



Nibley City
Planning Commission Meeting
Thursday, February 18, 2021
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

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 participate in the meeting via the Zoom meeting link provided at www.nibleycity.com.

1. **Discussion and Consideration:** Conditional Use Permit for Short-Term Rental Housing at 383 W 3400 S (Applicant: Bradley & Holly Parker)
2. **Discussion and Consideration:** Revision to Development Plans for Nibley Meadows Residential Planned Unit Development, located at approximately 1000 W 3200 S, proposing 273 units on 54.6 acres (Applicant: Westates Companies, LLC)
3. **Workshop:** Discuss 2021 Planning Commission Goals
4. Staff Report and Action Items

*Planning Commission agenda items may be tabled or continued if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



**Nibley City Planning
Commission
Agenda Item Report
February 18, 2021**

Agenda Item #1: Short-term Rental CUP

Description

Discussion and Consideration: Conditional Use Permit for Short-term Rental Housing at 383 W 3400 S (Applicant: Bradley & Holly Parker)

Department

City Planning

Action Type

Administrative

Recommendation

Recommend approval of Conditional Use Permit for Short-term Rental Housing at 383 W 3400 S (Applicant: Bradley & Holly Parker) with the conditions outlined below

Reviewed By

City Planner

Background

Holly and Bradley Parker, property owners and occupants of a residence at 383 W 3400 S have submitted a conditional use permit application to provide short-term rental housing at this residence. Previously, a portion of the residence was used as rental housing and the applicants

would like to use this space as a short-term rental. Up to 4 people would be able to occupy the space. The applicants have indicated that parking will be provided on a concrete pad.

NCC 19.28.050(C)(1)(g) provides standards of approval for short-term rentals including the following:

- 1) All short-term rentals shall be inspected by the Fire Marshal annually to insure each home meets residential fire standards.*
- 2) Shall provide a minimum of two 90-gallon garbage cans and one recycling can issued by Logan Environmental Services.*
- 3) Only one Short-term rental shall be allowed for each property.*

Staff recommends that these conditions must be met. In addition, in order to mitigate potential traffic-related impacts, Staff recommends that off-street parking must be provided, which the applicant has indicated. Related to noise abatement, Staff recommends that the applicant require that users of the short-term rental do not cause outside disturbance from 10:00 p.m. to 7:00 a.m.

Recommended Conditions of Approval

1. The applicant must provide documentation of an inspection from the Fire Marshall that the residence meets residential fire standards.
2. The applicant must provide two 90-gallon garbage cans and one recycling can issued by Logan Environmental Services.
3. The application is limited to one short-term rental unit.
4. Off-street parking must be provided.
5. The applicant must inform all short-term rental users that noise must be limited and not cause outside disturbance between the hours of 10:00 p.m. to 7:00 a.m.

Agenda Item #2: Nibley Meadows R-PUD Amendment

Description

Discussion and Consideration: Ordinance 21-04: Amendment to Development Plans for Nibley Meadows Residential Planned Unit Development, located at approximately 1000 W 3200 S, proposing 273 units on 54.6 acres (Applicant: Westates Companies, LLC)

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 21-04: Amendment to Development Plans for Nibley Meadows Residential Planned Unit Development, located at approximately 1000 W 3200 S, proposing 273 units on 54.6 acres (Applicant: Westates Companies, LLC)

Reviewed By

City Planner, City Engineer, Public Works Director

Background

On August 13, 2020, The Nibley City Council approved a Residential Planned Unit Development Overlay Zone, which included a development agreement and development plans. The applicant has since applied to amend the development plans which were approved at that time. In considering this amendment to the development plans, it is important to note that this is a legislative decision for the Planning Commission and City Council to consider and that approval of this amendment should be based standards that were in place at the time that the original application was made, not the recently amended ordinance.

The proposed development plans do not change the number of units, density, or housing type mix, compared to the application which was previously approved. However, there are some notable changes to the housing configuration, street layout, open space and amenities which are described in detail below.

[Nibley City Code 19.32.70](#) lists the following for consideration for an R-PUD:

D. R-PUD Considerations: In approving with conditions, denying or approving an R-PUD proposal, the Planning Commission and City Council shall consider the following in addition to all other considerations required by law:

- 1. Design of Buildings: The architectural design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.*
- 2. Streets and Parking: Which streets shall be public, and which shall be private, the entrances and exits to the development, and the provisions for internal and external traffic circulation and off-street parking.*
- 3. Type, Size, and Location of amenities.*
- 4. Landscaping and Screening: The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.*
- 5. Signs: The size, location, design and nature of signs, if any, and the intensity and direction or area of floodlighting.*

6. *Ability to Complete Project: The demonstrated ability of the proponents of the R-PUD to financially carry out the proposed project under total or phase development proposals within the time limit established.*
7. *Criteria for Issuing Conditional Use Permit: Criteria used in NCC 19.28 of this title.*

The proposed development plans do not change many of components that were considered with the original application. For the proposed amendment, the pertinent items are included below.

Design of Buildings

The applicant does not propose any changes to the design of buildings that was submitted previously.

Streets and Parking

The streets in the proposed development plan provide adequate circulation for the proposed housing. In addition, the streets included in the Nibley City Transportation Master Plan are provided in the proposed amended development plan. The applicant proposes a couple of changes to the street configuration. Firstly, this lay-out does not include a dead-end stub road connecting the road on the south side of the park space to the north. In its place, there is a stormwater basin, adjacent to the proposed park space. In addition, on the south end of the development, the applicant proposes to include a private lane to access a set of re-configured townhomes and a cul-de-sac with single-family homes on the southeast corner of the development. In accordance with NCC 21.12.060 (b), The cul-de-sac includes a pedestrian pathway linking the end of the cul-se-sac with the trail. In addition, the applicant has demonstrated that they meet pedestrian connectivity standards of 19.32.080 including providing a pedestrian connection on the border of the development at minimum intervals of 660 ft.

NCC 19.32.080(B)(5) provides that each townhome unit needs to provide 2 parking spaces for each unit and one additional guest parking space for each unit. The applicant has demonstrated that they meet this standard.

Utilities

The proposed amendment does not significantly change the provision of utilities. Nibley City Public Works Director and the City Engineer have reviewed the proposed number of units and have determined that the utility lines in the area are able to support the development.

Sensitive Lands and Canal

There are no sensitive lands contained within the proposed development. There are a few canals, but most of the canals are small ditches used to water the property. There is a canal that runs along the northern boundary that is adjacent or goes through open space.

Open Space, Trails, and Maintenance Plan

The applicant has submitted a general open space plan which includes parks, green space, trails, and buffer areas, which has been updated from the original version. They are proposing that a total of 47.2% (20.62 acres) of the net developable area be maintained as green space, exceeding the standard of NCC 19.32.050.

The plan is that the majority of the green space be owned and maintained by a homeowners association, with some trails and even park space being dedicated to Nibley City. The applicant also has sufficient park space as required by [Nibley City Code 19.32.050 Open Space Amenities](#).

The applicant has indicated that the approximately 4.5 acre park on 1200 W could be dedicated as a public park. In the development agreement for Nibley Farms, the City Council stipulated that up to 50% of park impact fees would be used to improve this park space. Staff has determined that this continues to be appropriate as the applicant meets the minimum open space requirements without this park dedication.

The proposed amended plan includes minimum required amenities within the development, including 3 playgrounds, two pavilions, a sports field, and a splash pad. The splash pad is proposed to be located in the park area. Therefore, Staff recommends that the applicant provide this improvement or a fee to the City to build this improvement as part of park improvements outside of park impact fees, as this is needed to meet minimum requirements for the overlay zone.

The applicant has also included all trails as shown on Nibley's Trail Master Plan. The Trail Master plan shows that the 1100 W right-of-way should be turned into trail space. The applicant has shown the trail space following along 1100 W right-of-way. In addition, an east/west trail is provided through the development along the southern border, connecting to the trail approved as part of the Nibley Farms development.

Recommended Findings

- The applicant meets the minimum requirements of the R-PUD overlay zone.
- The splash pad in the park should be provided independent of park impact fees to meet minimum open space amenity requirements.

Agenda Item #3: Transportation Master Plan Map

Description

Workshop: Discuss 2021 Planning Commission Goals

Department

City Planning

Action Type

Workshop

Recommendation

Discuss and provide recommendations for 2021 Planning Commission goals

Reviewed By

City Planner, City Manager

Background

Staff has developed a status of Planning Commission goals for 2020 and proposed goals to pursue for 2021. The purpose of this workshop is to review these goals and develop recommendations for potential adjustments to these goals. Feedback will also be obtained by City Council in their upcoming meeting.



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only

Date Received _____

Application Fee Paid: \$30.00

Rec'd By _____

Name Bradley & Holly Parker
Address 383 W 3400 S Nibley, UT 84321
Phone 435-512-9120 (Holly) Cell 435-770-0749 (Brad) Fax _____
Email day2girl7@gmail.com

Please Note: The owner/operator of this business must live at the address stated above. Nibley City cannot issue conditional use permit/business licenses for home occupations to persons who do not live at the address where the business will be located.

Please describe the reason you are requesting a conditional use permit/business license:

☐ Home Office ☐ Sales ☐ Manufacturing ☐ Day Care
☒ Other (please describe): Short-term lease → Air BNB

Proposed business name: ~~Bunnystar~~ The Purple Place

Description of business: Air BNB

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: It shouldn't affect neighborhood much because we are not adding traffic. We are changing from a long-term rental to a short-term rental.

Do you plan to employ persons not living at this address as part of the business? ☒ N Possibly for cleaning

Will those employees be working in your home or at another location? Please describe: _____

Do you plan to conduct any of the business in an accessory building at this address? Y ☒ N

How many clients will visit this location weekly? 0-28 ~~maximum~~ (4 people/day)
at most

Describe how you will provide parking for client visits (if applicable): We have a cement pad for them to park on

Will you have business vehicles which will require parking accommodations? Y ☒ N

If so, please describe the vehicles and parking plans: _____

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? N/A

Continue on Other Side

Will you be able to provide adequate indoor storage for these deliveries? Y N N/A

If applicable, describe any signs at this address which will advertise the business: _____

File the completed application at:

Nibley City
455 West 3200 South
Nibley, UT 84321
(435) 752-0431

Once the application has been completed and submitted, along with any and all applicable fees (see attached "Nibley City Fee Schedule"), the item will be placed on an upcoming agenda for the Nibley Planning Commission meeting. Planning Commission meetings have a two-week prior application deadline, so be aware that it may be up to 4 weeks before this application is on the agenda.

Applicant Certification

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Holly Parker / Brad Parker
Property Owner Signature

2/4/2021
Date

FOR OFFICE USE ONLY

Approved _____ Denied _____ Approved w/Conditions _____

Comments _____

Land Use Authority Signature

Date

Print Name/ Title

Home Based Business License Fee: \$30.00

Received Date: _____

Rec'd By: _____

License Issued Date: _____



Cache County Fire District

179 North Main Street, Suite 309 Logan, UT 84321

Phone: (435) 755-1670 Fax: (435) 755-1983

Fire Safety Inspection Form

Date: 2/9/2021

Business Name: Brad Parker

Phone:

Business Address: 383 West 3400 South

City: Nibley

E-mail Address: dayzgirl7@gmail.com

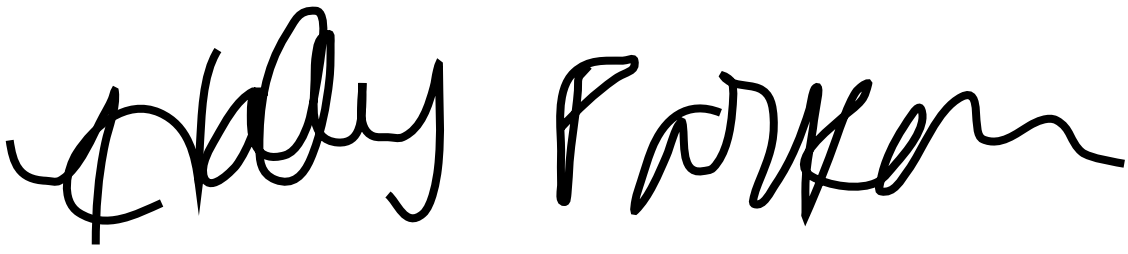
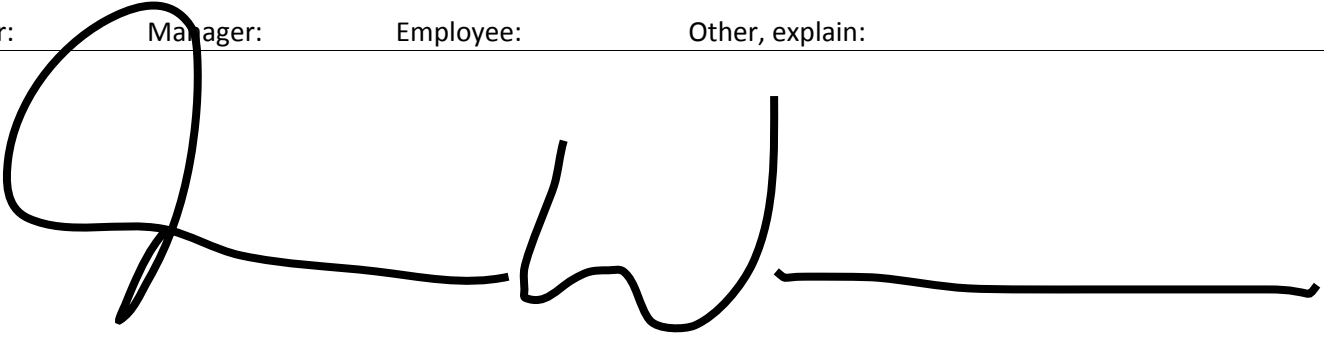
Responsible Party: Brad

Phone:

New Business: ☐ Inspection Type: Site: ☒ Self: ☐

Access	Violation	Comments
1. Maintain fire lane free of obstruction	☐	
2. Provide address numbering visible from street	☐	
3. Provide key box for fire department access	☐	
Exiting		
4. Remove obstructions at exits, doors, stairways	☐	
5. Exit doors open without a key or special knowledge	☐	
6. Provide a sign over main exit doors	☐	
7. Repair non-operable exit door hardware	☐	
8. Remove obstructions from required closed doors	☐	
9. Remove locks & latches from doors w/panic hardware	☐	
10. Remove storage from attic, concealed spaces	☐	
11. Provide/Maintain exit signs/emergency lighting	☐	
Fire Extinguishers		
12. Have Fire extinguisher serviced and tagged annually	☐	
13. Provide & mount fire extinguishers as indicated	☐	
14. Provide clear access to fire extinguishers	☐	
15. Post a sign indicating fire extinguisher location	☐	
16. Maintain 3 ft. of clearance for access to fire equipment	☐	
Fire Protection Systems		

17. Secure all system control valves in the open position	☐	
18. Replace damaged, corroded, or painted sprinkler heads and/or Fire Department Connections (FDC)	☐	
19. Provide annual sprinkler/standpipe system certification	☐	
20. Provide sprinkler coverage in unprotected areas	☐	
21. Provide spare sprinkler heads & compatible wrench	☐	
22. Hood & Duct extinguishing system serviced & tagged	☐	
23. Remove grease from hood, duct, & filters (keep clean)	☐	
Fire Alarm Systems		
24. Maintain, repair, inspect & tag alarm systems	☐	
Fire Separations		
25. Repair holes in fire sensitive construction	☐	
26. Provide/Repair self/automatic closing doors	☐	
Electrical		
27. Discontinue use of extension cords	☐	
28. Install permanent wiring for fixed appliances	☐	
29. Provide cover plates for all junction boxes	☐	
30. Remove exposed wiring or protect in conduit	☐	
31. Provide a clear space to all electrical panels 30" W x 36" D x 78" H	☐	
32. Label electrical rooms & cylinders	☐	
Flammable Liquids - Compressed Gases		
33. Provide flammable liquid storage cabinets	☐	
34. Remove fueled vehicles & equipment from buildings	☐	
35. Secure compressed gas cylinders	☐	
Storage		
36. Arrange Storage in an orderly manner	☐	
37. Remove combustible storage from service rooms	☐	
38. Storage 24" or 18" below ceiling/sprinklers	☐	
39. Provide approved metal container for oily rags	☐	
40. Remove waste & rubbish from the premises	☐	
41. Keep dumpsters 5 ft. from buildings	☐	

42. Maintain clearance from ignition sources	☐	
Miscellaneous		
43. Other violations & comments	☐	
This office has completed a fire and life evaluation of the premises listed above in accordance with the International Fire Code (2012). Your are hereby notified to correct all violations immediately or show cause why you should not be required to comply. This notice is in accordance to IFC 109.2. This notice shall not be construed as authority to violate, cancel or set aside any applicable provisions of fire and life safety codes, or those identified by other agencies. Appeals to this order may be made within 10 days from the date of inspection to the Cache County Fire Chief at (435) 755-1670 or writing to the above address.		
		
Recipient Signature:		
Brad Parker		2/9/2021
Print Name:		Date:
Owner:	Manager:	Employee: Other, explain:
		
Fire Inspector Signature:		
Jason Winn		2/9/2021
Print Name:		Date:

PROJECT NOTES:

GENERAL PROJECT DESCRIPTION: THE DEVELOPMENT WILL A INCLUDE A MIX OF SINGLE-FAMILY AND TOWNHOME DWELLINGS. THE DEVELOPMENT WILL CONTAIN MORE THAN 35% OPEN SPACE THAT WILL INCLUDE POCKET PARKS, LINEAR PARKS, AND TRAILS. A CLUBHOUSE AND VARIOUS AMENITIES WILL ALSO BE PROVIDED.

CULINARY WATER SYSTEM: WATER MAINS WILL BE INSTALLED IN ALL PUBLICLY DEDICATED RIGHTS-OF-WAY AND MAJOR PRIVATE DRIVES. WATER MAINS WILL CONNECT TO CITY SYSTEM IN 3200 SOUTH AND TO MASTER-PLANNED 10" WATER MAIN IN 3500 SOUTH (THE SOUTHERNMOST EAST-WEST ROAD).

SEWER SYSTEM: THE NORTH THIRD OF THE PROJECT WILL DRAIN TO THE EXISTING LINE IN 3200 SOUTH. THE REMAINING SOUTH TWO THIRDS OF THE PROJECT WILL DRAIN TO THE SEWER STUB ON THE WEST OF THE PROJECT CURRENTLY BEIN INSTALLED AS PART OF THE NIBLEY FARMS SUBDIVISION.

SECONDARY WATER SYSTEM: NOT PROPOSED.

SOLID WASTE: INDIVIDUAL TRASH PICKUP IS PROPOSED FOR ALL UNITS CONTAINED WITHIN THE DEVELOPMENT.

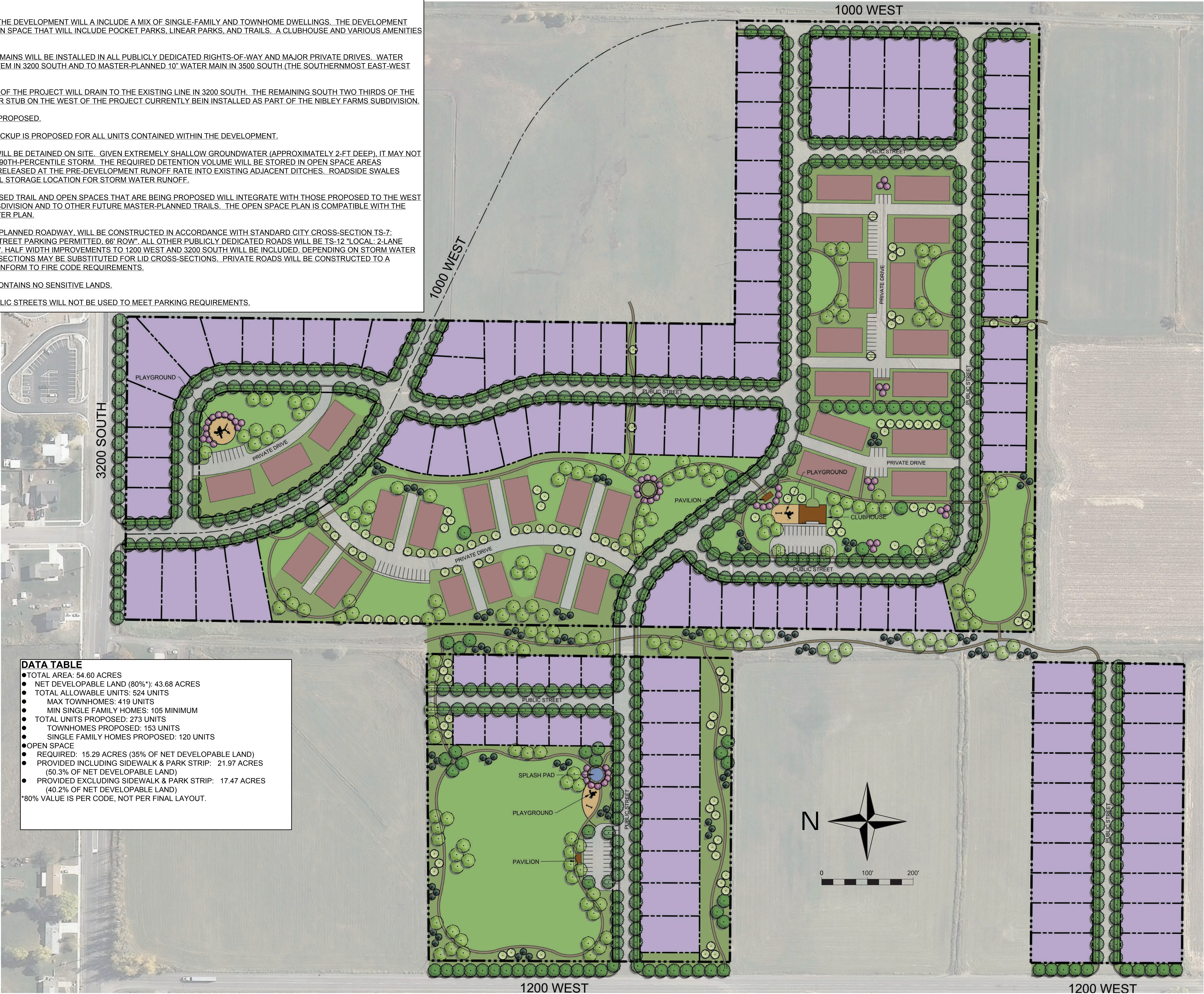
STORM WATER: THE 100-YR 24-HR WILL BE DETAINED ON SITE. GIVEN EXTREMELY SHALLOW GROUNDWATER (APPROXIMATELY 2-FT DEEP), IT MAY NOT BE FEASIBLE TO FULLY RETAIN THE 90TH-PERCENTILE STORM. THE REQUIRED DETENTION VOLUME WILL BE STORED IN OPEN SPACE AREAS THROUGHOUT THE SITE AND THEN RELEASED AT THE PRE-DEVELOPMENT RUNOFF RATE INTO EXISTING ADJACENT DITCHES. ROADSIDE SWALES COULD ALSO SERVE AS A POTENTIAL STORAGE LOCATION FOR STORM WATER RUNOFF.

PARKS & RECREATION: THE PROPOSED TRAIL AND OPEN SPACES THAT ARE BEING PROPOSED WILL INTEGRATE WITH THOSE PROPOSED TO THE WEST AS PART OF THE NIBLEY FARMS SUBDIVISION AND TO OTHER FUTURE MASTER-PLANNED TRAILS. THE OPEN SPACE PLAN IS COMPATIBLE WITH THE CITY PARKS AND OPEN SPACE MASTER PLAN.

ROADWAYS: 1000 WEST, A MASTER PLANNED ROADWAY, WILL BE CONSTRUCTED IN ACCORDANCE WITH STANDARD CITY CROSS-SECTION TS-7: "COLLECTOR: 2-LANE STREET, ON-STREET PARKING PERMITTED, 66' ROW". ALL OTHER PUBLICLY DEDICATED ROADS WILL BE TS-12 "LOCAL: 2-LANE STREET, NO BIKE FACILITY, 60' ROW". HALF WIDTH IMPROVEMENTS TO 1200 WEST AND 3200 SOUTH WILL BE INCLUDED, DEPENDING ON STORM WATER DESIGN APPROACH. THESE CROSS-SECTIONS MAY BE SUBSTITUTED FOR LID CROSS-SECTIONS. PRIVATE ROADS WILL BE CONSTRUCTED TO A MINIMUM WIDTH OF 26' AND WILL CONFORM TO FIRE CODE REQUIREMENTS.

SENSITIVE LANDS: THE PROJECT CONTAINS NO SENSITIVE LANDS.

PARKING: STREET PARKING ON PUBLIC STREETS WILL NOT BE USED TO MEET PARKING REQUIREMENTS.



2020 Planning Commission Goal Status

Goal	Status
Allow for and Reduce Regulations Related to Accessory Dwelling Units in Residential Zones	Complete
Update neighborhood and other commercial standards	Complete
Update and review the R-PUD Code	Complete
Update the Rural Preservation Code	Complete
Develop Outdoor Lighting Standards Code	Complete
Update Business License Requirements	Considered, not recommended
Update Sewer Master Plan	In progress
Update Capital Projects Master Plan	In progress
Review and update the animal land-use code	In progress
Review landscaping requirements for residential and commercial developments	In progress
Update Transportation Master Plan Map	In progress
Update Tree Policy Plan	Not started
Re-evaluate Building Permit Fee Schedule	Not started
Update Town Center Commercial Standards	Not started
Create a more detailed Short Term Rental code	Not started
Review the Open Space Plan and Goals	Not started

2021 DRAFT Planning Commission Goals

- Complete Capital Projects Master Plan
- Complete Sewer Master Plan
- Review and Update Open Space Plan and Goals
- Develop Transfer of Development Rights Ordinance incorporating Open Space Plan recommendations
- Update Stormwater Master Plan
- Develop Town Center Commercial Zone and standards
- Review requirements for lot line adjustments and subdivision amendments
- Review and update Nibley City Design Standards for Commercial and Institutional Uses
- Create a more detailed Short Term Rental code
- Review and update setback standards along transportation corridors to accommodate Transportation Plans.