



Nibley City
Planning Commission
Wednesday, May 11, 2016
455 W. 3200 S.
Nibley, UT

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

Conditional Use Permit/Business License

Hernandez Lawn Care - discussion and consideration of an application for a conditional use permit/business license for a home occupation (lawn care) located at 2984 South 500 West (Applicant: Jose Hernandez)

Cache Valley Sheds- discussion and consideration of an application for a commercial business license for a retail business located in an existing business (Grant's Hometown Auto) at 25 West 3200 South (Applicant: Cache Valley Sheds)

Workshop

Discussion regarding an updated Annexation Policy Plan for Nibley City.

Discussion regarding an updated Future Land Use Map for Nibley City.

*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.



5/6/16

Hi all-

I appreciate David's willingness to cover the meeting for me so I can attend a two-day workshop in Salt Lake. I will be available by phone if something comes up during the meeting.

Here's what we have on the agenda for this week's meeting:

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Hernandez Lawn Care - discussion and consideration of an application for a conditional use permit/business license for a home occupation (lawn care) located at 2984 South 500 West (Applicant: Jose Hernandez)

- This application is for a home occupation lawn care business.
- Our home occupation definition is:
 - 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.
- If a business meets the definition above, then it may be licensed as a home occupation, without regard for the type of business actually being conducted, provided that the business is legal and not otherwise specifically prohibited by ordinance.
- Mr. Hernandez' application states that he will not have any outside employees. The nature of the business is such that all work will be done off site. He will not have any business related vehicles or equipment beyond what is typical for a residence. None of the business will be conducted in an accessory building.
- This business meets the requirements to be classified and approved as a home occupation.

- The property is zoned Residential R-2. The Nibley City Land Use Chart allows for home occupations, as a conditional use, in the R-2 zone.
- Because this meets the requirements to be licensed as a home occupation, I recommend that it be approved as such and have no suggested conditions.

Cache Valley Sheds- discussion and consideration of an application for a commercial business license for a (Applicant: Cache Valley Sheds)

- This application is for a retail business to be located on the property of Grant's Hometown Auto.
- Cache Valley Sheds (CVS) has entered into a contract with Grant Swensen to have him sell sheds for the company. He will be functioning as a dealer/independent contractor for CVS.
- Our land use chart has no limitations on the maximum number of commercial businesses that can be located out of one site, and we have made provisions in the past for secondary businesses, so long as that business generates little to no traffic.
- CVS has provided the City with a sketch of the property showing where they propose to place the sheds. As you can see from the sketch, the sheds will be located in areas where they will not present a visual obstruction.
- The Nibley City Land Use Chart allows for general retail in a commercial zone, as a conditional use.
- I do have a couple of concerns with the proposal
 - Existing Business Parking
 - There are times when Grant's customer load is high enough that the site becomes crowded. The parking on the property isn't striped or structured and I worry that adding the sheds to the property will further complicate the problem.
 - I believe that prior to moving the sheds on to the property, Grant's will need to delineate parking spaces on the property to show they have enough room to accommodate their vehicle load and the sheds, without parking vehicles on the non-asphalted area.
 - Other Business On Site
 - Previously, a license was issued for an auto sales to be run out of the business, even though there was no inventory stored on site. That business is no longer operating, but I believe there is a consignment shop inside the building, in addition to the repair shop. If that is the case, then that business is operating without a license and so the property is in violation of City land use laws.
- I believe that, once the parking is taken care of and the licensing status of the consignment shop has been clarified, then this can be approved for a business license, with conditions as outlined below.

- My recommendation is that the Commission approve the business license for Cache Valley Sheds, with the following conditions and stipulations:
 - No business license will be issued until such time as Grant's can present the City with a parking plan and complete striping/painting of parking on the property.
 - No business license will be issued until such time as Grant's can present the City with evidence that all business running out of the location are appropriately licensed with Nibley City.
 - No vehicles can be parked on non-asphalted surfaces on the property.
 - All other City ordinances related to nuisances must be observed.

Workshop

Discussion regarding an updated Annexation Policy Plan for Nibley City.

- When I was reviewing State law on an unrelated matter, I came across the regulations on annexation policy plans. I had been operating under the assumption that the process to change the annexation boundaries was as simple as amending a map. I was wrong in that assumption. State law outlines a detailed process that cities go through when creating an annexation policy plan and that process is the same when a City chooses to amend the plan. The process involves gathering input from adjoining municipalities and also from the county and other affected entities. There is a fair amount of writing that needs to be done. The process requires that the Commission first examine and discuss the existing plan, then spend a couple of weeks gathering input from affected entities, then take that information and incorporate it into the new policy plan. After that is done, the Commission holds a public hearing and then makes a recommendation to the Council regarding amending the plan.
- State Code 10-2-401.5 outlines what the City is required to do regarding annexation policy plans. It says:
 - (1) After December 31, 2002, no municipality may annex an unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan as provided in this section.
 - (2) To adopt an annexation policy plan:
 - (a) the planning commission shall:
 - (i) prepare a proposed annexation policy plan that complies with Subsection [\(3\)](#);
 - (ii) hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide input on it;
 - (iii) provide notice of the public meeting under Subsection [\(2\)\(a\)\(ii\)](#) to each affected entity at least 14 days before the meeting;
 - (iv) accept and consider any additional written comments from affected entities until 10 days after the public meeting under Subsection [\(2\)\(a\)\(ii\)](#);
 - (v) before holding the public hearing required under Subsection [\(2\)\(a\)\(vi\)](#), make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on input provided at or within 10 days after the public meeting under Subsection [\(2\)\(a\)\(ii\)](#);
 - (vi) hold a public hearing on the proposed annexation policy plan;
 - (vii) provide reasonable public notice, including notice to each affected entity, of the public hearing required under Subsection [\(2\)\(a\)\(vi\)](#) at least 14 days before the date of the hearing;
 - (viii) make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on public input provided at the public hearing; and
 - (ix) submit its recommended annexation policy plan to the municipal legislative body; and
 - (b) the municipal legislative body shall:

- (i) hold a public hearing on the annexation policy plan recommended by the planning commission;
- (ii) provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing;
- (iii) after the public hearing under Subsection [\(2\)\(b\)\(ii\)](#), make any modifications to the recommended annexation policy plan that the legislative body considers appropriate; and
- (iv) adopt the recommended annexation policy plan, with or without modifications.

(3) Each annexation policy plan shall include:

- (a) a map of the expansion area which may include territory located outside the county in which the municipality is located;
- (b) a statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:
 - (i) the character of the community;
 - (ii) the need for municipal services in developed and undeveloped unincorporated areas;
 - (iii) the municipality's plans for extension of municipal services;
 - (iv) how the services will be financed;
 - (v) an estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area; and
 - (vi) the interests of all affected entities;
- (c) justification for excluding from the expansion area any area containing urban development within 1/2 mile of the municipality's boundary; and
- (d) a statement addressing any comments made by affected entities at or within 10 days after the public meeting under Subsection [\(2\)\(a\)\(ii\)](#).

(4) In developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall:

- (a) attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
- (b) consider population growth projections for the municipality and adjoining areas for the next 20 years;
- (c) consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - (i) to facilitate full development of the area within the municipality; and
 - (ii) to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
- (d) consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development;
- (e) consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and
- (f) be guided by the principles set forth in Subsection [10-2-403\(5\)](#).

(5) Within 30 days after adopting an annexation policy plan, the municipal legislative body shall submit a copy of the plan to the legislative body of each county in which any of the municipality's expansion area is located.

(6) Nothing in this chapter may be construed to prohibit or restrict two or more municipalities in specified counties from negotiating and cooperating with respect to defining each municipality's expansion area under an annexation policy plan.

- I have taken the City's existing policy plan and made some initial changes. The process is a little odd because the Commission will be writing at the same time as we are waiting for input from other entities. I

will be preparing notices to the affected entities and allowing them to provide input over the course of the next two weeks so we will be discussing that input at the meeting on the 24th.

- My goal for the Commission at this meeting is to discuss those items listed in Sections 3 and 4 of the State Code listed above.

Discussion regarding an updated Future Land Use Map for Nibley City.

- The Future Land Use Map is an important part of the General Plan update process. It takes the recommendations of the General Plan and outlines areas where the City envisions certain types of development happening.
- The Future Land Use Map is **not** a zoning map. It does not show the existing zoning on properties and is not a decision as to definitive future zoning in the City. It is a map showing the City's vision for how the City will develop in the future. It shows areas we think commercial may come in, where we envision low and medium residential will happen and where we anticipate other development happening.
- This is just a first draft of the map and I anticipate that many changes will be made before it is recommended by you all and adopted by the City Council.
- Regarding the mixed use PUD areas- we are working on creating an ordinance to allow for a variety of uses in a PUD (planned unit development) overlay. It is not ready for presentation to the Commission, even as a workshop item, but the overall goal will be for the overlay to allow a variety of residential densities and a mixture of light commercial and open space in an among the residential uses.
- My goal for the Commission at this meeting is to discuss what is on this first draft and see how it fits in the context of the General Plan and make recommendations for any changes to the future of various land use types in Nibley City. I would like the Commission to examine those areas outlined as possibilities for application of a PUD overlay and discuss whether those are suitable areas for a mixture of residential and commercial uses, with an emphasis on open space and a variety of densities.

Have a wonderful weekend. Let me know if you have any questions or concerns.

Cheers-

Shari

May 11th



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only
Date Received 4/27/16
Fee Paid \$25
Rec'd By [Signature]

Name Jose - Hernandez
Address 2984 S. 500w Nibley UT 84321
Phone Cell 435 881 0095 Fax
Email

Please Note: The owner/operator of the business on this application must live at the address stated above. Nibley City cannot issue conditional use permit/business licenses 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 [X] Manufacturing [] Day Care []
Other (please describe):

Proposed business name: Hernandez lawn care

Description of business: land scaping lawn care

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: N

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?

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?

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:

Nibley City Planning & Zoning



NIBLEY CITY Commercial Business License Application

Office Use Only	
Date Received	<u>4/28/2016</u>
Fee Paid	<u>25.00</u>
P&Z Meeting	<u>May 13, 2016</u>

Please type or print in black or blue ink

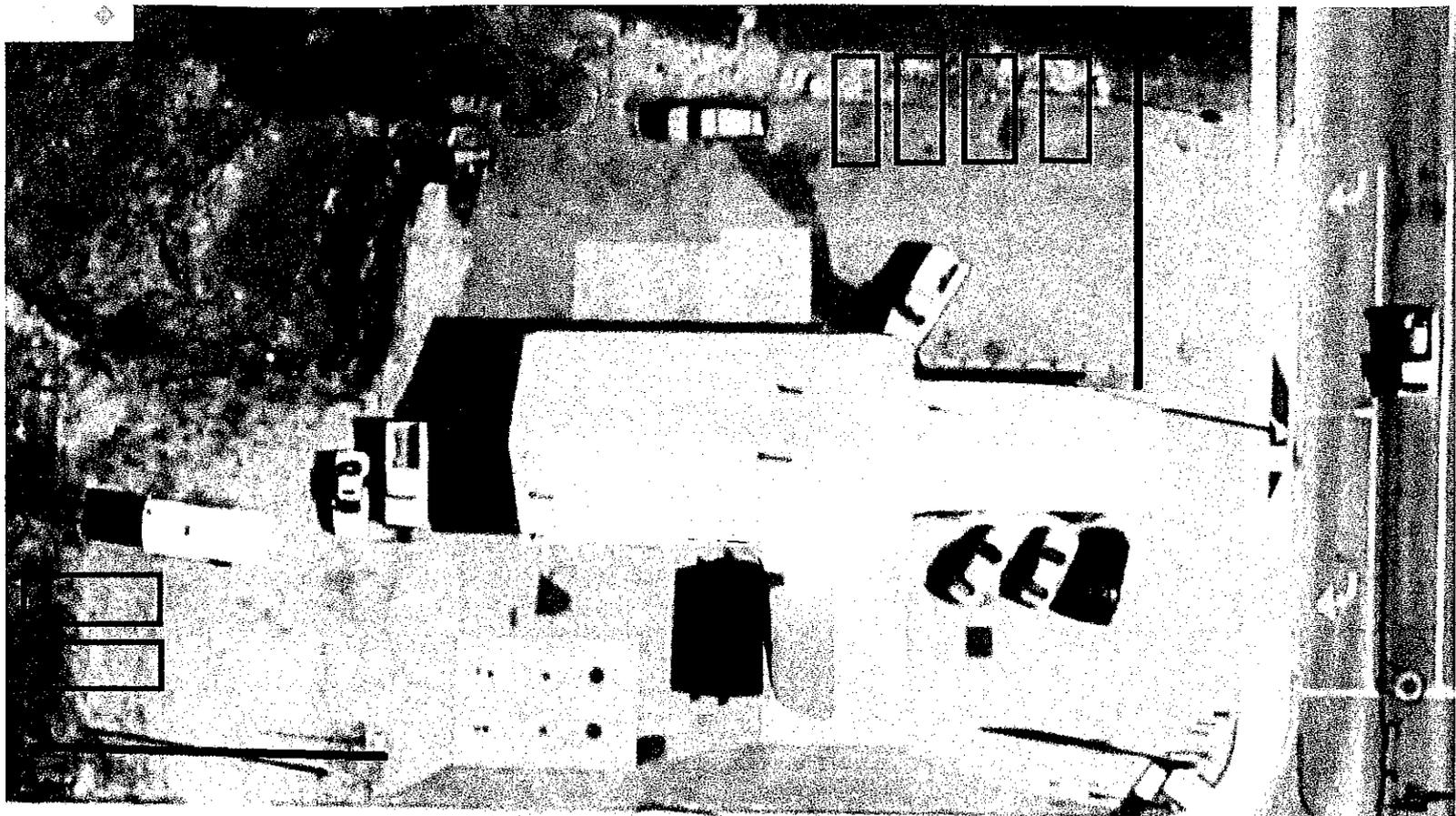
Business Name	<u>Cache Valley Sheds</u>	Local Business Phone #	<u>435-881-6687</u>
Business Address	<u>25 West 3200 South</u>	City/State/Zip	<u>Nibley, UT, 84321</u>
Billing Address	<u>41 E 400 N #152</u>	City/State/Zip	<u>Logan, UT 84321</u>
State Tax ID		<input checked="" type="radio"/> DBA <input type="radio"/> Corp <input type="radio"/> LLC <input type="radio"/> Sole Prop. <input type="radio"/> Partnership (circle)	
Describe the Nature of the Business (attach additional sheets if necessary)			
<u>Display up to 6 pre-built storage sheds to market and sell. Purchase or sell of sheds will take place on location. As sheds are sold and delivered, inventory will be brought in to replace sold inventory.</u>			
Do you use, store or manufacture any chemical, combustible, or hazardous materials? Yes <input checked="" type="radio"/> No <input type="radio"/>			
If "Y", 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 <input type="radio"/> Existing <input checked="" type="radio"/>			
Sexually Oriented Business? *	Yes <input checked="" type="radio"/> No <input type="radio"/>	Alcohol Sales/Consumption? *	Yes <input checked="" type="radio"/> No <input type="radio"/>
*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	<u>May 11, 2016</u>	Days/Hours of Operation	<u>Mon - Fri 8 - 6 pm</u>

Officers/Owners (attach additional sheets if necessary)

	Owner/Office #1	Owner/Officer #2	Owner/Officer #3
Name (first/middle/last)	<u>Jared R Harris</u>		
Home Address	<u>41 E 400 N #152</u>		
Home Phone	<u>435-881-6687</u>		
DOB (mm/dd/yyyy)	<u>01-04-1975</u>		
Misc. Info/Pro. Licenses			
Driver's License #/State			

I certify that the information contained in this application is true and correct. I agree to conduct my business in accordance with Nibley City ordinances and any other State or Federal statutes or laws governing 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 of Applicant Jared R Harris Date 4-25-16
 Print Name Jared Harris Title Owner



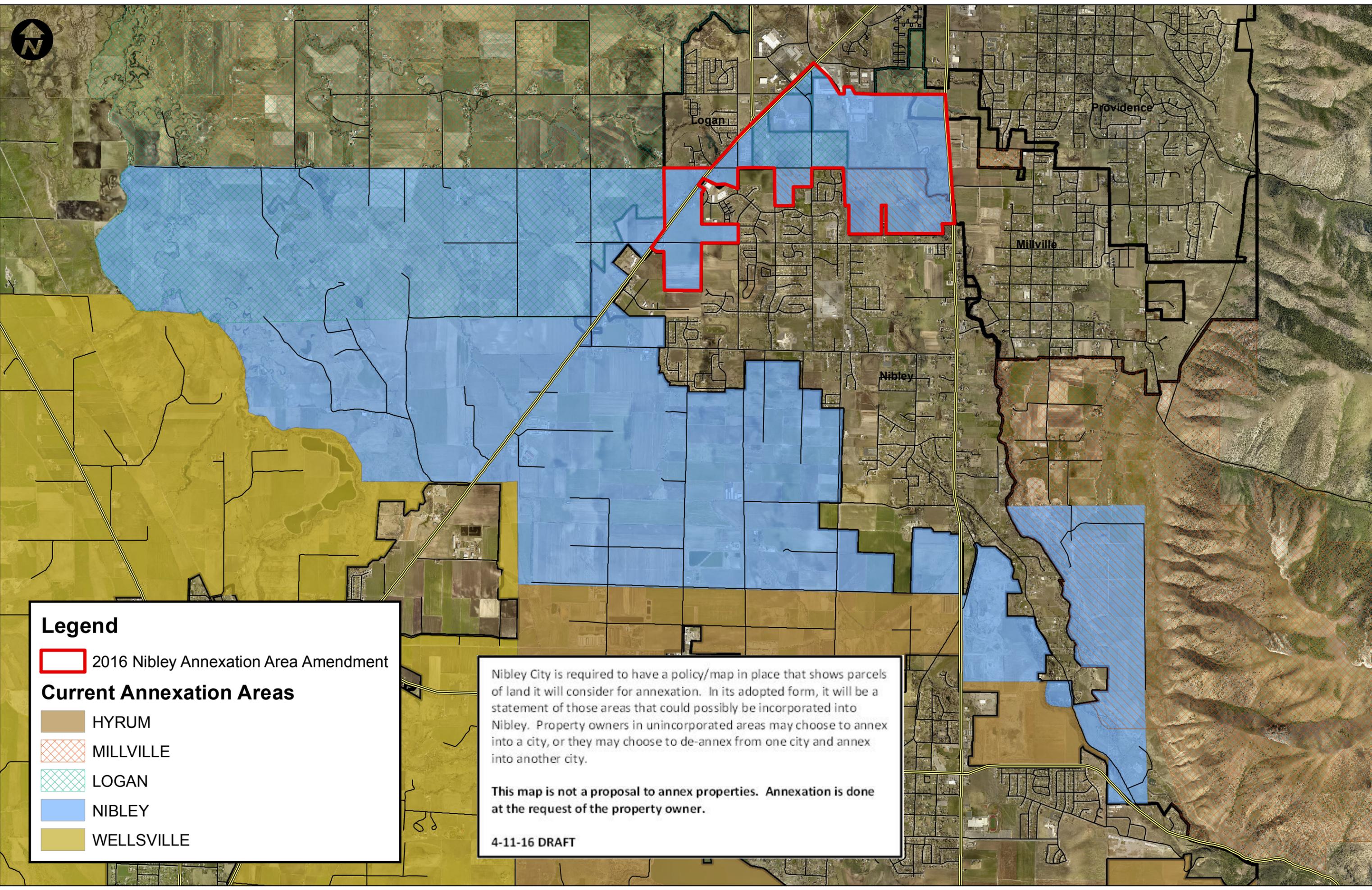
NIBLEY CITY ANNEXATION POLICY PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF NIBLEY CITY, CACHE COUNTY, STATE OF UTAH, AS FOLLOWS:

1. Attached hereto and, by reference, made a part hereof, is a map of the unincorporated areas ~~in~~ which Nibley City will consider incorporating into its corporate limits anticipates or favors expansion of its boundaries at some time in the future. It also gives notice to neighboring municipalities ~~the intent of Nibley City of Nibley City's intent regarding possible future annexations.~~
2. **General Criteria.** Where feasible and practicable, and subject to other policy and criteria considerations, areas projected for municipal expansion are drawn along the boundary line of county boundaries, or other taxing jurisdictions. Nibley City recognizes there are areas of currently unincorporated land which may lay within the annexation policy plans of multiple cities. As part of its ongoing effort to plan and prepare for responsible growth, Nibley City has identified territory adjacent to its present City boundaries that could, at some point in the future, be a part of Nibley City. The areas proposed for future annexation are located in Cache County. Areas to be annexed in the future must fall within the areas designated for future expansion in the Nibley City Annexation Policy Plan. Even though property proposed for annexation is located within the annexation expansion area, it does not guarantee that Nibley City will approve the annexation request.
 - a. Areas to be annexed must be contiguous to the corporate limits of Nibley City at the time a petition for annexation is filed.
 - b. Annexed areas will be zoned according to the General Plan.
 - c. Areas to be annexed cannot be located within the corporate limits of another incorporated city or be part of a previously filed annexation petition that has not been denied, accepted or approved.
 - d. Nibley City favors annexations which will address the following items and said items will be considered when reviewing all applications for annexation:
 - i. The area proposed for annexation should add to the character of the community, as described in the Nibley City General Plan.
 - ~~i.~~ii. Eliminating and/or not creating islands and peninsulas of unincorporated territory.
 - ~~ii.~~iii. Consolidating overlapping functions of government.
 - ~~iii.~~iv. Promoting efficient delivery of services
 - ~~iv.~~v. Encouraging the equitable distribution of community resources and obligations.
 - vi. Giving consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within the municipality.
 1. As part of the petition for annexation, the person(s) requesting annexation shall provide Nibley City with an estimate of tax benefits and consequences to both Nibley City and the property owners within the area to be annexed.
 - vii. The proximity of municipal services to the area proposed for annexation and the plans for future expansion of municipal services to that area.

~~2.1.~~ Nibley City does not favor the annexation of areas for which it does not have the capability nor the intention to provide municipal services, with the exception of open space that may not require such services.

3. **Plans and Time Frame for Nature of Development.** Nibley City recognizes the need for reasonable, well-planned growth which is consistent with Nibley City's General Plan. In addition, the City recognizes that growth in the areas where topography and proximity to already developed areas is more efficient and reduces urban sprawl. Nibley City seeks a smooth and efficient flow of traffic and seeks to adhere to the Nibley City Transportation Master Plan.
4. **Plans and Time Frame for Extension of Municipal Services.** Nibley City does not anticipate extending roads, water or sewer lines to newly annexed areas and recognizes that this is the responsibility of the developer or annexing party. Exceptions to this may be considered by the City Council. It is contemplated that police, garbage removal and snow removal services would be immediately available in all newly annexed areas.
5. **Financing Extension of Municipal Services.** Typically, road, sewer and water extensions will be financed and completed by the party/parties whose property is annexed and requires such extension in accordance with other established codes and agreements.
6. **Impact and Interests of Affected Entities.** The impact and interests of affected entities were considered in the process of approving this policy, as required by and provided for in the statutes of the State of Utah.
7. **Statutory Criteria.** All criteria, conditions and stipulations imposed for annexation of properties to municipalities in the State of Utah must be met and are incorporated herein by reference.
8. **Application.** This code amendment shall be used and applied as required by law and as deemed appropriate by the Planning Commission and City Council of Nibley City.
9. **Amendment.** This Annexation Policy Plan may be amended, as provided by Utah statute.
10. **Adoption.** This Annexation Policy Plan was adopted subsequent to the public hearings as required by §10-2-401.5, UCA, 1953, as amended, with input from individuals and affected entities incorporated into this plan.



Legend

 2016 Nibley Annexation Area Amendment

Current Annexation Areas

-  HYRUM
-  MILLVILLE
-  LOGAN
-  NIBLEY
-  WELLSVILLE

Nibley City is required to have a policy/map in place that shows parcels of land it will consider for annexation. In its adopted form, it will be a statement of those areas that could possibly be incorporated into Nibley. Property owners in unincorporated areas may choose to annex into a city, or they may choose to de-annex from one city and annex into another city.

This map is not a proposal to annex properties. Annexation is done at the request of the property owner.

4-11-16 DRAFT

NIBLEY CITY GENERAL PLAN

Legend

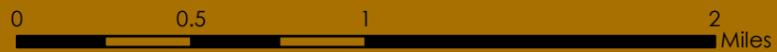
-  SIGNALS
-  CITY GATEWAY
-  NIBLEY CITY BOUNDARY
-  ANNEXATION BOUNDARY
-  ADJACENT MUNICIPALITIES
-  HIGHWAYS
-  CURRENT STREETS
- CITY FUTURE LAND USE**
-  MIXED USE PUD OVERLAY
-  COMMERCIAL
-  NEIGHBORHOOD COMMERCIAL
-  INDUSTRIAL
-  INSTITUTIONAL AND PUBLIC LANDS
-  MEDIUM DENSITY RESIDENTIAL
-  LOW DENSITY RESIDENTIAL
-  RURAL RESIDENTIAL
-  PARKS AND OPEN SPACE
-  AGRICULTURE PRESERVATION

Base data provided by Cache County GIS Division.
Mapping intended for City wide planning and not for site specific analysis.

FUTURE LAND USE PLAN

DRAFT

Date: 5/4/2016



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