



Nibley City
Planning Commission Meeting
Thursday, July 21, 2022
Nibley City Hall
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 either in person or via the Zoom meeting link provided at www.nibleycity.com.

1. **Discussion and Consideration:** Conditional Use Permit for Young Truck and Trailer Center, LLC at 2900 S Hwy 89/91
2. **Workshop:** Amendments to 19.12.040 Mixed Residential Zone R-M, including its application to areas near 2600 S 1200 W
3. **Workshop:** Combining lots exemption and Subdivision Plat Amendment approval authority
4. **Workshop:** Subdivision submission requirements amendments
5. 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
July 21, 2022**

Agenda Item #1: Young Truck & Trailer CUP

Description

Discussion and Consideration: Conditional Use Permit for Young Truck and Trailer Center, LLC at 2900 S Hwy 89/91

Department

City Planning

Action Type

Administrative

Recommendation

Approval of the Conditional Use Permit for Young Truck and Trailer Center, LLC at 2900 S Hwy 89/91 with the following conditions:

1. Must submit inspection certification from County Fire Marshall certifying compliance with the fire code.
2. Any building addition or substantial modifications to the site will require a site plan review in accordance with NCC 19.15.050

Reviewed By

City Planner, City Engineer

Background

Young Truck and Trailer Center, LLC has submitted a business license application to operate a truck and trailer dealership at 2900 South US-89/91. The applicant describes the business as a 'full-service commercial truck and trailer dealership, selling, servicing, and repairing commercial trucks and trailers. The property is located within a commercial zone. NCC 19.20.020 lists 'motor vehicle sales and service' as a conditional use in the commercial zone.

Site Context

The property is located adjacent to other commercial and industrially-zoned properties and is not anticipated to generate significant detrimental impacts to any existing residential properties.

Previously, Poulsen Trailer Sales occupied the site and the applicant has indicated that they are not proposing any modifications to the building, parking configuration, landscaping, signage or ingress/egress to the building. They have provided a footprint of the existing building, photos of the site, and a description of site characteristics.

Basis for Issuance of Conditional Use Permit

NCC 19.28.050 states:

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.

Specific considerations to mitigate potential detrimental impacts as defined by NCC 19.28.050, which may apply to this application include the following.

Traffic and connectivity

As noted above the applicant is not proposing the substantially change the use which previously occupied the site (Poulsen Trailer Sales). Therefore, additional traffic generated from the site is expected to be negligible when compared to existing conditions. However, if changes are proposed in the future which expand the operations of the business, a traffic assessment may be necessary.

Noise and Light

Since the proposed use is not proposed to substantially change and existing lighting is not proposed to change, mitigation in relation to noise and light impacts is not necessary. However, any changes to lighting would require compliance with NCC 19.24.240- Outdoor lighting standards.

Parking

The applicant has indicated that they are not modifying the existing parking configuration which includes 7 asphalt customer stalls and 14 gravel employee parking stalls.

NCC 19.24.160 states:

Except as herein provided, 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 following ratio of vehicle spaces for the uses specified in the designated districts and all roadways comply with the standards contained herein, except that an established use lawfully existing at the effective date hereof need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways may be reduced or further reduced below the minimum standards herein required.

Because, the applicant is proposing a continuation of a previous use classification and does not propose to alter the site, they are not required to bring their parking in compliance with existing Nibley City Code standards, but may operate with the existing parking.

Fire Safety

NCC 19.28.050©(2)(d) states:

All buildings shall comply with fire code and are subject to inspection of the Fire Marshall before a business license and conditional use permit is given. New buildings shall be inspected by the Fire Marshal before Occupancy can be given and inspection must be passed annually thereafter.

The applicant will be required to complete this fire inspection prior to issuance of the business license.

Agenda Item #2: R-M zone application near 2600 S 1200 W

Description

Workshop: Amendments to 19.12.040 Mixed Residential Zone R-M, including its application to areas near 2600 S 1200 W

Department

City Planning

Action Type

Legislative

Recommendation

Discuss the potential application of the R-M zone near 2600 South 1200 West

Reviewed By

City Planner

Background

Representatives of Wesley Nelson Farms, Inc and Nibley Development, LLC, owners of a 54-acre property near 2600 South 1200 West recently held a workshop with the City Council to discuss their development plans for the property and an appropriate process to consider. This workshop was followed up with a sub-committee meeting attended by 2 City Council members, 2 Planning Commissioners, members of Staff, and property owner representatives. The subcommittee determined that the next step in the process was for the Planning Commission to discuss potential changes to the ordinance that would accommodate the development. The property owners have discussed the desire to develop an 18 acre portion on the east side of the property with a mix of townhome and small lot single-family homes with most of the remainder of the property, along Hwy 89/91 to be reserved for commercial use. A concept plan has been provided for this residential portion.

The City previously considered a change to the R-PUD ordinance to lower the minimum acreage requirement. However, the City Council with a recommendation from Planning Commission denied this requested change. Another potential zoning designation that would allow for the residential development is the R-M (mixed-residential) zone. This zone was created at the time the City was pursuing an option for a developer of the Campbell property north of Clear Creek Subdivision to develop. In general, the ordinance has many of the same standards as the R-PUD ordinance, but allows a higher density (20 units/gross acre compared to 10 units/net developable acre) and allows approval through an administrative process. The zone is currently only allowed to be applied at the 40 acre Campbell property, which has since been annexed into Logan.

The purpose of this workshop is to consider the potential applicability of an R-M zone on all or a portion of the Wesley Nelson Farms property and discuss potential modifications to the ordinance.

Agenda Item #3: Combining lots exemption

Description

Workshop: Combining lots exemption and Subdivision Plat Amendment approval authority

Department

City Planning

Action Type

Legislative

Recommendation

Discuss potential ordinance changes and give direction to Staff

Reviewed By

City Planner, City Attorney

Background

Utah Code 10-9a-601 was recently amended with the following provision:

(4) A legislative body may adopt a land use regulation that specifies that combining lots does not require a subdivision plat amendment.

Currently Nibley City Code does not exempt combining lots from the requirements of a subdivision amendment. Staff recommends considering this exemption since combining lots will, as a general rule, not create a condition of non-compliance with Nibley City's Land Use Ordinance. This is primarily due to the fact that lot sizes and frontages are set as minimum standards and combining lots do not decrease lot sizes or frontages. Nonetheless, Staff recommends adding a caveat to this exemption that waiving the requirement does not 'constitute a land use or zoning approval by the City, unless expressly approved as such by the City. Documents recorded as part of a lot or parcel combination do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.'

In addition to this change, Staff recommends modifying the approval authority for a subdivision plat to be the same approval authority as for the original subdivision, rather than the City Council in all cases. It is more appropriate to assign this authority to the same approval authority that originally approved the plat. For Minor or Standard Subdivisions, the Planning Commission would be the approval authority. The City Council would generally be the approval authority for all other plat amendments.

During the July 7 Planning Commission meeting, it was discussed to explore an addition to this ordinance to streamline a process in which unnecessary utility easements could be vacated if lots are combined. Commissioner Mansell may provide more information on this topic. At this time, it is Staff's opinion that an easement vacation ordinance would not be necessary for the combining lots exemption (although it may be helpful for those wishing to pursue a PUE vacation). Pursuing any vacations of easements in conjunction with combining lots would be the responsibility of the property owner(s).

Agenda Item #4: Subdivision submission requirements

Description

Workshop: Subdivision submission requirements amendments

Department

City Planning

Action Type

Administrative

Recommendation

Discuss potential ordinance changes and give direction to Staff

Reviewed By

City Planner, City Engineer

Background

City Staff has received feedback from recent Subdivision applicants that, at times, the application process is unclear in regards to: the timing of the review and approval process and

the required materials for the application. In addition, there are some materials and details required with each application that Staff recommends updating.

With regards to timing, there is some language in the current code that has led subdivision applicants to believe that they should be on the Planning Commission agenda if they turn in an application within 14 days of a scheduled meeting. In reality, this does not allow sufficient time for Staff to review the application, verify compliance with Nibley City Code and prepare a Staff report. In addition, applications are often not complete or are not in compliance with NCC. In most cases with subdivisions, there are multiple reviews, the timing of which is largely reliant upon the applicants' response. Staff recommends amending the ordinance with regards to timing to be more clear about the process.

In addition to this clarification, Staff recommends updating the required list of materials and elements to be included with a Final Plat or Preliminary Plat submission to be more reflective of engineering standards and best practices. The recommended amendments are attached to the meeting packet. Specific changes include:

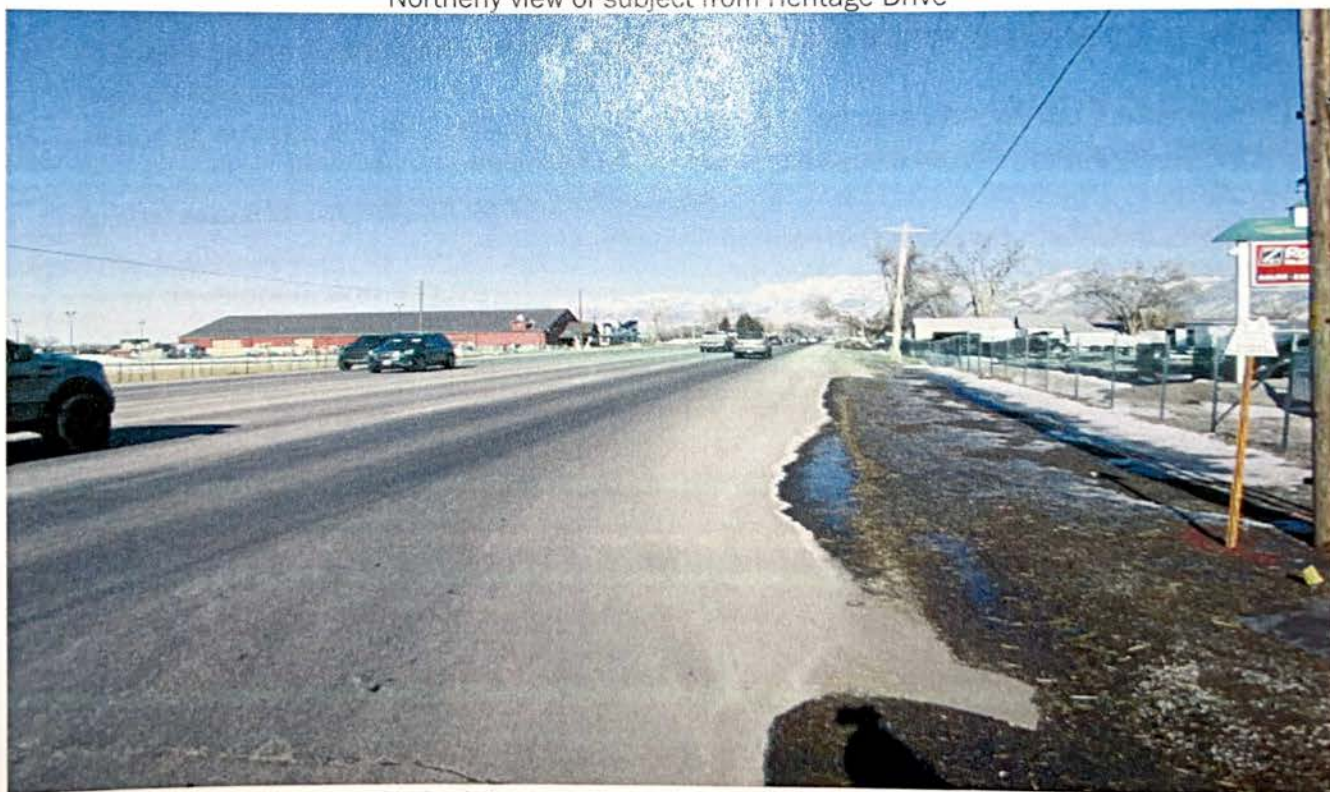
1. Added requirements for a transportation impact study, sewer report and other reports for developments greater than 20 acres. In the past, these reports have been required at the discretion of the City engineer. But this provides a more predictable standard.
2. The addition of requiring road cross-section details
3. An added guideline to avoid providing cross-lot easements for sewer, water, or other utilities. Such can be provided in special circumstances with approval of the City Engineer

The purpose of this workshop is to review the proposed changes regarding subdivision submissions and provide guidance to Staff for drafting the ordinance in preparation for a public hearing.

Subject Photos



Northerly view of subject from Heritage Drive



Northerly view along US-89/91. Subject is on the right.

Site and Improvements Descriptions

Identification

Property Name Poulsen Properties, LLC
 Address 2900 S. Highway 89/91, Nibley, Cache County, Utah
 Tax Parcel No(s). 03-177-0023, 03-137-0004, 03-137-0005, 03-137-0006, 03-137-

Physical Features

Land Size (Gross Area) 6.52 acres/284,011 square feet
 Net Site Area 3.150 acres/137,214 square feet
 Surplus Site Area 3.37 acres/146,797 square feet
 Shape Irregular
 Topography Level, at grade
 Drainage Assumed adequate
 Soils/subsoils Assumed adequate. No recognized limitations; assumed stable evidenced by surrounding improvements.

Flood Plain

Flood Map Zone; #; Date X; 49005C 375C; effective May 24, 2011

Utilities

Electricity Rocky Mountain Power
 Culinary Water Nibley City
 Sanitary Sewer Nibley City
 Natural Gas Dominion Energy
 Telephone Century West

Ingress/Egress

Nibley Parkway, Sierra Drive

Overall Site

Tax ID No.	Size (acres)	Size (sf)	Shape	Frontage	Access	Comment
03-177-0023	2.00 acres	87,120 sf	Rectangular	US-89/91; Nibley Parkway; Sierra Drive	Nibley Parkway/Sierra Dr.	Site
03-137-0004	1.15 acres	50,094 sf	Rectangular	US-89/91; Nibley Parkway; Sierra Drive	Sierra Drive	Site
Net Site Area	3.15 acres	137,214 sf				Site
03-137-0005	1.15 acres	50,094 sf	Rectangular	US-89/91; Sierra Drive	Sierra Drive (unimproved)	Surplus Site
03-137-0006	0.83 acres	36,155 sf	Irregular	US-89/91; Sierra Drive	Sierra Drive (unimproved)	Surplus Site
03-137-0007	1.39 acres	60,548 sf	Triangular	US-89/91; Sierra Drive	Sierra Drive (unimproved)	Surplus Site
Surplus Site Area	3.37 acres	146,797 sf	Irregular			
Total	6.52 acres	284,011 sf	Irregular			

Cache County Recorder/Plat

Building Sketch

Building Sketch

Borrower/Client

Property Address 2900 S. US Hwy 89/91

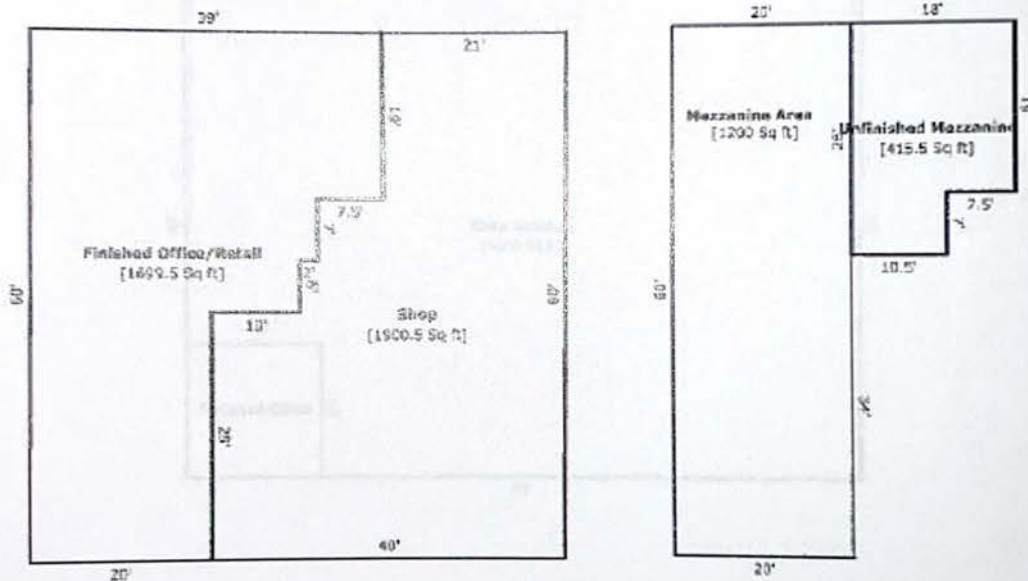
City Nibley

County

State

Zip Code

Lender



TOTAL Sketch by a la mode, inc.

Area Calculations Summary

Living Area

Finished Office/Retail

1659.5 Sq ft

Shop

1900.5 Sq ft

Unfinished Mezzanine

415.5 Sq ft

Mezzanine Area

1200 Sq ft

Total Living Area (Rounded):

5216 Sq ft

Building Sketch

Borrower/Client

Property Address 2900 S. US Hwy 89/91

City Nibley

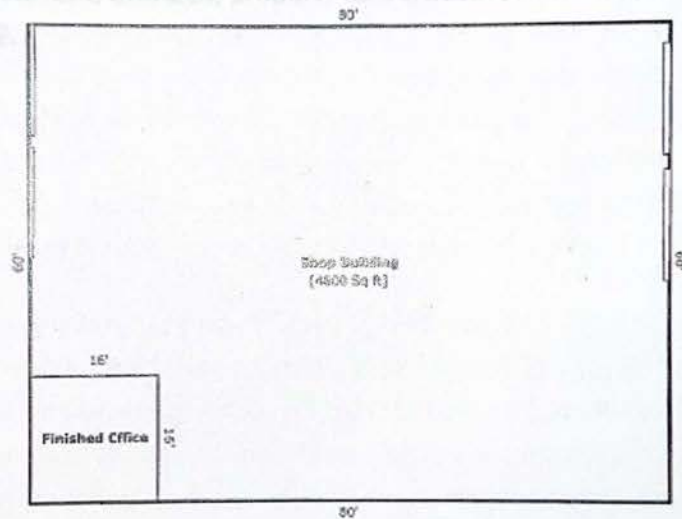
County

State UT

Zip Code

Lender

Tax ID No.	Land	Improvements	Total	Assessed Value	Property Taxes Total	Tax Yr
08-177-0023	\$0	\$638,260	\$638,260	\$638,260	\$6,874.26	2021
13-137-0024	\$0	\$126,712	\$126,712	\$126,712	\$3,537.15	2021
13-137-0025	\$112,712	\$0	\$112,712	\$112,712	\$1,178.61	2021
13-137-0026	\$81,347	\$0	\$81,347	\$81,347	\$250.82	2021
13-137-0027	\$136,235	\$0	\$136,235	\$136,235	\$1,424.61	2021
	\$0	\$638,260	\$638,260	\$638,260	\$6,874.26	



TOTAL Sketch by a la mode, inc.

Area Calculations Summary

Living Area	4800 Sq ft
Shop Building	4800 Sq ft
Total Living Area (Rounded):	



Northeasterly view of subject from US-89/91



East view of Heritage Drive. Subject is on the left.



Main Building - Northwest view



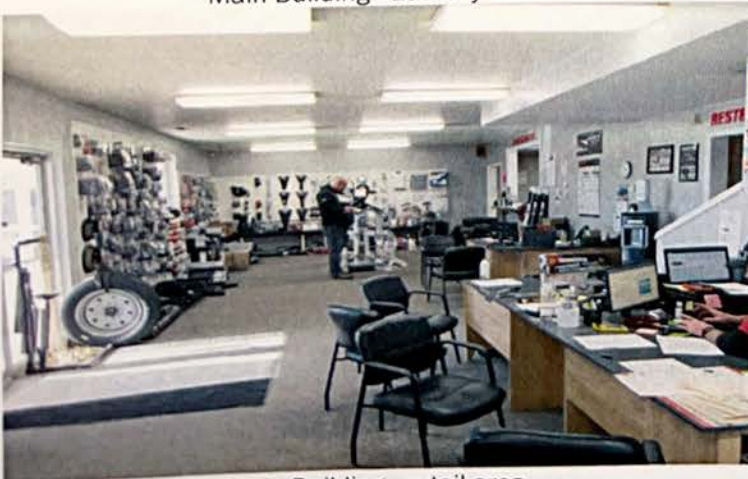
North view of Sierra Drive. Subject is on the left.



Main Building - Easterly view



Main Building - Southerly view



Main Building - retail area



Main Building - office



COMMERCIAL BUSINESS LICENSE

OFFICE USE ONLY	
Application fee: \$30	Paid on: 6/30/22
Business license fee: \$250 before 7/1, \$125 after 7/1.	
Date received:	
Rec'd by:	
License Issued Date:	

Business Name	Young Truck and Trailer Center, LLC
Business Address	2900 South US-89 Logan, Utah 84321
Business Phone Number	(435) 752-5667
E-mail	sbird@youngauto.net
State Tax ID	14732236-004
DBA -	Corp. ☒ LLC ☐ Sole Prop. ☐ Partnership (circle)

Please note: Your business must be registered with the State of Utah prior to submitting this application. You can do this at secure.utah.gov/osbr-demo/welcome.html

Describe the Nature of the Business (attach additional sheets if necessary)

Young Truck and Trailer Center, LLC is a full-service commercial truck and trailer dealership, selling, servicing, and repairing commercial trucks and trailers.

Do you use, store, or manufacture any chemical, combustible, or hazardous materials? Yes/No Waste related to auto dealership

If yes, attach additional sheets explaining the type of chemicals and how they will be used, stored, or manufactured.

Are you moving into a new or already existing building? New ___ Existing ☒

Sexually Oriented Business? * Yes ___ No ☒ Alcohol Sales/Consumption? * Yes ___ No ☒

*Answering yes to either of the above subjects a business owner to additional licensing requirements. See staff for additional information prior to submitting this application.

Projected Opening Date: 07/01/2022 Days/Hours of Operation 9 am - 6 pm Monday-Saturday

OFFICERS/OWNERS (Attach additional sheets if necessary)

	Owner/Officer #1	Owner/Officer #2	Owner/Officer #3
Name	Spencer W. Young, Trustee of the Spencer W. Young Revocable Trust dated September 17, 1990	Seldon O. Young as Trustee, The Seldon O. Young Inter Vivos Revocable Living Trust dated May 14, 1978	Lesli Goble Barker
Home Address	2105 N. Bella Vista Drive, Farmington, UT 84025	932 W. Lands End, Farmington, UT 84025	1331 S. 2675 W. Syracuse, UT 84075
Phone number	(801) 927-1858	(801) 927-1858	(801) 927-1858
DOB (MM/DD/YYYY)	10/03/1956	02/24/1954	07/23/1978
Misc. Info/Pro. Licenses			
Driver License#/ State	012436619 UTAH	012436211 UTAH	157859390 UTAH

Nibley City
455 W 3200 S
Nibley, UT 84321
(435) 752-0431



COMMERCIAL BUSINESS LICENSE

APPLICANT CERTIFICATION:

I certify that the information contained in this application is true and correct. I agree to conduct my business following Nibley City ordinances and any other State or Federal statutes or laws governing the operation of such business. Further, I understand that false disclosure of information on this application or failure to comply with said ordinances, laws, and statutes may result in the revocation of my business license.

Signature

Lesli Barker

Date

7/1/2022

Print Name

Lesli Barker

Title

Secretary

If use is classified as conditional use, this application is subject to approval by the Planning & Zoning Commission. You are required to appear before the Planning & Zoning Commission for approval of the conditional use permit.

Businesses must register with the Utah Division of Corporations, located at 160 East 300 South, SLC, UT, or online at www.business.utah.gov/registration. Verification of registration must be submitted with this application.

Business involved with the sale of tangible goods must provide evidence of a state sales tax number. You may obtain the sales tax number at the same time as you register the business entity or obtain the sales tax number from the State Tax Commission.

If you are moving into an already existing building, you are required to have the County Fire Marshall conduct an inspection before relocating. Evidence that the Fire Marshall has conducted the inspection and finds the building suitable for the proposed use must be submitted with this application. Failure to submit an inspection report will result in the application being refused.

If you are moving into a building that was constructed for your business, no business license will be issued until a certificate of occupancy has been issued by the Building Inspector.

FOR OFFICE USE	
Approved: _____	Denied: _____
Finding: _____	
Use Classification: _____	
Permitted Use: _____	
Conditional Use: _____	
P&Z Meeting Date (if applicable): _____	
Comments/Conditions: _____	

Signature: _____	Date: _____
City Planner: _____	Date: _____
Planning Commission Chair (if applicable for conditional use permit): _____	Date: _____
City Treasurer: _____	Date: _____

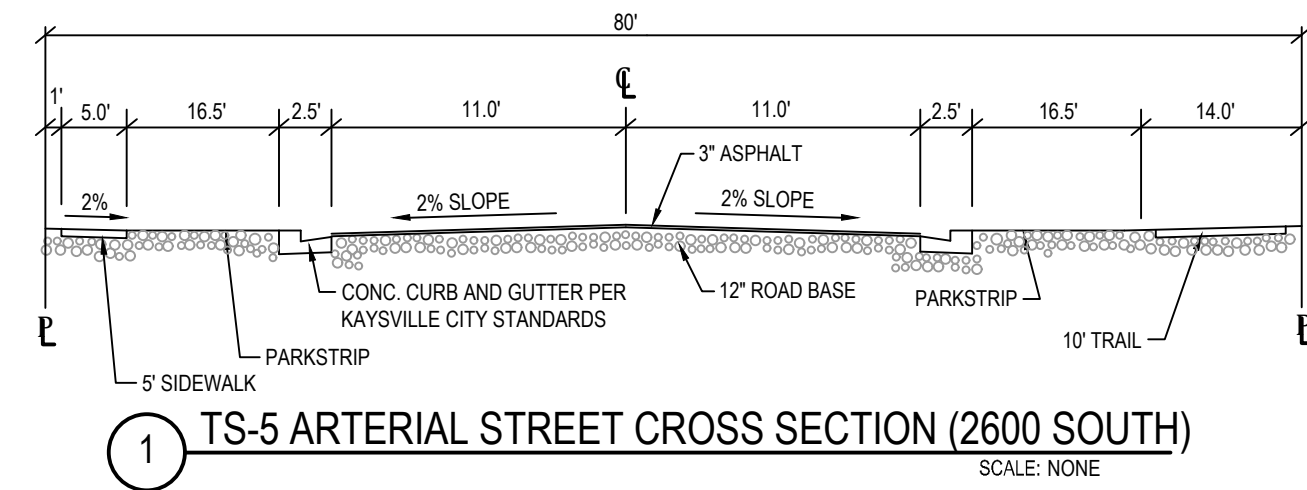
There are additional application requirements for alcohol sales and sexually oriented businesses. See staff for further information.

Also, if your profession is regulated by the Utah Department of Occupational and Professional Licensing, a copy of that professional license must be supplied.

Temporary or soliciting type businesses are licensed on a separate application with specific requirements.

License renewals are due January 1st each year. The license will indicate an expiration date. Renewal notices are sent as a reminder, but you are ultimately responsible for ensuring timely renewal payments. After March 1st, the license is no longer valid and business owners are required to submit a new application and pay associated fees.

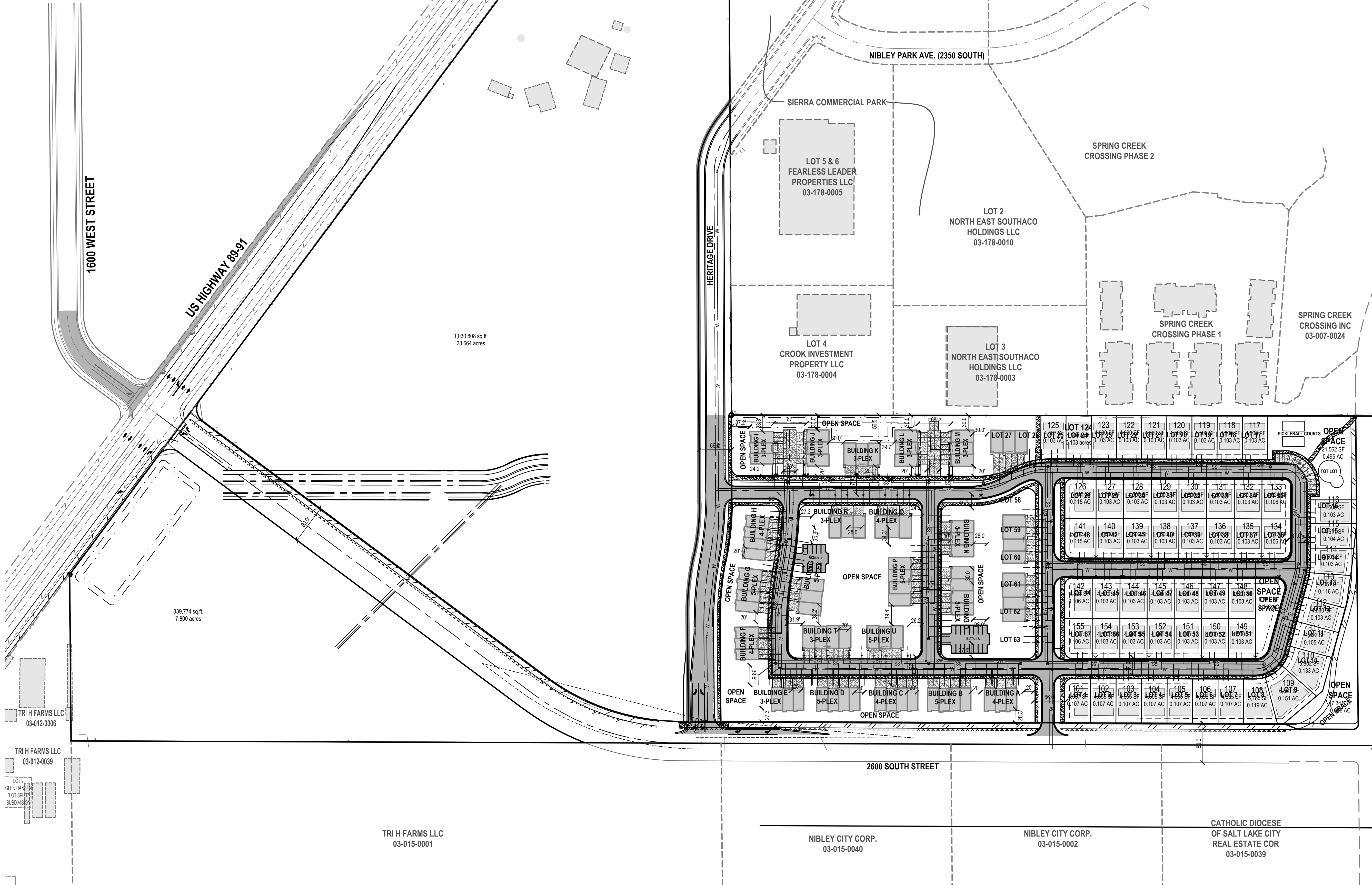
Nibley City
455 W 3200 S
Nibley, UT 84321
(435) 752-0431



GENERAL NOTES

- PROPERTY IS PROPOSED ZONED R-2A (PRUD).
- SETBACKS ARE:
 - FRONT YARD SETBACK IS 20'
 - REAR YARD SETBACK IS 15'
 - SIDE YARD SETBACK IS 5' (SINGLE FAMILY)
 - SIDE YARD SETBACK IS 15' (TOWN HOME)
 - ADJACENT DEVELOPMENT SETBACK IS 30'

The map shows a grid of streets. The vertical streets from left to right are: 3000 SOUTH STREET, 2800 SOUTH STREET, 2600 SOUTH STREET, 2400 SOUTH STREET, 2200 SOUTH STREET, 2000 SOUTH STREET, 1800 SOUTH STREET, 1600 SOUTH STREET, 1400 SOUTH STREET, 1200 SOUTH STREET, 1000 SOUTH STREET, 800 SOUTH STREET, 600 SOUTH STREET, 400 SOUTH STREET, 200 SOUTH STREET, 0 SOUTH STREET, and MAIN STREET (HIGHWAY 150). The horizontal streets from top to bottom are: 2000 WEST STREET, 1800 WEST STREET, 1600 WEST STREET, 1400 WEST STREET, 1200 WEST STREET, 1000 WEST STREET (HIGHWAY 250), 800 WEST STREET, 600 WEST STREET, 400 WEST STREET, 200 WEST STREET, and 0 WEST STREET. The proposed site is located on the corner of 1600 West Street and 2600 South Street. The map also shows the Logan and Nibley areas, the Heritage Drive, and the 2400 West Street. A north arrow and a scale bar are included.



1 OF 1

21.08.030 Parcel Boundary Adjustments, Lot Line Adjustments, Combining Lots And Amendments To A Subdivision
Subdivision Amendments

- A. Lot Line and Parcel Boundary Adjustments: An agreement to adjust boundary lines between adjoining properties, where at least one of the properties being adjusted is a lot or where the properties at issue include a dwelling either in a subdivision or on unsubdivided parcels of land, may be applied for by the owners of record of said properties as set forth herein.
1. The following materials shall be submitted with a parcel boundary/lot line adjustment application:
 - a. A quitclaim deed or boundary line agreement, which complies Utah Code 10-9a to be used for recording the lot line adjustment.
 - b. For lot line adjustments, a surveyed plat, which describes the differences between the amended and the original plat, as provided in UCA 10-9a-6.
 - c. For parcel boundary adjustments, a survey, which describes the differences between the amended and the original parcels.
 - d. A site plan which shows existing and proposed property boundary lines, any existing easements, and structures on the affected properties, including dimensions and setbacks from existing and proposed lot lines.
 2. The City Planner or City Engineer shall approve the application for lot line/parcel boundary adjustment if the following conditions are met:
 - a. All required materials are submitted.
 - b. No new lot or parcel results from the adjustment.
 - ~~c. No previously existing lot is eliminated as a result of the adjustment. This does not apply to parcel boundary adjustments.~~
 - ~~d. c.~~ If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and NCC 19.
 - ~~e. d.~~ No lot is made undevelopable without a variance or other special consideration.
 - ~~f. e.~~ All property owners directly affected by the adjustment give their consent.
 - ~~g. f.~~ The adjustment does not result in a remnant piece of land that did not exist previously.
 - ~~h. g.~~ The adjustment does not result in the violation of any applicable zoning ordinance, including restrictions on permissible uses or number and location of dwellings and structures.
 - ~~i. h.~~ The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.
 - ~~j. i.~~ Non-conforming lots: notwithstanding the conditions described above, a lot line/parcel boundary adjustment for an existing non-conforming lot which does not result in conformity with the land use ordinance may be approved if the adjustment does not result in a lower level of conformance for any established lot size, frontage or other established standards. For example, if a ½ acre lot located within a zone with a minimum lot size of 1 acre applies for a lot line adjustment which increases the size of the lot to ¾ acre via a lot line adjustment, it may be approved.
 - ~~k. j.~~ Upon approval, the applicant(s) shall execute and record the adjustment with the Cache County Recorder, in accordance with Utah State Code 10-9a.
 3. Exemptions from lot line/parcel boundary adjustment application:
 - a. A parcel boundary adjustment involving parcels, which do not contain a dwelling on any affected properties may be executed and recorded with the Cache County Recorder and is not subject to City approval.
 4. A complete application for parcel boundary adjustment must be reviewed by the City Planner or City Engineer within 14 days of submittal.

B. Combining Lots or Parcels: the combination of contiguous lots or parcels that eliminates one or more boundary lines in common between the contiguous lots or parcels and that does not otherwise adjust property boundaries are not considered lot line adjustments, parcel boundary adjustments or subdivision amendments and are not subject to the regulations of this chapter. A lot or parcel combination does not constitute a land use or zoning approval by the City, unless expressly approved as such by the City. Documents recorded as part of a lot or parcel combination do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.

C. All other amendments to a subdivision plat not described above shall follow the process and standards within Utah State Code 10-9a as amended, and any applicable Nibley City ordinances.

21.06.060 Land Use Authority

1. The Land Use Authority shall be established according to the table below for Land Use Applications.

Subdivision Type	Approval Authority
Standard Subdivision	Planning Commission
Minor Subdivision	Planning Commission
Rural Preservation Subdivision	City Council
Cluster Subdivision	City Council
R-PUDs and other Overlay Zones Development	City Council
Annexation Petition	City Council
Annexation Policy Plan	City Council
Conditional Use Permit	Planning Commission ¹
General Plan	City Council
Ordinance Change (new or existing)	City Council
Plat Amendment	City Council <u>or Planning Commission²</u>

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Proposal to Vacate, Alter or Amend a Public Street or Right-of-Way	City Council
Subdivision Ordinance	City Council
Subdivision; Preliminary Approval	City Council
Zone Changes	City Council

2. ¹The planning commission may designate to city staff, its land use authority for those conditional use permit application outline in NCC 03.02.040.Sub

²The Approval Authority for a Plat Amendment shall be the same approval authority as for the original Subdivision

2.

B.

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21.02.060 Complete Submittal Required

- A. No application for a subdivision shall be reviewed by the City Planning Commission or City Council or be entitled to substantive review and approval until the applicant has submitted all documents required by this Title and Nibley City Code. The City shall inform applicants of the information needed to provide a complete application. Once a complete application has been received, the application shall be reviewed by the City Engineer, City Planner, Public Works Director, and all any other applicable departments or special service districts for conformance to NCC. When the application has been determined to be complete and in compliance with NCC, the application will be placed on the next Planning Commission meeting which is at least (14) days from the date of compliance determination. The application will then be reviewed/approved by the applicable recommending/approval authorities as outlined in this Chapter.

Commented [DF1]: Is 14 days the minimum? If they were done 7 days before the meeting would that be enough time to still get them on?

21.06.040 Submission Of Preliminary Plat

- A. The subdivider shall submit the following in a readable, electronic format with each Preliminary Plat application:
1. The proposed preliminary plat conforming to all development standards of NCC and Nibley City Engineering Design Standards.
 2. A title report, provided by a title company, for the property proposed to be subdivided, dated within thirty (30) days of the submittal of the preliminary plat.
 3. Except as outlined in NCC 21.10.040, prior to approval of the preliminary plat, the subdivider shall provide the City with signed documentation that any affected canal company has had the chance to review plans related to the alteration of affected canals, and further, that the canal company understands they have thirty (30) days from the date of notification to bring any concerns to the City.
 4. If applicable, the following are required for all phased developments, developments larger than 20 acres, or as specifically required by City Staff:
 - a. Preliminary Maintenance and Landscape Plans
 - b. Traffic Impact Study
 - c. Geotechnical Report
 - d. Preliminary Stormwater / Drainage Report
 - e. Preliminary Sewer Report
 - f. Preliminary Water Report
0. The preliminary water report will be provided by the City's water modeling consultant at a cost to the developer.
- ~~A. three (3) paper copies and one (1) electronic copy, in a format that is readable, of the proposed preliminary plat to the Planning Commission at least fourteen (14) days prior to the date of the Planning Commission meeting at which the preliminary subdivision plan is to be reviewed. The Planning Commission shall circulate copies of the proposed preliminary plat to all affected departments and to any districts which may be providing special services for comment and review.~~
- ~~B. The preliminary plat shall conform to the development standards outlined in NCC 21.08.010, 21.06.50 Public Notice and Hearing Required.~~

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Commented [LR2]: This was moved/modified in 21.02.060 to be more consistent with the standard procedure

21.06.080 Final Plat Approval

- A. Within one year of receiving approval of the preliminary plat by the City, developers shall present the entire subdivision or first phase or phases for final approval by the specified Land Use

Authority: If the first phase of the subdivision is not submitted within one year of preliminary plat approval, the approval of the preliminary plat shall be null and void and the applicant must submit a new preliminary plat application for consideration.

B. The application for final approval shall consist of the following:

1. Final plats for the entire subdivision or for the proposed phases, prepared according to this ordinance and to the Nibley City Design Standards and Specifications;
2. A stamped report, prepared by a Utah Licensed Professional Engineer or Professional geologist, establishing the ordinary high groundwater elevation and finished floor elevations for the subdivision.
 - a. No finished floor elevations, including basement floor elevations, shall be permitted below the aforementioned groundwater elevation.
 - b. The groundwater elevation and finished floor elevation limitations shall be recorded as a boxed note (min 14 pt font) on the recorded mylar
 - c. The report shall be attached to the Development Agreement.
 - d. An applicant is not required to submit a groundwater report or finished floor elevations of any permitted building if the applicant records on the final plat that no finished floor shall be built at an elevation lower than six inches (6") above finished curb or centerline of the street, whichever is higher, unless an individual lot owner is able to provide a stamped report meeting the qualifications as listed within this section for their lot, and unless that report is reviewed and approved by the City Engineer
3. Construction drawings for the subdivision, prepared by licensed professionals according to this ordinance and to the Nibley City Design Standards and Specifications;
- ~~3.4. Final reports for which preliminary reports were required with the preliminary plat.~~
- ~~4.5. Three (3) hard copies of the final plats and construction drawings and one (1) electronic copy of the final plats, and construction drawings, and reports of the same; and~~
6. A draft Development Agreement, prepared by Nibley City, outlining the roles and responsibilities of both the subdivider and Nibley City. The Development Agreement shall be approved by the City as part of the final approval.

Commented [DF3]: What happens if they don't. Does the pre plat approval automatically go away. I recommend that it should. Often there won't be any changes at all but this removes standing if there are changes to our codes.

Commented [LR4R3]: Added phrase the nullify if not presented within one year

Commented [LR5]: Hard copies are no longer necessary for the submission.

Commented [LR6]: Rob, should we change this now that the law passed that says that DA's shouldn't be the only way to be able to develop? Perhaps we should say a DA is required if it is a R-PUD, Cluster or Open Space Subdivision or if there are terms outside of the ordinance that both parties agree to. Please advise.

21.08.010 Preliminary Plat

- A. As part of the submittal of the preliminary plat, subdividers shall provide Nibley City with the following information:
- B. Description: The preliminary plat shall be drawn to a scale not smaller than one hundred feet to the inch (1"=100') on standard twenty-four inch by thirty-six inch (24"x36") paper and shall include the following information in the title block:
 1. The proposed name of the subdivision.
 2. The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project.
 3. A legal description of the property.
 4. The names and addresses of the owner, subdivider if other than owner, and the engineer or surveyor of the subdivision.
 5. Date of preparation.
 6. Scale
- C. Existing Conditions: The plat shall show:
 1. The location of the nearest benchmark and property monuments.
 2. All property contiguous to the proposed subdivision under the control of the subdivider, even if only a portion is being subdivided.
 3. The location, width and names of all existing streets, railroads, open spaces, sewers, water mains, culverts or other utility lines and rights-of-way, and permanent buildings and

- structures located within the tract and within ~~three hundred~~ one hundred and fifty feet (150'300') of the outermost boundary of the subdivision.
4. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract.
 5. Existing sewer lines, water mains, land drains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.
 6. Existing irrigation ditches and canals, their owners, and any easement or prescriptive right-of-way.
 7. Existing natural drainage channels and open waterways.
 8. ~~and proposed~~ realignments for any existing facility.
 9. Identification of known natural features including, but not limited to, wetlands as identified by the US Army Corps of Engineers, areas which would be covered in the event of a 100-year storm event, all water bodies, floodways and drainage ways, slopes exceeding twenty percent (20%) and any other natural features as may be required by the Planning Commission or City Council for the subdivision, including the acreage in each required feature.
 10. Boundary lines of adjacent tracts of land, showing ownership where possible.
 11. Contour map at vertical intervals of not more than five feet (5') where the slope is greater than ten percent (10%) and not more than two feet (2') where the slope is less than ten percent (10%).
 12. A plan outlining how the subdivider intends to phase construction of the project, if phasing is intended.
- D. Proposed Development: In addition to the above-listed items, the preliminary plat shall show:
1. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
 2. Cross-sections depicting in detail the widths, elevations, and typical slopes of all road types (out to the limits of the property line or PUE if applicable), trails, irrigation facilities, natural channels, and other unique areas within the area to be platted that require information to clearly depict what is being proposed.
 3. The layout, numbers and typical dimensions of lots.
 4. Open space intended to be dedicated for public use or set aside for the private use of property owners in the subdivision.
 5. Building setback lines, including dimensions of said lines.
 6. Easements, including dimensions, for water, sewer, drainage, utility lines and other purposes as required by the Planning Commission or by City law.
 - a. Cross-lot easements for water, sewer, drainage, or other utility lines shall be avoided as much as possible and required specific approval by the City Engineer prior to presentation to the Planning Commission and City Council.
 7. A tentative plan or method for the subdivision's groundwater, fire hydrant, sewer and stormwater drainage facilities.
 8. Where the plan submitted covers only part of the subdivider's tract, the preliminary plat shall include a sketch of the prospective future street system which shall be considered in light of the future street system of the larger area.
- E. Approval Of Preliminary Plat:
1. Conditions Of Approval: The Approval Authority shall approve only those preliminary plats that satisfy the standards and criteria specified in this title, Zoning Title 19 of the Nibley City Code and all other applicable City ordinances and standards.
 2. Environmental Impact Analysis: The Planning Commission shall determine from the preliminary plat the possible need for environmental impact analysis.

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3. Approval Or Disapproval By the Approval Authority: The Approval Authority shall approve the preliminary subdivision plan if it finds that the subdivision complies with City ordinances and standards. The Approval Authority may conditionally approve a preliminary subdivision plat imposing such conditions as required in order to bring the subdivision plat into compliance with the requirements of City ordinances. In the event the Approval Authority disapproves the preliminary plat, they shall state in writing each reason for the disapproval.