



## NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, June 6, 2024 – 6:30 p.m.

*In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may also participate in the meeting via the Zoom meeting link provided at [www.nibleycity.com](http://www.nibleycity.com). Public comment should be submitted to [cheryl@nibleycity.com](mailto:cheryl@nibleycity.com) by 6:30 p.m. and will be read into the public record.*

1. Opening Ceremonies (Councilmember Mansell)
2. Call to Order and Roll Call (Chair)
3. Approval of the May 23, 2024, Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period<sup>1</sup> (Chair)
5. Planning Commission Report
  
6. **Discussion & Consideration:** Resolution 24-13— A Resolution Recognizing Joan Rigby as Nibley City’s 2024 Citizen of the Year for Her Spirit of Volunteerism, Kindness, and Work-Ethic (First Reading)
7. **Discussion & Consideration:** Ordinance 24-06—Amending 21.10.020 Open Space Subdivision, Adjusting Lot Standards, Including Adoption of Standards Within R-2A Zones and Revising Setbacks in Various Zones (Second Reading)
8. **Public Hearing:** Ordinance 24-07— An Ordinance Providing for the Compensation of Elected, Statutory Officers and Department Heads of Nibley City
9. **Discussion & Consideration:** Ordinance 24-07— An Ordinance Providing for the Compensation of Elected, Statutory Officers and Department Heads of Nibley City
10. **Discussion & Consideration:** Resolution 24-10— Amending the Budget for the Various Funds of Nibley City for the Fiscal Year 2023-24, and Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal year 2024-25 and Adjusting Certain Fees and Payments for Services (first reading)
11. Council and Staff Report

Adjourn

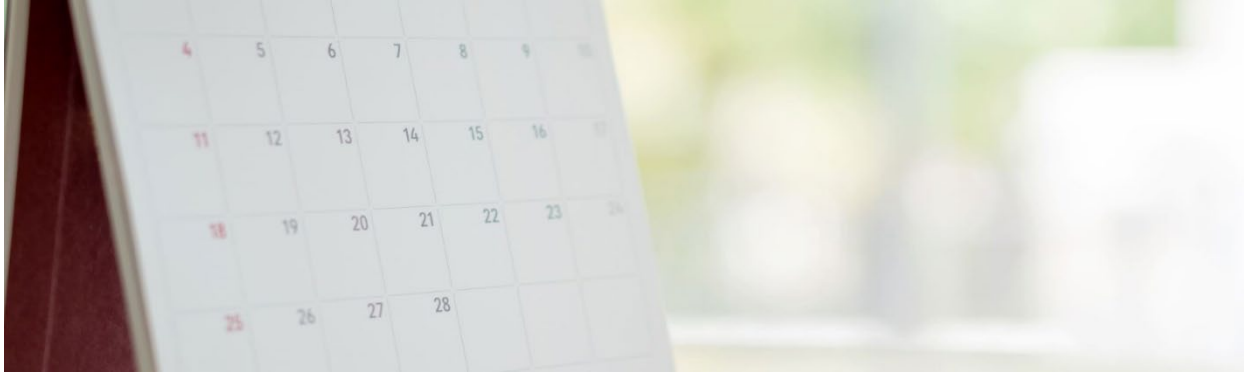
*Nibley City’s next scheduled Council meeting will be on Wednesday, June 19, 2024, at 6:30 p.m.*

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<sup>1</sup> Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.

*In compliance with the Americans With Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (435) 752-0431*

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**6-6-24 Council Meeting Change Summary**  
(changes made to the agenda item report since 5-21-24)

- #6 – Citizen of the Year Presentation was changed to Resolution 24-13
- #6.1--Resolution 24-13 was added to the Team
- Open Space subdivision examples were added to the Team

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**Agenda Item #6**

<b>Description</b>	<b>Discussion &amp; Consideration:</b> Resolution 24-13 – A Resolution Recognizing Joan Rigby as Nibley City’s 2024 Citizen of the Year for Her Spirit of Volunteerism, Kindness, and Work-Ethic (First Reading)
<b>Presenter</b>	Larry Jacobsen, Mayor / Talon Bigalow
<b>Recommendation</b>	Move to approve Resolution 24-13 – A Resolution Recognizing Joan Rigby as Nibley City’s 2024 Citizen of the Year for Her Spirit of Volunteerism, Kindness, and Work-Ethic, and waive the second reading
<b>Reviewed By</b>	

**Background:**

- The selection of the Citizen of the year was handled slightly differently than has been done in the past. A committee was formed under the direction of Mayor Larry Jacobsen, consisting of local citizens, school officials and Nibley City businesses representatives. The committee solicited nominations from the public on social media, the City news letter and flyers posted around City Hall. In total 13 nominations were received. After reviewing all the nominations, the committee wanted to select someone who stands as an example of volunteerism, kindness, and work-ethic. In addition to those venerable attributes, the committee sought a person whose good deeds spread to the whole city and valley and not just one neighborhood. With many worthy recipients to choose from, the committee recognized the many years of dedicated service and neighborly love provided by two individuals, namely Ray Howser and Joan Rigby. The committee desires to have both individuals receive the award mainly due to their age.

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**RESOLUTION 24-13**

**A RESOLUTION RECOGNIZING JOAN RIGBY AS NIBLEY CITY'S 2024 CITIZEN OF THE YEAR FOR HER SPIRIT OF VOLUNTEERISM, KINDNESS, AND WORK-ETHIC**

WHEREAS, annually, Nibley City recognizes a citizen that has made a positive and lasting imprint on our community; and

WHEREAS, an award selection committee (made up of neighbors and local business leaders) selected amongst thirteen citizen-provided nominations for this 2024 award year; and

WHEREAS, Joan Rigby was selected to be Nibley City's 2024 Citizen of the Year; and

WHEREAS, Joan Rae Birch Rigby was born in 1933, and was married to Gordon Alvin Rigby on the 22<sup>nd</sup> of June, 1955 in the Idaho Falls Idaho Temple of The Church of Jesus Christ of Latter-day Saints; and

WHEREAS, Joan and Gordon Rigby moved to Nibley approximately twenty years ago with their five boys; and

WHEREAS, Joan Rigby has taught many Cache Valley residents the art of dance and encouraged young minds to read and learn; and

WHEREAS, Joan Rigby has been chosen for her example of volunteerism, kindness, and work-ethic.

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

1. The Nibley City Council formally congratulates and recognizes Joan Rigby for her lifelong dedication to service, kindness, and wholesome recreation.
2. The Nibley City Council names Joan Rigby as Nibley's 2024 Citizen of the Year.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ - DAY OF \_\_\_\_\_ 2024.

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Larry Jacobsen, Mayor

ATTEST: \_\_\_\_\_  
Cheryl Bodily, City Recorder

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## Agenda Item #7

<b>Description</b>	<b>Discussion &amp; Consideration:</b> Ordinance 24-06--Amending 21.10.020 Open Space Subdivision, Adjusting Lot Standards, Including Adoption of Standards Within R-2A Zones and Revising Setbacks in Various Zones (Second Reading)
<b>Presenter</b>	Levi Roberts, City Planner
<b>Planning Commission Recommendation</b>	Approval of Ordinance 24-06--Amending 21.10.020 Open Space Subdivision, Adjusting Lot Standards, Including Adoption of Standards Within R-2A Zones and Revising Setbacks in Various Zones
<b>Staff Recommendation</b>	Approval of Ordinance 24-06--Amending 21.10.020 Open Space Subdivision, Adjusting Lot Standards, Including Adoption of Standards Within R-2A Zones and Revising Setbacks in Various Zones for first reading
<b>Reviewed By</b>	Nibley City Planning Commission, City Planner, City Attorney

**Background:** No additional background

### Previous Background

NCC 21.10.020 provides standards for development within an Open Space Subdivision. An Open Space Subdivision (formerly rural preservation and conservation) provides an incentive for developers to preserve open space by offering a density bonus with some flexibility for lot size and width. The ordinance was crafted to incentivize the usage of open space preservation in R-1, R-1A and R-2 zones. R-2A zones are also eligible. However, for the purposes of the ordinance, they are treated the same as a R-2 zone. In other words, the base density is based upon ½ acre lots, rather than 14,000 sq ft lots (.32 acre) lots. Therefore, there is no real incentive to develop an open space subdivision in a R-2A zone as the maximum density bonus allowed in an open space subdivision is 35% and R-2A allows for approximately 35% additional lots compared to a conventional development within a R-2 zone.

This nuance to the ordinance has created a disincentive for the City to rezone property to R-2A, as it diminishes the prospect of providing open space within a new development. The Planning Commission discussed potential alternatives to this code limitation including the following:

1. Amendments to the Open Space Subdivision Code that would allow additional density based upon R-2A zoning, thus incentivizing its use within a R-2 zone. This could, in effect, allow development with the equivalent density of ¼ acre lots (~10,000 sq ft) with potential allowances for 6,000 sq ft lots with potentially limited multi-family development within R-2A zones.

2. Remove the R-2A zone for consideration for future development. This would, in effect, 'downzone' areas, removing the option for residential development on lots lower than ½ acre without the provision of open space.
3. Limit R-2A zones to smaller areas (potentially less than 5 acres). Larger areas would be R-2 or lower density, thus incentivizing the use of open space subdivision on larger parcels that have a greater potential for open space preservation.

During two workshop discussions, the Planning Commission indicated support for option 1. Staff has drafted amendments to the existing open space ordinance, which would allow for an 'incentive multiplier' or density bonus within R-2A zones based upon R-2A minimum lot sizes, rather than R-2. Additional proposed amendments include:

- Specifications for minimum lot sizes and lot width within R-2A zones, based upon the amount of open space provided. The lot sizes are based upon the proportion specified in other zones, but using R-2A as the base density. The smallest lot size within an open space subdivision would be 5,000 sq. ft.
- Allowance for an additional 5% incentive multiplier in R-2 zones, in line with other zones.
- Modifications to minimum setbacks within all zones. Because lot sizes are reduced within an Open Space Subdivision, reducing setbacks is necessary to allow for a reasonable building footprint on varying lot configurations.

In addition to feedback obtained from Planning Commission members, Staff solicited feedback from local developers and design engineers to assess the appropriateness and feasibility of the proposed amendments from their perspective. The following are a summary of comments expressed:

- One developer expressed that the amendment would be a welcome change as it relates to a potential project.
- One engineer expressed that while they like what the City is trying to do, they prefer that the City simply define maximum units/acre and allow flexibility on lot sizes. This allows for more creativity with the design.
- One engineer stated "the cottage lot size of 5,800sf would be VERY attractive to many developers. There is a lot of demand for that product. The 5' side setbacks will still allow for a 40'-wide house, which fits many affordable housing footprints that I've seen. Also, the lots could be small enough to somewhat reduce the amount of road required and up the net developable land amount, which means slightly more lots. I also think the freedom you give the developer in how they use their open space is very attractive. This will help keep the housing affordable."

**Ordinance 24-06**

**AMENDING 21.10.020 OPEN SPACE SUBDIVISION, ADJUSTING LOT STANDARDS,  
INCLUDING ADOPTION OF STANDARDS WITHIN R-2A ZONES AND REVISING SETBACKS  
IN VARIOUS ZONES**

WHEREAS, Nibley City regulates land use within Nibley City boundaries; and

WHEREAS, As adopted in the Nibley City General Plan, the City’s vision for Residential Development and Housing is “While retaining the character and form of established neighborhoods, residential development in Nibley will emphasize the conservation of open space and, using that conservation process, will incorporate a variety of housing forms.”; and

WHEREAS, allowing for smaller lot sizes within R-2A zones is in support of the Nibley City Moderate Income Housing Plan Strategy 4 to “rezone for densities necessary to facilitate the production of moderate income housing.”

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

1. The attached amendments to Nibley City Code 21.10.020 be 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 \_\_\_\_\_, 2024.

\_\_\_\_\_  
Larry Jacobsen, Mayor

ATTEST: \_\_\_\_\_  
Cheryl Bodily, City Recorder

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### **21.10.020 Open Space Subdivision**

- A. Purpose: The purpose of this section is to provide for subdivision development within Nibley City in a manner that:
1. Helps preserve the rural feeling of Nibley City as outlined in the General Plan;
  2. Provides Open Space Land with a specific purpose that provides visual and physical access to the public.
  3. Supports adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resources and agricultural lands as set forth in the General Plan;
  4. Protects constrained and sensitive lands, including, but not limited to, those areas containing sensitive features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
  5. Provides Open Space Land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, waterway, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
  6. Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
  7. Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
  8. Provides incentives for the creation of greenway systems and Open Space Land within the City for the benefit of present and future residents.
  9. Creates neighborhoods with direct visual and/or physical access to Open Space Land;
  10. Maintains and creates scenic views and elements of the City's rural and scenic character and minimizes perceived density by maintaining views of new development from existing roads.
- B. Definitions: For the purpose of this section, the following words shall have the meanings set forth herein:
1. OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on an Open Space Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.
  2. CONSTRAINED AND SENSITIVE LAND: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limit to Federal, State, or municipally designated

wetlands, floodplains, slopes greater than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance or permits from government authorities to allow development. This land may be used as Open Space Land if it complies fully with conditions within this ordinance for qualification of Open Space.

3. WATERWAY: Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.
4. TREE STAND: A group or cluster of trees within a geographic location that are occurring naturally or artificially.
5. MEADOWS: Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.
6. PASTURE: A fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principle food source for the livestock confined therein.
7. NET DEVELOPABLE LAND: Net Developable Land shall include the total area of the proposed development minus land that is required by Nibley City ordinance to be dedicated to the City including, but not limited to:
  - a. Public access rights-of-way
  - b. Land required to be dedicated along waterways
  - c. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
  - d. Constrained and Sensitive Land as defined herein
  - e. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without access to the public shall be included as Net Developable Land.
8. Net Developable Land may be calculated for the purposes of concept review and preliminary plat approval based on either rule of thumb as outlined in the Lot Standards chart for the underlying zone of the proposed subdivision or based on actual measurements derived from the proposed plat. Calculation of Net Developable Land for final plat approval shall use actual measured Net Developable Land area. The proponent shall demonstrate compliance with this provision by calculation based on values demonstrably derived from the proposed final plat.

C. Applicability:

1. The election to develop the property as an Open Space Subdivision is voluntary and provided to developers as an alternative to the standard subdivision process codified in NCC 19 and NCC 21. The intent of this section and

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the Open Space Subdivision options is to encourage the creation and development of flexible designed Open Space Land and variety in lot size and conformation. Open Space Subdivisions may be developed within applicable residential zones of the City. Open Space Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this section and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this section.

2. In cases of conflict with other Nibley City ordinances, the terms of this section shall govern.
3. Development Options: In R-1, R-1A, R-2, and R-2A zones in Nibley City, developers may elect to develop an Open Space Subdivision. If the zone is not listed above, it does not qualify for an Open Space Subdivision.
4. Developers desiring to develop the property as Open Space Subdivision are subject to the development standards, conditions procedures and regulations of this section.

D. Application Process:

1. Applications for an Open Space Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this section, including, but not limited to, submission of a sensitive area designation plan and maintenance plan.
2. Pre-application Meeting: Applicants for an Open Space Subdivision may request a pre- application meeting with the Development Committee as established in NCC 21.06.030. To assist with this review the developer may submit the draft plan of the proposed subdivision with such details as the following the following:
  - a. Zoning and parcel location
  - b. Total gross acres
  - c. Estimated right-of-way dedication
  - d. Estimated Constrained and Sensitive Land
  - e. Estimated Net Developable Land
  - f. Estimated Open Space Dedication and proposed uses.
  - g. Total number of lots based on density bonus
  - h. Estimated lot sizes and subdivision layout.
3. Sensitive Area Designation Plan Map: All applications for a Open Space Subdivision shall include a sensitive area designation plan map prepared in accordance with the provisions set forth herein and submitted with the preliminary plat. The sensitive areas designation plan map shall identify all constrained and sensitive lands within the property boundaries as set forth in this section. The sensitive area designation plan map shall also clearly identify all-natural or cultural resources present on the property, including, but not limited to those

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**Deleted:** R-2A zones may also be developed under the terms of this ordinance; in such cases, the R-2A zoned property shall be treated as R-2 for the purposes of calculating underlying base density, number of lots, bonus density, lot sizes, and all other provisions outlined in this ordinance.

defined in this ordinance (geographic features, meadows, tree stands, streams, stream corridors, floodwalls, berms, waterways, canals, irrigation ditches, farmland, pastures, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space). Applicants are solely responsible for the accuracy and designation of constrained and sensitive lands as defined in this ordinance, and natural and cultural resources as defined by the United States, State of Utah, Cache County, and Nibley City on the sensitive area designation plan map for their project and applicable adjacent property. The applicant shall include all sensitive areas within four hundred feet (400') of the developments property boundaries as noted in City, County, State, and Federal records.

4. Maintenance Plan for preserved Open Space Land: The developer must submit a Preliminary Maintenance Plan in accordance with subsection M,2 of this section and with the preliminary plat. For final plat application, the developer must submit a Final Maintenance Plan in accordance with subsection M,3 of this section. The Final Maintenance Plan shall be attached to the Development Agreement required by NCC 21 and recorded with the Final for the property.

E. Dimensional Standards:

1. [Lot Standards](#): The lot standards within an Open Space Subdivision shall be determined in accordance with the Lot Standards Chart.

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Lot Standards Chart					
Zone	Open Space Ratio, <sup>1</sup> (OSR)	Incentive Multiplier	Average Residential Lot Size	Minimum Residential Lot Size	Frontage, <sup>2</sup>
R-1	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 18,700 \text{ ft}^2$	$\geq 17,000 \text{ ft}^2$	$\geq 100 \text{ ft}$

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	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 16,700 \text{ ft}^2$	$\geq 15,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 14,700 \text{ ft}^2$	$\geq 13,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 12,700 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
R-1A	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 14,000 \text{ ft}^2$	$\geq 12,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 13,000 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 12,000 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 11,000 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
R-2					
	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 13,000 \text{ ft}^2$	$\geq 11,200 \text{ ft}^2$	$\geq 95 \text{ ft}$

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	$0.30 \leq \text{OSR} < 0.35$	<u>1.30</u>	$\geq 11,700 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	<u>1.35</u>	$\geq 10,200 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
	$0.40 \leq \text{OSR}$	<u>1.40</u>	$\geq 9,200 \text{ ft}^2$	$\geq 7,800 \text{ ft}^2$	$\geq 80 \text{ ft}$
<u>R-2A</u>	<u><math>0.25 \leq \text{OSR} &lt; 0.30</math></u>	<u>1.25</u>	<u><math>\geq 8,400 \text{ ft}^2</math></u>	<u><math>\geq 7,200 \text{ ft}^2</math></u>	<u><math>\geq 75 \text{ ft}</math></u>
	<u><math>0.30 \leq \text{OSR} &lt; 0.35</math></u>	<u>1.30</u>	<u><math>\geq 7,600 \text{ ft}^2</math></u>	<u><math>\geq 6,400 \text{ ft}^2</math></u>	<u><math>\geq 70 \text{ ft}</math></u>
	<u><math>0.35 \leq \text{OSR} &lt; 0.40</math></u>	<u>1.35</u>	<u><math>\geq 6,500 \text{ ft}^2</math></u>	<u><math>\geq 5,500 \text{ ft}^2</math></u>	<u><math>\geq 60 \text{ ft}</math></u>
	<u><math>0.40 \leq \text{OSR}</math></u>	<u>1.40</u>	<u><math>\geq 5,800 \text{ ft}^2</math></u>	<u><math>\geq 5,000 \text{ ft}^2</math></u>	<u><math>\geq 50 \text{ ft}</math></u>

Notes: 1. The OSR is the ratio of the area of the Open Space Land divided by the area of the Net Developable Land. 2. Frontage is determined at the front setback line.

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2. Minimum Setback Standards: Minimum setbacks for principal buildings within an Open Space Subdivision shall be determined in accordance with the Minimum Setback Standards Chart. Minimum setbacks of accessory buildings shall be determined in accordance with the underlying zone.

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<u>Minimum Setback Chart</u>					
<u>Zone</u>	<u>Open Space Ratio (OSR)</u>	<u>Front yard</u>	<u>Side yard, interior</u>	<u>Side yard, street</u>	<u>Rear yard</u>
<u>R-1</u>	<u>As per underlying zone (see NCC 19.22.010)</u>				<u>25</u>
<u>R-1A</u>	<u>As per underlying zone (see NCC 19.22.010)</u>				<u>25</u>
<u>R-2</u>	<u>0.25 ≤ OSR &lt; 0.30</u>	<u>As per underlying zone (see NCC 19.22.010)</u>			<u>25</u>
	<u>0.30 ≤ OSR &lt; 0.35</u>	<u>As per underlying zone (see NCC 19.22.010)</u>			<u>25</u>
	<u>0.35 ≤ OSR &lt; 0.40</u>	<u>25(35)<sup>1</sup></u>	<u>8</u>	<u>25(35)<sup>1</sup></u>	<u>20</u>

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	<u>0.40 ≤ OSR</u>	<u>25(35)<sup>1</sup></u>	<u>8</u>	<u>25(35)<sup>1</sup></u>	<u>20</u>
<u>R-2A</u>	<u>0.25 ≤ OSR &lt; 0.30</u>	<u>25(35)<sup>1</sup></u>	<u>8</u>	<u>25(35)<sup>1</sup></u>	<u>20</u>
	<u>0.30 ≤ OSR &lt; 0.35</u>	<u>25(35)<sup>1</sup></u>	<u>8</u>	<u>25(35)<sup>1</sup></u>	<u>20</u>
	<u>0.35 ≤ OSR &lt; 0.40</u>	<u>20(35)<sup>1</sup></u>	<u>5</u>	<u>20(35)<sup>1</sup></u>	<u>15</u>
	<u>0.40 ≤ OSR</u>	<u>20(35)<sup>1</sup></u>	<u>5</u>	<u>20(35)<sup>1</sup></u>	<u>15</u>

1. Greater distance required where yard faces arterial road.

3. Procedure for Calculating Allowed Number of Lots: The Allowed Number of Lots including the density bonus for a Open Space Subdivision shall be determined as follows using the appropriate Incentive Multiplier from the Lot Standards Chart. The developer shall follow the process outlined below to determine allowable properties of the proposed subdivision and use these properties in developing the preliminary and final plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the plat applications:
- a. The subdivision must be in one of the approved zones as listed within the Open Space Subdivision requirements, and all calculation will be based on the parcel's current zone at the time of application and the associated Lot Standards Chart.

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**Deleted:** with the exception of R-2A zones: R-2A zones shall be treated as R-2 zones for the purposes of this ordinance

- b. Provide to the City the total area contained within the subdivision plat.
- c. Provide to the City the total area being dedicated to rights-of-way.
- d. Provide to the City the total acres of Constrained and Sensitive Land.
- e. Provide the City the total Net Developable Land area as defined within this section.
- f. State the area of proposed Open Space Land.
- g. Calculate Open Space Ratio.
- h. Calculate the Base Number of Lots per zone:
  - 1. Base Number of Lots R-1 = Net Developable Land / 1 acre
  - 2. Base Number of Lots R-1A = Net Developable Land / .75 acres
  - 3. Base Number of Lots R-2 = Net Developable Land / 0.5 acres
  - 4. Base Number of Lots R-2A = Net Developable Land / 0.32 acres
- i. Determine Incentive Multiplier
  - 1. Determine Incentive Multiplier based on the Lot Standards Chart, the applicable zone, and the Open Space Ratio.
- j. Calculate total allowed
  - 1. Total allowed lots = Base number of lots multiplied by the Incentive Multiplier

F. Lot Area, Frontages, and Zoning Regulations:

- 1. The subdivision, along with each lot within the subdivision, shall meet and comply with the minimum lot sizes, average lot sizes, and frontages shown on the Lot Standards Chart. Except for these requirements, the Zoning Regulations (NCC 19) for the underlying zone shall apply to Open Space Subdivisions, unless otherwise noted within this section.

G. Conservancy Lots:

- 1. Open Space Land and Constrained and Sensitive Land may be included within individual residential lots when such areas can be properly protected and preserved in accordance with the intent and purpose of this section. Such lots shall be known and referred to as "conservancy lots". These lots must contain a minimum of 0.5 acres of Open Space Land, except for areas approved by Nibley City as defined Landscape Buffers, and that Open Space Land must meet the design standards and use standards within this section.
- 2. Regulations: Open Space Land and Constrained and Sensitive land within a Conservancy Lot shall remain subject to all regulations and requirements for such land as set forth herein, including, but not limited to, use, design, maintenance, ownership and permanent protection. Open Space Land must be developed and maintained within the first year of the date of issuance of a Notice to Proceed under NCC 21.

**Deleted:** and R-2A

3. The portion of each Conservancy Lot that is not Open Space Land must meet the minimum lot size on the applicable Lot Standards Chart and shall be the portion of the Conservancy Lot used to calculate the average and minimum lot size within the subdivision.
- H. Use Regulation: Use of the land in a Open Space Subdivision that is not Open Space Land is subject to any restrictions set forth in NCC 19, unless otherwise specified within this section, for the zone in which the land is located. Use of Open Space Land within a Open Space Subdivisions is subject to the following:
1. Permitted Uses on Open Space Land: The following uses are permitted in Open Space Land areas:
    - a. Street rights-of-way may traverse Open Space Land if permitted under City ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart.
    - b. Utility rights-of-way or easements, including above ground and underground utilities may traverse Open Space Land if permitted by City ordinance; areas encumbered by such facilities and/or rights-of-way may be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart so long as the rights-of-way and easements otherwise meet the requirements of this ordinance for Open Space Land.
    - c. Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.
    - d. Conservation of open land in its natural state, e.g., meadows, tree stands, wetlands, forestland.
    - e. Waterways along with dedicated public access rights-of-way or easements along one or both sides.
    - f. Underground utility easements for drainage, access, sewer or water lines, electric lines or other public purposes.
    - g. Active noncommercial recreation areas, such as trails, playing fields, playgrounds, courts, and multipurpose trails. These parcels shall be maintained by the City or an owners' association and shall be open to the public if maintained by the City, or residents within the Open Space Subdivision if maintained by a functional owners association.
    - h. Agricultural uses excluding livestock operations involving swine, poultry, and mink. Open Space Land of less than one-half (0.5) acre may be used as landscaped buffers for roadways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities that meet standards and uses listed herein.

- i. Fencing that is rural in character. All fencing must be transparent, such as rail fences, post fences, or wire fences and architecturally appropriate to the use as determined by the City Planner. Chain link fences are not permitted on Open Space Land. All applicants must receive a fence permit from the City before construction of any proposed fence.
  - j. Golf courses, not including commercial miniature golf. A development plan must be turned in as part of the approval process that outlines ownership, development, and building plans.
  - k. Neighborhood Open Space Land uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses. Neighborhood Open Space Land must be owned and maintained by an owners' association or the City.
  - l. Pasture for sheep, goats, cows, horses or other animals approved by Nibley City code. Pasture and animal density must conform with Nibley City Animal Land Use Regulations and be enclosed with appropriate fencing.
  - m. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.
  - n. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Open Space Land. These facilities must be built to Nibley City Engineering design standards and specifications, must contain a tree for every 300 square feet and planted around the perimeter, an irrigation system must be installed, and be planted with grass or natural vegetation
2. Prohibited Uses on Open Space Land: The following uses shall be considered prohibited in Open Space Land areas:
- a. Motor vehicles are prohibited except as necessary to maintain and operate the property and/or utility facilities within the property. Recreational motorized off-road vehicle usage including but not limited to motorcycles, dirt bikes, go-carts, OHVs, dune buggies, side-by-sides and their derivatives, and snowmobiles are prohibited.
  - b. Firearm ranges, and other uses similar in character and potential impact are prohibited.
  - c. Advertising of any kind and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized the use of the same.
  - d. Any cutting of trees or vegetation, except as reasonably necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses or other uses allowed within this section.

- e. Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as may be necessary to support a permitted use.
  - f. Any dumping or storing of ashes, trash, garbage, vehicles, trailers, recreational vehicles or other equipment except for equipment needed to maintain the land.
  - g. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property.
  - h. Any residential, commercial or industrial activity except as specifically permitted in this ordinance.
  - i. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
  - j. Changing the topography of the property by placing on it any soil, dredging spoils, landfill, or other materials, except as necessary to conduct specifically permitted purposes.
  - k. Hunting or trapping for any purpose other than predatory or problem animal control.
  - l. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property.
  - m. The division, subdivision or de facto subdivision of the property.
  - n. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles.
  - o. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of this section.
- 3. Constrained and Sensitive Lands: Except for passive recreational activities, no development or residential uses shall be permitted within Constrained and Sensitive Lands
  - 4. Open Space Land Coordination: When directed by the Planning Commission, Open space land shall be consolidated and located on the border of proposed subdivision and be located adjacent to undeveloped or open space land. In consideration of open space consolidation, design standards described in this chapter shall be maximized, including the preservation of significant areas and natural landscape, and adequate pedestrian access.
  - 5. Open Space Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the Open Space Land within an Open Space Subdivision shall be complied with as provided herein.
- I. Open Space Land Design Standards: Open Space Land shall be located and designed within the Open Space Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of

Open Space Land. Designated Open Space Land within an Open Space Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet three (3) or more of the following standards:

1. Significant Areas and Natural Landscape: Open Space Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature. This Open Space Land may also contain historic buildings and/or sites, archeological sites, and cultural features. The maintenance plan shall outline how the property will be preserved and maintained. The maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.
2. Contiguous Land: Open Space Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other Open Space Land in adjacent subdivisions or developments to provide for large and integrated Open Space Land areas within the City.
3. Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.
4. Buffering: Open Space Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, six (6) trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards for City parks current at the time of approval of Final Plat. Open Space buffer areas shall be under single ownership.
5. Pedestrian Access: Developer shall provide pedestrian access to Open Space Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
6. Recreation Space: Open Space Land may be designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other recreation and park amenities. Any recreation spaces that are to be dedicated to Nibley City are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the preliminary plat or maintenance plan can be given. Publicly and owners' association owned open spaces shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision

(for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the development agreement; until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.

7. Stormwater Basin: These facilities must be built to Nibley City Engineering design standards and specifications, must contain a tree for every 300 square feet and planted and clustered around the perimeter basin area; an irrigation system must be installed, and be planted with grass, natural vegetation and shrubs. The stormwater basin can be a local or regional basin and must be owned and maintained by Nibley City.

J. Permanent Protections of Open Space Land:

1. Conservation Easement: All Open Space Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the Open Space Land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Open Space Subdivision. All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Open Space Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the Open Space Subdivision.
2. Terms and Conditions: All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Open Space Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:
  - a. Legal description of the easement;
  - b. Description of the current use and condition of the property;
  - c. Permanent duration of easement;
  - d. Permitted and conditional uses;
  - e. Prohibited development and/or uses;
  - f. Maintenance responsibilities and duties; and
  - g. Enforcement rights and procedures.
3. Marking of Open Space Land: Open space land shall be marked at each corner and property line intersection with a minimum 4" diameter x 3' deep concrete monument provided with an aluminum or brass cap cast or epoxied into the monument. Caps shall be stamped "Nibley Conservation Marker, Do Not Remove", and an arrow stamped into the cap perpendicular to the Open Space boundary line and pointing into the Open Space.

Monuments shall be placed such that the top 6" of the monument is above finished grade at the monument location.

4. Grantee: Unless otherwise approved by the City Council, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization, or governmental entity. The City may, but shall not be required to, accept, as grantee, a conservation easement encumbering Open Space Lands within a Open Space Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the Open Space Land are provided.

K. Ownership of Open Space Land:

1. Undivided Ownership: Unless otherwise approved by the City Council and subject to the provisions set forth in this section, the underlying fee Ownership of the Open Space Land shall remain in single Ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.
2. Property Not Subject to Subdivision: Property subject to a conservation easement, or another acceptable method of protection and preservation, shall not be subdivided.
3. Nibley City may at its sole discretion opt to take ownership of Open Space Land prior to the preliminary plat approval stage. If the event that the applicant requests or the Planning Commission recommends that Open Space land be dedicated to Nibley City, the City Council must approve the development agreement which includes dedication of open space prior to preliminary plat approval. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.
4. Owners Association: Open Space Land may be held in common ownership by a Home Owners or other acceptable Owners Association, subject to all the provisions for Owners Associations set forth in state law, the City Code, and the following:
  - a. A description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for Open Space Land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
  - b. The proposed association shall be established, funded and operating (with financial subsidization from the Developer, if required in by the City in the development agreement) prior to or concurrent with the recording of the final plat for the subdivision;
  - c. Membership in the association shall be mandatory for all purchasers of property within the subdivision and their successors in title.

- d. The association shall be the responsible party for maintenance and insurance of its Open Space Land under the Final Maintenance Plan for the subdivision;
  - e. The bylaws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted; and
  - f. Written notice of any proposed transfer of Open Space Land by the Association or the assumption of maintenance for the Open Space Land must be given to all members of the Association and to the City no less than thirty (30) days prior to such event.
  - g. The owners' association shall be required to provide a bond or line of credit to the City for the cost of one year of maintenance of property owned by the Association, to be maintained by the Association for as long as the Association owns the Open Space.
  - h. In the event of a failure of the owners' association to maintain the properties in accordance with the requirements of the development agreement, the City shall revoke the owners' association's bond, determine an appropriate assessment for the operation and maintenance of the open space, and assess all properties of the Subdivision on a monthly basis for said maintenance.
5. Private Ownership: A conservation parcel may be owned by a private individual or entity. Such parcels shall have a defined purpose and restrictions recorded in the maintenance plan and comply with this section.

L. Maintenance of Open Space Lands:

1. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining Open Space Land shall be borne by the owner of the underlying fee of the Open Space Land.
2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:
  - a. The proposed Ownership of the Open Space Land;
  - b. The party that will be responsible for maintenance of the Open Space Land;
  - c. The proposed use of the Open Space Land and how each parcel of Open Space Land meets the standards listed within this section;
  - d. The size of each Open Space Land parcel; and
  - e. The proposed concept plan for landscaping of the Open Space Land.
3. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed Open Space Subdivision application for the subdivision. If the maintenance plan addresses Open Space Land that is to be owned or dedicated to Nibley City, the maintenance plan shall

conform to all conditions and terms of the development agreement approved by the City Council that includes the dedication of open space. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:

- a. Ownership agreements for Open Space Land;
  - b. A description of the use of the Open Space Land and how that use complies with this section;
  - c. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of Open Space Land (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.);
  - d. The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space Land, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
  - e. The landscaping plans for parcels that will be owned by an owners association or by the City.
  - f. Approval: The Final Maintenance Plan must be approved by the Administrative Land Use Authority prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the Administrative Land Use Authority.
4. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements and must complete all proposed open space improvements within the first three years of approval. If a designated open space parcel is planned to be maintained by a single property owner, the developer shall maintain that property until title is transferred to a new property owner.
  5. Failure to Maintain: For all open space designated under the terms of this Ordinance, including privately held Open Space Lands, the responsible party for the maintenance of the Open Space Land in accordance with the terms of this ordinance, the approved maintenance agreement, any conditional use permits, business licenses or any other agreements between the City and the responsible party, or the operation of any common facilities located thereon fails to maintain all or any portion of the Open Space Land or common facilities in accordance with the aforementioned agreements and ordinances, the City may assume responsibility for the maintenance and operation of the Open Space Land. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. The owner shall not impede the City in their efforts to maintain the open space.

6. Corrective Action: The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property Owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.
7. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the conservation easement until such time as the control of the easement is transferred to the long-term manager. The developer shall address implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
8. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all Open Space Land and constrained and sensitive lands within the Open Space Subdivision.

# Nibley City Council

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MAY 23, 2024

# Open Space Subdivisions

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## Background

- Open Space subdivision provides incentive to preserve open space through density bonus.
  - Up to 35- 40% density bonus compared to underlying zone
- No incentive for open space subdivision if the property is zoned R-2A, which allows for approximately 35% additional density compared to R-2
- Creates disincentive for City to rezone property to R-2A.

# Open Space Subdivisions

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## Amendments considered

1. Amendments to the Open Space Subdivision Code that would allow additional density based upon R-2A zoning, incentivizing its use within a R-2A zone.
    - a. Allow ~5,000 sq ft lots or some multi-family within R-2A open space subdivisions.
  2. Remove the R-2A zone for consideration for future development.
  3. Limit R-2A zones to smaller areas (potentially less than 5 acres)
- Planning Commission general consensus- #1 is preferred option
- Improves housing affordability while continuing to incentivize open space preservation.

# Open Space Subdivisions

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## Draft Changes

- Added specifications for minimum lot sizes within R-2A zones based upon percentage of open space
  - Minimum lot size range: 5,000 – 7,200 sq ft
  - Average lot size range: 5,800 – 8,400 sq ft
  - Minimum lot width range: 50 – 75 ft
- Adjusted maximum incentive multiplier for R-2 to match other zones
- Adjusted minimum setbacks to allow adequate building footprint
  - Side yard reduced to 8' or 5' for smaller lots.
  - Front yard reduced to 25' or 20' for smaller lots.
  - Rear yard reduced to 25', 20' or 15' depending on lot size.

# Open Space Subdivisions

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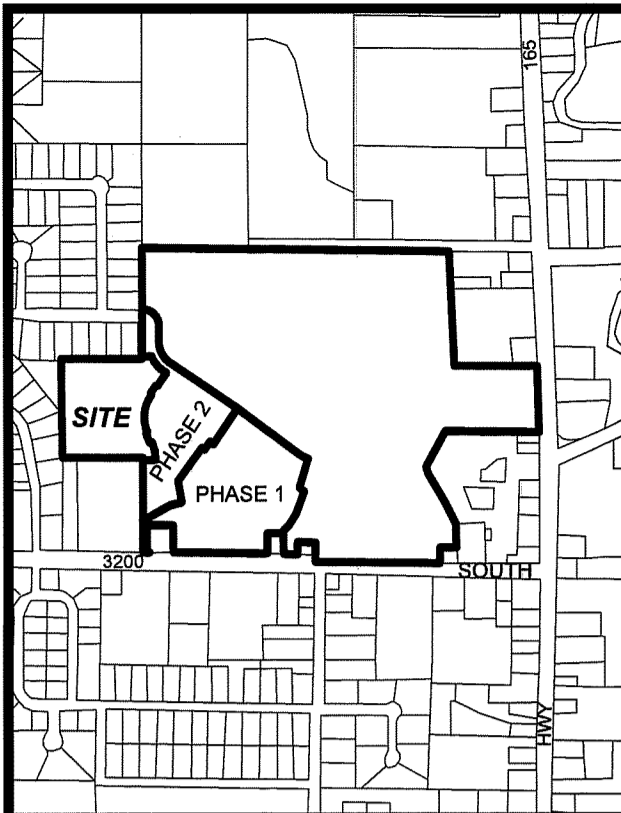
## **Planning Commission Recommendation**

Approval of Ordinance 24-06--Amending 21.10.020 Open Space Subdivision, Adjusting Lot Standards, Including Adoption of Standards Within R-2A Zones and Revising Setbacks in Various Zones

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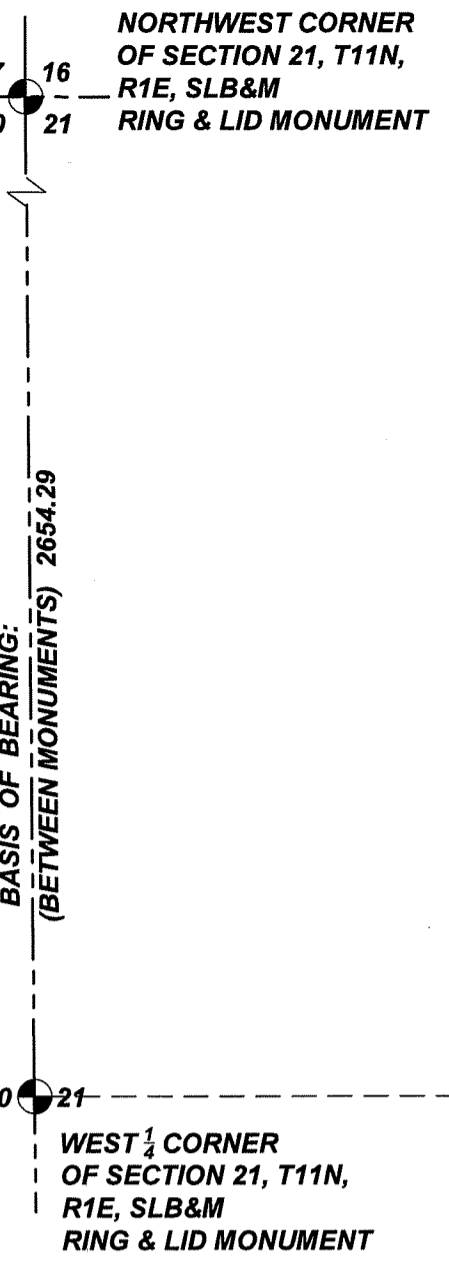
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VICINITY MAP  
NTS

NOTES:

- 1. NO STRUCTURES MAY BE BUILT WITHIN ANY PUBLIC UTILITY EASEMENT, EXCEPT AS APPROVED BY THE CITY ENGINEER AND AFFECTED PUBLIC UTILITY PROVIDERS.
2. ALL EXPENSES INVOLVING THE NECESSARY IMPROVEMENTS OR EXTENSIONS FOR SANITARY SEWER SYSTEMS, GAS SERVICE, ELECTRICAL SERVICE, GRADING AND LANDSCAPING, STORM DRAIN SYSTEMS, CURBS AND GUTTERS, FIRE HYDRANTS, PAVEMENT, SIDEWALKS, STREET LIGHTING AND SIGNING, AND OTHER IMPROVEMENTS SHALL BE FINANCED BY SUBDIVIDER.
3. THIS PROPERTY IS LOCATED IN THE VICINITY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY OR MAY NOT IN THE FUTURE BE CONDUCTED IN THIS AREA AND THAT SUCH USES ARE PREVIOUSLY EXISTING USES. AGRICULTURAL USES AND SITUATIONS MUST BE SOUND AGRICULTURAL PRACTICES AND NOT BEAR A DIRECT THREAT TO THE PUBLIC HEALTH AND SAFETY.
4. AREAS IN NIBLEY CITY HAVE GROUNDWATER PROBLEMS DUE TO THE VARYING DEPTHS OF A FLUCTUATING WATER TABLE. THE CITY'S APPROVAL OF A BUILDING PERMIT OR CONSTRUCTION PLANS DOES NOT CONSTITUTE A REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION OR LOCATION WILL SOLVE SUBSURFACE OR GROUNDWATER PROBLEMS. IN ADDITION, CONCERNS FOR BUILDING ELEVATION AND/OR GRADING AND DRAINAGE ARE UNIQUE TO EACH BUILDING LOT AND SITE. RESPONSIBILITY FOR THESE STATED CONCERNS, AND ALL OTHER SUCH CONCERNS RELATED TO A LOT OR OTHER BUILDING SITE, REMAINS SOLELY WITH THE BUILDING PERMIT APPLICANT, PROPERTY OWNER AND/OR CONTRACTOR. NIBLEY CITY IS NOT RESPONSIBLE FOR ANY SUBSURFACE OR GROUNDWATER PROBLEMS WHICH MAY OCCUR, NOR FOR OTHER SUCH CONCERNS, INCLUDING, BUT NOT LIMITED TO, BUILDING LOCATION AND/OR ELEVATION, SITE GRADING AND DRAINAGE.
5. #5 REBAR & CAP TO BE SET AT ALL REAR LOT CORNERS. CURB PINS TO BE SET IN THE TOP OF THE CURB AT THE EXTENSION OF THE SIDE LOT LINES.
6. PARCEL H IS A NON-BUILDABLE PARCEL HEREBY DEDICATED TO, AND MAINTAINED BY THE PROJECT HOA. TRAILS & OTHER AMENITIES LOCATED ON THIS PARCEL SHALL BE ACCESSIBLE TO PUBLIC USE.
7. THIS AREA IS SUBJECT TO HIGH GROUND WATER LEVELS. NO FINISHED FLOOR SHALL BE BUILT AT AN ELEVATION LOWER THAN SIX INCHES (6") ABOVE FINISHED CURB OR CENTERLINE OF THE STREET, WHICHEVER IS HIGHER, UNLESS AN INDIVIDUAL LOT OWNER IS ABLE TO PROVIDE A STAMPED REPORT MEETING THE QUALIFICATIONS AS LISTED WITHIN NIBLEY CITY CODE 21.06.080 (B)(2) FOR THEIR LOT, AND UNLESS THAT REPORT IS REVIEWED AND APPROVED BY THE CITY ENGINEER. BASEMENTS ARE RESTRICTED UNLESS DETERMINED SUITABLE ON AN INDIVIDUAL BASIS BY A PROFESSIONAL ENGINEER.



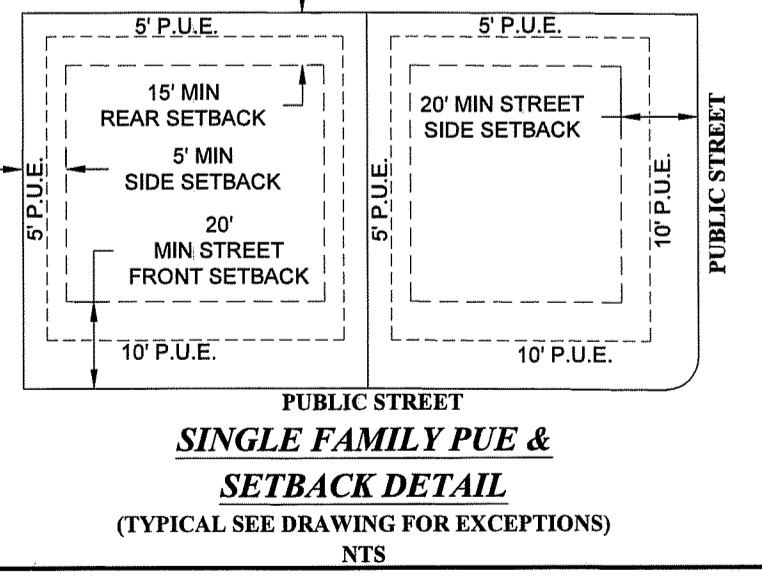
FINAL PLAT OF RIDGELINE PARK SUBDIVISION PHASE 3

LOCATED IN THE SE1/4 OF SECTION 21, T11N, R1E, S.L.B.&M. NIBLEY CITY, UTAH

LINE TABLE with columns: LINE #, BEARING, DISTANCE. L1 S66°27'24"W 3.02, L2 N66°27'24"E 2.94

CURVE TABLE with columns: CURVE #, RADIUS, DELTA, LENGTH, CHORD. Lists curves C1 through C20 with their respective measurements.

CURVE TABLE with columns: CURVE #, RADIUS, DELTA, LENGTH, CHORD. Lists curves C21 through C38 with their respective measurements.



LEGEND

1234 N LOT ADDRESS

OWNER(S)/SUBDIVIDER: VISIONARY HOMES/LAND HAVEN, INC. 50 East 2500 North North Logan, Utah 84341

DATE OF PREPARATION: AUGUST 10, 2020

ENGINEER & SURVEYOR: CIVIL SOLUTIONS GROUP, INC. MICHAEL TAYLOR, PE DENNIS P. CARLISLE, PLS 498 WEST 100 SOUTH PROVIDENCE, UTAH 84322 435-213-3762

PLANNING COMMISSION APPROVAL AND ACCEPTANCE: PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION THIS 17th DAY OF Dec 2021 AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

ENGINEER'S APPROVAL: I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE.

ATTORNEY APPROVAL: APPROVED AS TO FORM THIS 22 DAY OF December 2021.

UTILITY COMPANIES: DOMINION ENERGY, ROCKY MOUNTAIN POWER, COMCAST CABLE, CENTURYLINK COMMUNICATIONS.

QUESTAR GAS COMPANY, dba DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT.

civilsolutionsgroup inc. CACHE VALLEY | P: 435.213.3762 SALT LAKE | P: 801.216.3192 UTAH VALLEY | P: 801.874.1432 info@civilsolutionsgroup.net www.civilsolutionsgroup.net

ROCKY MOUNTAIN POWER: 1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED THEREIN. 2. PURSUANT TO UTAH CODE ANN. § 17-27A-603(4)(c)(ii) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT.

SURVEYOR'S CERTIFICATE: I, DENNIS P. CARLISLE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 172675 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF UTAH STATE CODE. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS(S) THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF SAID CODE, AND HAVE ALSO SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREETS, AND EASEMENTS, AND THE SAME HAS, OR WILL BE CORRECTLY SURVEYED, STAKED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT, AND THAT THIS PLAT IS TRUE AND CORRECT.

DENNIS P. CARLISLE PROFESSIONAL LAND SURVEYOR CERTIFICATE NO. 172675 DATE: JULY 20, 2021

BOUNDARY DESCRIPTION

A portion of the SE1/4 of Section 21, Township 11 North, Range 1 East, Salt Lake Base & Meridian, located in Nibley, Utah, more particularly described as follows: Beginning at a point on a southerly line of ELKHORN ESTATES Subdivision, Phase 7, according to the Official Plat thereof on file in the Office of the Cache County Recorder, and as currently monumented and constructed, located East 2,148.35 feet and South 0.65 feet from the West 1/4 Corner of Section 21, T11N, R1E, S.L.B.&M. (Basis of Bearing: N0°22'44"W along the Section line between the West 1/4 Corner and the Northwest Corner of said Section 21);

OWNER'S DEDICATION: KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, PARCELS AND STREETS, AND TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS:

RIDGELINE PARK SUBDIVISION PHASE 3

AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON.

BY: JEFF JACKSON (PRINTED NAME) ITS: PRESIDENT

CORPORATE ACKNOWLEDGMENT: ON THIS 26 DAY OF JULY, 2021, PERSONALLY APPEARED BEFORE ME JEFF JACKSON, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (OR PROVEN ON THE BASIS OF SATISFACTORY EVIDENCE) AND WHO BY ME DULY SWORE/AFFIRMED, DID SAY THAT HE/SHE IS THE PRESIDENT OF LAND HAVEN, INC AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BYLAWS, OR RESOLUTION OF ITS BOARD OF DIRECTORS, AND SAID LIMITED LIABILITY CORPORATION ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

MY COMMISSION EXPIRES: 11/10/2024 SHAMA KACIE HEAPS NOTARY PUBLIC (SIGNATURE) RESIDING IN CACHE COUNTY

CITY COUNCIL APPROVAL AND ACCEPTANCE: PRESENTED TO THE NIBLEY CITY COUNCIL THIS 17th DAY OF November 2020 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

NIBLEY CITY MAYOR: Charles Bradley DATE: 28 Dec 2021 NIBLEY CITY RECORDER: Shama Kacie Heaps DATE: 29 Dec 2021

FINAL PLAT OF RIDGELINE PARK SUBDIVISION PHASE 3

LOCATED IN THE SE1/4 OF SECTION 21, T11N, R1E, S.L.B.&M. NIBLEY CITY, UTAH. RECORDED # 1326080 STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF: Visionary Homes DATE: 8/11/2022 TIME: 11:34am BOOK: 2022 PAGE: 3142 \$ 10.00 FEE DATE: 8/11/2022 TIME: 11:34am BOOK: 2022 PAGE: 3142 \$ 10.00 FEE

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FINAL PLAT
SUNSETPARKS P.U.D.
PART OF THE NE 1/4 OF SEC. 20, T11N, R1E, SLM
NIBLEY CITY, CACHE COUNTY, UTAH
FEBRUARY 18, 2005

SURVEY CERTIFICATE

I, STEVEN C. EARL, A REGISTERED LAND SURVEYOR, HOLD CERTIFICATE NO. 31875-2005, AS INSCRIBED BY THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT WHICH IS ACCURATELY DESCRIBED THEREIN, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS SUNSETPARKS ESTATE, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

SIGNED ON THIS 20th DAY OF MARCH, 2005.

Signature of Steven C. Earl, Registered Land Surveyor No. 31875-2005.

BOUNDARY DESCRIPTION

A PART OF THE NORTHEAST QUARTER SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN THE CITY OF NIBLEY, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST SIXTEENTH CORNER OF SAID SECTION 20; THENCE S89°42'24"W 601.49 FEET (594 FEET B.R.) ALONG THE NORTH SIXTEENTH LINE OF SAID SECTION; THENCE N07°01'17"W 680.11 FEET ALONG THE EAST LINE OF THE PARCEL DESCRIBED IN THE WARRANTY DEED FILED AS ENTRY 184721, BOOK 76, PAGE 1442, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, TO A POINT IN THE NORTH-NORTH 1/4 LINE OF SAID SECTION; THENCE N88°36'20"E 85.23 FEET ALONG SAID NORTH-NORTH 1/4 LINE TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 433.00 FEET; THENCE EASTERLY 237.14 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°22'49"; THENCE N07°01'17"W 100.00 FEET TO THE POINT OF BEGINNING OF SAID CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 367.00 FEET; THENCE EASTERLY 201.00 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°22'49"; THENCE N07°01'17"W 100.00 FEET TO THE POINT IN THE EAST 1/16 LINE OF SAID SECTION; THENCE S02°29'33"E 544.20 FEET TO THE POINT OF BEGINNING. CONTAINING 8.31 ACRES, MORE OR LESS.

NARRATIVE

THIS SURVEY WAS ORDERED BY NEIL ANDERSON FOR THE PURPOSE OF CREATING NEW RESIDENTIAL BUILDING LOTS. NO MAJOR DISCREPANCIES WERE FOUND. THE BASIS OF BEARINGS USED WAS GEODETIC, BASED ON WGS-84. NORTH WAS PROJECTED FROM THE CACHE COUNTY/NIBLEY CITY GPS MONUMENT LOCATED AT LATITUDE 41°40'30.8425"N, LONGITUDE 111°50'51.4351"W. NUMBER 5 REBAR WITH PLASTIC CAPS STAMPED STEVEN C. EARL, PLS 3187525 WERE SET AT ALL REAR PROPERTY CORNERS. LOTS 14-21 WITH CONCRETE STEEL MARKERS WERE SET IN THE CURB AT INTERSECTION WITH PROLONGED SIDE LOT LINES AT THE FRONT OF EACH LOT.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS SUNSETPARKS P.U.D., DO HEREBY DEDICATE, GRANT AND CONVEY TO NIBLEY CITY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS PUBLIC STREETS; THE SAME TO BE USED AS PUBLIC THROUGHFARES FOREVER. WE ALSO DEDICATE, GRANT AND CONVEY TO THE SUNSETPARKS HOMEOWNERS ASSOCIATION ALL THOSE PARTS OR PORTIONS OF LAND DESIGNATED AS PRIVATE STREETS AND OPEN SPACES. WE ALSO DEDICATE TO NIBLEY CITY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS INTENDED FOR PUBLIC USE.

IN WITNESS WE HAVE HEREUNTO SET OUR SIGNATURES THIS 24th DAY OF March, A.D. 2005.

SUNSETPARKS, LLC
By: Randy O'Neil, Managing Member

ACKNOWLEDGEMENT

STATE OF UTAH
COUNTY OF CACHE
ON THIS 24th DAY OF March, 2005, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNERS OF THE ABOVE OWNERS DECLARATION, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.
NOTARY PUBLIC
MY COMMISSION EXPIRES July 4, 2007

LINE TABLE with columns: LINE, LENGTH, BEARING

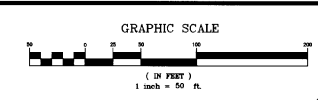
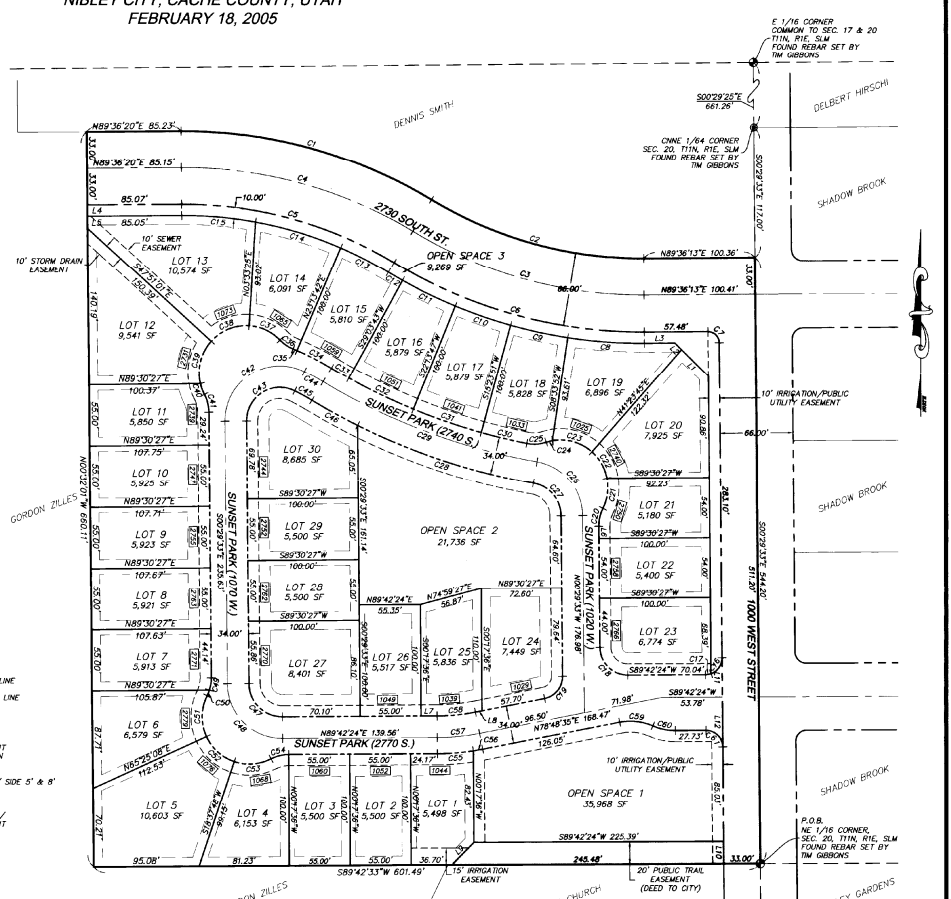
NOTES

- 1. ALL REQUIRED NECESSARY PUBLIC IMPROVEMENTS AND UTILITIES SHALL BE FINANCED BY PURCHASER OR SELLER AND NOT BY NIBLEY CITY.
2. NO BUILDINGS ARE ALLOWED WITHIN PUBLIC UTILITY EASEMENTS OR OTHER EASEMENTS.
3. THIS PROPERTY IS LOCATED IN THE VICINITY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY OR MAY NOT IN THE FUTURE BE CONDUCTED IN THIS AREA AND THAT SUCH USES ARE PREVIOUSLY EXISTING USES...

CURVE TABLE with columns: CURVE, LENGTH, RADIUS, TANGENT, CHORD BEARING, CHORD, DELTA

LEGEND

- SECTION LINE
BOUNDARY LINE
PUBLIC RIGHT-OF-WAY LINE
PRIVATE RIGHT-OF-WAY LINE
CENTER LINE
LOT LINE
PUBLIC UTILITY EASEMENT
10-FOOT WIDE AS SHOWN
BUILDING SETBACK
FRONT 20' / REAR 8' / SIDE 5' & 8'
PRIVATE RIGHT-OF-WAY
PRIVATE RIGHT-OF-WAY/ PUBLIC UTILITY EASEMENT
STREET ADDRESS



PLANNING COMMISSION CHAIRMAN APPROVAL AND ACCEPTANCE
Presented to the Nibley City Planning Commission Chairman this 18th day of February, A.D. 2005, at which time this subdivision was recommended to the City Council for approval.

MAYOR'S APPROVAL AND ACCEPTANCE
Presented to the Nibley City Mayor this 18th day of February, A.D. 2005, at which time this subdivision was approved.

UTILITY COMPANY APPROVALS
QUESTAR GAS, UTAH POWER, ONTARIO COMMUNICATIONS, COMCAST

COUNTY RECORDER'S NO. 087329
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE OFFICE OF THE COUNTY RECORDER, SALT LAKE CITY, UTAH, FEBRUARY 18, 2005.

APPROVAL AS TO FORM
I, COUNTY RECORDER, DO HEREBY CERTIFY THAT THIS PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH PLAT ACT.

ENGINEER'S CERTIFICATE
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION THEREIN PLACED IN THIS OFFICE AND THE CITY ORDINANCE.

CACHE LANDMARK ENGINEERS-SURVEYORS-PLANNERS
666 NORTH MAIN, SUITE 303
LOGAN, UT 84301-0371-30099

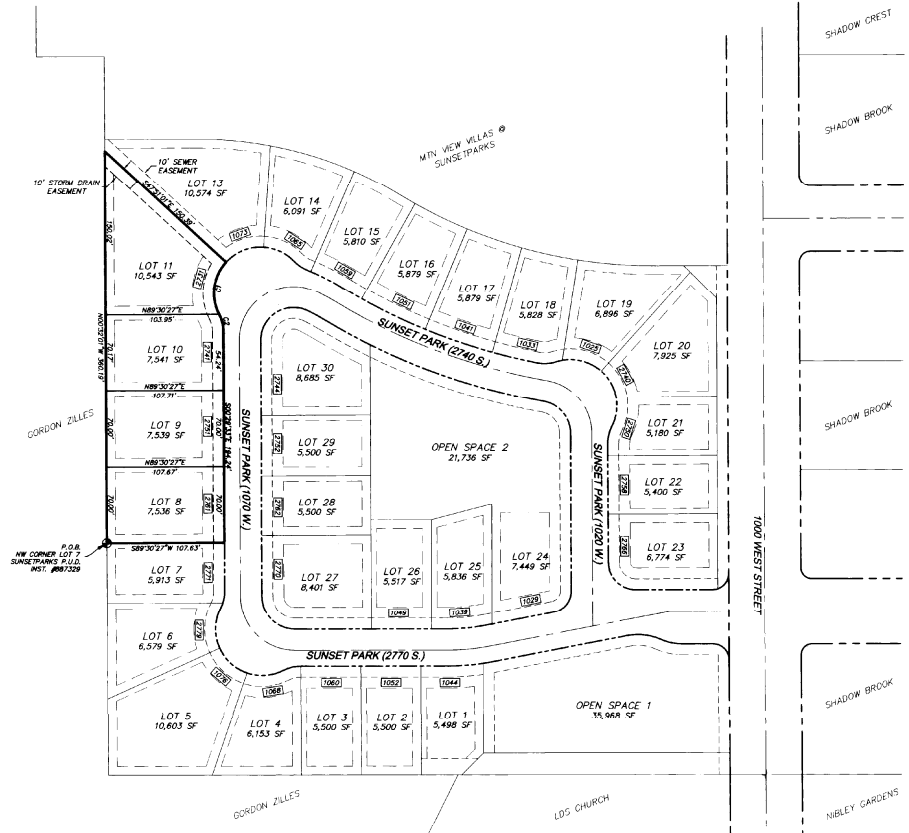
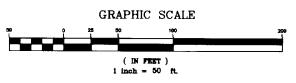
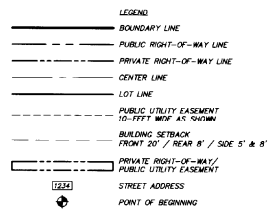
DATE: 2/18/2005
CHECKED BY: S. EARL
APPROVED BY: S. EARL
LOCATION: NIBLEY, UT

PARTIAL AMENDED  
FINAL PLAT  
**SUNSETPARKS P.U.D.**  
LOTS 8-11  
PART OF THE NE 1/4 OF SEC. 20, T11N, R1E, SLM  
NIBLEY CITY, CACHE COUNTY, UTAH  
SEPTEMBER 1, 2011

**NOTES**

1. ALL REQUIRED NECESSARY PUBLIC IMPROVEMENTS AND UTILITIES SHALL BE FINANCED BY PURCHASER OR SELLER AND NOT BY NIBLEY CITY.
2. NO BUILDINGS ARE ALLOWED WITHIN PUBLIC UTILITY EASEMENTS OR OTHER EASEMENTS.
3. THIS PROPERTY IS LOCATED IN THE MONIY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY OR MAY NOT IN THE FUTURE BE CONDUCTED IN THIS AREA AND THAT SUCH USES ARE PREVIOUSLY EXISTING USES. AGRICULTURAL USES AND SITUATIONS MUST BE SOUND AGRICULTURAL PRACTICES AND NOT BEAR A DIRECT THREAT TO PUBLIC HEALTH AND SAFETY.
4. DEVELOPER SHALL COORDINATE PLACEMENT OF MAIL BOXES WITH U.S. POSTAL SERVICE.
5. LOT 11 IS SUBJECT TO A 10-FOOT WIDE EASEMENT AS SHOWN FOR THE INSTALLATION AND MAINTENANCE OF A STORM DRAIN PIPELINE. THIS EASEMENT IS ALSO DEDICATED AS A PUBLIC RIGHT-OF-WAY.
6. LOTS 8, 9, 10, AND 11 HAVE BEEN EXPANDED AND LOT 12 HAS BEEN ELIMINATED.

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C1	91.21	45.61	28.61	48.92	S077°07'00" W	89°24'00"
C2	16.56	8.28	6.41	16.56	N104°04'30" W	42°00'10"



**SURVEY CERTIFICATE**

I, STEVEN C. EARL, A REGISTERED LAND SURVEYOR, HOLD CERTIFICATE NO. 31852-2201, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT, WHICH IS ACCURATELY DESCRIBED THEREIN, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS PARTIAL AMENDED FINAL PLAT OF SUNSETPARKS P.U.D. LOTS 8-11, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.



**BOUNDARY DESCRIPTION**

A PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASIN & MERRIAM LOCALITY IN THE CITY OF NIBLEY, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF LOT 7 SUNSETPARKS P.U.D., INSTRUMENT NUMBER 887329;  
THENCE N00°32'01" W 360.19 FEET ALONG THE WEST BOUNDARY OF SAID SUNSETPARKS P.U.D. TO THE SOUTHWESTERLY LINE OF LOT 13 OF SAID SUNSETPARKS P.U.D.;  
THENCE S47°51'01" E 160.39 FEET ALONG SAID SOUTHWESTERLY LINE TO THE BEGINNING OF A NON-TANGENT CURVE, CONVEX TO THE EAST HAVING A RADIUS OF 42.50 FEET, A RADIAL TO THE BEGINNING OF WHICH BEARS N47°51'01" E;  
THENCE ALONG THE WESTERLY LINE OF 1070 WEST STREET THE FOLLOWING THREE COURSES:  
1. SOUTHERLY 51.72 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 69°43'42" TO THE BEGINNING OF A REVERSE CURVE, CONVEX TO THE WEST HAVING A RADIUS OF 35.00 FEET;  
2. SOUTHERLY 16.55 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°00'10";  
3. S00°28'33" E 194.24 FEET TO THE NORTHEAST CORNER OF SAID LOT 7;  
THENCE S89°30'27" W 107.63 FEET ALONG THE NORTH LINE OF SAID LOT 7 TO THE POINT OF BEGINNING.  
CONTAINING 0.76 ACRES, MORE OR LESS.

**NARRATIVE**

THIS SURVEY WAS ORDERED BY RANDY GRENH, FOR THE PURPOSE OF REVISING 5 EXISTING LOTS TO CREATE 4 RESIDENTIAL BUILDING LOTS. NO MAJOR DISCREPANCIES WERE FOUND. THE BASIS OF BEARINGS USED WAS GEODETIC, BASED ON WGS-84, NORTH WAS PROJECTED FROM THE CACHE COUNTY / NIBLEY CITY GPS MONUMENT SET IN 1998 AT 825 WEST 3200 SOUTH STREET IN NIBLEY. NUMBER 5 REBAR WITH PLASTIC CAPS STAMPED "STEVEN C. EARL, PLS 318529" WERE SET AT ALL REAR PROPERTY CORNERS. LEAD NAILS WITH STAINLESS STEEL WASHERS WERE SET IN THE CURB AT INTERSECTION WITH PROLONGED SIDE LOT LINES AT THE FRONT OF EACH LOT.

**OWNER'S DEDICATION**

I, KNOW ALL MEN BY THESE PRESENTS THAT ME, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS PARTIAL AMENDED FINAL PLAT OF SUNSETPARKS P.U.D. LOTS 8-11 DO DEDICATE, GRANT AND CONVEY TO THE SUNSETPARKS HOMEOWNERS' ASSOCIATION ALL THOSE PARTS OR PORTIONS OF LAND DESIGNATED AS PRIVATE STREETS AND OPEN SPACES. WE ALSO DEDICATE TO THE CITY OF UTAH THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS INTENDED FOR PUBLIC USE.  
IN WITNESS WHEREOF I HAVE HEREIN SET OUR SIGNATURES THIS 20th DAY OF September, A.D. 2011.

SUNSETPARKS, LLC

BY: Randy Grenh, Managing Member



**ACKNOWLEDGEMENT**

STATE OF UTAH  
COUNTY OF CACHE  
ON the 20th DAY OF September, 2011, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC



CACHE • LANDMARK  
1100 SOUTH MAIN STREET  
SALT LAKE CITY, UT 84143  
PROJECT #835-1101

COUNTY RECORDER'S NO. 10509333  
STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF SUNSETPARKS P.U.D.  
DATE 10/2/2011 TIME 2:37 PM FEE \$35.00  
INDEX 2011-2596  
FILED IN FILE OF PLATS  
Michael J. Reed  
COUNTY RECORDER

APPROVAL AS TO FORM  
I HEREBY APPROVE AS TO FORM THIS 20th DAY OF September, A.D. 2011.  
Linda Anderson  
CITY ATTORNEY

ENGINEER'S CERTIFICATE  
I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE.  
10/02/11  
DATE  
Ed Blossom  
CITY ENGINEER

PLANNING COMMISSION CHAIRMAN  
APPROVAL AND ACCEPTANCE  
PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION CHAIRMAN THIS DAY OF September, A.D. 2011, AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.  
Michael J. Reed  
PLANNING COMMISSION CHAIRMAN

MAYOR'S APPROVAL AND ACCEPTANCE  
PRESENTED TO THE NIBLEY CITY MAYOR THIS 20th DAY OF September, A.D. 2011, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.  
Arnold K. Knight  
MAYOR



2705

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## Agenda Item #8 & 9

<b>Description</b>	<b>Public Hearing &amp; Discussion and Consideration-</b> Ordinance 24-07— An Ordinance Providing for the Compensation of Elected, Statutory Officers and Department Heads of Nibley City
<b>Presenter</b>	Justin Maughan, City Manager
<b>Planning Commission Recommendation</b>	NA
<b>Staff Recommendation</b>	Move to approve Resolution 24-07 for first reading
<b>Reviewed By</b>	City Manager, Mayor

### Background

Prior to 2024, Nibley City Council annually considered a similar ordinance for Mayor, Council and Treasurer positions. During the 2024 Utah Legislative session, SB 91 was passed which required that all department heads be added to the list of positions that needed to be considered, and that a dedicated public hearing be held during the first meeting of June, regarding the salaries of the aforementioned positions. Most of the positions will be receiving the Cost of Living Adjustment (COLA) only. There are some who are still in the middle of their pay grade scale, and are eligible for Pay for Performance increases. This ordinance does not guarantee that the employee will receive the increase, just that there will be money allocated for it in the 2024/2025 Fiscal Year Budget.

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**ORDINANCE 24-07**

**AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED, STATUTORY OFFICERS AND DEPARTMENT HEADS OF NIBLEY CITY**

WHEREAS, elected and statutory officers are required to devote a significant amount of time and talent to the effective administration of Nibley City; and

WHEREAS, elected and statutory officers should be fairly compensated for their time and expenses; and

WHEREAS, the Utah State Legislature during the 2024 General Session passed S.B. 91; and

WHEREAS, S.B. 91 amended Utah Code Section 10-3-818 regarding City employee salaries; and

WHEREAS, the City of Nibley must now publish public notice and hold a separate public hearing on proposed compensation increases for executive municipal officers before adopting those increases; and

WHEREAS, the Nibley City Council finds that enacting the proposed compensation increases as set forth in this Ordinance will comply with Utah Code requirements and will promote the public health, safety, and welfare of the residents of the City of Nibley, Utah; and

WHEREAS, the Nibley City Council established a policy in 2015 of annually adjusting City Council Member compensation commensurate with the cost-of-living adjustment provided to other City employees; and

WHEREAS, a COLA of 4% is proposed this year for city employees.

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

1. All previous salary or compensation ordinances regarding the elected and statutory officers below are hereby repealed.
2. The compensation of the elected and statutory officers and department managers of Nibley City shall be as follows:

<b>Office/Title:</b>	<b>2023-24 Salary:</b>	<b>Proposed 2024-25 Salar</b>	<b>Christmas Bonus:</b>	<b>Increase:</b>	<b>Reason:</b>
Mayor	\$921/month	\$957/month	\$0	\$36/month	4% COLA
Councilmember	\$367/month	\$381/month	\$0	\$14/month	4% COLA
City Manager	\$119,782/yr	\$124,565/yr	\$300	\$4,783/yr	4% COLA
City Engineer	\$119,782/yr	\$124,565/yr	\$300	\$4,783/yr	4% COLA
City Planner	\$85,389/yr	\$88,785/yr	\$300	\$3,396/yr	4% COLA
Recreation Director	\$73,791/yr	\$76,736/yr	\$300	\$2,945/yr	4% COLA
City Treasurer	\$44,009/yr	\$45,843/yr	\$300	\$1,834/yr	4% COLA
City Rec/HR Director	\$73,791/yr	\$76,736/yr	\$300	\$2,945/yr	4% COLA
Public Works Director	\$94,335/yr	\$98,102/yr	\$300	\$3,767/yr	4% COLA Possible Merit

Parks Manager	\$81,323/yr	\$88,785/yr	\$300	\$7,462/yr	4% COLA Possible Merit
Water/Wastewater Man	\$85,389/yr	\$88,785/yr	\$300	\$3,396/yr	4% COLA
Streets/Stormwater Man	\$60,708/yr	\$66,288/yr	\$300	\$5,580/yr	4% COLA Possible Merit

3. Elected and statutory officers shall be paid on the same schedule as other municipal employees.
4. The compensation listed above is not inclusive of per diem, mileage, phone allowance or other expenses, which may be incurred in the course of conducting Nibley City business.
5. This ordinance shall become effective July 1, 2024.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Larry Jacobsen, Mayor

ATTEST: \_\_\_\_\_  
Cheryl Bodily, City Recorder

## Agenda Item #10

<b>Description</b>	<b>Workshop:</b> Resolution 24-10--Amending the Budget for the Various Funds of Nibley City for the Fiscal Year 2023-24, and Adopting the Budget for the Various Funds of Nibley City and Other Budgetary Matters for Fiscal year 2024-25 and Adjusting Certain Fees and Payments for Services
<b>Presenter</b>	Justin Maughan, City Manager
<b>Recommendation</b>	
<b>Reviewed By</b>	Mayor, City Manager, City Treasurer

### Background:

Nothing new to add.

### Previous Background:

Staff have put considerable time and effort into the budget over the past month and a half. This will be a workshop to formally kick off the budgeting process with the Council and introduce some of the changes that are being proposed by staff. Staff would like to present a behind the scenes look into how the numbers that are being proposed have been generated and discuss other key points.

The key points to discuss will be:

- Quick review of current year budget
- Sewer Treatment Expense Increase
- Proposed tax revenue projections, with and without raising taxes
- Sales tax projections
- Proposed growth projections of new homes and townhomes
- Closer look at budgeting for employee benefits
- Cost of Living Adjustments for employees
- Tier Two Retirement Contributions
- Water Department and water rates
- Vehicle and fleet management
- Interest earnings continue to be high; we expect a small reduction this coming fiscal year when interest rates are reduced.
- Regular inflation expected for utilities, vehicle fuel, memberships and dues, education, travel, and training, facilities and maintenance accounts, postage, IT expenses, road salt, as well as credit card processing fees
- Fire protection costs will increase \$.50 per year per citizen, library costs will increase \$1 per year per family membership, Cache County Ambulance Service will increase by 3%, and Communication 911 fees to Logan City have increased.
- Increased funds for house maintenance on rentals, as we expect roof repairs.
- We may install new streetlights in some underserved areas.

- Professional services budget has increased to hire a consultant to assist with grants and Plan updates.

- Possible Grants

CCOG – 1200 West Phase 3,4 and 5-we were awarded \$3.4 M for Phases 3 and 4 and \$1.9M for Phase 5, some of which we have already received.

UORG – Ridgeline Park Bike skills course \$750,000

UORG - Firefly Classroom- \$10,000

LWCF – Ridgeline Park \$1,265,000

Morgan Farm - \$40,000

RAPZ Feasibility Study for Indoor Recreation Space—Nibley City may participate on some level in a countywide feasibility study and these funds would not be included in our finances.

Population RAPZ \$23,000

No Firefly RAPZ this year

UDOT Tech Planning – General Plan \$40,000

Historical Preservation Grant for City documents \$7500

RMP for Childrens Theater \$2500

RAPZ for Childrens Theater \$1500

Utah Arts and Museums \$1250

Safe Routes to School – 3200 South Sidewalk \$110,000

Possible water project funding

- Proposed capital projects-including Ridgeline Park, 1200 West, etc.
- Capital Outlay Equipment and Improvements
- Future Schedule for budget process
- New Mission Statements and Performance Measures have been added to the document to adhere more closely to GFOA standards.

**RESOLUTION 24-10**

**A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2022-2023, AND ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2023-24 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES**

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

1. The attached Fiscal Year 2023-2024 current-year budget is hereby adopted and approved as the amended budget for the current fiscal year ending June 30, 2024, with amendments, if any, as reflected in the attached budget document and the minutes of this meeting.
2. The attached budget, entitled Nibley City Budget Fiscal Year 2024-25, is hereby adopted and approved for the fiscal year ending June 30, 2025, with amendments, if, any, as reflected in the budget document and the minutes of this meeting.
3. The monthly charge for Emergency Medical Services shall be \$5.00 per month per residential utility customer effective July 1, 2022.
4. The adopted property tax rate is 0.0014845.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Larry Jacobsen, Mayor

ATTEST:

\_\_\_\_\_  
Cheryl Bodily, City Recorder

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