



Nibley City
Planning Commission Meeting
Thursday, February 2, 2023
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. Public comment should be submitted to jamie@nibleycity.com by 6:30 p.m. and will be read into the public record.

1. **Public Hearing:** Ordinance 23-06: Amending NCC 19.20.020 to remove ‘Mobile Home Park’ from the Land Use Chart
2. **Discussion and Consideration:** Ordinance 23-06: Amending NCC 19.20.020 to remove ‘Mobile Home Park’ from the Land Use Chart
3. **Public Hearing:** Ordinance 23-05: Amending NCC 19.24.250 to remove requirements for impact fees for accessory dwelling units
4. **Discussion and Consideration:** Ordinance 23-05: Amending NCC 19.24.250 to remove requirements for impact fees for accessory dwelling units
5. **Discussion and Consideration:** Conditional Use Permit for Antler Doc, LLC to operate an Artisan Shop at 3361 S 180 W (Applicant: Steven Curtis)
6. **Workshop:** Planning Commission Goals for 2023
7. 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 2, 2023**

Agenda Item #1 & #2: Land use Chart- Mobile Home Parks

Description

Public Hearing: Ordinance 23-06: Amending NCC 19.20.020 to remove 'Mobile Home Park' from the Land Use Chart

Discussion and Consideration: Ordinance 23-06: Amending NCC 19.20.020 to remove 'Mobile Home Park' from the Land Use Chart

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 23-06: Amending NCC 19.20.020 to remove 'Mobile Home Park' from the Land Use Chart

Reviewed By

City Planner

Background

Currently, NCC 19.20.020 lists ‘Mobile Home Park’ as a conditional use in the Industrial Zone. On December 1, during a workshop regarding this item, Planning Commission members have expressed the desire to consider removing this use from the Land Use Chart.

General Plan considerations

Nibley City recently adopted an amended Moderate Income Housing Plan, an appendix to the General Plan. While the plan does identify a need to increase the supply of moderate income housing as the City grows, none of the seven identified strategies in the plan point to allowing mobile home parks as a strategy to increase housing options. Although mobile home parks typically do facilitate the production of housing which is affordable to low and moderate income households, the City has not planned for this use as a strategy to reach its affordable housing goals.

Zoning Ordinance purpose considerations

19.16.010 states the following:

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

In general, residential uses are not compatible with industrial uses as the impacts of industrial uses, particularly heavy industrial uses, may degrade the health and quality of life of residents. In addition, if developed, residential uses may limit opportunities to necessary industrial-related uses. It is recommended that if mobile home parks are to be allowed within Nibley City, that they be planned for areas near other, more compatible uses.

Lack of adopted standards for mobile home parks

When reviewing a recent application for a mobile home park, it was revealed that the City currently lacks standards appropriate to ensure quality development. It is recommended that if mobile home parks are to be allowed that specific standards for mobile home parks be developed.

Agenda Item #3: Antler Doc CUP

Description

Discussion and Consideration: Conditional Use Permit for Antler Doc, LLC to operate an Artisan Shop at 3361 S 180 W (Applicant: Steven Curtis)

Department

City Planning

Action Type

Administrative

Recommendations

Approve the Conditional Use Permit with the following conditions:

1. The operation of the artisan shop shall be limited to the hours of 7:00 am – 10:00 pm.
2. All business activities, including storage of materials, shall be limited to the building noted on the provided site plan.
3. All noise that emanates beyond the property boundaries associated with the proposed use shall be limited to less than 50 dBA.
4. The business may not have more than three employees report to the location at a time.
5. Retail sales at the property shall be limited to one per day, with the exception of online sales.
6. Deliveries associated with the business shall be limited to no more than ten per week.

Reviewed By

City Planner

Background

Steven Curtis has submitted an application to operate an Artisan Shop at 3361 S 180 W with a business name of Antler Doc, LLC. On his application, Steven describes his business as follows:

I buy and sell antlers mostly to artisans and antler dog chew businesses. I also do some antler restoration of antlers and antler art crafts. The facility would be used to store, box and produce antler related products. The only machinery used would be periodic use of a bandsaw. There would be very little noise or mostly no noise associated with what we do.

The building in which he proposes to conduct the business is a standalone shop space on a 0.9 acre residential lot. There are currently no residential uses on the property. The building is approximately 2,045 sq feet and is set back approximately 10' from the side and rear yard, 125 feet from the front yard and 90' from the closest neighboring home.

NCC 19.04.010 defines 'artisan shop' as:

A place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small scale, and which do not require industrial machinery for production of the items. Examples of such items include paintings, sculptures, pottery, jewelry, handblown glass, small wooden items, candles, soaps, and lotions.

According to Staff's interpretation, the proposed use substantially matches the definition for 'artisan shop.'

NCC 19.20.010 lists 'artisan shop' as a conditional use in the R-1A zone in which the property is located.

NCC 19.28 provides the procedures and basis for issuance of conditional use permits. Specifically, 19.28.050(A) provides:

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.

Reasonably anticipated detrimental effects associated with the proposed use include potential noise-related impacts, and potential traffic generated from deliveries or employees.

To limit noise impacts, NCC 19.28.050(C)(1)(f) provides that "Conditional Uses shall not operate, or cause outside disturbance from 10:00 p.m. to 7:00 a.m." In addition, subsection c states "Applicant may be required to limit noise associated with the conditional use that emanates beyond their property boundaries to less than 50 dBA." Staff recommends imposing both of these conditions to mitigate potential impacts related to noise. In addition, Staff recommends that all business activities be limited to areas within the building noted on the provided plan. This will also help mitigate potential impacts related to noise.

Given the limited parking accommodations at the site and to mitigate potential impacts related to traffic, Staff recommends limiting any employees reporting to the location to no more than three. In addition, Staff recommends prohibiting retail sales at the property to no more than one per day. In addition, deliveries should be limited to no more than ten per week, which is a reasonable amount of deliveries that a typical residential home may receive.

Agenda Item #4: ADU impact fee exemption

Description

Public Hearing: Ordinance 23-05: Amending NCC 19.24.250 to remove requirements for impact fees for accessory dwelling units

Discussion and Consideration: Ordinance 23-05: Amending NCC 19.24.250 to remove requirements for impact fees for accessory dwelling units

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 23-05: Amending NCC 19.24.250 to remove requirements for impact fees for accessory dwelling units

Reviewed By

City Planner, City Manager

Background

Nibley City recently adopted an amended Moderate Income Housing Plan, an appendix to the General Plan. Strategy 2 states the following:

2. *Eliminate impact fees for any detached accessory dwelling unit that is not an internal accessory dwelling unit as defined in Utah Code Section 10-9a-530*

Furthermore, the Plan states the following:

Nibley City Code requires that impact fees be assessed for new detached ADUs. The ordinance provides for a rebate of these impact fees for providing affordable housing to those earning less than 50% AMI. However, it has been discussed that even with this rebate, the assessment of an impact fee for ADUs may be a barrier to building new ADUs. Furthermore, due to their limited

footprint, the impact of an ADU may be lower than other housing units. The current impact fee for a new ADU is currently set at \$11,296, which includes sewer, water, transportation, park and Logan City wastewater. The City should consider eliminating impact fees for all ADUs in order to encourage production of new ADUs

In keeping with this recommendation of the Nibley City Moderate Income Housing Plan, Staff recommends to consider approval of this ordinance.

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
Residential/Commercial Mixed Use ⁶	C	C	C	C	C	C	C	NP	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	P	P	P	P	P	P	P	NP	P	P	P
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	NP	NP
Housing, Two-Family ⁵	P	P	P	P	P	P	P	NP	C	C	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	NP	P	P	P

Printed: 01/27/2023

Nibley

Antler Doc, LLC

01/24/2023 - 12/31/2023

9437416

Commercial Business License

Commercial Business

711f7680-9c1f-11ed-873f-ab70105ba321

Under Review

Active

Application Review Status

Pre-Review	Approved	01/24/2023
Planning	Not Reviewed	
Final-Review	Not Reviewed	

Fees

Commercial Business Application Fee	\$30.00
Initial Business License Fee	\$250.00
Fire Inspection Fee	\$45.00
Subtotal	\$325.00
Amount Paid	\$30.00
Total Due	\$295.00

Payments

01/24/2023	Online	\$30.00
Total Paid		\$30.00

Application Form Data

(Empty fields are not included)

First Name

Steven

Last Name

Curtis

Contact Email

antler32@gmail.com

Phone Number

(435) 760-0536

Business Name

Antler Doc, LLC

Phone Number

(435) 760-0536

Email

antler32@gmail.com

Organization Type

LLC

Is this business selling tangible goods?

Yes

State Tax ID Number

529627214

Have you registered your business with the State of Utah?

Yes

State Business Registration Number

5361570-0160UT

Please upload verification of registration with the State of Utah

 **Image (98).jpg**

Federal Tax ID Number (EIN)

529627214

Business Street Address

3361 S 180 W

City

Nibley

State

UT

Zip Code

84321

Business Activity

Other

Describe the Business. Please include details about its functions (i.e. sales, manufacturing, etc.)

I buy and sell antlers mostly to artisans and antler dog chew businesses. I also do some antler restoration of antlers and antler art crafts. The facility would be used to store, box and produce antler related products. The only machinery used would be periodic use of a bandsaw. There would be very little noise or mostly no noise associated with what we do.

Do you use, store, or manufacture any chemical, combustible, or hazardous materials?

No

Does your business sell alcohol for sales or consumption?

No

Projected Opening Date

03/01/2023

Days and hours of operation

Monday thru Friday Flexible day time hours

Do you understand this requirement for conditional use permit approval, if applicable?

Yes

Are you moving into a new or already existing building?

Existing

Mailing Street Address

1195 S. 400 E.

City

Providence

State

UT

Zip Code

84332

Please include any additional information about the proposed business.

Most of the traffic related to the business would be myself and my employee coming and going.

Owner First Name

Steven

Owner Last Name

Curtis

Phone

(435) 760-0536

Street Address

1195 S. 400 E.

City

Providence

State

UT

Zip

84332

Date of Birth

11/29/1946

Drivers License No./State

002672853

Are there any additional owners/officers of this business?

No

Is there at least one manager who is not an owner/officer?

No

Signature

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. I understand that License renewals are due January 1st each year. The license will indicate an expiration date. I understand that I am 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.

Steven Boyd Curtis - 01/24/2023 12:43 pm

Messages

Steven,

Thanks for submitting this application. Please submit a site plan that dimensions the building in which you propose to conduct the business, including setbacks, parking areas, fences, etc. Attached is an example of what I am looking for. If you can submit an accurate site plan by Thursday, I will plan on placing this on the Planning Commission agenda for the February 2 meeting.

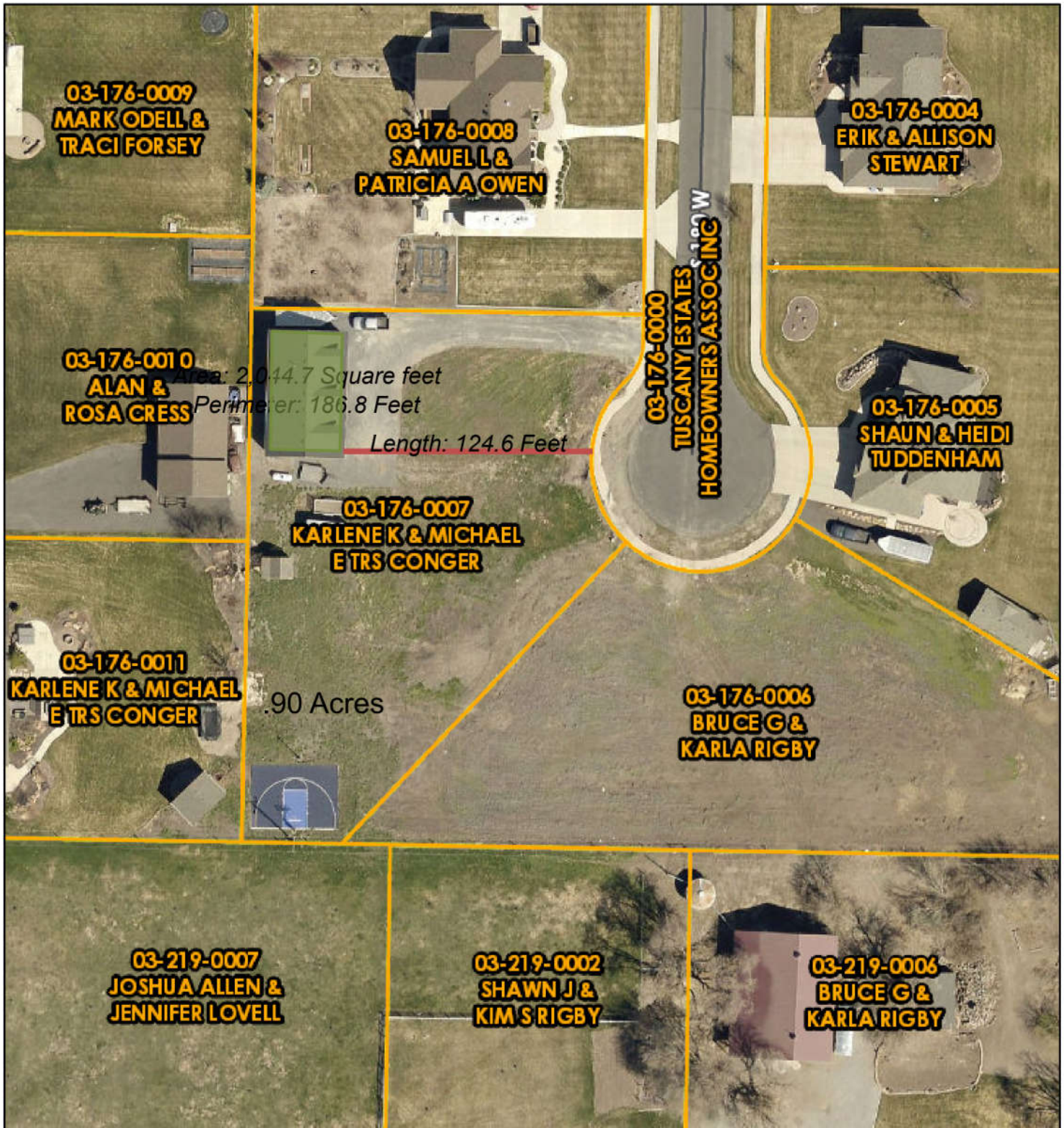
Levi Roberts, City Planner

 Larry Jacobsen wood shop-site plan.JPG

Internal Notes

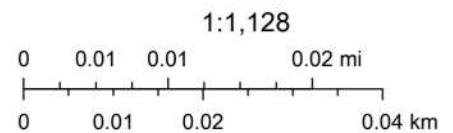
Business is registered with the State of Utah.

Parcel Map



1/26/2023, 4:07:44 PM

- | | |
|----------------------|----------------------|
| Override 1 | GRAVEL |
| Override 1 | DIRT |
| Taxes Due / Not Paid | Municipal Boundaries |
| Class B Surface Type | County Boundary |
| ASPHALT | Cache Parcels |



Maxar, Microsoft

19.24.250 Accessory Dwelling Unit Standards

A. Purpose

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 of the accessory dwelling unit 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. 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.
6. One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling. Accessory dwelling units are not allowed on lots that contain a two-family dwelling.
7. No accessory dwelling unit shall be built on a registered wetland or flood plain.
8. The use of an accessory dwelling unit shall be limited to residential uses. With the exception of a home occupation, no commercial or industrial uses are permitted within an accessory dwelling unit.
9. Installation of separate water and sewer meters for accessory dwelling units shall be prohibited.
10. Accessory dwelling units shall be charged the base rate for water and sewer usage in accordance with the Nibley City Fee Schedule.
11. Impact Fees: Accessory dwelling units shall not be subject to impact fees.

E. Size, Height and Zoning

1. Accessory dwelling units shall have the following requirements:
 - a. Shall have the minimum floor area of 300 sq. ft. and a maximum floor area of 1,200 sq. ft.
 - b. 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 yard setback of 20 feet and side yard setback of 10 feet is required.
 - c. Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.
 - d. The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.
 - e. Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.

F. Noncompliance

1. Owners of the property where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Owners who fail to maintain or violate the city's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the permit revoked. Notice of violation shall be given to the owner of the residence containing the accessory apartment use providing 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of their permit may use the appeal process to have their grievances heard.