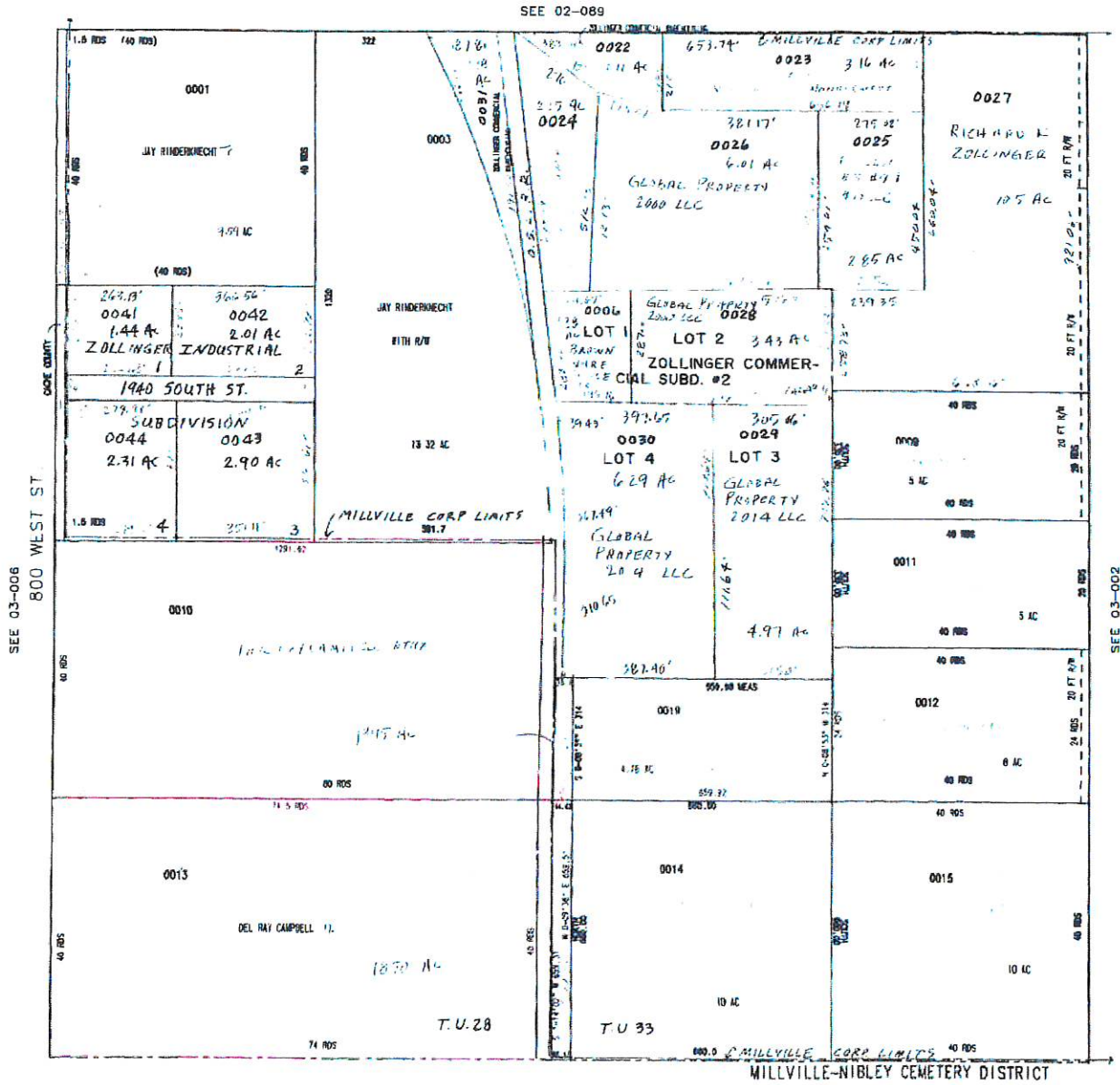
\$0.00

NW/4 SEC 16 TWP 11 NORTH, RANGE 1 EAST

03-001

Scale 1 Inch= 200 Feet

TAX UNIT 28,33



Nibley City Annexation Policy Plan



September 2018

Nibley City Corporation

Introduction

Utah law requires that all municipalities within the State adopt an Annexation Policy Plan (UCA10-2-4). In that Annexation Policy Plan, cities are required to develop an expansion area map and to plan for the future growth of the community for the next 20 years.

The Annexation Policy Plan is intended to guide decision-making regarding future annexations. It also helps the City plan for future expansion in conjunction with neighboring political entities. Open communication between the City and other political entities, particularly the County, is a priority in the process of developing the Annexation Policy Plan. As such, all neighboring communities, local districts, and the county are invited to participate in the drafting of this plan.

Nibley City's Core Values

The 2016 Nibley City General Plan outlines the character and core values of Nibley City as follows:

The residents of Nibley value their community as a great place to live and be a family. It is important to protect the pace of life and character of the City while providing appropriate facilities and services for its current and future residents.

Nibley's core values:

- *Pride in the City's history and heritage*
- *The rural character, scenic beauty, and natural resources of the area*
- *Nearby recreation opportunities*
- *Agricultural fields and open spaces*
- *A transportation system that promotes safe and efficient travel*
- *Recognizing and respecting private property rights*
- *Aesthetically pleasing design of development and public facilities*

(2016 Nibley City General Plan, pg. 6)

Consideration

In accordance with Utah Municipal Code 10-2-401.5, Nibley City considers the annexation of the unincorporated area using the following criteria:

1. The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on the Future Land Use Map).
2. The area proposed for annexation shall be evaluated using the following standards for review:
 - a. Consistency with the general plan and the overall character of Nibley City;
 - b. The need for municipal services in developed and undeveloped unincorporated areas:
 - i. Plans for extension/expansion of municipal services;
 - ii. Plans to finance extension/expansion of municipal services.
 - c. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
 - d. The interests of all affected entities
3. Nibley City is required to justify the exclusion of developed areas within 1/2 mile of Nibley City's boundary from the expansion area. In general, there are not developed areas within 1/2 mile of Nibley City's boundary that have been excluded from the expansion area. However, some areas, which are already included in the expansion area or incorporated area of other municipalities (i.e. Logan, Hyrum, or Millville), have been excluded.
4. The map of the expansion area was, and shall be when modified or proposed to be modified, developed using the following criteria:
 - a. Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
 - b. Consider population growth projections for Nibley City and adjoining areas for the next 20 years;
 - c. Consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - i. to facilitate the full development of the area within Nibley City; and
 - ii. to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
 - d. Consider, in conjunction with Nibley City's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; and,

- e. Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in Nibley City.

Municipal Services and Taxes

Nibley City has several master plans that address the future growth of City services. Anticipated municipal service needs and plans for expansion are provided in the: Water Master Plan; Parks, Trails, Recreation and Open Space Master Plan; Transportation Master Plan; Sewer Master Plan; Stormwater Master Plan; and Economic Development Plan. Planned and other expansion of municipal services will be financed primarily by impact fees and other negotiated development fees or exactions. The estimate of the tax consequences to residents, both currently within the municipal boundaries and in the expansion area, is a consideration of specific areas proposed for annexation and the proposed use. City staff have completed the analysis of property tax per acre and utility fee collection for specific types of development and will apply this when considering areas proposed for annexation. Nibley does not intend to raise taxes in order to support future annexations.

Population Growth

Nibley City is expecting strong population growth and increasing commercial demand within the City. Nibley City's 2016 General Plan projected that the City would grow by 300% by 2060, as shown by the graphic taken from the Nibley City's General Plan. This population growth will create opportunities for residential and commercial development. Nibley City's General Plan, Future Land Use Map, and Master Plans will guide this growth, future land use, and zoning.



Table 2: Projected Population Growth

Census	Projections				
2010	2020	2030	2040	2050	2060
5,438	8,796	14,136	15,725	18,597	21,905

Source: Governor's Office of Planning & Budget, 2012 Baseline Projections

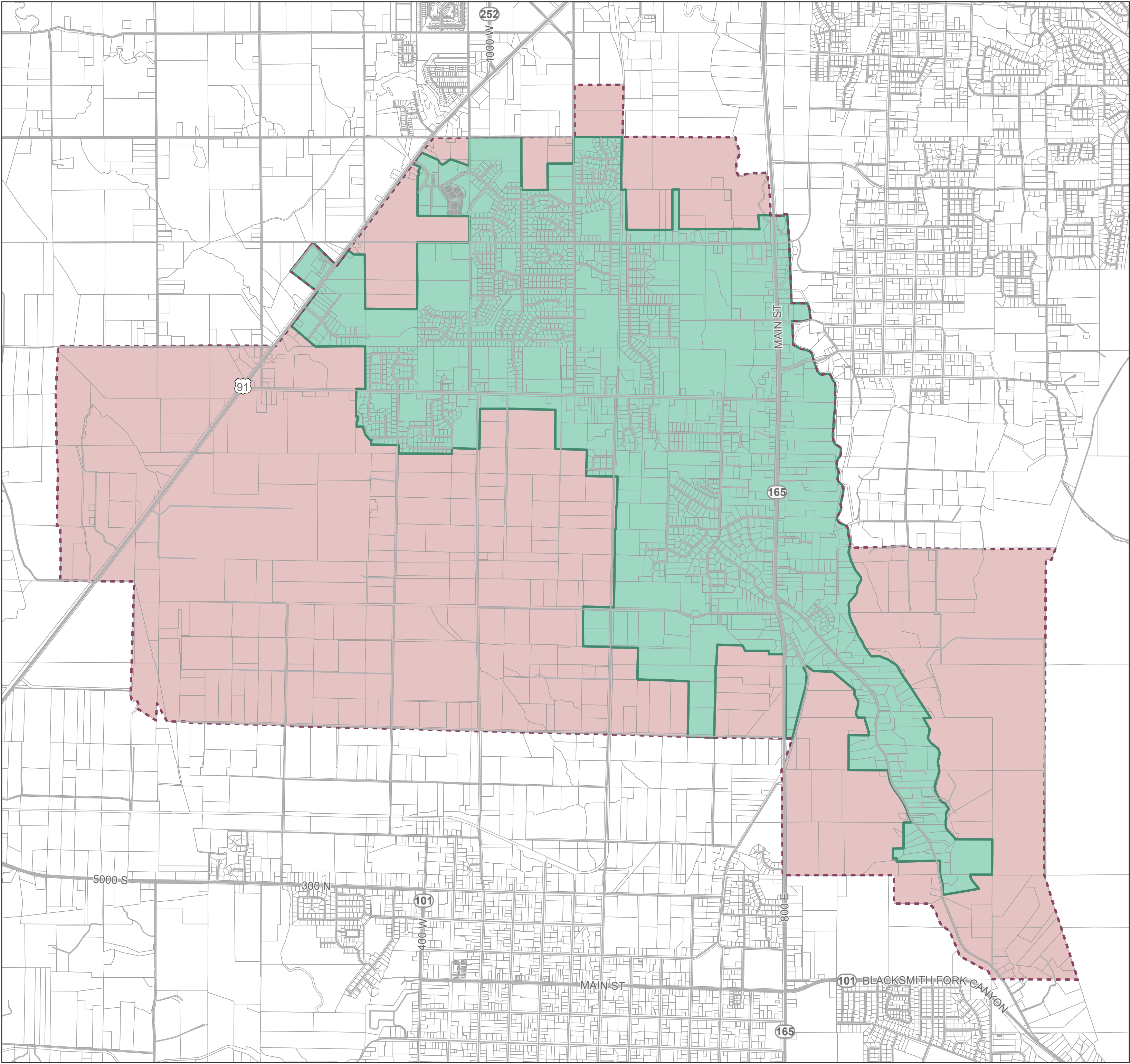
(2016 Nibley City General Plan, pg. 10)

Affected Entities Comments and Response

INVITED ORGANIZATIONS
MILLVILLE CITY
CACHE COUNTY
LOGAN CITY
HYRUM CITY
PROVIDENCE CITY HALL
WELLSVILLE CITY
NIBLEY-MILLEVILLE CEMETARY DISTRICT
CACHE COUNTY SCHOOL DISTRICT
LOGAN CITY SCHOOL DISTRICT

On July 26, 2018, a copy of the plan and an invitation was delivered to the organization listed to the left to give them an opportunity to provide feedback and attend the Planning Commission Meeting on August 8, 2018. This invite was to help the City to coordinate future growth in the area with other government organizations. Three of these entities sent comments to Nibley City in response to our invite. Below contains their comments and Nibley's response.

Entity	Entities' Comment	Nibley City Response
Logan City	"In regards to the parcels (03-001-0010 & 03-001-0013) located north of 2200nd South, we have identified those parcels as being within Logan City's Annexation Policy Plan since 2002 with plans to include those in Logan when they are ready for annexation. The inclusion of these parcels into Nibley's Annexation Policy Plan is contrary to UMC 10-2-401.5(4) which states that an annexation plan should avoid gaps or overlaps with other municipalities."	Nibley City has maintained those parcels within the Nibley City annexation area since the City could supply service to those property effecently. The City also wishes to maintain those parcels within the Nibley's annexation boundary since any future development there would have an impact on our two parks to the South, and the kids would attend schools within Nibley City.
Wellsville	"We do want to register concern that your proposed annexation plan overlaps the existing Wellsville City Annexation Policy Plan in the north of the city on both side of Highway 89/91."	Nibley City reaches out and requested a map from Wellsville to get more details. No change was made to our map.
Hyrum	Hyrum sent a map of a recent annexation into their City that was proposed on the Nibley City annexation area.	Made adjustments to the annexation map to remove the newly annexed parcels into Hyrum from Nibley's annexation area.



Nibley City

Annexation Declaration Boundary

8/22/2018

-  Nibley City Boundary
-  Annexation Declaration Boundary

This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of J-U-B Engineers, Inc., and is not to be used, in whole or part, for any other project without the express written authorization of J-U-B Engineers, Inc.

0 0.5 1 Miles



J-U-B ENGINEERS, INC.



THE
LANGDON
GROUP

a J-U-B Company



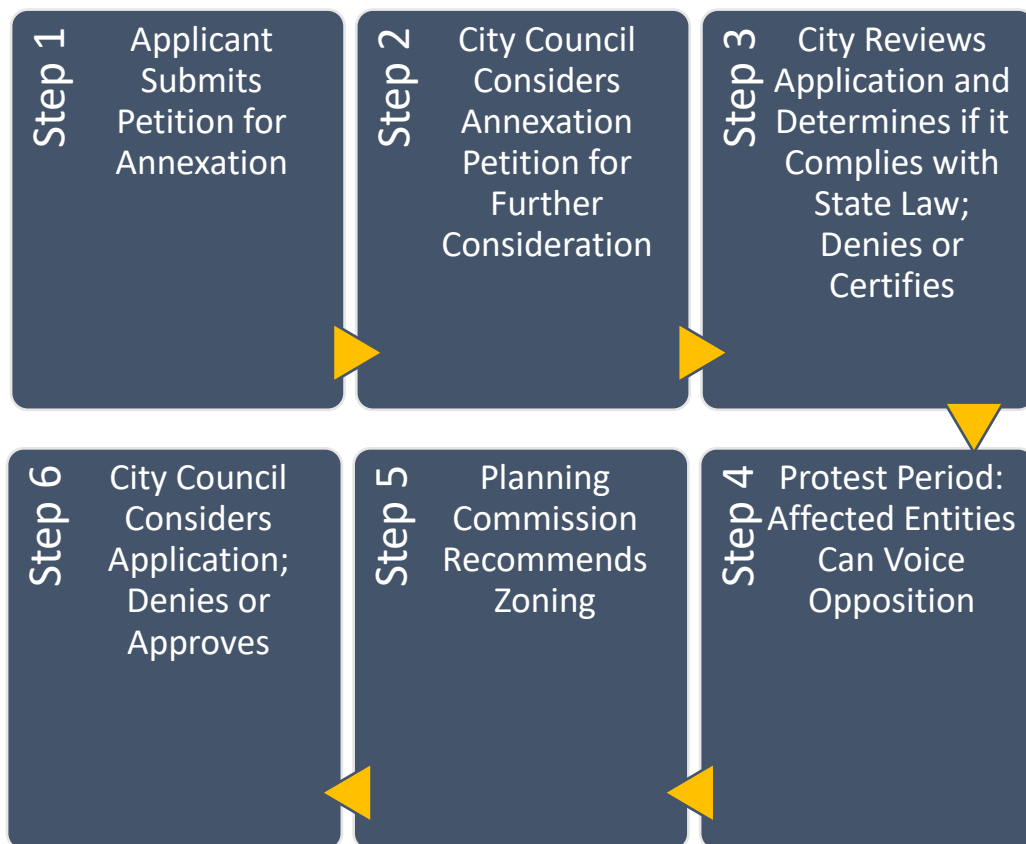
GATEWAY
MAPPING
INC.

a J-U-B Company

OTHER J-U-B COMPANIES

Annexation Petition Process

The following outlines the current steps for annexation as required by Utah Law as of July 2018. These steps are subject to change depending on state law. Nibley City's intention is to follow state law with each annexation it considers.



The area proposed for annexation must meet the following requirements (UCA 10-2-402):

1. The area proposed to be annexed must be a contiguous, unincorporated area that is contiguous to the municipality, see UCA 10-2-402(1)(a); and
 - a. Does not leave or create an unincorporated island or peninsula (except as provided by UCA 10-2-418(1)(b); or unless the county and the municipality have otherwise agreed, see UCA 10-2-402(1)(b)(iii), and;
 - b. Is located within the annexing municipality's proposed expansion area, see UCA 10-2-402(1)(b)(iv); and
2. The area to be annexed must include whole parcels only, unless the owner of a parcel of which only a part is desired to be annexed joins in the petition. See UCA 10-2-402(3).

3. An area cannot be annexed for the sole purpose of acquiring municipal revenue or to impede the capacity of another municipality to annex the same area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services. See UCA 10-2-402 (4).

Petition Requirements (UCA 10-2-403)

1. Be filed with the city recorder. See UCA 10-2-403(3)(a).
2. Contain the signatures of:
 - a. Owners of a majority of the private land area located within the proposed annexation area (property must be equal to at least one-third (1/3) of the value of all private property located within the proposed annexation area, see UCA 10-2-403(3)(b)(ii)(A) & (iii);
 - b. Owners of 100% of rural real property within the area proposed for annexation, see UCA 10-2-403(3)(b)(ii)(B) and UCA 17B-2a-1107; and
 - c. Owners of 100% of the private land area within the proposed annexation area if the area is within an agricultural protection area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 17-41-101 *et seq.*, or a migratory bird production area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 23-28-101 *et seq.*; or
 - d. The owner of all the publicly owned property if all property in the proposed annexation area is owned by a public entity other than the federal government. See UCA 10-2-403(3)(b).
3. Be accompanied by an accurate and recordable map, prepared by a licensed surveyor, of the proposed annexation area. See UCA 10-2-403(3)(c)(i).
4. Designate five (5) signers as sponsors, one of whom is designated as the contact sponsor and include mailing addresses of all sponsors. See UCA 10-2-403(3)(f).
5. If the proposed annexation area includes property from another county, the petition must also include a resolution from that county's county commission approving the proposed annexation. (as detailed above).
6. The proposed annexation area cannot include an area that was included in a previously filed petition that has not been denied, rejected, or granted by the City. See UCA 10-2-403(4).
7. In addition to delivery of the petition to the city recorder, on the date of filing, the petition sponsors must deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located. See UCA 10-2-403(7).

City Council Review UCA 10-2-405

The City Council may deny or accept the petition for further consideration. See UCA 10-2-405(1)(a)(i). (Note: the petition is considered to have been accepted for further consideration if the city council does not act on the petition at the next regularly scheduled meeting of the city council that is at least fourteen (14) days after the date the petition was filed. See UCA 10-2-405(1)(a)(ii).)

DENIED – Mail written notice of denial within five (5) days after the denial to:

- a. The petition's contact sponsor;
- b. The clerk of the county in which the area proposed for annexation is located. See UCA 10-2-405(1)(b).

ACCEPTED FOR FURTHER CONSIDERATION – Within thirty (30) days of acceptance for further consideration, the city recorder shall:

- a. Obtain from the county assessor, clerk, surveyor, and recorder of the county in which the proposed annexation area is located the records the city recorder needs to determine whether the petition meets the petition requirements (as explained above), See UCA 10-2-405(2)(a); and
- b. With the assistance of the city attorney, determine whether the petition meets the petition requirements. See UCA 10-2-405(2)(b).

If the petition meets the petition requirements, the city recorder must:

- a. Certify the petition; and
- b. Mail or deliver written notice of certification to:
 - i. The city council body;
 - ii. The contact sponsor; and
 - iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

If the petition fails to meet the petition requirements, the city recorder must:

- a. Reject the petition; and
- b. Mail or deliver notice of rejection and the reasons the petition was rejected to:
 - i. The city council body;
 - ii. The contact sponsor; and
 - iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

Publishing & Providing Notice of Certified Petition UCA 10-2-406

After receiving notice of certification of the petition from the city recorder, the City Council shall:

1. Public notice once at least once a week for three (3) successive weeks, beginning no later than ten (10) days after receiving notice of the certification in the newspaper of general circulation within:
 - a. The proposed annexation area; and
 - b. The unincorporated area within one-half (1/2) mile of the proposed annexation area; and

- c. In accordance with UCA 45-1-101, legal notice publication requirements for three (3) weeks, beginning no later than ten (10) days after receiving notice of the certification. See UCA 10-2-406(1)(a).
2. Within twenty (20) days of receiving notice of the certification of the petition, mail notice to each affected entity. See UCA 10-2-406(1)(b). “Affected entity” means:
 - a. County of the first or second class in whose unincorporated area the area proposed for annexation is located;
 - b. A county of the third, fourth, fifth, or sixth class in whose unincorporated area proposed for annexation is located, if the area included residents or commercial or industrial development;
 - c. A local district under Title 17B, Limited Purpose Local Government Entities – Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
 - d. A school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
 - e. A municipality whose boundaries are within 1/2 mile of an area proposed for annexation UCA 10-2-401(1)(a).

The published and mailed notices shall:

1. State that a petition has been filed proposing annexation;
2. Provide the date the city council received notification of the certified petition;
3. Describe the area proposed to be annexed;
4. State that the complete petition is available for inspection and copying at the city recorder’s office;
5. State that the city council may grant the petition unless, within thirty (30) days after the city council received notice of the certified petition, a written protest is filed with the commission and a copy of the written protest is delivered to the city recorder of the proposed annexing municipality;
6. Provide the address of the commission, or if one has not yet been created, the address of the county clerk, where a protest to the petition may be filed;
7. Provide the action date that is thirty (30) days after the notice is published by which written protests must be filed;
8. (if applicable) state that the proposed annexation area will be annexed to a local district providing emergency services if (a) the city lies entirely within a local district’s boundaries that provides emergency services and an election was not required to form the district, and (b) the area to be annexed does not already lie within the boundaries of a local district; and
9. (if applicable) state that the area will be automatically withdrawn from a local district providing emergency services if (a) the petition proposed annexation of an area that lies within a local district that provides emergency services in the creation of which an election

was not required to form the district, and (b) the city is not within the boundaries of the local district.

Planning Commission Review and Zoning Recommendation

The Nibley City Planning Commission's responsibility is to recommend zoning of the subject parcels if annexed. An annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The Planning Commission shall hold a public hearing and recommend zoning prior to the final review of the annexation petition.

Final Review by City Council UCA 10-2-407 and 408

DENIAL OF ANNEXATION – If the city council denies the annexation, it must provide written notice within five (5) days after denial to:

- a. The petition's contact sponsor;
- b. The commission; and
- c. Each entity that filed a protest. See UCA 10-2-407(3)(a)(ii).

APPROVAL OF ANNEXATION – No timely Protest

If no protest was timely filed, the city council may approve the petition after holding a public hearing for which written notice was provided for at least seven (7) days before the hearing in:

- f. A newspaper of general circulation within the municipality and the area proposed for annexation; or if there is no newspaper in those areas, posted in conspicuous places most likely to give notice; and
- g. Posted on the Utah Public Notice Website (<http://www.utah.gov/pmn/index.html>). See UCA 10-2-407(3)(b).

APPROVAL OF ANNEXATION – After receipt of the commission's decision

If the city council waits to take further action until after receipt of the commission's decision on a protest, upon receipt of the decision the city council may either:

- a. Deny the petition; or
- b. Approve the annexation consistent with the commission's decision. See UCA 10-2-408(1).

Zoning of the Subject Parcels by the City Council

In the case of zoning, an annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The City Council shall hold a public hearing and approve zoning of the subject parcels considering the recommendation of the Planning Commission. The City Council and Planning Commission intends to follow the General Plan and Future Land Use Map as the primary guide in zoning decision.