



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, November 18, 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 (Mayor Dustin)
2. Call to Order and Roll Call (Chair)
3. Approval of the October 28, 2021 Regular and Executive Session and November 15, 2021, Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. **Discussion & Consideration** – Development Agreement for MPI Group, LLC Temporary Parking Allowance
7. **Discussion & Consideration** – Resolution 21-26: Adopting the 2022 Annual Meeting Schedule for the Nibley City Council (First Reading)
8. **Discussion & Consideration** – Ordinance 21-20: Short-term Rental Regulations (First Reading)
9. **Discussion & Consideration** – Resolution 21-27: Adopting a Nibley City Flag (First Reading)
10. **Discussion & Consideration** – Nibley City Manager's Review
11. Council and Staff Report

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 #6

Description	Discussion & Consideration – Development Agreement for MPI Group, LLC, Temporary Parking Allowance
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve the Development Agreement for MPI Group, LLC, Temporary Parking Allowance
Reviewed By	Mayor, City Manager, City Planner, City Attorney, Planning Commission

Background:

Malouf, located at 1525 W 2960 S, has submitted a building permit application to remodel a significant portion of their existing building from warehouse space to office space. Per NCC 19.24.160(A), 'no building or structure shall be erected, altered or converted for or to any use unless there shall be provided on the lot or parcel, off street vehicle parking of at least the ratio provided in the chapter. With the conversion of space and change of use, the parking demand is anticipated to increase, as the space will accommodate more employees. Per NCC 19.24.160(B), at minimum, 1.5 spaces per 2 employees working on the highest employment shift need to be provided. Malouf has indicated with this expansion, there will be 510 employees during the highest employment shift, which would require a minimum of 383 parking stalls. NCC 19.24.160(E) provides that parking areas 'shall be paved with an asphalt or concrete surface.' At the present time, there is not sufficient parking onsite to meet the projected demand. Malouf has plans to develop a permanent parking area immediately north of the existing building to meet this demand. However, this area is currently located within Logan City limits. In order to be permitted to build this parking area, Malouf needs to disconnect from Logan and annex into Nibley City. They have started the disconnection process with Logan City but this is anticipated to take several months to finalize.

In order to allow for the office expansion within the existing building, Malouf proposes to install a temporary gravel parking area, until the aforementioned land is available to be developed. The attached Master Plan displays the planned parking layout and the proposed temporary gravel parking areas. The proposed gravel parking area combined with the existing stalls provides for more than the required parking.

To allow Malouf to install temporary parking that does not meet the City's minimum standard for permanent parking, a development is needed which:

1. Allows for the installation of the temporary parking that provides sufficient parking spaces to meet parking requirements for up to 24 months after the execution of the agreement.
2. Requires installation of required permanent parking after 24 months.
3. Provides financial assurance that the parking will be installed.

Given the unique circumstances with the property and the safeguards in place to ensure that the parking is installed, the Planning Commission and Staff recommends approving this agreement.

DEVELOPMENT AGREEMENT

This Development Agreement is between NIBLEY CITY, a Utah municipality and political subdivision (“**City**” or “**Nibley**”), and MPI GROUP, LLC, (“**Developer**”) a Utah Limited Liability Company, (individually or collectively, “**Party**” or “**Parties**”).

RECITALS

- A. Developer owns and occupies a building on Cache County parcel 03-015-0011, 1525 W 2960 S, Nibley, Utah, 84321 (the “**Building**”).
- B. Developer seeks to remodel, refurbish, and change the use of some or all of the Building (the “**Building Remodel**”).
- C. Pursuant to Nibley City Code 19.24.160(A), the Building Remodel requires Developer to update the Building and the use of the associated property to comply with current City codes and standards, including the provision of additional parking to meet City code requirements prior to completing the Building Remodel.
- D. Developer’s property associated and adjacent to the Building is currently insufficient to provide for the required additional parking.
- E. Developer has provided a concept plan to develop a parking lot (“**Parking Lot**”) that will satisfy City code requirements for the remodeled Building, but the concept plan requires Developer to acquire and/or annex additional property into Nibley.
- F. Developer desires to carry out and potentially complete the Building Remodel as soon as possible, but cannot do so prior to acquiring and/or annexing the additional property for the parking lot.
- G. Developer seeks permission to provide for temporary parking through a gravel parking lot (“**Temporary Parking**”) until Developer can complete the Parking Lot, as shown in the attached Parking Master Plan.
- H. Nibley City code does not expressly permit temporary parking lots.
- I. Nibley City desires to facilitate the Building Remodel and allow for the Temporary Parking according to the terms and provisions set forth herein.
- J. This Agreement was submitted to the Nibley Planning Commission and Nibley City Council for review and approval according to City and State code requirements for the enactment of a land use regulation, as per Utah Code § 10-9a-532.

AGREEMENT

- 1. **Temporary Parking.** Notwithstanding Nibley City code § 19.24.160 or any other provision related to the material, type, and location of designated parking surfaces and spaces, Nibley City agrees that Developer may install Temporary Parking in the form of

gravel or other similar materials as approved by Nibley City, in the general locations shown on the attached Parking Master Plan.

2. **Financial Assurance.** Developer shall provide to City a financial assurance equal to the cost of the permanent parking lot improvements. The financial assurance provided shall be in the form of a bond, letter of credit, deposit in an escrow account or other instrument mutually agreed upon in writing by both parties.
3. **Sunset Provision.**
 - a. Developer's right to use Temporary Parking shall terminate no later than twenty-four months from the date both Parties executed this Agreement or such other date as the Parties may each agree to in writing. Such date is referred to as the "Temporary Parking Termination Date."
 - b. At or prior to the Temporary Parking Termination Date, Developer shall have completed all steps necessary to acquire and/or annex the property necessary to provide for the Parking Lot and shall have completed all work to construct and install the Parking Lot.
 - c. If Developer fails to complete the Parking Lot by the Temporary Parking Termination Date or such other date as may be agreed to in writing, City shall have the right to access the property for the purpose of constructing all or the minimum portion of the permanent parking lot improvements deemed necessary by City and draw upon the financial assurance for payment to construct said improvements. Upon completion of the Parking Lot in accordance with City standards and requirements, City shall release its interests in the financial assurance.
4. **Compliance with Land Use Regulations.** Developer acknowledges that the execution of this Agreement, on its own, is not a land use approval, building permit approval, or certificate of occupancy, and that any such approvals shall be granted only upon Developer's compliance with all applicable governing laws, ordinances, codes, standards, and conditions, including those that are expressly modified or altered herein.
5. **Assignment.** Neither this Agreement nor any rights or obligations hereunder may be assigned either voluntarily or involuntarily, by operation of law or otherwise, by either Party without the prior written consent of the other Party, which shall not be unreasonably withheld.
6. **No Third Parties.** The rights, duties, and obligations of this Agreement are for the sole benefit of the Parties, and no third party, other than authorized assignees, transferees, and other successors in interest, has any rights hereunder to enforce the terms of this Agreement.
7. **Amendments.** This Agreement may not be altered, amended, modified, or otherwise changed in any respect except in a writing executed by all Parties.

8. **Counterparts.** This Agreement may be executed in counterparts, each of which will be deemed an original and together constitute the same contract whether each Party executes a separate counterpart.
9. **Governing Law and Venue.** This Agreement shall be governed and construed in accordance with the laws of the State of Utah. Any dispute arising out of this Agreement shall be brought and maintained in Utah State district court, Cache County.
10. **Limitation of Liability.** Neither Party shall be liable to the other Party in any action or claim for loss of profits or revenues, whether direct or indirect, or any indirect, special, consequential, or punitive damages or losses.
11. **Enforcement and Fees.** In any action or proceeding arising out of or related to this Agreement, the prevailing Party shall be entitled to its reasonable attorneys' fees and related costs, including fees and costs incurred prior to formal initiation of an action or proceeding and fees and costs incurred for collecting or attempting to collect any judgment or award.

THE UNDERSIGNED HAVE READ AND HAVE HAD THE OPPORTUNITY TO SEEK THE ADVICE OF INDEPENDENT COUNSEL WITH RESPECT TO THE FOREGOING, AND HEREBY ACKNOWLEDGE AND AGREE TO BE BOUND BY THESE TERMS.

DATED this ____ day of _____, 2021.

On Behalf of Nibley City, Utah

ATTESTED:

DATED this ____ day of _____, 2021.

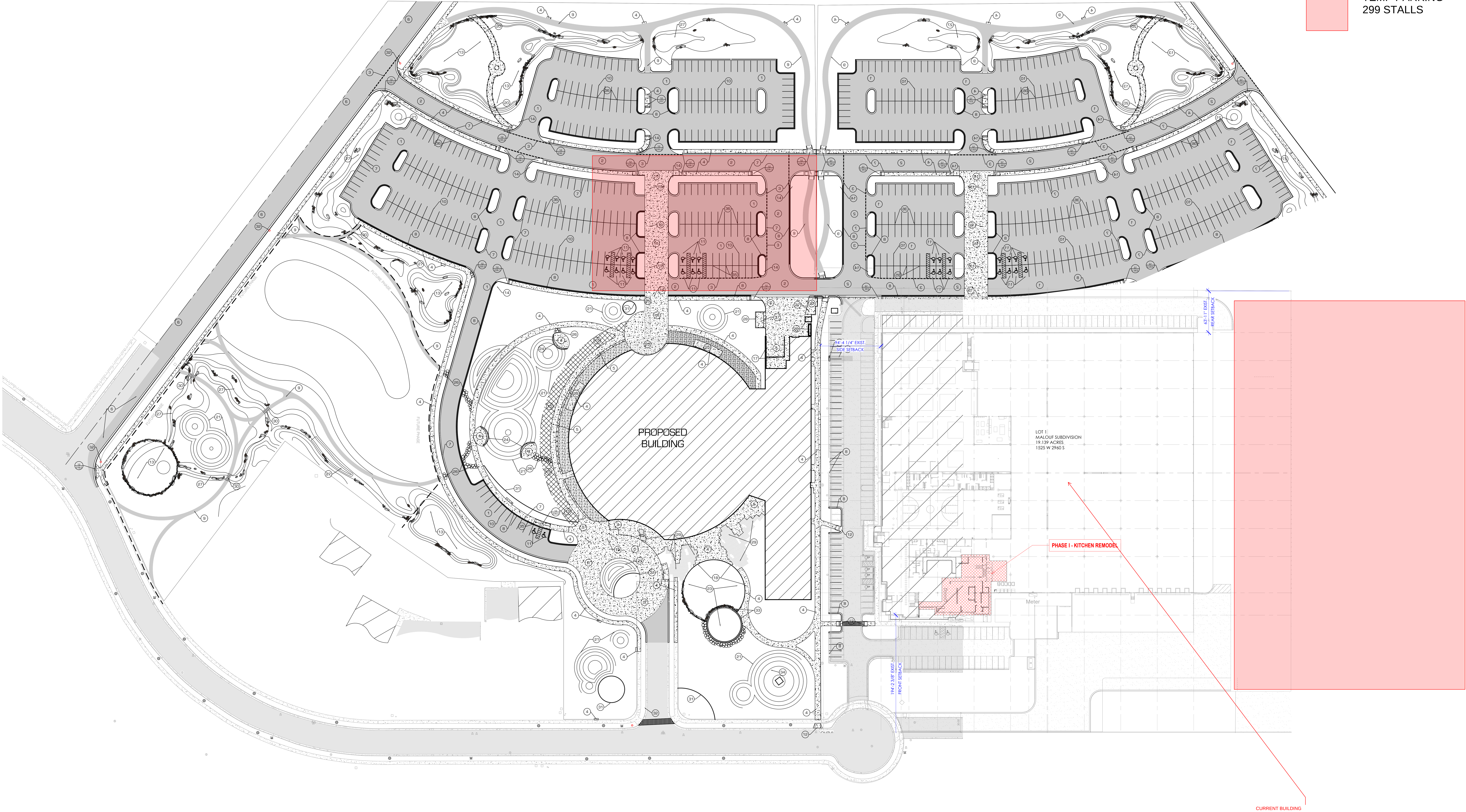
On Behalf of Developer, MPI GROUP, LLC

Name:

Title:

Exhibit 1: Parking Master Plan

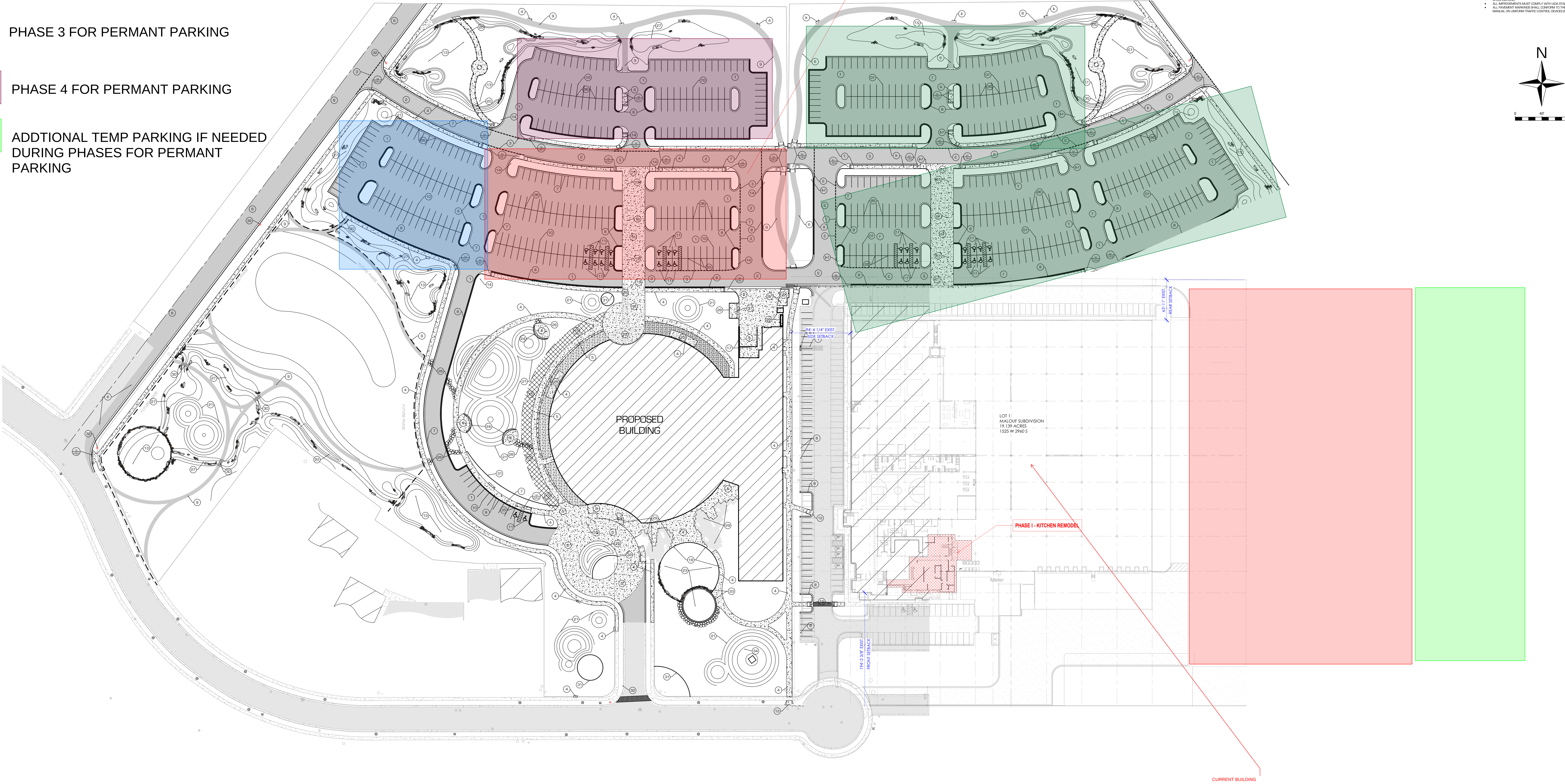
TEMP PARKING STALLS



- 1 SHEET KEY NOTES:**
PROVIDE DETAILS AND/OR CONSIDER THE FOLLOWING PER THE SPECIFICATIONS
AND/OR REFERENCED. THE DETAILS NOTED, AND/OR AS SHOWN ON THE
CONSTRUCTION DRAWINGS.
1. STANDARD DUTY ASPHALT (1 1/2" D1)
 2. HEAVY DUTY ASPHALT (2" D1)
 3. ASPHALT TYPE TRANSITION LANE
 4. CONCRETE SIDEWALK PLACEMENT (5" D1) SEE ARCHITECTURAL SITE PLAN
 5. CONCRETE SIDEWALK PLACEMENT (5" D1) SEE ARCHITECTURAL SITE PLAN
 6. NILEY CITY CITY PLACEMAN CROSS SECTION (5" D1)
 7. 24" CONCRETE CURB AND GUTTER (5" D1)
 8. 24" OPENFACE CURB AND GUTTER (5" D1)
 9. ASPHALT TALL (1 1/2" D1) SEE ARCHITECTURAL SITE PLAN
 10. 4" DRAINAGE DITCH
 11. 4" DRAINAGE DITCH (5" D1)
 12. 4" DRAINAGE DITCH (5" D1) SEE ARCHITECTURAL SITE PLAN
 13. STORM WATER POND (SEE STORM WATER PLAN)
 14. STORM POND
 15. STORM POND (SEE STORM WATER PLAN)
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 36. STORM POND (SEE STORM WATER PLAN)
 37. STORM POND (SEE STORM WATER PLAN)
- GENERAL NOTES:**
• SEE ARCHITECTURAL SITE PLAN FOR ALL CONCRETE CURBING & FINISHES
• SEE LANDSCAPE PLANS FOR LANDSCAPE SPECIFICATIONS & PLANTING
• ALL WORK TO COMPLY WITH GOVERNING AGENCIES STANDARDS & SPECIFICATIONS
• ALL IMPROVEMENTS MUST COMPLY WITH AIA STANDARDS
• ALL IMPROVEMENTS SHALL CONFORM TO THE LATEST EDITION OF THE
MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

PHASE PLAN

- TEMP PARKING WHILE OTHER IS UNDERCONSTRUCTION FOR PERMANT PARKING
- PHASE 1 FOR PERMANT PARKING
- PHASE 2 FOR PERMANT PARKING
- PHASE 3 FOR PERMANT PARKING
- PHASE 4 FOR PERMANT PARKING
- ADDITIONAL TEMP PARKING IF NEEDED DURING PHASES FOR PERMANT PARKING



① SHEET KEY NOTES:
PROVIDE DETAILS AND/OR CONSIDER THE FOLLOWING PER THE SPECIFICATIONS AND/OR REFERENCED. THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS.

1. STANDARD CITY SPECIFICATIONS (1/1/2011)
2. MICHIGAN CITY SPECIFICATIONS (1/1/2011)
3. ASPHALT TYPE TRANSITION LANE
4. CONCRETE SIDEWALK (1/1/2011) (SEE ARCHITECTURAL SITE PLAN)
5. CONCRETE SIDEWALK (1/1/2011) (SEE ARCHITECTURAL SITE PLAN)
6. MICHIGAN CITY SIDEWALK CROSS SECTION (1/1/2011)
7. 24" CONCOURSE CURB AND GUTTER (1/1/2011)
8. 24" CONCOURSE CURB AND GUTTER (1/1/2011)
9. ASPHALT TYPE TRANSITION LANE
10. 4" FINISHING STONE
11. 4" FINISHING STONE
12. 4" FINISHING STONE
13. STORM WATER POND (SEE STORM WATER PLAN)
14. STORM POND
15. STORM POND (SEE STORM WATER PLAN)
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36. STORM POND (SEE STORM WATER PLAN)
37. STORM POND (SEE STORM WATER PLAN)

GENERAL NOTES:

- SEE ARCHITECTURAL SITE PLAN FOR ALL CONCRETE CURBS & FINISHES
- SEE LANDSCAPE PLANS FOR LANDSCAPE SPECIFICATIONS & PLANTING
- ALL WORK TO BE COMPLETED WITHIN THE SPECIFIED TIME FRAME
- ALL IMPROVEMENTS MUST COMPLY WITH ALL STANDARDS
- ALL IMPROVEMENTS MUST COMPLY WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

Agenda Item #7

Description	Discussion & Consideration – Resolution 21-26: Adopting the 2022 Annual Meeting Schedule for the Nibley City Council (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Resolution 21-26: Adopting the 2022 Annual Meeting Schedule for the Nibley City Council; and waive the second reading.
Reviewed By	Mayor, City Manager

Background:

State law requires that the City Council meet at least once per month and that it should adopt an annual schedule of those meetings by its first meeting of the year. The proposed schedule plans for two meetings per month, normally on the second and fourth Thursdays of each month. However, there are a few proposed exceptions, as follows:

- There is only one meeting scheduled in April. Both Planning Commission meetings in April of 2022 have conflicts; one with Cache County School Districts Spring break (April 4-8) and the other with the ULCT Mid-Year conference (April 20-22), typically held in St. George, UT. After speaking with Levi Roberts about this, we discussed splitting the month so that the Planning Commission would hold their meeting the second Thursday (April 14) and the City Council would hold their meeting on the fourth Thursday (April 28) The Council can determine to hold a meeting at another time in April if it desires.
- There is only one meeting scheduled in October. The CCSD's fall break is October 13-14 so there is no meeting proposed for October 13.
- The schedule proposes only one meeting in the months of November and December to observe Thanksgiving and for the Christmas holiday.

The schedule presented to Council for adoption also proposes the meeting time remain at 6:30 p.m.

RESOLUTION 21-26

**A RESOLUTION ADOPTING THE 2022 ANNUAL MEETING SCHEDULE
FOR THE NIBLEY CITY COUNCIL**

WHEREAS, the Open and Public Meetings Act, in section 52-4-202 (2) of the Utah Code, requires that a public body, which holds regular meetings that are scheduled in advance over the course of a year, shall give public notice at least once each year of its annual meeting schedule; and

WHEREAS, adopting an annual meeting schedule can make it easier for citizens to be involved in civic affairs by making them aware of normal City Council meeting times.

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

Regular meetings for the Nibley City Council shall be held according to the dates and times listed on the attached schedule at Nibley City Hall, which is located at 455 West 3200 South in Nibley.

BE IT FURTHER RESOLVED THAT:

The City Council may also convene special or emergency meetings pursuant to the provisions of the Open and Public Meetings Act.

Dated this _____ day of _____, 2021.

Shaun Dustin, Mayor

ATTEST

Cheryl Bodily, City Recorder

The following is hereby adopted as the 2022 Nibley City Council meeting schedule.

The below meeting dates all fall on a Thursday and the normal meeting start time is 6:30 p.m.

2021 City Council Meeting Dates
January 13
January 27
February 10
February 24
March 10
March 24
April 28
May 12
May 26
June 9
June 23
July 14
July 28
August 11
August 25
September 8
September 22
October 27
November 10
December 8
December 22
January 12, 2023

The normal schedule for Council meetings is for meetings to be held at 6:30 p.m. on the second and fourth Thursdays of each month. However, exceptions occur due to holidays, scheduling conflicts or other needs.

There may be circumstances that arise which may cause a meeting to be cancelled or for a special or emergency meeting to be scheduled, pursuant to the provisions of the Open and Public Meetings Act. Notification will be made as soon as reasonably possible in the event of a cancellation or special/emergency meeting.

Agenda Item #8

Description	Discussion & Consideration – Ordinance 21-20: Short-term Rental Regulations (First Reading)
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve Ordinance 21-20: Short-term Rental Regulations, for first reading.
Reviewed By	Mayor, City Manager, City Planner

Background:

One of the Planning Commission goals for 2021 is to create a more detailed Short-term Rental Code. The existing code, NCC 19.28.050(C)(1)(g) provides the following regulations:

g. Short-term rentals

- 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.*

In addition, 19.24.250(D)(9), which regulates Accessory Dwelling Units (ADUs) states:

Short Term Rental, as defined within this title, shall be a prohibited use within accessory dwelling units.

To inform this consideration and generate ideas about potential appropriate regulations for short-term rentals within Nibley City, Nibley's Planning Intern conducted research of different Utah cities: Park City, Salt Lake City, Sandy, Provo, Moab, St George and Kanab. These cities were selected, as they have significant experience in regulating short-term rentals as more prominent travel destinations. Although Nibley City is not expected to reach the same volume of short-term rental demand as these cities, there are some considerations and lessons learned that are worth gleaning from such examples. The following requirements are included within such City regulations:

1. Requirement for a business license
2. Requirement for a building or property inspection
3. Proper yard & structure maintenance, including trash/snow removal
4. Provision of off-street parking

5. Noise control
6. Limits on size (i.e. 4 bedrooms)
7. Limiting hours for use of pools/spas
8. Requirement for proper housekeeping services
9. Responsible party must be available 24/7
10. Provision of smoke/CO detectors
11. Assessment of impact fees for separated units
12. Providing the City with a list of rules
13. Assessment of transient room tax

The Planning Commission reviewed these provisions and discussed potential amendments to short term rentals. In general, it was determined that the impacts of short-term rentals are minimal in Nibley City. There have not been any recent documented complaints within the City regarding short-term rentals and a cursory search of available short-term rentals online indicates that their presence is limited. There are benefits to landowners and to visitors when short-term rentals are allowed, including additional income generated for residents and the opportunity of visitors to stay in the community.

The Planning Commission expressed that the City should be cautious about creating too many restrictions that would either discourage the establishment of a short-term rental or incentivize landowners to create a short-term rental without the proper licensing from the City. Other than adding provisions related to parking, limiting the number of short-term rentals on a residential property within a permanent structure, and ensuring that the City's existing ordinances are enforced, there was not support expressed among the Planning Commission for additional regulations for short term rentals. In addition, it was expressed that short term rentals should not be prohibited within accessory dwelling units (ADUs), as they currently are. Rather, there is a benefit to ensure that short-term rentals are properly managed when the property owner is living on the property, which can be more feasibly facilitated with an ADU.

Regarding licensing, currently a conditional use permit (CUP) is required for a short-term rental, but a business license is not. It would be more appropriate to require a business license, but not a CUP. This would ensure that the City could properly track and monitor short term rentals but not disincentivize landowners to obtain a license.

The attached ordinance changes address the Planning Commission's and Staff's recommendation regarding short-term rentals.

19.20.020 Land Use Chart
Nibley City Land Use Chart

Key

P:	Permitted Use
NP:	Not Permitted Use
C:	Conditional use
A:	Agriculture Zone
R-E:	Rural Estate Zone
R-1:	Residential Zone R-1
R-1A:	Residential Zone R-1A
R-2:	Residential Zone R-2
R-2A:	Residential Zone R-2A
R-M:	Mixed Residential Zone
P/S:	Park/School
C:	Commercial Zone
C-N:	Neighborhood Commercial Zone
I:	Industrial Zone

Use	A	R-E	R-1	R-1A	R-2	R-2A	R-M	P/S	C	C-N	I
Residential											
Assisted Living Facility	C	C	NP	NP	NP	NP	P	NP	C	C	NP

Artisan Shop	C	C	C	C	C	C	C	NP	C	C	C
Bed and Breakfast Inn	C	C	C	C	NP	NP	P	NP	C	C	NP
Building moved from another site	C	C	C	C	C	C	C	C	C	C	C
Group Living Facility ¹	C	C	C	C	C	C	C	NP	NP	NP	NP
Home Occupation	C	C	C	C	C	C	C	NP	NP	NP	NP
Home Office	P	P	P	P	P	P	P	NP	NP	NP	NP
Housing, Short-Term Rental ⁴	CP	CP	CP	CP	CP	CP	CP	NP	NPP	NPP	NPP
Housing, Single-Family	P	P	P	P	P	P	P	NP	C	C	C
Housing, Multi-Family	NP	NP	NP	NP	NP	NP	P	NP	NP		
Housing, Two-Family	P	P	P	P	P	P	NP	NP	C	C	C
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Nursing Home	C	C	C	C	C	C	C	NP	C	C	NP
Temporary Office/Model Home	C	C	C	C	C	C	C	NP	C	C	C
Accessory Dwelling Unit ³	P	P	P	P	P	P	P	P	P	P	P

1. Group living facilities are governed by NCC 19.42
2. Any land use not listed is not permitted
3. Accessory dwelling units are governed by NCC 19.24.250
4. . Short-term rental housing is governed by NCC 19.24.260

19.28.50 Basis For Issuance Of Conditional Use Permit

- A. A conditional use permit shall be approved if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied. Substantial mitigation shall not mean complete elimination of all detrimental effects.

- B. The granting of a conditional use permit shall not exempt the application from other relevant provisions of this or other ordinances of the Nibley City, or other state, federal, fire or building standards. All proposed uses shall comply with the regulations and conditions specified in this title for such use.
- C. The City shall consider the following, plus other adopted standards in order to mitigate any detrimental effects of a conditional use application.
 - 1. Additional Standards for Conditional Uses for Residential Zones:
 - a. All Conditional Uses within Residential Zones shall comply with all conditions set forth in this Title applicable to all conditional uses, Nibley City Code, Nibley City Design Standards and Specifications, and any applicable state or federal law
 - b. Traffic and Connectivity
 - A. Roadways and intersections shall maintain a Level of Service (LOS) C. Conditional Use Applicants shall be required to make any road updates in order to ensure the roadway will maintain LOS C.
 - B. Site plans must comply with the Transportation and Trails Master Plan.
 - c. Applicant may be required to limit noise associated with the conditional use that emanates beyond their property boundaries to less than 50 dBA.
 - d. Applicant may be required to limit light associated with the conditional use that emanates beyond their property boundaries to less than 0.01 foot-candles.
 - e. Parking
 - A. Applicant shall provide off-street parking for the proposed use. Parking may be contained in a driveway, RV pad, or parking lot.
 - B. Applicant may be required to provide off-street accommodation for delivery and pickup of materials and supplies associated with the Conditional Use.
 - C. Other Parking requirement shall comply with NCC 19.24.160
 - f. Hours of operation: Conditional Uses shall not operate, or cause outside disturbance from 10:00 p.m. to 7:00 a.m.
 - g. Short-term rentals
 - ~~A. All short term rentals shall be inspected by the Fire Marshal annually to insure each home meets residential fire standards.~~
 - ~~B.A. Shall provide a minimum of two 90-gallon garbage cans and one recycling can issued by Logan Environmental Services.~~
 - ~~C.A. Only one Short-term rental shall be allowed for each property.~~

19.24.250 Accessory Dwelling Unit Standards

- A. Purpose
 - 1. This chapter establishes approval criteria and outlines processing procedures for accessory dwelling units.
 - 2. The purpose of this chapter is to provide opportunities to develop affordable moderate-income housing by allowing accessory dwelling units in zoning districts specified in this title, to establish the conditions under which accessory dwelling units are regulated under this chapter, and to set forth criteria and standards to be required of accessory dwelling units when this chapter is applicable. Definitions
 - 3. Accessory Dwelling Unit: A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in this chapter and only in those zoning districts where the use is listed as a permitted use.

4. Bona fide temporary absence: A specified time during which a property is not owner occupied. Such time shall be no more than 90 days within any 180 day period. Longer absences are allowed for military, humanitarian, or religious service.
 5. Owner Occupied: The owner(s) of the property or an individual related to an owner of the property within and including two degrees of consanguinity residing on the property in either the primary dwelling or the accessory dwelling unit.
- B. Accessory Dwelling Unit Approval Required
1. All Accessory Dwelling Units shall comply with the standards and provisions of this title. Accessory dwelling units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions, and the City may deny any land use or building approval requested by an owner of property that has an illegal accessory dwelling unit.
- C. Application
1. Persons shall make application for an accessory dwelling unit on forms prepared by Nibley City. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
 2. Supporting Materials. The accessory dwelling unit application shall be submitted with the materials listed herein.
 - a. Notarized letter: a notarized letter of application shall be provided by the property owner stating that the property will be owner-occupied except for bona fide temporary absences
 - b. Floor Plan: A floor plan showing the floor in which the accessory dwelling unit will be located shall be provided
 - c. Parking Plans: A parking plan shall be submitted showing the location of dedicated off-street parking for the accessory dwelling unit and the primary residence
 - d. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
 - e. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.
 3. A building permit is required for all new or remodeled accessory dwelling units.
 4. A certificate of occupancy is required prior to occupancy of any accessory dwelling unit to ensure compliance with fire, building and health codes.
 5. Notification must be sent to abutting property owners with an opportunity to comment to Nibley City Staff within a period of fourteen (14) days from the date of notification.
- D. Approval Criteria
1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants.
 2. Owner Occupation. The property shall be owner occupied except for bona fide temporary absences.
 3. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
 4. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes.
 5. All entrances to attached accessory dwelling units shall be located on the rear or side of the building.
 6. Parking: Off-street parking for two vehicles, shall be provided for use by the tenants of the accessory dwelling unit. This parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary

dwelling unit and shall be located behind the front plane of the primary dwelling. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.

7. One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling lot.

8. Detached Structures: Accessory dwelling units may be permitted in a detached structure.

~~9. Short Term Rental, as defined within this title, shall be a prohibited use within accessory dwelling units.~~

~~10.9.~~ No accessory dwelling unit shall be built on a registered wetland or flood plain.

~~11.10.~~ Installation of separate water and sewer meters for accessory dwelling units shall be prohibited.

~~12.11.~~ Accessory dwelling units shall be charged the base rate for water and sewer usage in accordance with the Nibley City Fee Schedule.

~~13.12.~~ Impact Fees: Accessory dwelling units shall be subject to impact fees for residential buildings in accordance with the Nibley City Impact Fee Schedule.

- a. Owners may petition the City for a rebate of impact fees for accessory dwelling units which provide rent that is considered affordable, as described below. The maximum rebate amount shall be set at 20% annually of the total collected impact fee for a period of five (5) years. City Staff shall determine if documentation of rent collected is acceptable. If documentation is not provided within 30 days of each anniversary of the issuance of the certificate of occupancy, the rebate shall be forfeited for that year. The rebate shall be non-transferrable.

- 1) The unit's rent is considered affordable to a household of four (4) earning 50% of the area median income of the Logan, UT-ID Metropolitan Statistical Area (MSA), according to income limits set by the US Department of Housing and Urban Development (HUD) for a period of five (5) years.

- 2) The rent limit shall be set using the following calculation: HUD annual 4-person 50% AMI Income Limit * 0.3 (30 %) – \$150 (for utility expenses)

E. Size, Height and Zoning

1. Accessory dwelling units shall have the following requirements:

- a. Shall have the minimum size of 300 sq. ft.
- b. No detached accessory dwelling units shall be larger than 1,200 sq. ft.
- c. Detached accessory dwelling units shall follow the sizing and setback requirements for other accessory buildings as listed in NCC 19.24. For new one-story detached accessory dwelling unit structures, a minimum rear and side setback of 10 feet is required. For new two-story detached accessory dwelling unit structures, a minimum rear and side setback of 20 feet is required.
- d. Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.
- e. The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.
- f. Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.

2. Accessory Dwelling Unit Use within Commercial, Neighborhood Commercial, and Industrial Zones

- a. Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached accessory dwelling units. Accessory dwelling units shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.
- b. Any Commercial Building shall supply two additional off-street parking for each accessory dwelling unit, in addition to parking required by the commercial use.

- c. Each accessory dwelling unit shall have a separate access apart from the commercial access to the building
- d. Each accessory dwelling unit must meet all applicable building, zoning, and fire code requirements.

19.24.260 Short-term Rental Housing

- A. Short-term rental housing shall require a business license, which shall be renewed annually. A short-term rental in which the primary homeowner lives at the residence shall require a home occupation business license. A short-term rental which does not house the primary homeowner shall require a commercial business license.
- B. During the time of business license application, the applicant for a short-term rental shall provide the City with the following information:
 - 1. Maximum occupancy of the short-term rental.
 - 2. Number of bedrooms within the home and number of bedrooms that the short-term rental will occupy.
 - 3. A certificate from the Fire Marshall to insure the home meets residential fire standards.
 - 4. A certificate that adequate solid waste service is provided, as required by this chapter.
 - 5. A site plan which shows off-street parking areas in relation to the home and parking for the primary residence which meets the requirements of this chapter.
- C. Short-term rentals are only allowed within a permanent, residential structure. Short term rental of spaces for camping, within recreational vehicles, or other locations outside of a permanent residential structure shall only be permitted in licensed RV parks or campgrounds. This restriction does not apply to use of private property for non-commercial camping.
- D. All short-term rentals shall be inspected by the Fire Marshal ~~annually~~ to insure each home meets residential fire standards prior to operation. The same residential standards apply whether the short-term rental requires a commercial or home occupation business license
~~Shall provide a minimum of two 90-gallon garbage cans and one recycling can issued by Logan Environmental Services.~~
- E. Only one Short-term rental shall be allowed for each property.
- F. Off-street parking shall be provided at the following rates, based upon occupancy limitation of the short-term rental:

<u>Maximum occupants</u>	<u>Minimum parking stalls</u>
<u>1-4</u>	<u>1</u>
<u>5-8</u>	<u>2</u>
<u>9-12</u>	<u>3</u>
<u>13-16</u>	<u>4</u>
<u>17-20</u>	<u>5</u>
<u>Above 20</u>	<u>Commensurate with the rates listed above</u>

For short-term rentals, which are incidental to a permanent residence, this parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit. Parking surfaces shall be constructed of a hard surface, such as concrete, asphalt, or gravel.

- G. Each host of a short-term rental shall inform short-term rental tenants about NCC 9.06.040: Disturbing the Peace, NCC 11.02.040: Parking Regulations, and any other applicable City ordinances. The homeowner shall be held responsible for any nuisance or noise violations at the short-term rental location.

Agenda Item #9

Description	Discussion & Consideration – Resolution 21-27: Adopting a Nibley City Flag (First Reading)
Presenter	Shaun Dustin, Mayor
Recommendation	Move to approve Resolution 21-27: Adopting a Nibley City Flag, for first reading.
Reviewed By	Mayor, City Manager, Councilmember Laursen

Background:

Insert background here . . .

RESOLUTION 21-27

A RESOLUTION ADOPTING A NIBLEY CITY FLAG

WHEREAS, many cities in the United States have adopted official city flags for display at city facilities and at civic functions; and

WHEREAS, the City of Nibley, Utah desires to adopt an official city flag; and

WHEREAS, Nibley City's Mayor has submitted a design which is acceptable and appropriate for an official city flag; and

WHEREAS, said design will identify, unify and inspire the citizens of Nibley; and

WHEREAS, it would be an honor and distinction to adopt said design for the official flag of the City of Nibley.

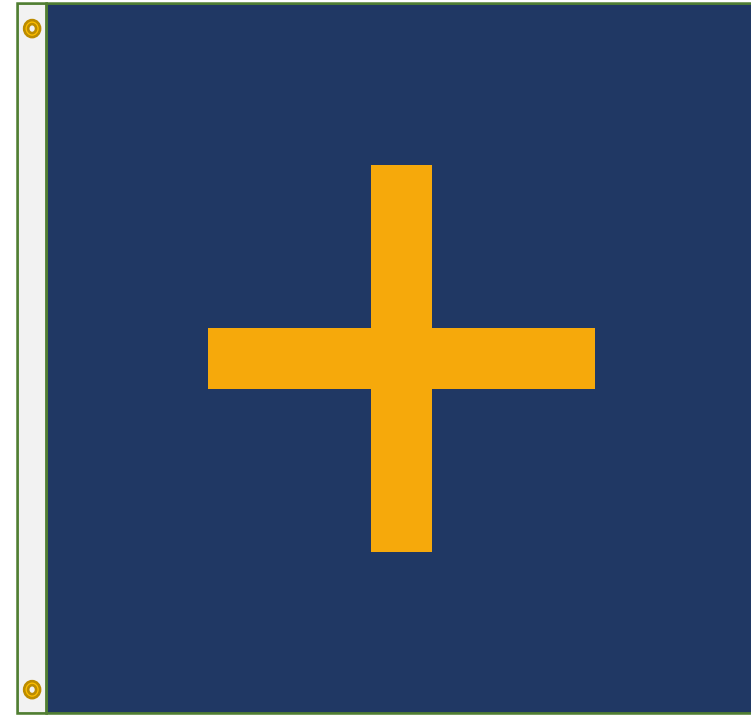
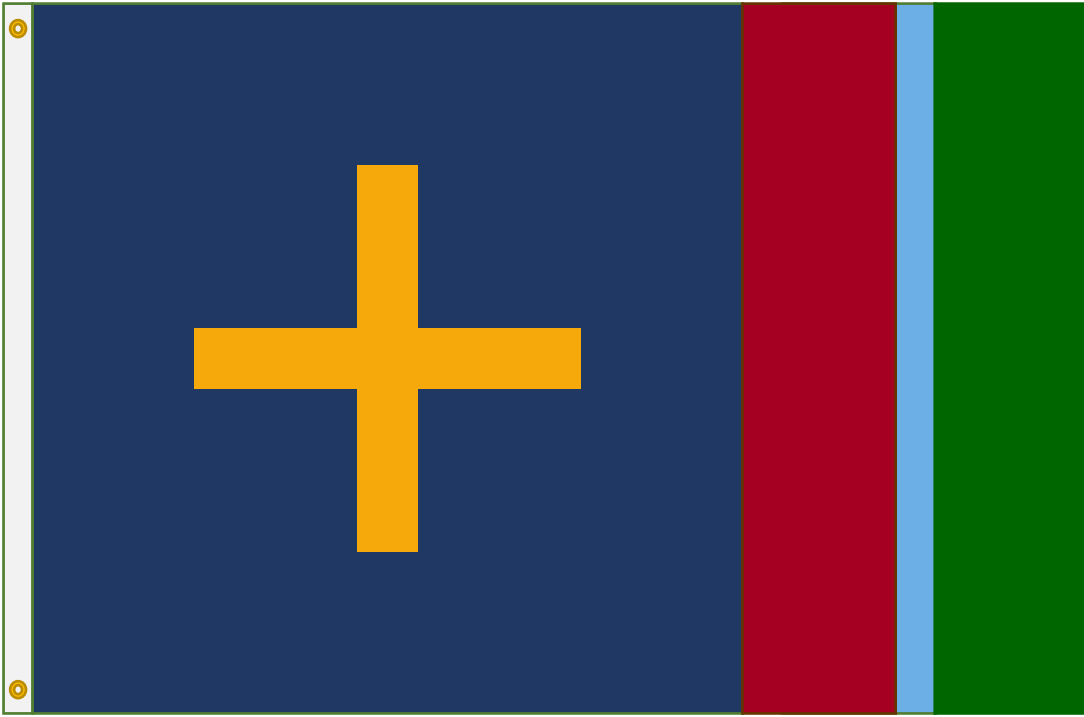
NOW, THEREFORE, BE IT RESOLVED, BY THE NIBLEY CITY COUNCIL THAT:

The Flag design submitted by Mayor Shaun Dustin, attached hereto, be adopted as the official flag of the City of Nibley, Utah.

ADOPTED AND PASSED BY THE NIBLEY CITY COUNCIL of NIBLEY, UT, this _____ day of April, 2021.

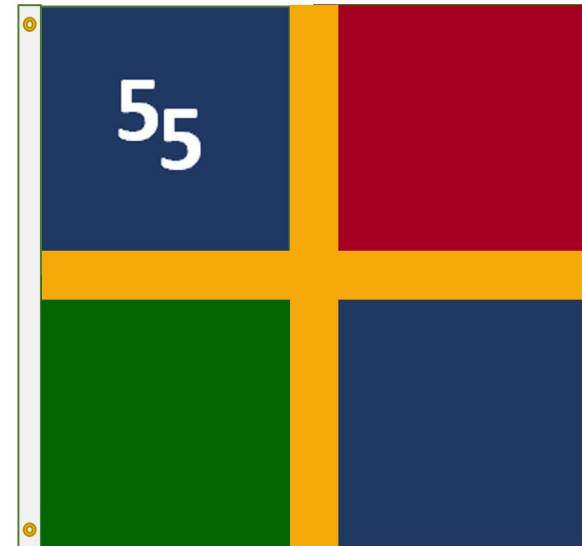
Shaun Dustin, Mayor

ATTEST: _____
Cheryl Bodily, Deputy City Recorder



Nibley City Flag Proposal

- 1) Cross is the brand of the Elkhorn Ranch and represents the pioneers and the winter of 1854-55 spent in the Nibley townsite. It also represents the aspiration that adding our labor and people together makes us stronger together
- 2) Gold is the color of aspen leaves in the fall and represents the sunshine and a prosperous future
- 3) Blue represents the water that gives us life and is a color of the NW Band of the Shoshone
- 4) Green is the grass, crops, trees, and mountains and represents the good fortune that comes from hard work



Agenda Item #10

Description	Discussion & Consideration – Nibley City Manager's Review
Presenter	Shaun Dustin, Mayor
Recommendation	Move to accept the November 18, 2021 Review of City Manager, Justin Maugahn
Reviewed By	Mayor, City Manager

Background:

Insert background here . . .



11/18/2021 – Justin Maughan Nibley City Manager Employee Evaluation Discussion

Accomplishments:

1. Completed about half of land use trainings per contract.
2. Enrolled in ICMA Emerging Leaders program per contract, finish up in Feb.
3. Reconstructed Nibley City Team:
 - a. Hired new team members: Darren (Engineer), Amy (Treasurer), Franco (Facilities), Wendy (Front Desk), Chet (Streets).
 - b. Reassigned duties to: Cheryl, Jamie, Alejandra and Steve.
4. Clean 20/21 Audit
5. Reconstructed Anhder Park sidewalk
6. Landscaped firefly pavilion w/ electrical for vendors
7. Clear Creek Park – Restroom, aerator in pond, constructed playground
8. Received \$1.25M CCOG grant for 1200 West Phase 2
9. Received \$110,000 grant from Safe Routes to School
10. Repave 3200 South
11. Switched over 3200 South water services to newer water line
12. Sold 800 West Lots

Goals:

1. Weekly email to Mayor and Council
2. Impact Fee Updates – April 2022
3. Ridgeline Park Design – July 2022
4. 1200 West Design ready for next round of CCOG applications
5. Amendments to procurement policies – Engineering pool July
6. Increased beautification of Park and open spaces- Fall 2022
7. Update Standards and Specifications – April 2022
8. Create standard construction contract, specifically to increase accountability – May 2022
9. Update personnel policy – May 2022
10. Anhder Park put back together – June 2022
11. Resolve space issues at public works – Sep 2022

Priority Projects:

1. Hyrum boundary agreement
2. Wesley Nelson build out
3. Terry Hansen/Malouf annexation
4. Malouf CRA
5. 2600 South Hwy 165 corner property