



**Nibley City
Planning Commission**

Wednesday, December 12, 2016
455 W. 3200 S.
Nibley, UT

5:30 p.m. Call to Order
Approval of Agenda
Approval of Minutes

1. ~~A public hearing to receive comment regarding a preliminary plat for the Heritage Parkway subdivision, located at approximately 1200 W and 2700 S (Canceled due to improper notice on property)~~
2. **From the Wood Grain**- discussion and consideration of a conditional use permit and business license for a home occupation- (Applicant: Kristina Allen)
3. **Rocky Mountain Surgical Sales**- discussion and consideration of a conditional use permit and business license for a home office- (Applicant: Wayne Kirk)
4. **Corinne Bradshaw Hair**- discussion and consideration of a conditional use permit and business license for a home occupation- (Applicant: Corinne Bradshaw)
5. A public hearing to receive comment regarding a proposed amendment to the Nibley City Transportation Master Plan
6. Discussion and consideration of a proposed amendment to the Nibley City Transportation Master Plan
7. A public hearing to receive comment concerning a proposed change to the Nibley City subdivision-street ordinance
8. Discussion and consideration of a proposed change to the Nibley City subdivision-street ordinance
9. Discussion and consideration of the final plat for The Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately 4030 Hollow Road (Applicant: Jim Johnson)
10. Discussion and consideration of a proposed Nibley City Canal Ordinance
11. Discussion and consideration of a proposed resolution by the Planning Commission to designate the Nibley City Planner as the land use authority for accessory building permits: Resolution 16-P1
12. Staff Report and Action Items
 - a. Utility easements for accessory building permits
 - b. Conservation Subdivision
 - c. Schedule for 2017

*Planning Commission agenda items may be tabled 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 Council
Agenda Report for
December 14, 2016**

Agenda Item 1

Description	A public hearing to receive comment regarding a preliminary plat for the Heritage Parkway subdivision, located at approximately 1200 W and 2700 S (Canceled due to improper notice on property)													
Department	Planning													
Presenter	Stephen Nelson, City Planner													
Applicant	Matt Hansen													
Background	<p>There was a public hearing advertised for this subdivision, however, because there was not a proper sign posted on the property to notify the public, the public hearing has been postponed until our next meeting. Staff has included the plat and some information about the subdivision on the agenda item report, however because of the failure to properly notify the public, this item will need to be postponed until our next meeting in January.</p> <p>Contains 19.88 Acres, 40 lots</p> <table border="1" data-bbox="505 1388 1422 1629"> <thead> <tr> <th></th> <th>R-2A Zone Requires</th> <th>Heritage Hills</th> </tr> </thead> <tbody> <tr> <td>Min Lot Size</td> <td>12,000 sq. ft.</td> <td>All Lots meet or exceed</td> </tr> <tr> <td>Average Lot Size</td> <td>14,000 sq. ft.</td> <td>15,405 sq. ft.</td> </tr> <tr> <td>Frontage</td> <td>100 ft.</td> <td>All lots meet or exceed</td> </tr> </tbody> </table> <p>The plat complies with Nibley City Code in reference to lot sizes and frontage.</p> <p>Storm Water: Storm water will be handled by the future regional</p>			R-2A Zone Requires	Heritage Hills	Min Lot Size	12,000 sq. ft.	All Lots meet or exceed	Average Lot Size	14,000 sq. ft.	15,405 sq. ft.	Frontage	100 ft.	All lots meet or exceed
	R-2A Zone Requires	Heritage Hills												
Min Lot Size	12,000 sq. ft.	All Lots meet or exceed												
Average Lot Size	14,000 sq. ft.	15,405 sq. ft.												
Frontage	100 ft.	All lots meet or exceed												

	<p>retention basin located just North West of the property.</p> <p>Infrastructure and Transportation: Will pave half of 2600 S boarding their property and will finish 1200 W boarding their property. The developer is proposing to pipe the canal that runs along 1200 west, but leave it open on the back of some homes. The only concern staff has about the layout of the lots is the half cul-de-sac located by lots 17 and 18.</p>
Findings	<p>Find that:</p> <ul style="list-style-type: none"> • The notification of public hearing was not done properly, namely the sign placed on the property was inadequate, and therefore the public hearing will be delayed until proper notice is given.
Recommendation	<p>Do not hold hearing until proper notice is given to the public and make the finding above.</p>
Reviewed By	<p>City Planner, Public Works Director, City Engineer, City Manager, City Attorney.</p>

Agenda Item 2

Description	From the Wood Grain- discussion and consideration of a conditional use permit and business license for a home occupation- (Applicant: Kristina Allen)
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	Kristina Allen
Background	<ul style="list-style-type: none">• Kristina Allen application is for a business license and conditional use permit for a home occupation for candle making and simple woodworking. According to the application, there will be no one employed who does not live at the home and no part of the business will take place in an accessory building. There will be limited client visits to the home, around zero to five a week plus about 20 deliveries a month. There will be no signage posted on the property.• The Nibley City Home Occupation definition is:<ul style="list-style-type: none">○ HOME OCCUPATION: The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.

	<ul style="list-style-type: none">• If the business meets the definition above, then it may be granted a conditional use permit.
Findings	<ul style="list-style-type: none">• The property is zoned Residential R-2A• The Nibley City Land Use Chart allows for home occupation as a conditional use.• Kristina Allen’s application meets the requirements to be classified and approved as a conditional use.
Recommendation	Staff recommends approval of a Conditional Use Permit so they can be granted a business license.
Reviewed By	City Planner

Agenda Item 3

Description	Rocky Mountain Surgical Sales- discussion and consideration of a conditional use permit and business license for a home office- (Applicant: Wayne Kirk)
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	Wayne Kirk
Background	<ul style="list-style-type: none"> • Wayne Kirk application is for a business license and permit for a home office for medical sales. According to the application, there will be no one employed who does not live at the home and no part of the business will take place in an accessory building. There will also be no client visits and 2-4 deliveries a month. There will be no signage posted on the property. • The Nibley City Home Office definition is: <ul style="list-style-type: none"> ○ HOME OFFICE: The use of a portion of a dwelling as an office for a business where: 1) no client visits are conducted and 2) no persons not living in the home are employed by the business. Home-based businesses that do not meet these requirements may still be conducted but shall be classified as a home occupation rather than a home office. • If the business meets the definition above, then it may be licensed as a home office.
Findings	<ul style="list-style-type: none"> • The property is zoned Residential R-2. The Nibley City Land Use Chart allows for home office as a permitted use. • Wayne Kirk application meets the requirements to be classified and approved as a home office.
Recommendation	Approval the application for conditional use permit/ business license
Reviewed By	Stephen Nelson, City Planner

Agenda Item 4

Description	Corinne Bradshaw Hair - discussion and consideration of a conditional use permit and business license for a home occupation- (Applicant: Corinne Bradshaw)
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	Corinne Bradshaw
Background	<ul style="list-style-type: none"> • Corinne Bradshaw’s application is for a business license and conditional use permit for a home occupation for a home hair salon. According to the application, there will be no one employed who does not live at the home and no part of the business will take place in an accessory building. There will be limited client visits to the home, around two to three a week plus no deliveries a month. There will be no signage posted on the property. • The Nibley City Home Occupation definition is: <ul style="list-style-type: none"> ○ HOME OCCUPATION: The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as a commercial daycare

	<p>rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.</p> <ul style="list-style-type: none"> • If the business meets the definition above, then it may be granted a conditional use permit.
Findings	<ul style="list-style-type: none"> • The property is zoned Residential R-2A. The Nibley City Land Use Chart allows for home occupation as a conditional use. • Corinne Bradshaw's application meets the requirements to be classified and approved as a conditional use.
Recommendation	Approve the application for conditional use permit/business license
Reviewed By	City Planner-Stephen Nelson

Agenda Item 5 and 6

Description	A public hearing to receive comment regarding a proposed amendment to the Nibley City Transportation Master Plan Discussion and consideration of a proposed amendment to the Nibley City Transportation Master Plan: Ordinance 16-08
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	NA
Background	<p>The Transportation Master Plan shows that a connection should be made through the proposed Cottonwoods Subdivision and adjacent properties between Hollow Road and 250 East. The current Road Master Plan map, as shown below, has that connection coming directly from the current end of 250 East down to Hollow Road. These are some reasons why the plan is being proposed to be changed.</p>  <p>1. The master plan alignment runs directly through a FEMA Flood Zone. To construct a road through this property could require significant costs because there could be a need to bring in fill dirt, and</p>

it is possible that there could be environmental issues that might need to be mitigated or permitted.

2. The property in the flood zone is on the lot east of the proposed subdivision and the road wouldn't necessarily be constructed as part of the Cottonwoods subdivision project. That portion of the road, between the current southern terminus of 250 East and the eastern boundary of the subdivision would either have to be constructed in a future potential development on that property or built by the city, in order to bridge the gap. If the City were to pursue construction, the City would need to acquire the property, deal with the flood zone issues and pay for construction of the road.

3. Another potential conflict with the alignment currently planned in the Road Master Plan is that it appears to conflict with an existing house east of the proposed subdivision. It is possible that the road could be curved to avoid the house.

It is important to note, that because of City Code 11-5-5-E, which limits the length of a cul-de-sac to 1/8 mile, this change could have impact on the ability of property to the Northeast of the proposed Cottonwood Subdivision to be developed.

4. The current Cottonwoods Subdivision proposal will construct and dedicate a 60 ft. R-O-W for a majority of the new proposed road plan.

5. A change of the Transportation Master Plan is needed because the road, even though keeping in the spirit of the plan, goes through different property than what is currently listed.

For the reasons above the position of the City Council and staff is that a road alignment following the current master plan map may not be the route preferred by the City.

The intent of having the road connection between 250 East and Hollow Road on the Master Road Plan was to provide a connection between Hollow Road and the Brookfield Meadows subdivision on 250 East. The current proposal lays out a connection between the neighborhoods that would take the road out of the floodplain and could potentially make the eventual connection more feasible, while maintaining the

	<p>intent of the route proposed in the master plan.</p> <p>The City Council, on December 1, made approval of the final plat of The Cottonwoods Subdivision contingent of making this proposed change to the Transportation Master Plan.</p> <p>The next change to the road master plan is removing a road that appears to have been erroneously added to the map when it was recently updated. The road is 2730 S between 1000 W and 1100 W between the Sunset Parks Subdivision and the recently approved Summerfield Place Subdivision, where the Summerfield Place Subdivision Pedestrian R-O-W is planned to be built. There was a plan years ago to have this road constructed and ROW was even dedicated to the City, however, that ROW was vacated by the City and the road master plan adopted in 2011 removed this road. At some point since 2011, when the plan was updated, the road appears to have been mistakenly added back onto the map. Staff recommends removing that road as shown on the proposed plan.</p>
Recommendation	Recommendation that the City Council approve the map changes
Financial Impact	
Reviewed By	City Planner, City Manager, Public Works Director, City Engineer.

Agenda Item 7 and 8

<p>Description</p>	<p>A public hearing to receive comment concerning a proposed change to the Nibley City subdivision-street ordinance: Ordinance 16-08</p> <p>Discussion and consideration of a proposed change to the Nibley City subdivision-street ordinance: Ordinance 16-08</p>
<p>Department</p>	<p>Planning</p>
<p>Presenter</p>	<p>Stephen Nelson, City Planner</p>
<p>Applicant</p>	
<p>Background</p>	<p>The changes that are being proposed would allow the option of Low Impact Development (LID) options for stormwater detention and mitigation. One of the most common forms of LIDs are swales. Instead of a traditional detention curb and gutter and basin, which gather and concentrate stormwater from across a given area, which also concentrates any pollutants, swales allow for the detention of stormwater over a much larger area. LIDs are now being encouraged by state and federal agencies as a better way to manage stormwater.</p> <p>One of the other benefits to this type of LID would be that the lack of curbs and gutters may maintain, preserve and/or create a rural atmosphere in their subdivisions.</p> <p>The proposed addition is written in such a way to allow Nibley City’s Public Works Director and Engineer the ability to evaluate each circumstance to ensure that it is feasible in a given subdivision.</p> <p>It is also important to note that the final approval of the Cottonwoods Subdivision is contingent on this change to Nibley City code.</p>
<p>Findings</p>	
<p>Recommendation</p>	<p>Recommend approval to the City Council.</p>

Financial Impact	
Reviewed By	City Planner, Public Works Director, City Attorney, City Manager, City Engineer.

Agenda Item 9

Description	Discussion and consideration of a preliminary plat for the The Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately 4030 hollow Road (Applicant: Jim Johnson)
Department	Planning
Presenter	Stephen Nelson. City Planner
Applicant	n/a
Background	<p>The applicant on this project, Mr. Jim Johnson, who is a Nibley resident and Nibley Planning and Zoning Commissioner, has submitted a final plat for the subdivision he is proposing to develop. There have been several changes made since the last time it was presented to the commission, and details of the changes are listed below.</p> <p>The applicant is proposing a 17-lot conservation residential subdivision, with one remainder lot, located at approximately 4030 Hollow Rd. The property is a mixture of the R-1 and R-1A zones. The development proposed on the southern portion of the property is planned to be developed in an initial phase. Additional development on the northwest portion of the property is also anticipated in the future.</p> <p>City Code 10-18-4 states that in existing R-1 zones, the base density is calculated as if the property were R-1A zones. Thus, despite there being a blend of the R-1 and R-1A zones, City code dictates that this property all be developed as if it were an R-1A zone.</p> <ol style="list-style-type: none">a. "Applicants in existing R-1 zones may also choose to apply for a subdivision approval using the conservation residential subdivision. By so doing, the density from which all calculations shall be made shall be equal to 0.75 acre lots or the same density as the R-1A zone."

- **Open Space/Density Calculations**

Project Size: 10.63 acres Original Lot Yield: 13 lots

ROW acreage: 1.96 acres Developable Property: 8.65 acres

Open Space: 3.65 acres Percentage of Open Space: 41.28%

Density Bonus: 50% Proposed Lots : 17 lots

Potential Lot Yield: 19

Avg. Lot Size: 12,399.06 sq. ft. Req. Avg. Lot Size: 11,000 sq. ft.

Req. Frontage: 90' - all lots meet or exceed required frontage.

Mr. Johnson has also made some changes to the layout of the open space based on the City Council's feedback since the last time it was presented in front of the Planning Commission. The new plat has eliminated Conservancy Lots 10, 1, and 19 from the application and has incorporated more open space along Hollow Road in Conservancy Lots 1, 2, and 4. All of the conservancy space is proposed to be privately owned. By adding these changes, Mr. Johnson has eliminated two home lots, Lots 1 and 19, and then renumbered the lots.

The one item that is missing on the plat is the groundwater elevation and finished floor elevation limitations as required in section 11-3-8-B. Staff has discussed it with the developer and it should be noted on the plat before the meeting.

- **Approval of the City Council**

The City Council approved The Cottonwood's preliminary subdivision plat on December 1st, with the following motions:

"Councilwoman Beus made a motion to approve the preliminary plat for the Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately

4030 hollow Road; applicant, Jim Johnson, with the following conditions:

- That the Nibley City Transpiration Master Plan is changed to match the 38 proposed road;
- That Nibley City code is changed to allow swale and curbing instead of gutter 40 and curbing; and 41
- That the appeal that has been filed against the subdivision is denied.

As noted on the agenda, staff has moved forward with making changes to the Transportation Masterplan and City code to meet these requirements. The appeal mention above was denied on December 7, 2016.

- **Engineering Notes:**

Nibley City Engineer, Public Works Director, and City Planner are currently reviewing the construction drawing that was turned in with the final plat. There are a few minor items that the staff and the developer are currently working on to resolve and are planned to be resolved before the next City Council meeting. Staff recommends that the Planning commission base its recommendation on the resolution of staff's concerns with the construction drawings before final approval from City Council.

- **Irrigation Canal**

There is a ditch on the property that will be relocated. Mr. Johnson has provided those drawings to the Nibley Blacksmith Fork Irrigation Company, which has acknowledged receipt of the drawings. The infrastructure details of the ditch relocation has been included as part of the construction drawings with the final plat.

- **Traffic**

At the November 3, 2016 City Council meeting, the City Council requested that the applicant seek input from the Utah Department of Transportation to solicit their comments regarding the development

and its impacts on SR 165. The following is an email from UDOT:

“-----Original Message-----

From: Keith Bladen <kbladen@utah.gov>

To: jejrulz <jejrulz@aol.com>

Sent: Mon, Nov 7, 2016 2:52 pm

Subject: Hollow Road Access Issue

Jim,

As per our telephone conversation this morning, the most apparent reasons for individuals or companies to have a UDOT Encroachment permit are as follows:

- Direct access (drive approach) connecting to a State Route
- Utility connections within the UDOT Right-of-Way
- Storm Water Discharge into a UDOT storm drain system
- Conducting any work within the UDOT Right-of-Way

Based off of our discussion, it appears that these items are not related to your proposed development that will be approximately 2/10ths of a mile from the SR-165 & Hollow Road Junction. **At this time, we do not have any issues on the matter.** (*emphasis added for this report*) In the event things change and you need to work within the UDOT Right-of-Way, the proper permits will be required.

Please let know if you need anything else.

Thanks,

Keith

- **Right-of-Way Width**

Having stormwater handled by swales rather than a larger pond, is a low-impact development technique, which is encouraged by Federal and State stormwater regulations. Additionally, not requiring curb/gutter allows this subdivision to maintain a more rural feel and blend in with the surrounding roads. However, City Code 11-5-5 (D) (2) requires that curb; gutter and sidewalk must be added to all residential

developments outside of rural estates and the agricultural zones. Staff is in favor of the swales, but believes the code needs to be change in order to allow for this design to move forward. The R-O-W along Hollow Road has also had the addition of sidewalks, which is also required by the code in section 11-5-5 (d). As such, city staff has proposed Ordinance 16-08 which will resolve this concern.

- **250 East**

The Transportation Master Plan shows that a connection should be made through this property between Hollow Road and 250 East. The current Road Master Plan map, as shown below, has that connection coming directly from the current end of 250 East down to Hollow Road.



In that configuration, Mr. Johnson would be required to construct and dedicate a new portion of 250 East. In order to resolve this concern and following the will of the City Council, staff has proposed Ordinance 16-07 which will resolve this issue.

Findings

Make a finding that:

- The density and layout of the lots complies with Nibley City code

	<p>and meets the approval of the City Council.</p> <ul style="list-style-type: none"> • Ordinance 16-07 and 16-08 must be approved by the City Council before the current proposal can be 100% complaint with Nibley City Code. • There are errors in the construction drawing that are currently being worked on by City staff and the developer and the approval of the plat by the planning commission be contingent on the approval of the construction drawings by the City Engineer before the final approval of the City Council.
Recommendation	Adopt the findings above and recommend approval of the Final Plat of The Cottonwoods Subdivision
Reviewed By	City Council, Planning and Zoning Commission, City Planner, City Attorney, City Manager, City Engineer

Agenda Item #: 10

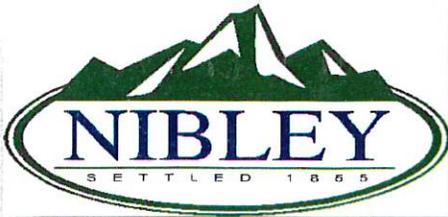
Description	Discussion and consideration of an update to Nibley City Canal Ordinance
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	N/A
Background	<p>Staff and the City Attorney have been working to create a canal ordinance. The goal of this ordinance is to reduce conflicts that have occurred between canal companies and adjacent land uses. There have been some issues in the past when the canal companies in Nibley were not able to access their canals for maintenance and repairs. Parts of this ordinance have been taken from an agreement that the City entered into with the Nibley Blacksmith Fork Canal Company. This ordinance would formalize those aspects of the agreement. The canal companies have been sent a copy of the ordinance so they might provide input. Significant input has already been received from Nibley Blacksmith Fork Irrigation Company’s attorney.</p> <p>Setback:</p> <ul style="list-style-type: none"> • Based on the changes made at the last meeting, it is being proposed that there be a 30-foot easement along an open canal, 15 ft. on each side measured from the center line of the canal; and a 20 ft. easement for piped canals, 10 ft. each direction measured from the centerline of the pipe. • To encourage new developers to provide this set back through a deeded public R-O-W, they will be provided a 10% density bonus. This ordinance also gives us the option to require a developer to submit a Preliminary Plat to the local canal company. <p>Section 5</p> <ul style="list-style-type: none"> • This is taken from an agreement from NBF Canal Company. The reason it has only been applied to NBF is because these were concerns that NBF had for their canal. Staff and the City Attorney did not believe it was necessary to be applied generally to all canal companies in the City. • As per the request of the Planning commission, letter “h” has been removed from Section 5 and moved to Section 6, therefore it would apply more generally to all canal companies.
Recommendation	Recommend to the City Council for adoption

Reviewed By

City Planner, City Manager, City Attorney, Mayor, Planning and Zoning
Commission

Agenda Item 11

Description	Discussion and consideration of a proposed resolution by the Planning Commission to designate the Nibley City Planner as the land use authority for accessory building permits: Resolution 16-P1
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	NA
Background	<p>This item is being brought before the Commission at the request of the Commission. Nibley City Code 2-1-4-C states:</p> <p><i>B. The planning commission may designate by resolution, that Nibley City staff be the land use authority on the following land use applications:</i></p> <ol style="list-style-type: none"> <i>1. Conditional use permits for home occupations;</i> <i>2. Accessory building permits; and</i> <i>3. All other routine land use requests.</i> <p><i>Should staff or any other land use authority so designated determine that an issue needs review and approval of the planning commission, they may refer the matter back to the commission for further investigation prior to approval or denial.</i></p> <p>The above section of code allows the Commission to designate staff to handle routine and administrative services in order to provide better service to Nibley City residents and to free up time for the Commission to handle other matters. Because of those reason, the resolution before you would grant the City Planner the ability to approve accessory building permits.</p>
Findings	
Recommendation	Approve Resolution 16-09.
Reviewed By	City Planner, City Manager



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Dec. 14th Planning & Zoning

Office Use Only
Date Received 11/28/16
Fee Paid \$25.00
Rec'd By [Signature]

Name Kristina Allen
Address 2349 South 670 West Nibley, UT 84321
Phone (253) 293-2400 Cell Fax
Email RKSL.Allen09@gmail.com

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

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

X Home Office X Sales Manufacturing Day Care
Other (please describe):

Proposed business name: From the Wood Grain

Description of business: candle making and simple woodworking

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: It will not affect the neighborhood anymore than the average residential home. very low noise level

Do you plan to employ persons not living at this address as part of the business? Y N

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

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

How many clients will visit this location weekly? 0-5

Describe how you will provide parking for client visits (if applicable): N/A

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

If so, please describe the vehicles and parking plans:

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? An average of 20 local deliveries made through company as well as USPS Business shipping

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

If applicable, describe any signs at this address which will advertise the business: There will be no signs advertising the business.

File the completed application at:

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

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

Applicant Certification

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

Kristina allen

Property Owner Signature

11-28-16

Date

FOR OFFICE USE ONLY

Approved _____ Denied _____ Approved w/Conditions _____

Comments _____

Signature

Date

Print Name



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only	
Date Received	11/14/2016
Fee Paid	25.00
Rec'd By	[Signature]

Name Wayne Kirk
Address 915 Garden Circle
Phone _____ Cell 801 592-5213 Fax _____
Email Wayne.Kirk@live.com

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

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

Home Office Sales Manufacturing Day Care
 Other (please describe): _____

Proposed business name: Rocky Mountain Surgical Sales

Description of business: Medical Sales

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: _____

Do you plan to employ persons not living at this address as part of the business? Y N

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

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

How many clients will visit this location weekly? 0

Describe how you will provide parking for client visits (if applicable): _____

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

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

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? 2-4 UPS, Fed ex

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

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

File the completed application at:

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

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

Applicant Certification

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



Property Owner Signature

11/14/16

Date

FOR OFFICE USE ONLY

Approved _____ Denied _____ Approved w/Conditions _____

Comments _____

Signature

Date

Print Name



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only
Date Received 11/17
Fee Paid 25.00
Rec'd By [Signature]

Name Corinne Bradshaw
Address 2916 Stonebridge Drive Nibley, VT 04321
Phone 435-881-5952 Cell " " Fax
Email corinnebradshaw102@gmail.com

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

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

Home Office Sales Manufacturing Day Care
[X] Other (please describe): Hair Salon

Proposed business name: Corinne Bradshaw Hair

Description of business: Home Hair Salon

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: There may be parking on the street. Most likely not, since we have a large driveway.

Do you plan to employ persons not living at this address as part of the business? Y (N)

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

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

How many clients will visit this location weekly? 2 or 3

Describe how you will provide parking for client visits (if applicable): They will park in our driveway.

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

If so, please describe the vehicles and parking plans:

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? none

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

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

File the completed application at:

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

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

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Property Owner Signature

11-17-16
Date

FOR OFFICE USE ONLY

Approved _____ Denied _____ Approved w/Conditions _____

Comments _____

Signature

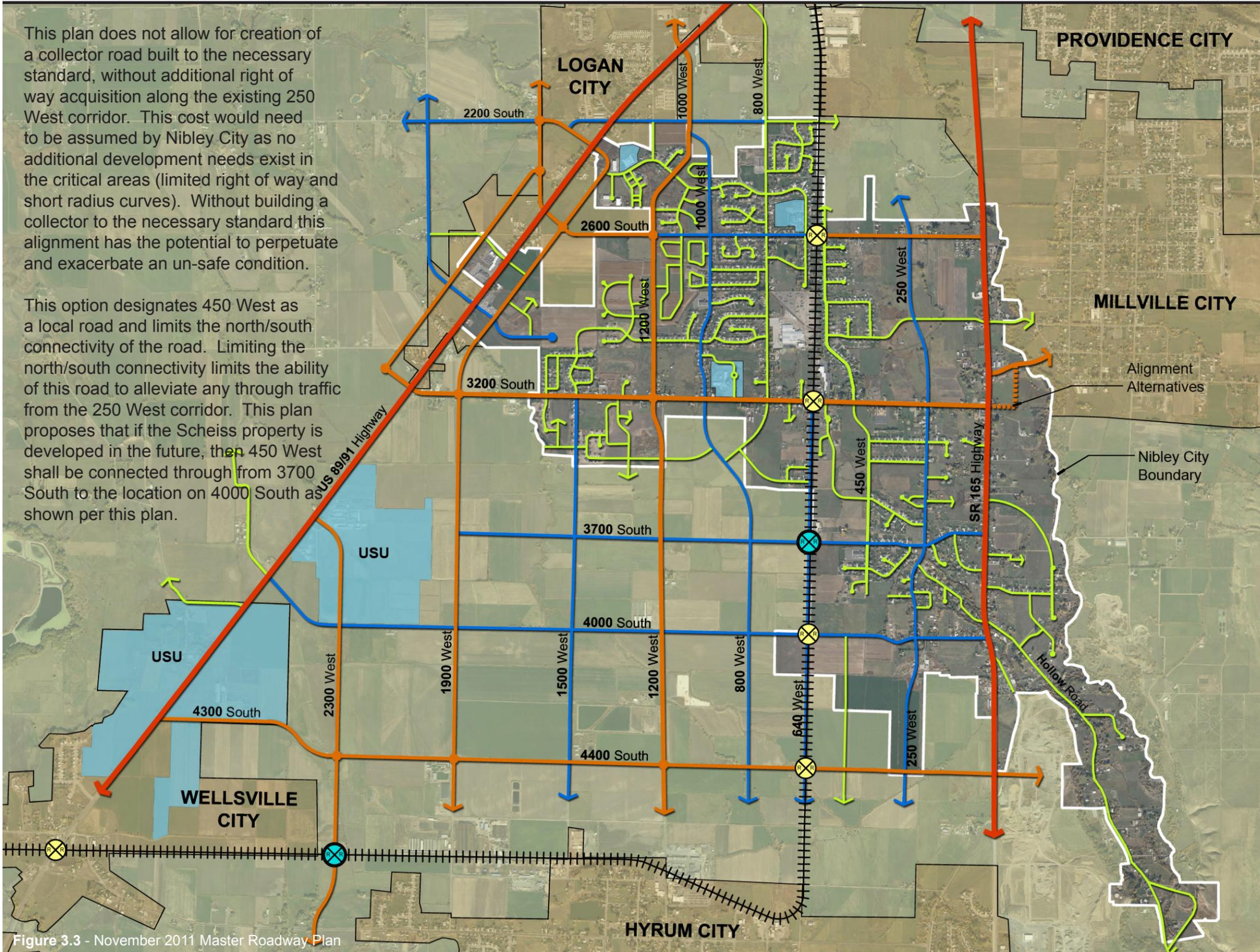
Date

Print Name

Master Roadway Plan

This plan does not allow for creation of a collector road built to the necessary standard, without additional right of way acquisition along the existing 250 West corridor. This cost would need to be assumed by Nibley City as no additional development needs exist in the critical areas (limited right of way and short radius curves). Without building a collector to the necessary standard this alignment has the potential to perpetuate and exacerbate an un-safe condition.

This option designates 450 West as a local road and limits the north/south connectivity of the road. Limiting the north/south connectivity limits the ability of this road to alleviate any through traffic from the 250 West corridor. This plan proposes that if the Scheiss property is developed in the future, then 450 West shall be connected through from 3700 South to the location on 4000 South as shown per this plan.



LEGEND

- HIGHWAYS (PRINCIPAL ARTERIAL - 120' ROW)
- MINOR ARTERIAL ROADS (80' & 99' ROW)
- COLLECTOR ROADS (66' ROW)
- LOCAL ROADS (50' & 60' ROW)
- +++++ RAILROAD TRACKS
- X RAILROAD CROSSINGS (EXISTING)
- X RAILROAD CROSSINGS (PROPOSED)
- PARCELS OF SPECIAL INTERESTS
Utah State University
City/County Schools

Figure 3.3 - November 2011 Master Roadway Plan



NORTH





CACHE • LANDMARK
ENGINEERS • SURVEYORS • PLANNERS
1011 WEST 400 NORTH, SUITE 130
LOGAN, UT 84321 • 435.713.0099

ORDINANCE

A PROPOSED CHANGE TO THE NIBLEY CITY SUBDIVISION-STREET ORDINANCE

WHEREAS, Nibley City desires to allow Low Impact Development (LID) practices for the collection and treatment of stormwater, which would allow Nibley City to be better able to follow state and federal stormwater guideline; and

WHEREAS, Low Impact Development (LID) practices can enhance the rural atmosphere of new subdivision, and creating and maintaining a rural atmosphere is encouraged by the General Plan.

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

1. The following be adopted as Nibley City in 11-5-D:

4. Alternate curb, gutter and street cross sections may be proposed as part of Low Impact Development (LID) practices. Proposed alternates shall include design drawings and engineering calculations showing the effectiveness of proposed LID technique. Proposed alternates shall be reviewed and approved by the City Engineer and Public Works Director.

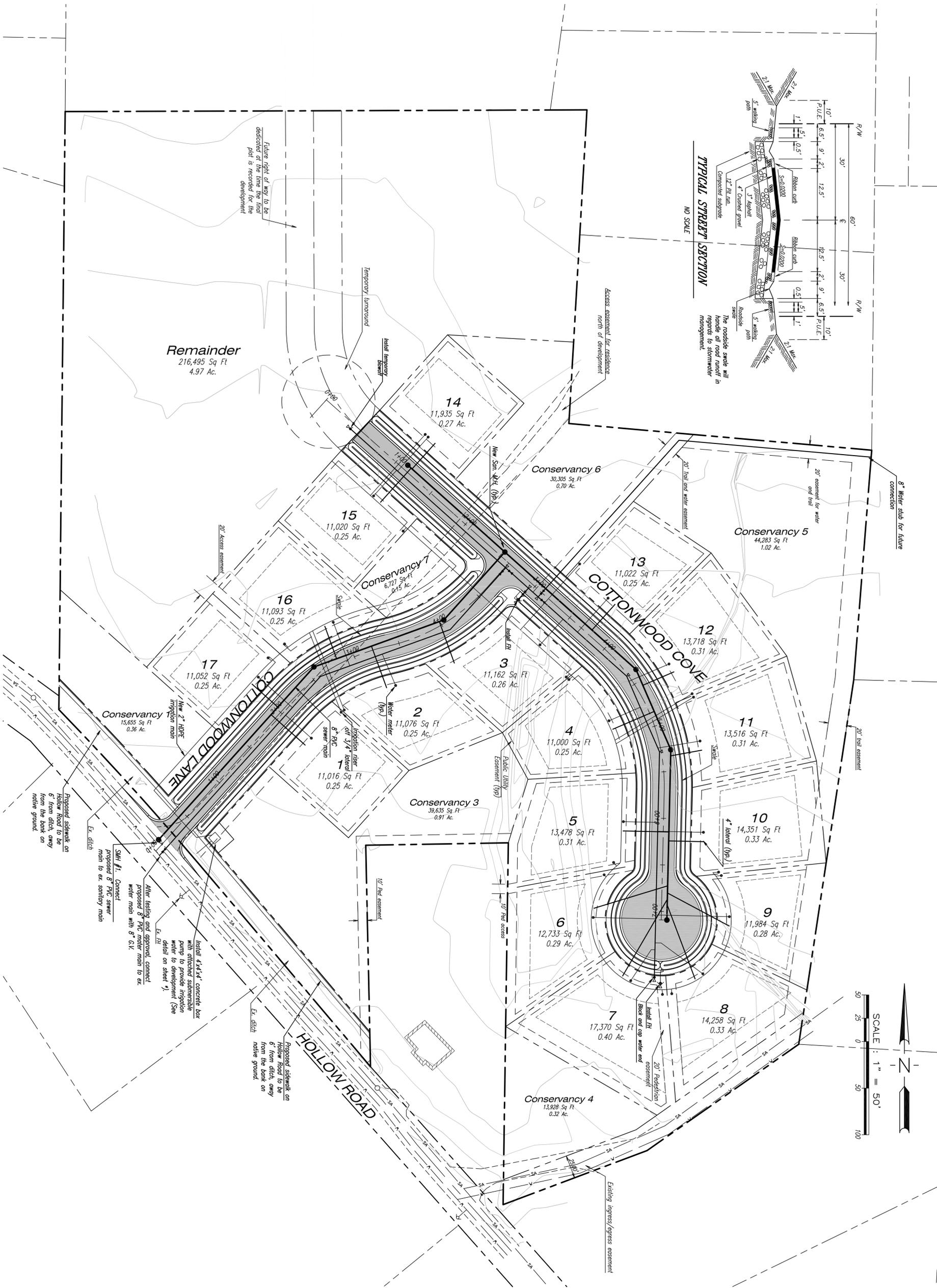
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause,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

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2017.

Shaun Dustin, Mayor

ATTEST:

City Recorder



Turner Design Engineering, Inc.
CIVIL ENGINEERING ▲ LAND PLANNING
307 HAMMOND LANE PROVIDENCE, UT. 84332
(435) 695-8245

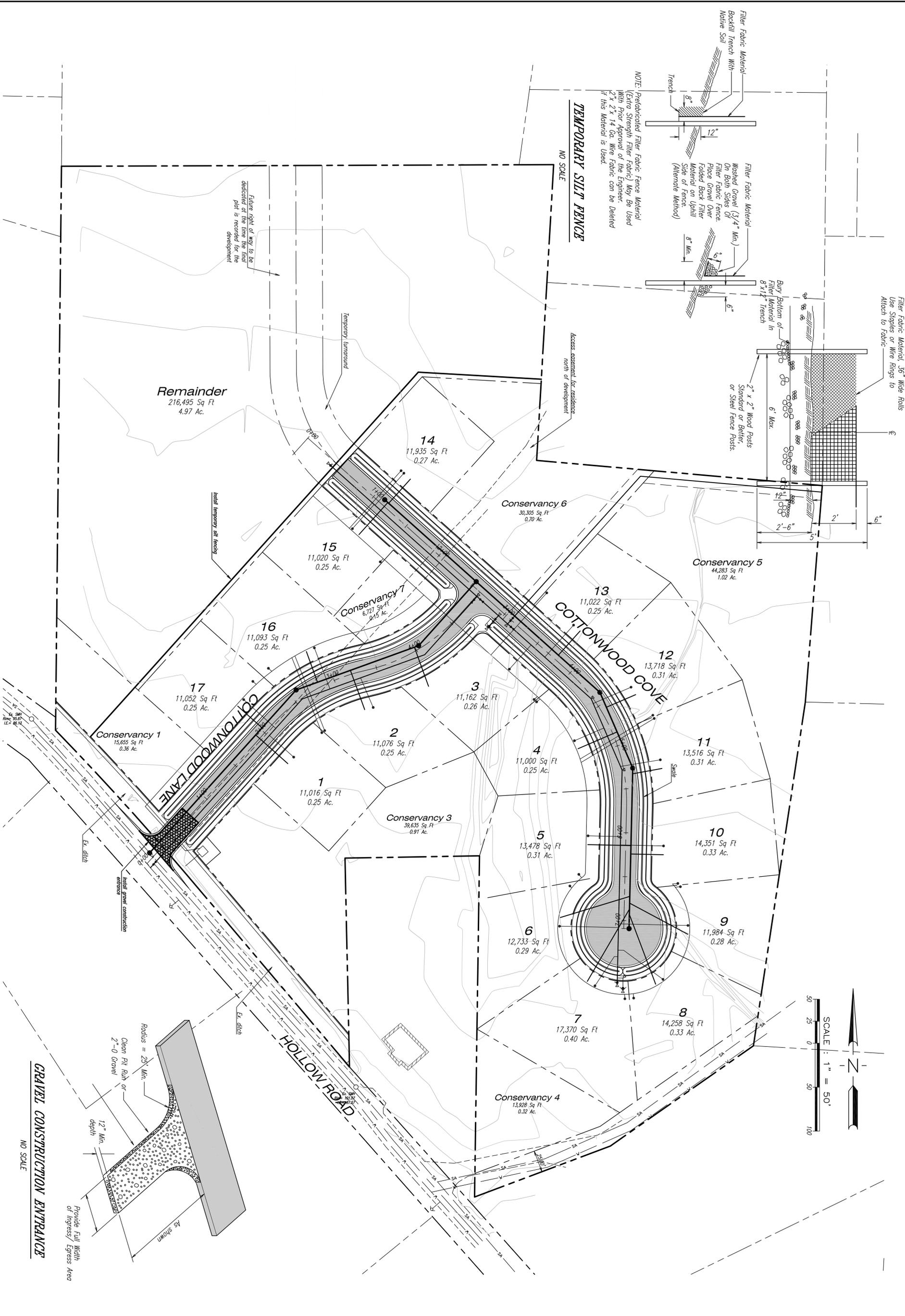


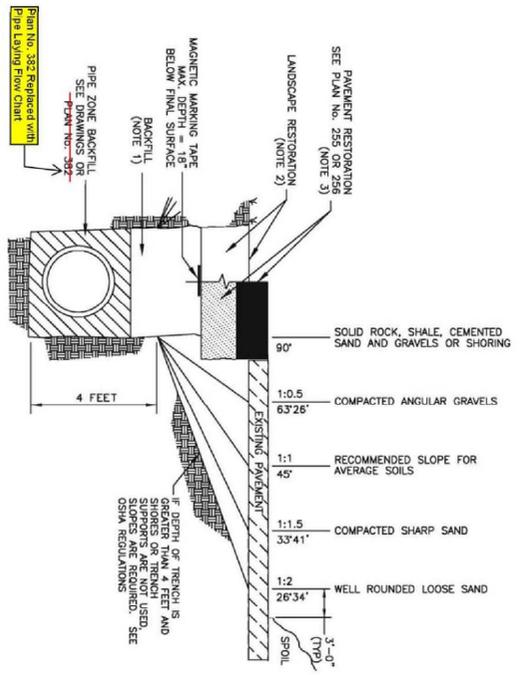
OVERALL PLAN VIEW
THE COTTONWOODS
AT HOLLOW ROAD
NIBLEY. UTAH

Revisions	

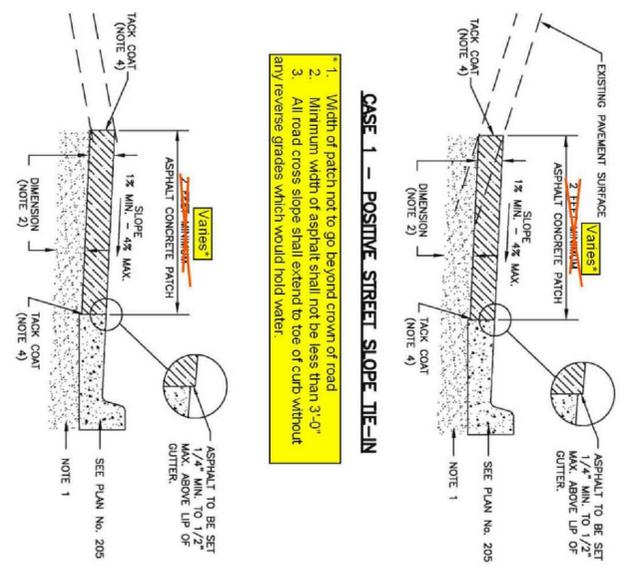
Nov. 9, 2016
Date
1" = 50'
Scale
D.T.
Designed by
D.T.
Drawn By

Job Number
16-006
Sheet
2 of 6

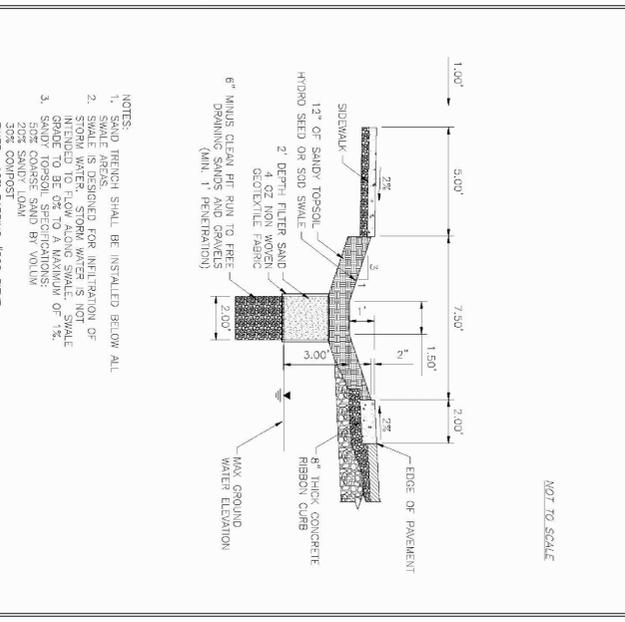




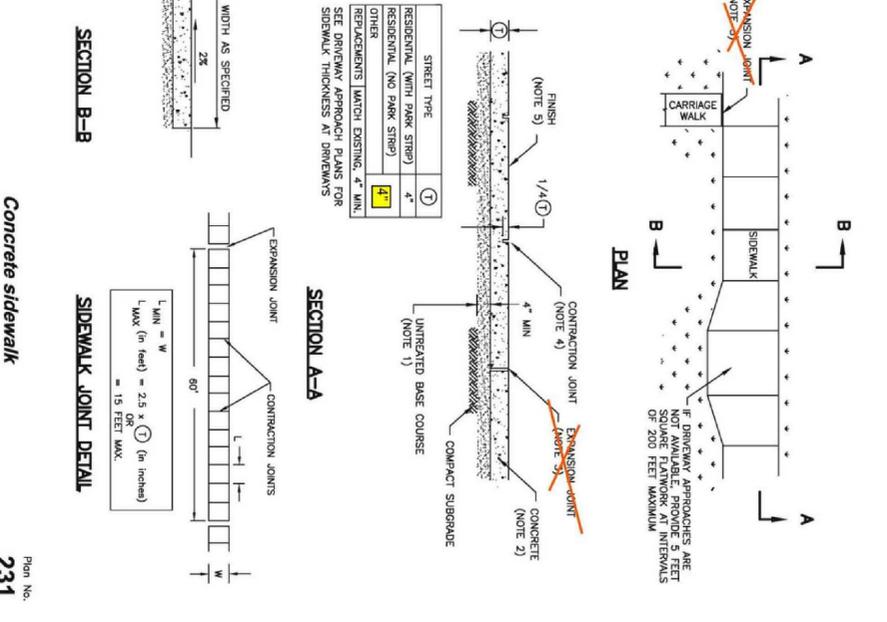
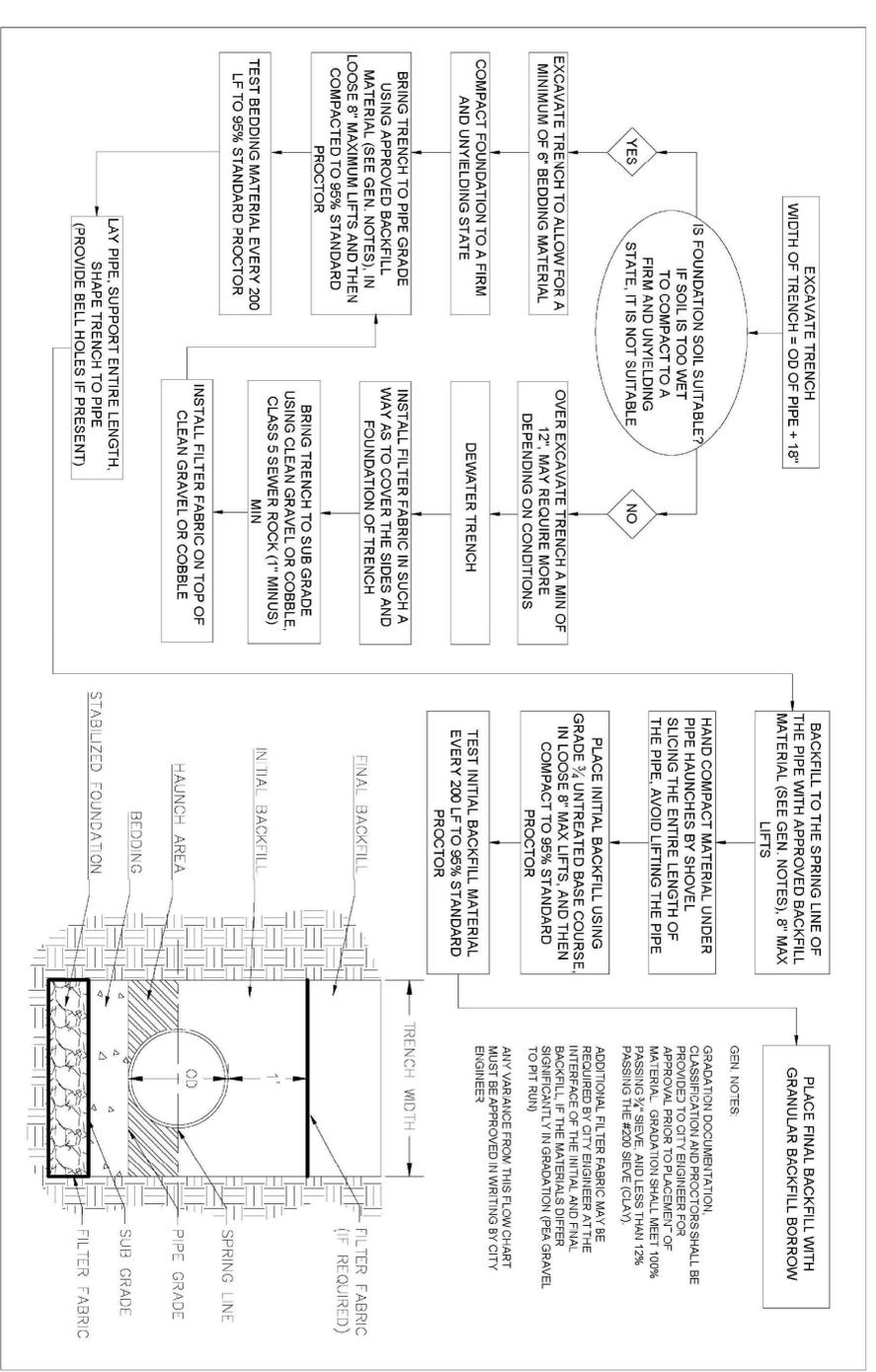
Trench backfill
179
Plan No. 381
May 2006



Asphalt concrete pavement tie-in
75
Plan No. 251
July 2005



ROADSIDE SWALE SECTION
DRAWING: S-1
REVISION: 10/19/2016
NOBLEY CITY PUBLIC WORKS DEPARTMENT



Concrete sidewalk
51
Plan No. 231
December 2005



Revisions

Date	Nov. 9, 2016
Scale	1" = 50'
Designed by	D.T.
Drawn By	D.T.



Theme Tree: Seedless Cottonwood

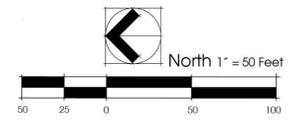
Trail Corridor

- 5 ft. wide trail
- Compacted road base
- Tall Grass seed mix

Wood Rail Fence

Legend - The Cottonwoods at Hollow Road - Nibley, Utah

- Theme Tree: *Populus deltoides* 'Siouxland' Cottonless Cottonwood
Plant as 5 gallon
 - Street Tree: *Tilia cordata* 'Greenspire' Little Leaf Linden
To be planted as 2" caliper by homeowner in locations shown on plan. If utilities or driveway interfere with placement, location may be adjusted, but trees are to be roughly 40 feet on center.
 - Accent Tree: *Pyrus calleryana* 'Chanticleer' Flowering Pear
Plant as 2" caliper
 - Tall Grass Mix
To be planted within trail corridor at rates shown. May be broadcast or hydroseeded.
- | BOTANICAL NAME | COMMON NAME | RATE: PLS/Acre | % BY WT |
|---------------------------|--------------------|----------------|---------------|
| <i>Agrostis palustris</i> | Creeping Bentgrass | 2.0 | 15.0% |
| <i>Bromus inermis</i> | Smooth Brome | 4.0 | 20.0% |
| <i>Festuca rubra</i> | Red Fescue | 5.0 | 25.0% |
| <i>Pascopyrum smithii</i> | Western Wheatgrass | 5.0 | 25.0% |
| <i>Poa compressa</i> | Canada Bluegrass | 2.0 | 15.0% |
| TOTAL: | | 18.0 | 100.0% |
- Conservation Lots
Existing vegetation is to be protected and preserved throughout any and all construction activity.



SHEET ONE
 REVISED 26 OCTOBER 2016
 5 OCTOBER 2016
 Conceptual Landscape Plan

THE COTTONWOODS

AT HOLLOW ROAD
 Nibley City, Utah
 James Johnson . 202.494.6894

ORDINANCE 16-07
AN ORDINANCE PRESERVING THE
SAFETY AND ALLOWING FOR MAINTENANCE OF CANALS AND WATERWAYS

WHEREAS, Nibley City has an ownership interest in all canal and/or irrigation companies within the City; and

WHEREAS, Nibley residents rely on free-flowing and clean canals and waterways for the conveyance of irrigation water to agricultural and rural landscapes, and also for the conveyance of City stormwater; and

WHEREAS, unobstructed canals and waterways are critical to controlling flooding of private and public property within the City, and, in some cases, are integral parts of the City's stormwater infrastructure; and

WHEREAS, open canals and waterways provide critical wildlife habitat and corridors, opportunities for connectivity and recreation, and are an integral part of the rural landscape; and

WHEREAS, increased development pressure is impeding canal and waterway owners' ability to maintain the infrastructure such that it can function for its intended purposes of flood control and irrigation delivery; and

WHEREAS, Nibley City has certain contractual obligations with respect to the Nibley Blacksmith Fork Irrigation Company (NBFI); and

WHEREAS, Nibley City has the authority to establish policies to control the impact of development on commonly held assets and resources within the City.

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

1. The attached ordinance, titled "An Ordinance Preserving the Safety and Allowing for Maintenance of Canals and Waterways" is hereby adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from

the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2016.

Shaun Dustin, Mayor

ATTEST:

City Recorder

ORDINANCE 16-____
AN ORDINANCE PRESERVING THE
SAFETY AND ALLOWING FOR MAINTENANCE OF CANALS AND WATERWAYS

1. Waterways as used in this Ordinance includes surface water runoff and drainage, drainage ditches and irrigation ditches, whether surface or subsurface, and includes open canals as well as canals that are piped.

2. Irrigation and canal companies shall have the right of access to canals and waterways as allowed by state law, and as permitted by the easements and rights of way of such companies.

3. Nibley City will not issue building, fence, grading or other permits that would limit, hinder, infringe or encroach upon any established rights of way, whether established by deed, use, or otherwise, for access to or maintenance of the canals and waterways within the City. The City will require a 30-foot easement on all development where there are canals and waterways traversing the development to have an easement, which is feet (15') on either side of the canal from the centerline of the canal; in total of a 30 feet (30') easement; to be identified on the property plat. The City shall designate in consultation with any Canal Company, if needed, with respect to which side has the fifteen foot (15') or five foot (5') easement. To protect this easement, there is a fifteen foot (15') setback requirement prohibiting any fences, structures or permanent improvements within fifteen feet (15') of the centerline of any canal or waterway except as approved by both Nibley City and the canal company. The City will not require permits for existing fences, structures or permanent improvements within the fifteen foot (15') setback if such were legal under Nibley City Ordinances when installed. Areas where canals are piped shall have a ten foot (10') easement and setback from both sides of the centerline of any portion that has been piped, subject to the same restrictions and conditions in the easement areas as provided in this paragraph.

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~~3. Nibley City will not issue building, fence, grading or other permits that would limit, hinder, infringe or encroach upon any established rights of way, whether established by deed, use, or otherwise, for access to or maintenance of the canals and waterways within the City. Absent clear and convincing evidence otherwise, the City presumes that all canals and waterways have an access easement and setback fifteen feet (15') on one (1) side and five feet (5') on the opposite side, in width from the top of each inside bank or the toe of the Canal, whichever is greater, to the edge of the easement. The City shall designate in consultation with any Canal Company, if needed, with respect to which side has the fifteen foot (15') or five foot (5') easement. To protect this easement, there is a fifteen foot (15') or five foot (5'), whichever the case maybe, setback requirement prohibiting any fences, structures or permanent improvements within fifteen feet (15') or five feet (5'), whichever the case maybe, of the bank of any canal or waterway. The City will not require permits for existing fences, structures or permanent improvements within the fifteen foot (15') or five foot (5'), whichever the case maybe, setback if such were legal under Nibley City Ordinances when installed. Areas where canals are piped shall have a ten foot (10') easement and setback from both sides of the~~

~~centerline of any portion that has been piped, subject to the same restrictions and conditions in the easement areas as provided in this paragraph.~~

4. For changes in land use, including but not limited to building permits, new subdivisions, rezones, annexations, and development:

a. Nibley City may condition approval upon the formal recording of any reasonable canal and/or waterway easements, for access, maintenance, and public safety.

b. Canal and waterway easements will not count against zoning density requirements for open canals and waterways.

c. Easements for canals and waterways and for access to the same within any new subdivision shall be required for approval of any proposed subdivision.

d. Easements for canals and waterways and for access to the same may be required by Nibley City across property that adjoins the subdivision when necessary to properly serve the subdivision or protect the City and may be a condition for approval of any proposed subdivision.

e. Developers who choose to establish deeded public rights-of-way along canals and waterways shall be entitled to an increased (10%) density bonus, as outlined in the Nibley City Subdivision Ordinance.

f. The City may require Preliminary Plats to be submitted to canal or irrigation companies, who may be impacted by the subdivision, for review, comment and/or approval.

5. The City adopts the following conditions and requirements with respect to any land use change, development, or improvement that may impact the NBF Canal ("Canal") and which, at the discretion of the City Manager, in consultation with the Mayor, may be applied to and required for other canals and water ways within the City prior to any land use change, development or improvement:

a. Authorization for New Storm Water Inlet Structures and Outlet Structures. No new or additional Storm Water Inlet Structures and Outlet Structures and no increases in the flow of such inlets or outlets beyond the Current Discharge as defined by an Agreement between the City and NBF, shall be created or maintained except in conformance with the following procedure.

(1) The City, a landowner or a developer may at any time contact NBF to evaluate the potential for new Inlet Structures and Outlet Structures, or the potential for an increase in the capacity of any existing Inlet Structure or Outlet Structure.

(2) The City, a landowner or a developer shall provide a written request to NBF for each additional Storm Water Inlet Structure or Outlet Structure, and

for increases in flow beyond the Current Discharge or any previously approved increase for existing Inlet Structures or Outlet Structures. The request shall be accompanied by the following:

(i) Drawings in both digital and printed copy showing the location, size and design specifications of each Inlet Structure or Outlet Structure proposed to be added or increased.

(ii) Drawings showing the drainage area to be served by the Inlet Structure.

(iii) Expected occurrences that will cause Storm Water inflow into the Canal, including an estimate of the time of year during which maximum inflows are expected, subject to subsection (iv) below.

(iv) An estimate of the maximum inflow to be expected from the area to be served by the Inlet Structure (with the understanding that the maximum flow may not exceed the flow allowed by Current Design Standards). This rate is determined by completing a hydrologic analysis based on soil types to determine the runoff rates prior to any land use change, development or improvement for sites greater than 1 acre, or by assuming a historical runoff rate of 0.1 cfs per acre for sites smaller than 1 acre.

(v) Written disclosure of whether the Storm Water discharge to the Canal is expected to contain any Pollutant regulated under the Utah Clean Water Act and implementing regulations thereof.

(vi) Certification that the City, landowner or developer have complied and will comply with all applicable requirements of the Utah Water Quality Act and associated regulations.

(vii) Any additional documentation or information reasonably requested by NBF.I.

b. Any objections of any kind by NBF.I to a new proposed Inlet Structure, Outlet Structure, or the enlargement of either, shall be given by written notice within sixty (60) days after receipt by NBF.I of the written request for the same from the City, landowner or developer. NBF.I shall have the right to refuse such approval only if, as demonstrated by empirical data:

(1) in the case of a new Inlet Structure or enlargement of an existing Inlet Structure, water inflow into the Canal from such inlet will exceed the Current Discharge into the Canal from the drainage area to be served by such inlet;

(2) the inflows are found by a City-County Health Department or other State, County or federal agency to be physically harmful to animals, crops of any kind, or any other beneficial use of the water; or

(3) the proposed Inlet Structure or Outlet Structure will diminish the ability to utilize all of the water to which NBFI is entitled under its water rights, hinder water deliveries, or alter, damage or obstruct, diversion structures, measuring devices, or regulating headgates on the Canal.

c. If NBFI does not provide written objections within sixty (60) days after receipt of the City's, landowner's, or developer's written request, NBFI shall be deemed to have approved the additional Inlet Structure, Outlet Structure, or increase in capacity of either.

d. If the request for additional Inlet Structures, Outlet Structures or increase in capacity of an inlet or outlet is not agreed to, NBFI shall work with the City, landowner or developer in an attempt to reach an equitable resolution in order to provide for the same.

e. If the additional Inlet Structure, Outlet Structure or increase in flow is formally approved or deemed approved as provided herein, the City shall allow commencement of construction or modification only after a written Agreement has been agreed-to, signed by the City, landowner or developer and NBFI.

f. The City shall require, as a condition to any land use change, development or improvement approval, that infrastructure (such as fencing or other improvements) be installed by a landowner or developer as part of a land development project, when reasonably determined by the City to be necessary.

g. Landowners or developers of any land within the City must include with their plans and specifications a storm water detention plan that provides for all storm water to be retained at the site of such any land use change, development, or improvement except as may be otherwise approved by the City and NBFI.

~~h. If any landowner or developer of any land proposes any piping of the Canal, the construction of bridges or retaining walls, the installation of culverts, or any other action which may in any way affect the Canal, the City shall require that the plans and specifications be delivered to NBFI, and that NBFI consent to the same, in writing, prior to the approval of such land development by the City, which consent or the basis for denying such consent shall be given by NBFI within sixty (60) days after NBFI receipt of the request for approval.~~

~~i.~~ h. Trash Racks. The City shall require landowners or developers to install, in connection with City-approved land use changes, development plans, or improvements, trash racks and inlet grates on all Inlet Structures so as to prevent clogging of the headgates, screens and pipelines situated within the Canal.

6. If any landowner or developer of any land proposes any piping of a Canal, the construction of bridges or retaining walls, the installation of culverts, or any other action which may in any way affect a Canal, the City shall require that the plans and specifications be delivered to the canal company, and that the canal company consent to the same, in writing, prior to the approval of such land development by the City, which consent or the basis for denying such consent shall be given by the canal company within sixty (60) days after receipt of the request for approval.

~~6-7.~~ Alteration of canals or waterways, including grading, modification, contouring or removal of vegetation or soil of banks to canals and waterways, shall only be done by the canal or irrigation company, or pursuant a written permit issued by the canal or irrigation company.

~~7-8.~~ Vested rights in the established canals and waterways for both conveyance of water and for access and maintenance of the canal or other waterway shall be protected against all encroachments and no improvements shall be erected that interfere with the same and the City shall issue no permits for improvements that interfere with the same.

~~8-9.~~ A civil action for damages and other relief under this ordinance may be brought by the City or any person injured by another's actions in violation of this ordinance. Such civil action may be brought independent of any criminal action.

~~9-10.~~ It is unlawful for any person to place any pole, board or other obstruction whatsoever, or any trash, yard waste or other waste material, other than irrigation water, in any ditch, waterway, or canal for any purpose, or in any manner to interfere with the free and unobstructed flow of water in such ditch, waterway, or canal. Violation of this provision constitutes a Class B misdemeanor under this Code.

~~10-11.~~ It shall be unlawful to willfully or maliciously alter, break, or injure any dam, canal, headgate, water ditch, or other means of diverting or conveying water for irrigation or other useful purpose, or to dig away the bank or banks of any ditch, canal, or reservoir within the Nibley City boundaries. Violation of this provision constitutes a Class B misdemeanor under this Ordinance.

~~11-12.~~ Whenever any irrigation or canal company has a right-of-way for any canal or other waterway, it shall be unlawful for any person to place or maintain in place any obstruction, or change of the water flow by fence or otherwise, along or across or in such canal or waterway, without first receiving written permission for the change from the irrigation or canal company. Violation of this provision constitutes a Class B misdemeanor under this Ordinance.

~~12-13.~~ Any person who in any way unlawfully interferes with, injures, destroys, or removes any dam, head gate, weir, casing, valve, cap, or other appliance for the diversion, apportionment, measurement, or regulation of water, or who interferes with any person authorized to apportion water while in the discharge of his or her duties, is guilty of a class B misdemeanor under this Ordinance.

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~~13.14.~~ It shall be unlawful for any person to place or cause to be placed in the easement, channel, bed or bank of any river, stream, wash or other natural drain or within or upon any storm drain, flood control channel, reservoir, detention basin, debris basin, or other property over which the City, canal or irrigation company has an interest, matter of any kind that may operate to impede, retard or change the normal direction of the flow of flood, storm or other waters, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water, without first obtaining a written permit for such placement from the City and canal and/or irrigation company. Violation of this provision constitutes a Class B Misdemeanor under this Ordinance.

~~14.15.~~ In the event any person violates any of the provisions of this Ordinance and the City takes action to correct the violation in order to protect the health, safety or welfare of its residents or to protect public or private property, the violator shall pay all reasonable costs and expenses incurred by the City (including but not limited to reasonable charges for use of City equipment and employees plus ten percent (10%) overhead) when invoiced by the City. Failure to pay within thirty (30) days of invoice shall cause the amount due to bear interest at eighteen percent (18%) per annum from the invoice date until paid, plus attorney fees and costs incurred by the City in collecting the same.

RESOLUTION 16-P1

A RESOLUTION DESIGNATING THE NIBLEY CITY PLANNER AS THE LAND USE
AUTHORITY FOR ACCESSORY BUILDING PERMITS

WHEREAS, the Nibley City Planning Commission has the authority to designate Nibley City staff as the land use authority for accessory building permits; and

WHEREAS, the Nibley City Planning Commission desires to enhance the service the City provides to the residents of Nibley City; and

WHEREAS, the Nibley City Planning Commission trusts staff's interpretation of Nibley City code and ordinances and staff's ability to approve or deny an accessory building application based on the code.

NOW THEREFORE, BE IT RESOLVED BY THE NIBLEY CITY PLANNING
COMMISSION OF NIBLEY, UTAH, THAT:

1. The Nibley City Planning Commission designates the Nibley City Planner as the land use authority for accessory building permits.
2. Should the Nibley City Planner determine that an accessory building permit needs review and approval by the planning commission, the Planner may refer the matter to the commission for further investigation.
3. By resolution, the Nibley City Planning Commission can return the land use authority for accessory building permits back to the Commission.

PASSED BY THE NIBLEY CITY PLANNING COMMISSION THIS ____ DAY OF _____,
2016.

Planning Commission Chair

Deputy Recorder