



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, April 10, 2025 – 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 view the meeting via the YouTube link provided at www.nibleycity.gov. Public comment should be submitted to cherylb@nibleycity.gov by 6:30 p.m. and will be read into the public record.

1. Opening Ceremonies (Councilmember Sweeten)
2. Call to Order and Roll Call (Chair)
3. Approval of the March 13 and March 25, Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. **Presentation:** CAPSA-Sexual Assault Awareness Month
7. **Discussion & Consideration:** 2025 Nibley City Arbor Day Proclamation
8. **Presentation:** Parks Presentation/Update
9. **Public Hearing:** Resolution 25-11–Increasing the Nibley City Water Rate
10. **Discussion & Consideration:** Resolution 25-11–Increasing the Nibley City Water Rate (Second Reading)
11. **Discussion & Consider:** Resolution 25-12–Approving Contract with Hyrum City for Library Services (Second Reading)
12. **Discussion and Consideration:** Ordinance 25-12–Rezone Parcel 03-227-0004, Located at 1500 W 2600 S From Residential (R-2) to Commercial (C) (First Reading)
13. **Discussion and Consideration:** Ordinance 25-07–Amending 19.12.040 Mixed Residential Zone R-M, Adding a 5.2 Acre Portion of Parcel 03-227-0002 & 03-227-0001, Located at 1425 W 2600 S to the R-M Application Map (First Reading)
14. **Discussion and Consideration:** Ordinance 25-08–Rezone a 5.2 acre portion of Parcel 03-227-0002 & 03-227-0001, Located at 1425 W 2600 S, From Commercial (C) to Mixed Residential (R-M) (First Reading)
15. **Discussion & Consideration:** Ordinance 25-11–Annexation and Zoning Assignment of Parcel 03-049-0010, 03-049-0011 and 03-049-0013 located at Approximately 3601 S 1200 W, Containing 53.55 Acres and Assigning Zoning of R-2a (Residential) to Parcel 03-049-0010 and 03-049-0011 and R-M (Mixed Residential) to Parcel 03-049-0013 (Second Reading)

16. Council and Staff Report

Adjourn

Nibley City's next scheduled Council meeting will be on Thursday, May 1, 2025, at 6:30 p.m.

¹ 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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Agenda Item #6

Description	Presentation: CAPSA-Sexual Assault Awareness Month
Presenter	Alyna Ohling with CAPSA
Staff Recommendation	
Reviewed By	Cheryl Bodily, Human Resources

Background:

April is sexual assault awareness month. A CAPSA representative would like to give a brief presentation and request the City Council and city staff's support.

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Agenda Item #7

Description	Discussion & Consideration: 2025 Nibley City Arbor Day Proclamation
Presenter	Rod Elwood, Parks Division Manager
Staff Recommendation	Move to approve
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager Rod Elwood, Parks Division Manager

Background:

This year celebrates the 53rd year of the Arbor Day Foundation in the United States of America. Arbor Day Foundation's oldest program is Tree City USA. It started with 42 communities in 16 states. Today, the program includes over 3,600 communities in all 50 states.

Why do communities become members of Tree City USA?

A thriving urban forest offers many advantages to communities. Here are just a few:

- Trees help absorb the sounds of traffic in urban areas by 40%.
- Neighborhoods with trees are seven to nine degrees cooler than those without.
- Trees reduce energy costs up to 25% by shading buildings and protecting them from winter winds.
- Homes with trees have higher property values.
- Green space plays a major role in improving mental and physical health.
- Planting and maintaining trees absorb carbon dioxide in the atmosphere, mitigating the effects of climate change.

Nibley City has been a member of Tree City USA for 14 years now. This was one of Mayor Knight's goals to become a Tree City. In this period of time Nibley City has planted over 1000 trees on 30 plus Nibley City properties. This work of planting these trees could not have been accomplished without the help of many different volunteer groups. These groups were as small as four, Cub Scout that were 8 years old to a couple of Heritage Day's service projects that involved a couple hundred people of all ages.

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A PROCLAMATION CELEBRATING ARBOR DAY IN NIBLEY CITY, UTAH

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Nibley City makes great efforts to set the example in planting trees and encouraging citizens to do likewise; and

WHEREAS, Nibley City desires to improve its efforts to commemorate Arbor Day each year; and

WHEREAS, Nibley City has chosen to celebrate Arbor Day 2025 on Friday, April 25, in coordination with National Arbor Day; and

WHEREAS, in commemoration of Arbor Day 2025, Nibley City hosted a tree give away to residents at Nibley City Hall on Monday April 21, 2025, and a Community Tree Planting Day at Firefly Park on Saturday April 26, 2025.

NOW, THEREFORE, I, Larry Jacobsen, Mayor of the City of Nibley do hereby proclaim Friday, April 25, 2025, to be ARBOR DAY in the City of Nibley, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

Dated this ____ day of _____, 2025.

Larry Jacobsen, Mayor

Attest: _____

Cheryl Bodily, City Recorder

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Agenda Item #8

Description	Presentation/Update: Parks Division
Presenter	Rod Elwood
Staff Recommendation	
Reviewed By	Larry Jacobson, Mayor Justin Maughan, City Manger

Background:

The Nibley City Parks Division has grown over the past 20 years or so from roughly 8 acres of developed parks and 12 acres of undeveloped land. Now in 2025 the division has grown to roughly 110 acres of developed park and open space, and 90 acres of undeveloped land. In this report staff will be covering some of the following items:

- Current staffing
- Park maintenance
- Irrigation improvements
- Current issues
- Volunteer projects

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PARKS DIVISION

CITY COUNCIL
PRESENTATION APRIL 10,
2025





SIDEWALK SNOW REMOVAL

- 28 MILES
- 2 PIECES OF EQUIPMENT
- 4-5 HOURS EACH
- REMOVE SNOW FROM AROUND 12 FIRE HYDRANTS
- CLEAR SNOW FROM CITY HALL AND NORTH PAVILION
- PARKING LOTS CLEARED

MOWING CREW

- 110 ACRES OF PARKS, TRAILS & OPEN SPACE MAINTAINED
- 46 LOCATIONS
- 23 LOCATIONS ARE STORMWATER RELATED









SPRINKLER CREW



WEB BASED SMART CONTROLLERS

- 3 CLOCKS INSTALLED
- 2-3 MORE THIS SPRING
- WATER & LABOR SAVINGS



SPORTS IN THE PARKS

- BASEBALL
- CROSS COUNTRY
(RUNNING/SKIING)
- DISC GOLF
- FLAG FOOTBALL
- FOOTBALL
- PICKLEBALL
- SOCCER
- SOFTBALL
- TENNIS
- ULTIMATE FRISBEE





BUILDINGS



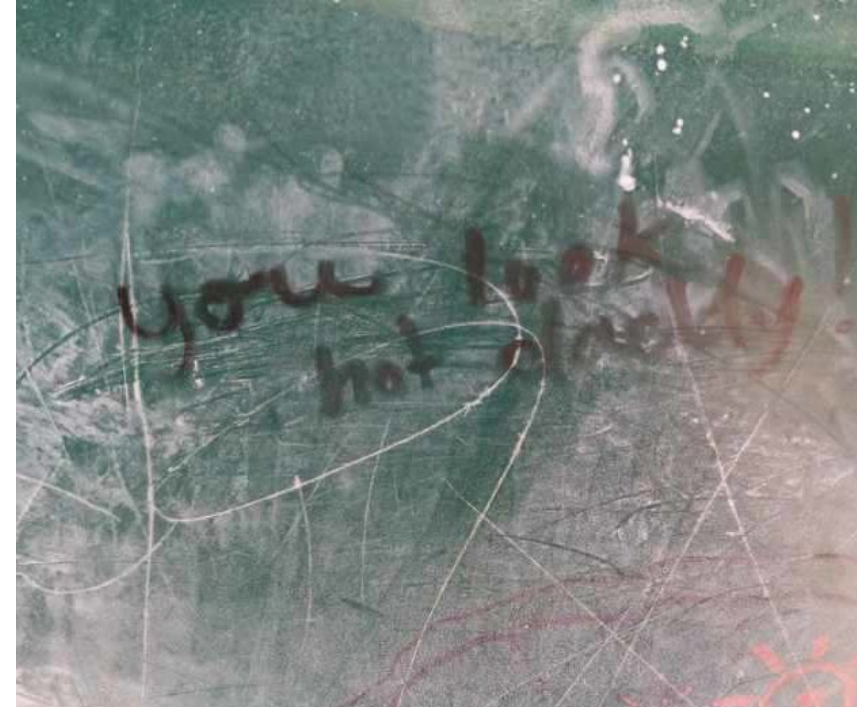
FUN AT THE PARK

MORE FUN





PLAYGROUNDS





DOG USE





PROJECTS





SPECIAL EVENTS



VOLUNTEER PROJECTS





SUCCESSSES

- CURRENT STAFF
- THE THINGS WE ARE ABLE TO DO WITH STAFF
- FINDING WAYS TO BE MORE EFFICIENT
- WORKING TOGETHER
- RETURNING SEASONAL EMPLOYEES

STRUGGLES

- ASSET MANAGEMENT TRACKING
- HIGHWAY, OTHER NON-CITY SIDEWALK SNOW
- GETTING EVERYTHING DONE IN A TIMELY MANNER
- HIRING SEASONAL STAFF
- KEEPING EVERYTHING SAFE FOR USERS
- VANDLISM
- DOG WASTE

QUESTIONS



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Agenda Item #9 & 10

Description	Public Hearing: Resolution 25-11–Increasing the Nibley City Water Rate AND Discussion & Consideration: Resolution 25-11–Increasing the Nibley City Water Rate (First reading)
Presenter	Justin Maughan, City Manager
Staff Recommendation	Move to approve
Reviewed By	Justin Maughan, City Manager Tom Dickinson, City Engineer Steve Eliason, Public Works Director Jared Pratt, Water Division Manager

No additional Background since 3/13/2025 meeting

At the workshop last meeting, staff reviewed and analyzed the water finance model with the direction to be more aggressive on the tiered rate structure. A low, medium and high rate structure were input into the model and results analyzed. Each was analyzed with the assumption of moving forward with obtaining a \$2.5 million dollar loan to construct the next capital project, which is a new well located at the former Green Waste drop site. A full presentation of the three different rates with their pros and cons will be presented and discussed at Council. Staff recommends the proposed medium rate increase. This will result in an annual increase of 10% to 15% for residential customers.

Previous Background

Staff has been engaged for some time in designing a new drinking water supply well, per the latest water master plan. As part of that project, a water rate analysis and forecast model has been prepared. The model shows that an increase in the water rate is warranted. Staff would like to show the Council a brief presentation about the rate and the model. Staff will present a couple of different options/strategies on changing the rate and are looking for direction from the Council on how they would like to proceed.

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RESOLUTION 25-11

A RESOLUTION INCREASING THE NIBLEY CITY WATER RATE

WHEREAS, water is a precious, finite, and irreplaceable resource essential to the well-being of all residents and the vitality of Nibley City; and

WHEREAS, cities who operate culinary water systems are responsible for ensuring that residents have access to sufficient water supplies; and

WHEREAS, cities that supply culinary water directly to residents are responsible for setting reasonable rates for the water usage; and

WHEREAS, Utah Code § 10-8-22 and Nibley City Code 15.02.030 empower the Nibley City Council to set rates and charge fees for services provided by the City; and

WHEREAS, Utah Code requires cities to adopt a water rate that establishes a tiered rate wherein users that consume larger volumes are charged a higher rate; and

WHEREAS, Nibley City provides culinary water services to its residents not on wells within incorporated boundaries.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE NIBLEY CITY COUNCIL THAT:

1. The rate table below is hereby enacted and adopted. Base Rates shall increase \$1.00 per month each year for five years.

Base Rates

Meter Size	2025	2026	2027	2028	2029	2030
1 inch	\$17.50	\$18.50	\$19.50	\$20.50	\$21.50	\$22.50
2 inch	\$40.00	\$41.00	\$42.00	\$43.00	\$44.00	\$45.00
3 inch	\$70.00	\$71.00	\$72.00	\$73.00	\$74.00	\$75.00
4 inch	\$95.00	\$96.00	\$97.00	\$98.00	\$99.00	\$100.00
5 inch	\$100.00	\$101.00	\$102.00	\$103.00	\$104.00	\$105.00
6 inch	\$110.00	\$111.00	\$112.00	\$113.00	\$114.00	\$115.00

Rates per 1,000 gallons are:

0-5,000	Included in base rate
5,000-40,000	\$1.15
40,000-65,000	\$1.25
65,000 - 100,000	\$1.35

100,000+

\$1.60

2. This Resolution shall supersede all previous water rate resolutions, including but not limited to Resolution #05-06.
3. This Resolution shall become effective 1 May 2025, and base rates shall adjust as shown above each 1 May thereafter until 2030.

ADOPTED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2025.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

Nibley City Water Rate Workshop

Justin Maughan, PE

Nibley City Manager

January 30, 2025

History of Nibley City Water Rate

1997

- Base Rate \$7.50 usage was \$0.80 per thousand

2004

- Base Rate \$8.50 usage \$0.85 per thousand

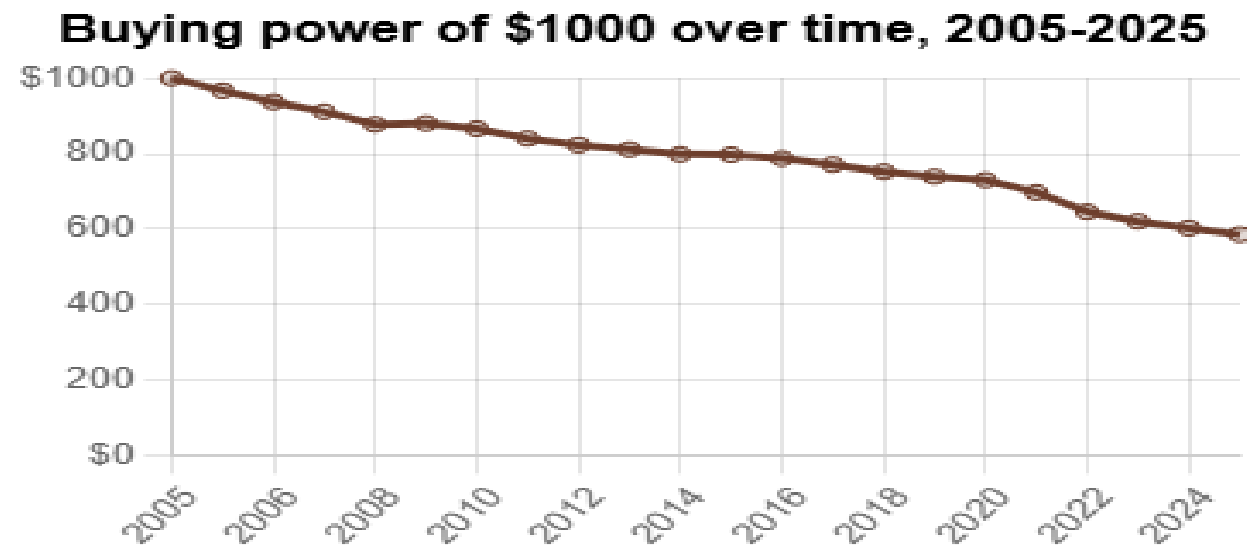
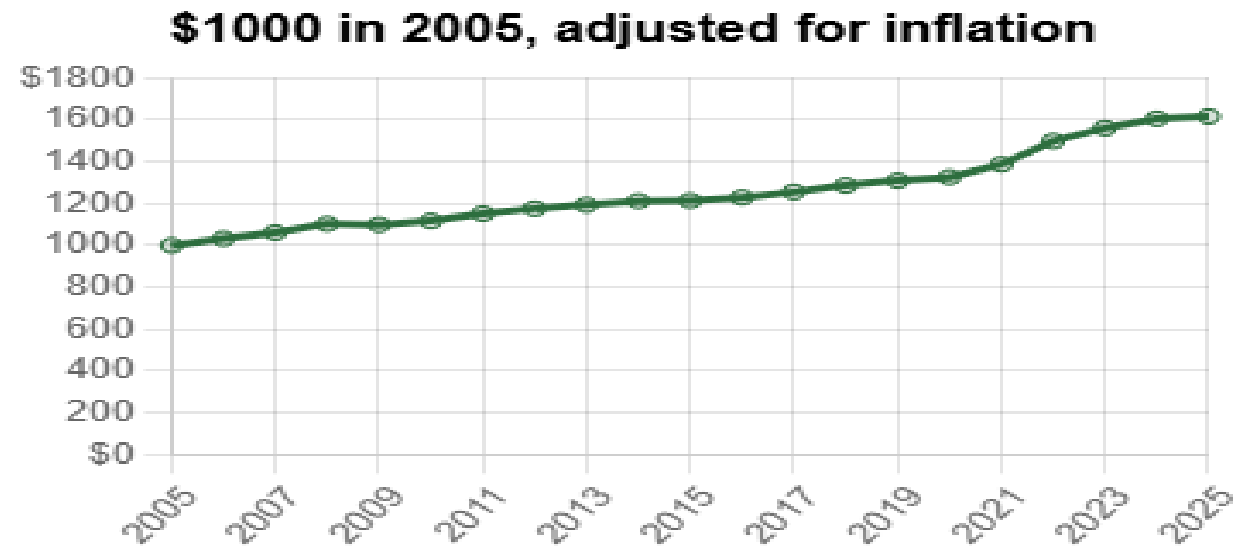
2005

- Base Rate 10.50 usage was \$0.90 per thousand

2020 Rate was restructured to comply with state law (tiered)

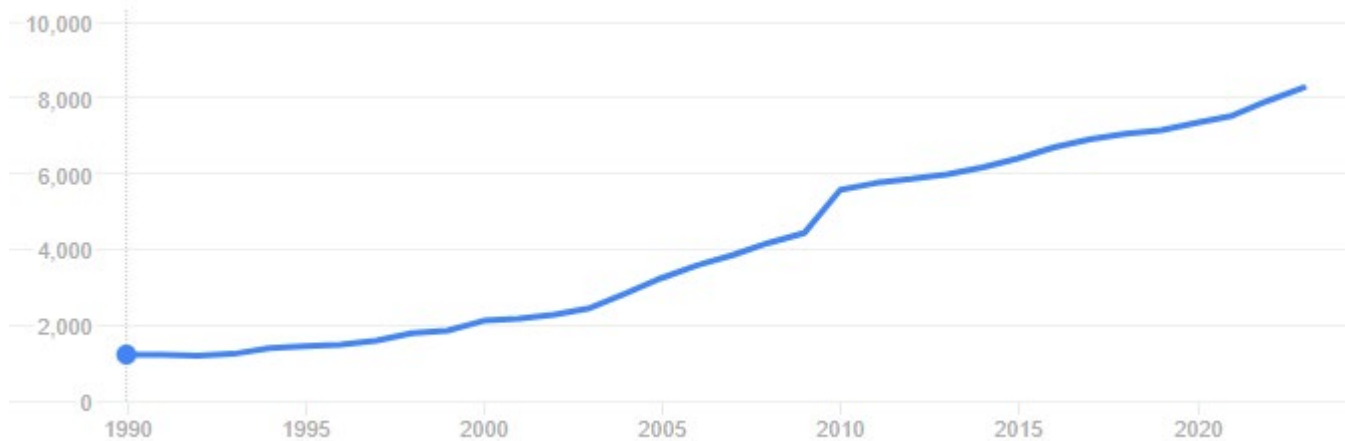
- Was designed to not raise rates
- Base Rate \$15.50, included 5000 gallons and usage ranged \$1.00 to \$1.25 per 1000 gallons

Inflation



- <https://www.in2013dollars.com/us/inflation/2005?amount=1000>

Population/ERC Growth



In 2005 588 homes paying into system

In 2025 2300 homes paying into the system

Increases in operational costs

- Salaries
- Water meters
- Water testing/State & Fed Req
- Water Share Assessments
- Administrative Transfers

Increases in operational costs

								Growth Since
Fiscal Year	18/19	19/20	20/21	21/22	22/23	23/24	24/25	2018
Salaries & Wages	(\$93,728)	(\$85,435)	\$74,727	(\$46,072)	(\$80,871)	(\$102,070)	(\$145,000)	35%
Seasonal Salaries							(\$7,000)	100%
Employee Benefits	(\$44,236)	(\$48,779)	(\$35,796)	(\$35,796)	(\$27,727)	(\$52,370)	(\$80,000)	45%
Education, Training, & Travel	(\$2,518)	(\$2,216)	(\$1,198)	(\$1,198)	(\$6,023)	(\$6,994)	(\$11,000)	77%
Water Meters	(\$5,731)	(\$35,271)	(\$37,720)	(\$55,009)	(\$64,921)	(\$80,445)	(\$80,000)	93%
Maintenance - General	(\$58,302)	(\$43,263)	(\$75,430)	(\$66,345)	(\$83,136)	(\$76,058)	(\$83,000)	30%
Utilities	(\$92,729)	(\$91,621)	(\$96,099)	(\$83,901)	(\$90,087)	(\$91,174)	(\$90,000)	-3%
Memberships & Dues	(\$564)	(\$564)	(\$1,212)	(\$1,162)	(\$2,217)	(\$1,707)	(\$2,000)	72%
Professional Services	\$0	\$0	\$0	(\$6,289)	(\$3,467)	(\$1,005)	(\$15,000)	100%
Legal Expense	(\$641)	(\$6,027)	\$0	(\$720)	(\$1,904)	\$0	(\$5,000)	87%
Water Share Assessments	(\$10,480)	(\$10,474)	(\$17,314)	(\$20,399)	(\$28,975)	(\$30,058)	(\$32,000)	67%
Parts Inventory							(\$10,000)	100%
Leak Detection							(\$20,000)	100%
Department Expenditures	(\$1,363)	(\$693)	(\$2,107)	(\$3,804)	(\$2,149)	(\$2,913)	(\$3,000)	55%
Water Testing	(\$1,734)	(\$4,967)	(\$5,994)	(\$2,538)	(\$4,518)	(\$6,867)	(\$6,867)	75%
Engineering Expense	(\$11,842)	(\$6,676)	(\$5,200)	(\$14,670)	(\$12,206)	(\$1,850)	(\$15,000)	21%
Emergency Expense	(\$10,000)	(\$85)	\$0	\$0	(\$4,968)	(\$3,122)	(\$15,000)	33%
Admin Transfers	(\$230,000)	(\$225,999)	(\$280,999)	(\$344,970)	(\$350,000)	(\$395,022)	(\$360,000)	36%
Total:	(\$563,868)	(\$562,070)	(\$484,342)	(\$682,873)	(\$763,169)	(\$851,655)	(\$979,867)	42%
								Growth Since
Revenue	18/19	19/20	20/21	21/22	22/23	23/24	24/25	2018
Operational	\$ 805,152.00	\$ 865,743.00	\$ 813,606.00	\$ 904,651.00	\$ 1,066,078.00	\$ 111,674.00	\$ 962,000.00	16%
Impact Fee	\$ 117,391.00	\$ 65,120.00	\$ 150,150.00	\$ 314,391.00	\$ 216,796.00	\$ 394,377.00	\$ 475,000.00	75%

Administrative Transfers:



ITEM		% TO	TOTAL	
		UTILITY	FY23/24	
			Budgeted	
CITY MANAGER		0.3	\$ 184,540.21	\$ 55,362
TREASURER		0.75	\$ 66,617.78	\$ 49,963
Office Clerk (Saige)		0.25	\$ 74,126.69	\$ 18,532
Utility Clerk (Wendy)		0.5	\$ 74,104.53	\$ 37,052
Recorder/Payroll (Cheryl)		0.2	\$ 118,653.39	\$ 23,731
PW DIRECTOR		0.75	\$ 148,064.45	\$ 111,048
CITY ENGINEER		0.75	\$ 173,060.10	\$ 129,795
Public Works Inspector		0.75	\$ 99,199.37	\$ 74,400
BUILDING LEASE			\$ 520,618.00	\$ -
UTILITIES (CITY OFFICE)		0.3	\$ 17,000.00	\$ 5,100
OFFICE SUPPLIES (CITY OFFICE)		0.3	\$ 7,000.00	\$ 2,100
RECEPTIONIST		0.6	\$ 38,845.19	\$ 23,307
PUBLIC WORKS BUDGET		0.65	\$ 187,000.00	\$ 121,550
INSURANCE		0.6	\$ 70,000.00	\$ 42,000
PW DIRECTOR VEHICLE		0.75	\$ 4,500.00	\$ 3,375
AUDIT/ACCTING		0.5	\$ 45,000.00	\$ 22,500
BANK CHARGES		0.7	\$ 35,000.00	\$ 24,500
POSTAL EXPRESS		0.8	\$ 17,000.00	\$ 13,600
SOFTWARE		0.6	\$ 49,712.00	\$ 29,827
INFORMATION TECHNOLOGY		0.4	\$ 28,000.00	\$ 11,200
ALLOCATION			\$ 1,958,041.72	\$ 798,942
WATER	45%	0.45	\$ 360,000.00	
SEWER	45%	0.45	\$ 360,000.00	
S.W.	10%	0.1	\$ 80,000.00	
TOTAL ADMIN CHARGES				

Future Capital Project Needs

- Big Project - New Well \$5.5M
 - Debt Coverage Ratio
 - Days Cash on Hand
 - This essentially means that rate payers should help with the cost of the new well
 - Impact fee may have been too low? Did we wait too long? Is it not enough now?
- Other Projects over next 3 to 5 years: \$750k
 - Upsizing of Developer Lines
 - Nelson Generator and driveway
 - 640 Railroad Boar
 - Yates Spring
 - Clean Tanks
 - 4000 Chlorinator
 - PRV Repairs
- Redo Master Plan
- Check/Recalculate Impact Fee

Base Rates in Cache County

Logan: \$26.86 (no usage included)

Smithfield: \$31.00 (no usage included)

North Logan \$12.15 (no usage included)

Hyde Park: \$26.00 (includes 5k)

Providence: \$21.00 (includes 10K)

Hyrum: \$16.96 (includes 10k) *Have secondary

Wellsville: \$41.50(includes 20k)

Millville: \$38.00(no usage)

Usage Rates in Cache County

- Low end \$1.00 per 1000 gal
- Upper end \$6.50 per 1000 gal

Rates Outside of Cache County

- St George Base Rate \$56.88 (no usage)
- Vineyard Base Rate \$41.72 (includes 5k gallons)
- West Bountiful Base Rate \$50.00 (includes 8k gallons)
- Woods Cross Base Rate \$58.30 (includes 2k gallons)
- Morgan Base Rate \$76.38 (includes 16k gallons)

Rates Outside of Cache County

- Park City
 - 0-5,000
 - 5,000-10,000
 - 10,000-20,000
 - 20,000-30,000
 - 30,000-40,000
 - 40,000 +
 - Average Citizen in Nibley During the winter would pay about \$90 a month
- | | Base Rate \$57.73 (no usage) |
|--|------------------------------|
| | \$7.19 |
| | \$9.49 |
| | \$12.26 |
| | \$17.28 |
| | \$24.14 |
| | \$36.21 |

So What's the Plan?

**Increase
Base Rate?**

**Increase
Usage Fee?**

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		10/15		10/20		10/24		10/28		11/01		11/05		11/09		11/13		11/17		11/21		11/25		11/29		12/03		12/07		12/11		12/15		12/19		12/23		12/27		12/31		12/31		Grand													
WATER RATE ANALYSIS		2018		2019		2020		2021		2022		2023		2024		2025		2026		2027		2028		2029		2030		2031		2032		2033		2034		2035		2036		2037		2038		2039		2040											
ERC Growth Rate		2.50%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%		3.5%											
Single Fee per ERC		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00		4,155.00											
Generation Fee per ERC		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00		6,780.00											
Total ERCs		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313		1,313											
Growth in ERCs		42		47		43		58		51		53		86		83		86		88		91		94		97		103		103		106		106		110		110		115		115		115		115											
Days Cash on Hand [Target 275 Days]		128		105		102		107		78		102		104		1,002		102		106		104		100		78		106		106		103		103		106		106		106		106		106		106											
APPENDIX A		2018		2019		2020		2021		2022		2023		2024		2025		2026		2027		2028		2029		2030		2031		2032		2033		2034		2035		2036		2037		2038		2039		2040											
Customers and Time		1,835		1,882		1,931		1,981		2,032		2,085		2,138		2,193		2,248		2,303		2,358		2,413		2,468		2,523		2,578		2,633		2,688		2,743		2,798		2,853		2,908		2,963		3,018											
Meter Size 1 [1 inch and under]		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35		35											
2 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4											
3 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4									
4 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4									
5 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4									
6 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4							
7 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4							
8 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4					
9 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4			
10 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4		4	
11 inch Meter Size		4		4		4		4		4		4		4		4		4		4		4		4		4																															

Proposed Base Rate Adjustments

	EXISTING	2025	2026	2027	2028	2029	2030
1 Inch	\$15.50	\$17.50	\$18.50	\$19.50	\$20.50	\$21.50	\$22.50
2 Inch	\$35.00	\$40.00	\$41.00	\$42.00	\$43.00	\$44.00	\$45.00
3 Inch	\$65.00	\$70.00	\$71.00	\$72.00	\$73.00	\$74.00	\$75.00
4 Inch	\$90.00	\$95.00	\$96.00	\$97.00	\$98.00	\$99.00	\$100.00
5 Inch	\$95.00	\$100.00	\$101.00	\$102.00	\$103.00	\$104.00	\$105.00
6 Inch	\$105.00	\$110.00	\$111.00	\$112.00	\$113.00	\$114.00	\$115.00

Tiered Structures Analyzed

Tiers	Existing	Low	Medium	High
0-5,000 gallons	\$0.00	\$0.00	\$0.00	\$0.00
5,000 – 40,000 gallons	\$1.05	\$1.10	\$1.15	\$1.25
40,000 – 65,000 gallons	\$1.10	\$1.15	\$1.25	\$1.50
65,000-100,000 gallons	\$1.15	\$1.20	\$1.35	\$1.75
100,000 gallons +	\$1.35	\$1.40	\$1.60	\$2.00
Low Users		10%	12%	17%
High Users		5%	15%	35%

Existing Rate

~ Rate 1 (allowance in base) ~				Monthly Revenue						Base:	\$ 355,768	41%		
	Cost	Water Allowances		Jan	Feb	Mar	Apr	May	Jun	Tier 1:	\$ 117,231	14%	1	\$ 15.50
	0	0	5000	\$ 38,172	\$ 37,556	\$ 33,668	\$ 36,151	\$ 41,451	\$ 77,981	Tier 2:	\$ 116,372	13%	2	\$ 35.00
	\$ 1.05	5000	40000	Jul	Aug	Sep	Oct	Nov	Dec	Tier 3:	\$ 102,069	12%	3	\$ 65.00
	\$ 1.10	40000	65000	\$ 152,841	\$ 126,381	\$ 106,288	\$ 89,378	\$ 89,378	\$ 36,210	Tier 4:	\$ 174,079	20%	4	\$ 90.00
	\$ 1.15	65000	99999	Total Yearly Revenue:				\$ 865,455	Tier 5:	\$ -	0%	6	\$ 95.00	
	\$ 1.35	99999	9999999	Revenue for Fixed Expenses (Base & Tier 1):				\$ 472,999	Tier 6:	\$ -	0%	8	\$ 105.00	
	\$ 3.00	9999999	9999999	Rate 1 Average Monthly Bill:			\$38.99	52%		100%				
	\$ 3.50	9999999	9999999											

Proposed Rate

~ Rate 1 (allowance in base) ~				Monthly Revenue						Base:	\$ 401,530	41%		
	Cost	Water Allowances		Jan	Feb	Mar	Apr	May	Jun	Tier 1:	\$ 128,396	13%	1	\$ 17.50
	0	0	5000	\$ 43,027	\$ 42,336	\$ 38,064	\$ 40,802	\$ 46,638	\$ 87,406	Tier 2:	\$ 128,629	13%	2	\$ 40.00
	\$ 1.15	5000	40000	Jul	Aug	Sep	Oct	Nov	Dec	Tier 3:	\$ 114,856	12%	3	\$ 70.00
	\$ 1.25	40000	65000	\$ 173,306	\$ 142,604	\$ 119,577	\$ 100,579	\$ 100,579	\$ 40,870	Tier 4:	\$ 202,449	21%	4	\$ 95.00
	\$ 1.35	65000	99999	Total Yearly Revenue:				\$ 975,788		Tier 5:	\$ -	0%	6	\$ 100.00
	\$ 1.60	99999	9999999	Revenue for Fixed Expenses (Base & Tier 1):				\$ 529,926		Tier 6:	\$ -	0%	8	\$ 110.00
	\$ 3.00	9999999	9999999	Rate 1 Average Monthly Bill:			\$43.97	58%		100%				
	\$ 3.50	9999999	9999999											

\$5.00 per month

Median Adjusted Gross Income:

- Nibley City
 - \$76,000 annually
 - \$6,333 monthly
 - 2% = \$126 per month
- Utah
 - \$56,000 annually
 - \$4,666 monthly
 - 2% = \$93 per month
- Proposed rate would be an average water rate of \$44 per month

Yards cost
between \$250-
\$400 per year



Agenda Item #11

Description	Discussion & Consideration: Resolution 25-12– Approving Contract with Hyrum City for Library Services (Second reading)
Presenter	Justin Maughan, City Manager
Staff Recommendation	
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager Amy Johnson, City Treasurer

No additional Background since 3/13/2025 meeting

The only additional information to add from the last meeting is that Hyrum City Council has adopted the agreement as proposed.

Previous Background:

Around April of 2024, Hyrum Library submitted their annual invoice to Nibley City for library services to be provided to Nibley City residents for the next fiscal year. The current interlocal agreement with Hyrum allows them to charge \$44.00 per active Nibley City account. At that time, Nibley City staff requested back up information about the number of active Nibley accounts. After multiple attempts and meetings with staff, they were not able to produce a list of names (or active accounts). It was expressed to Nibley staff that a substantial amount of time and effort was spent by multiple library staff to make sure that the number of active accounts was accurate. It is unclear to Nibley staff why they could not produce a final list.

Since then, Hyrum has proposed a new way to bill for services, that does not take such a large amount of effort. They would simply like to charge per household across the City, regardless of the actual number of active Nibley accounts. Conferring with Nibley staff, it was decided that the most accurate way to identify the number of households was to look at the number of sewer connections. In December, a meeting was held with Hyrum, Wellsville and Nibley to discuss the proposal. Present at that meeting were Mayors and City Managers from the respective Cities, the Hyrum Treasurer and Library Director. At that meeting, several other options were discussed, but it was clear that Hyrum preferred the per household charge and was recommending \$30 per household. Other options that were discussed included Nibley City reimbursing citizens that paid for their own card. Those citizens would have to pay the regular out of service area rate of \$75.00 to the Library, and then it would be up to the city if and how much to reimburse the citizen. Other variations of this were also discussed. Hyrum was against these because they believe that it puts up a barrier of effort, and citizens won't go to the effort. It also becomes problematic and a challenge for low income households.

Wellsville City is ahead of Nibley on schedule and has taken this proposal to their Council on two occasions. The first discussion was similar to the discussion had by Mayors and staff, discussing different options of reimbursement. A Hyrum representative was not able to attend that meeting. During the second meeting, the Hyrum Library Director, was present to answer questions. At that time it was indicated by Hyrum to Wellsville, that the fee could be reduced from \$30.00 to \$25.00 per household and increase \$1.00 per household each year thereafter until \$30 is reached, and thereafter \$0.50 each year. Wellsville agreed to the rate change, which will increase their contribution from about \$20,000 to \$28,000.

The following table indicates the history of what has been paid by Nibley City to the Hyrum Library, and an estimate of what the increase may cost over the next five years.

						\$ per House	\$ 25.00	\$ 26.00	\$ 27.00	\$ 28.00	\$ 29.00	\$ 30.00
Actual Expense						Budgeted	Projected					
FY 18/19	Fy 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28	FY 28/29	FY 29/30	FY 30/31
\$24,850.00	\$28,080.00	\$ 26,814.00	\$28,476.00	\$33,239.00	\$37,136.00	\$ 40,000.00	\$60,675.00	\$65,312.00	\$70,200.00	\$75,348.00	\$80,794.00	\$86,520.00
Increase	12%	-5%	6%	14%	10%	7%	34%	7%	7%	7%	7%	7%
		Growth		3.5%	# Household	2344	2427	2512	2600	2691	2786	2884

The following table shows existing Hyrum Library Budgeted Revenue:

Hyrum (gen fund)	\$ 372,300.00
Wellsville (gen fund)	\$ 20,000.00
Nibley City (gen fund)	\$ 40,000.00
Library User Fees(County)	\$ 7,000.00
Library Fines	\$ 6,500.00
Sale of Books	\$ 2,500.00
Copy/Laminate Fees	\$ 2,500.00
Contributions	\$ 2,500.00
 Total Revenue	 \$ 453,300.00

The following table shows the existing Budgeted Library Expenses:

BUDGET EXPENSE APPROPRIATIONS

CODE		2021	2022	2023	2024	2024	2025	PERCENT
4580	DESCRIPTION	ACTUAL	ACTUAL	ACTUAL	BUDGET	6 MONTH TOTAL	EST PROPOSED BUDGET	OF CHANGE
110	Employee salaries & wages	148,003	184,553	206,990	192,500	108,060	216,492	25.14%
115	Overtime							
130	Employee benefits	26,211	33,469	36,345	39,000	18,881	38,690	65.90%
210	Books, subs & memberships	2,604	3,066	1,857	3,000	1,794	2,801	0.00%
220	Library promotion	3,099	5,630	7,885	8,000	2,989	8,578	0.00%
230	Travel	125	497	1,499	1,000		54	50.00%
240	Office supplies	5,193	8,025	8,210	7,000	5,701	10,591	0.00%
250	Equipment supplies & maint	15,642	10,619	11,316	10,000	8,406	13,562	0.00%
260	Buildings & grounds sup & maint	10,062	14,148	36,632	15,000	25,550	32,102	33.33%
270	Utilities	5,127	7,612	10,944	6,000	2,749	10,650	66.67%
280	Telephone	1,972	2,195	2,253	3,000	1,190	2,205	0.00%
285	Internet	1,892	186	573	3,500	964	1,624	-71.43%
310	Professional services	210	336	238	200	34	507	450.00%
480	Library books & materials	31,998	34,840	32,782	30,000	19,078	34,925	6.67%
481	Library tapes	5,593	9,744	7,229	10,000	5,443	8,103	0.00%
510	Insurance	11,093	9,467	13,109	13,200	13,462	13,462	18.18%
609	State Grant	4,660	7,995	11,147	6,500		1,786	0.00%
610	Miscellaneous supplies	239	65		500	117	117	0.00%
620	Miscellaneous services	169	270	107	500	50	165	0.00%
740	Equipment	23,396	21,688	13,096	11,500	12,588	12,588	56.52%
	Total Library	297,288	354,405	402,212	360,400	227,056	409,002	25.78%

The following table shows demographics of the entities that pay into the Hyrum Library:

	Active users	# Houses	\$/House Current	\$/House Proposed
Hyrum	1871	3597	\$ 199.00	\$ 103.50
Wellsville	493	1150	\$ 17.39	\$ 25.00
Nibley	889	2344	\$ 17.06	\$ 25.00
County	866		\$ 75.00	\$ 75.00

Just for some comparison, staff gathered the following data from North Logan:

Library Revenue: \$690,000

\$447k Revenue comes from a special assessment property tax, about \$100 for an average household. (Average home in Nibley pays about \$700 total in property tax)

\$243k Revenue comes from an endowment fund

North Logan Population: 12,500

North Logan Number of Households: 2,850

North Logan Out of service Rate: \$100

Hyrum gave the following reasons for the increase:

- An imbalance of what an active Hyrum account costs compared to an active Nibley Account
- Increased Costs
- Desire to make more books available online
- Desire to make an online language learning app available to patrons
- Desire to make an online tutoring app available to patrons

RESOLUTION 25-12

A RESOLUTION APPROVING THE CONTRACT WITH HYRUM CITY FOR LIBRARY SERVICES

WHEREAS, Hyrum City, as authorized by law, operates and maintains a public library; and

WHEREAS, Nibley City requested and Hyrum City agreed to provide library services to Nibley's residents for a fee under contract; and

WHEREAS, pursuant to the authority granted to the parties by the Utah Interlocal Cooperation Act as set forth in Chapter 13, Title 11, Utah Code Annotated, 1953 as amended and Section 10-1-202, Utah Code Annotated, 1953 as amended, the parties are allowed to enter into a contract which would provide for such a cooperative effort; and

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

1. Nibley City is willing to reenter into an Agreement whereby Hyrum City agrees to provide library services for Nibley City, subject to certain terms and conditions, all as more specifically set forth in the copy of an Interlocal Agreement For Library Services, which is attached hereto as Exhibit A and by this reference made a part hereof.
2. This Resolution shall take effect July 1, 2025.
3. The attached Interlocal Agreement for Library Services is hereby adopted.

Dated this _____ day of _____, 2025.

Larry Jacobsen, Mayor

ATTEST

Cheryl Bodily, City Recorder

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INTERLOCAL AGREEMENT FOR LIBRARY SERVICES

THIS AGREEMENT, made and entered into this 1st day of July, 2025, by and between HYRUM CITY, a Utah municipal corporation, hereinafter referred to as "Hyrum", and NIBLEY CITY, a Utah municipal corporation, hereinafter referred to as "Nibley", sets forth terms and conditions under which the residents of Nibley may use the Hyrum Library.

WITNESSETH:

WHEREAS, Hyrum operates and maintains a public library at 50 West Main Street in Hyrum; and

WHEREAS, Nibley does not operate and maintain a public library but made a significant contribution to the Hyrum Library building fund and desires to make public library services available to its residents; and

WHEREAS, Nibley has determined that it can best provide library services to its residents through interlocal agreement with Hyrum; and

WHEREAS, Hyrum is willing to enter into such agreement with Nibley to provide Nibley residents access to the Hyrum Library, with both parties desiring to formalize the agreement between them by this document.

NOW, THEREFORE, in consideration of the mutual terms and conditions contained herein, the parties hereto agree as follows:

1. This Agreement is made and entered into pursuant to the authority granted to the parties by the Utah Interlocal Cooperation Act as set forth in Chapter 13, Title 11, Utah Code Annotated, 1953 as amended, and Section 10-1-202, Utah Code, Annotated, 1953 as amended, which provides that pursuant to said Interlocal Cooperation Act any two or more Utah public agencies may enter into an agreement to provide for joint and cooperative action, including the joint use of Hyrum City's library as contemplated by this Agreement; and each of the parties hereto is a public agency as defined by the Interlocal Cooperation Act. This Agreement does not create an interlocal entity separate and distinct from each party but does provide for joint and cooperative action as contemplated herein.

2. This Agreement has been determined by both parties to be in the best interests of the residents of both communities and to promote their mutual general welfare. The parties hereto further desire to define their relative duties and obligations with respect to the use, operation, and ownership of Hyrum City's library as contemplated by this Agreement.

3. Hyrum agrees to provide the residents of Nibley with full library services in accordance with the rules and regulations adopted by Hyrum for use of its library and the provisions of this Agreement. All Nibley residents who use Hyrum's library shall be subject to and comply with the rules and regulations adopted by Hyrum, as fully as if they were residents of Hyrum.

4. Hyrum further agrees to provide a seat on its library board to a resident of Nibley selected by the Nibley Mayor and City Council. Such member will have full voting rights and powers as granted to all other board members.

5. Nibley agrees to pay an annual fee of \$25.00 per total number of households within Nibley City limits with an automatic annual \$ 1. 00 increase per household per year for the first five years, after five years an automatic annual increase of \$.50 per household. Said fee may be amended from time to time by mutual agreement of both parties hereto and the total remitted by Nibley to Hyrum shall be based upon the total number of households within Nibley City Limits.

6. This Agreement shall be for a term of one (1) year from July 1, 2025 to June 30, 2026 and shall automatically renew for additional annual terms-e-F-one (1) year without further action by either party except that either party reserves the right to terminate this Agreement by serving written notice of same to the other party at least six (6) months prior to the beginning of the next fiscal year. The terms and provisions of this Agreement for such renewal term or terms shall be as agreed to by both parties, provided, however, that the total annual fee due from. Nibley to Hyrum shall be determined not later than March 1 of any given year in order to accommodate municipal budget requirements and deadlines. The total annual fee shall be payable by Nibley to Hyrum not later than July 31 of each contract year.

7. Excepting unusual circumstances, additional residents of Nibley may apply for and receive library privileges from Hyrum during any annual term of this Agreement, and such privileges may be terminated, whether voluntarily or involuntarily, all without further adjustment of the annual fee stated above during the remainder of the current annual term then in progress. It is intended that the total annual fee to be paid by Nibley hereunder, shall constitute the entire amount to be due from Nibley to Hyrum for any given term of this Agreement. New library cards shall be issued and existing cards retired without further adjustment of the stated fee. The fee paid by Nibley as formulated herein represents the entire assessment in any given year and no further participation in building maintenance costs, utilities, insurance, investment in

collection and library materials, etc. will be expected or assessed by Hyrum.

8. It is intended by the parties that by reason of this Agreement, Nibley residents who apply for and receive library privileges from Hyrum shall be subject to the same obligations and shall receive the same privileges as are extended to Hyrum City residents.

9. Both parties agree to cooperate in completion of any additional paper work or otherwise take steps necessary to meet their obligations as contemplated by this Agreement, although not specifically stated herein.

10. It is expressly understood by the parties that this Agreement establishes a "fee for service" arrangement between the parties and that no ownership interest in Hyrum's library is being acquired by Nibley. Hyrum will acquire, hold, and dispose of all real and personal property associated with the library. Nibley acknowledges and agrees that it does not take title or any ownership interest in any real or personal property held by the library by virtue of this Agreement. Hyrum shall maintain full administrative control of its library, with full authority to adopt and enforce regulations relating to the operation of the library consistent with the terms of this Agreement, and to which all patrons of the library are subject.

11. Hyrum shall prepare and maintain such records as are deemed necessary to advise both parties regarding the use of the library by Nibley's residents. These records shall be made available to Nibley's officials at such reasonable intervals as are agreed to by the parties.

12. The parties agree to adopt such resolutions and take any required action as may be necessary and appropriate to carry into effect the terms of this Agreement.

13. This Agreement may not be amended except by subsequent written Agreement of the parties.

14. This Agreement shall become effective upon approval by the City Councils of both parties and executed by their respective Mayors and Recorders.

15. The undersigned representatives of the parties confirm their authority to execute this Agreement on behalf of their respective municipalities by reason of the approval of this Agreement by resolution of their respective City Councils.

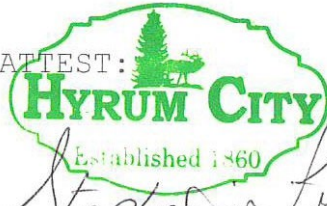
16. The parties to this Agreement agree that each of them has reviewed

and/or participated in the drafting of this Agreement with the assistance of counsel, and, therefore, the wording of this Agreement shall not be construed against any party hereto as the drafter.

17. The provisions of this Agreement are severable and should any provision be void, voidable, unenforceable, or invalid, such provision shall not affect the remaining provisions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement, in duplicate, each of which shall be deemed an original, with the effective date being as noted herein.

HYRUM CITY

ATTEST: 
Stephanie Fricke
City Recorder

By: Stephanie Miller
Mayor

-J,,____

NIBLEY CITY

ATTEST:

Cheryl Bodily
City Recorder

By: Larry Jacobsen
Mayor

RESOLUTION 25-06

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED INTERLOCAL AGREEMENT FOR LIBRARY SERVICES WITH NIBLEY CITY.

WHEREAS, Hyrum City, as authorized by law, operates and maintains a public library; and

WHEREAS, Nibley City requested and Hyrum City agreed to provide library services to Nibley's residents for a fee under contract; and

WHEREAS, Hyrum City and Nibley City entered into an agreement on January 20, 2011 for Hyrum City to provide library services for Nibley City at an annual fee of \$30.00 per user family or separate card on January 20, 2011; and

WHEREAS, on January 21, 2016, the original agreement was amended by the Hyrum City Council with approval of Resolution 16-04 authorizing the execution and delivery of an amended interlocal agreement for library services with Nibley City increasing the annual fee to \$35.00 per user family or separate card; and

WHEREAS, on July 1, 2018, the interlocal agreement for library services with Nibley was increased to an annual fee of \$40.00 per user family or separate card with an automatic \$1.00 increase per year; and

WHEREAS, Hyrum City's General Fund pays for Library materials, computers, programs, staff, utilities, and maintenance; and

WHEREAS, the cost of living and inflation rates have increased costs associated with operating the library at a higher rate than \$1.00 per user annually; and

WHEREAS, Hyrum City has continued to fund the library through its General Fund at an annual cost of \$199.00 per Hyrum City resident library user family and has provided Nibley City residents library service at a much lower annual cost of \$44.00 per year; and

WHEREAS, Hyrum City can no longer continue to use it's tax payers money to provide library services to residents outside of Hyrum City limits at such a reduced rate; and

WHEREAS, upon careful consideration and recommendation from the Hyrum Library Board made up of four members from Hyrum City, one member from Nibley City, and one member from Wellsville City,

WHEREAS, the Hyrum City Council has found it necessary to reassess Hyrum library fees and assess charges by per household instead of active card user, at an annual rate of \$25.00 per household within Nibley City limits, and an automatic annual \$1.00 increase per household per year

for the first five years, after five years an automatic annual \$.50 increase per household per year, to help cover increasing costs to continue to provide exceptional service to library patrons; and

WHEREAS, pursuant to the authority granted to the parties by the Utah Interlocal Cooperation Act as set forth in Chapter 13, Title 11, Utah Code Annotated, 1953 as amended and Section 10-1-202, Utah Code Annotated, 1953 as amended, the parties are allowed to enter into a contract which would provide for such a cooperative effort.

NOW, THEREFORE, pursuant to the authority granted by law as noted above, BE IT RESOLVED by the City Council of Hyrum, Utah, as follows:

1. After due investigation and study, it is the determination of the Hyrum City Council that there is good cause for Hyrum City to continue to allow Nibley City residents to use Hyrum City's library.
2. Nibley City is willing to reenter into an Agreement whereby Hyrum City agrees to provide library services for Nibley City, subject to certain terms and conditions, all as more specifically set forth in the copy of an Interlocal Agreement for Library Services, which is attached hereto as Exhibit "A" and by this reference made a part hereof.
3. The Mayor and City Recorder of Hyrum City are hereby authorized to execute and deliver the original of said Agreement for and in behalf of Hyrum, provided the execution and delivery of the same is authorized by the Nibley City Council.
4. This Resolution shall take effect July 1, 2025.

ADOPTED AND PASSED by the City Council of Hyrum City, Utah, this 20th day of February, 2025.


HYRUM CITY

By:


Stephanie Miller
Mayor

ATTEST:




City Recorder
Stephanie Fricke

INTERLOCAL AGREEMENT FOR LIBRARY SERVICES

THIS AGREEMENT, made and entered into this 1st day of July, 2025, by and between HYRUM CITY, a Utah municipal corporation, hereinafter referred to as "Hyrum", and NIBLEY CITY, a Utah municipal corporation, hereinafter referred to as "Nibley", sets forth terms and conditions under which the residents of Nibley may use the Hyrum Library.

WITNESSETH:

WHEREAS, Hyrum operates and maintains a public library at 50 West Main Street in Hyrum; and

WHEREAS, Nibley does not operate and maintain a public library but made a significant contribution to the Hyrum Library building fund and desires to make public library services available to its residents; and

WHEREAS, Nibley has determined that it can best provide library services to its residents through interlocal agreement with Hyrum; and

WHEREAS, Hyrum is willing to enter into such agreement with Nibley to provide Nibley residents access to the Hyrum Library, with both parties desiring to formalize the agreement between them by this document.

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2. This Agreement has been determined by both parties to be in the best interests of the residents of both communities and to promote their mutual general welfare. The parties hereto further desire to define their relative duties and obligations with respect to the use, operation, and ownership of Hyrum City's library as contemplated by this Agreement.

3. Hyrum agrees to provide the residents of Nibley with full library services in accordance with the rules and regulations adopted by Hyrum for use of its library and the provisions of this Agreement. All Nibley residents who use Hyrum's library shall be subject to and comply with the rules and regulations adopted by Hyrum, as fully as if they were residents of Hyrum.

4. Hyrum further agrees to provide a seat on its library board to a resident of Nibley selected by the Nibley Mayor and City Council. Such member will have full voting rights and powers as granted to all other board members.

5. Nibley agrees to pay an annual fee of \$25.00 per total number of households within Nibley City limits with an automatic annual \$1.00 increase per household per year for the first five years, after five years an automatic annual increase of \$.50 per household. Said fee may be amended from time to time by mutual agreement of both parties hereto and the total remitted by Nibley to Hyrum shall be based upon the total number of households within Nibley City Limits.

6. This Agreement shall be for a term of one (1) year from July 1, 2025 to June 30, 2026 and shall automatically renew for additional annual terms ~~of one~~ (1) year without further action by either party except that either party reserves the right to terminate this Agreement by serving written notice of same to the other party at least six (6) months prior to the beginning of the next fiscal year. The terms and provisions of this Agreement for such renewal term or terms shall be as agreed to by both parties, provided, however, that the total annual fee due from Nibley to Hyrum shall be determined not later than March 1 of any given year in order to accommodate municipal budget requirements and deadlines. The total annual fee shall be payable by Nibley to Hyrum not later than July 31 of each contract year.

7. Excepting unusual circumstances, additional residents of Nibley may apply for and receive library privileges from Hyrum during any annual term of this Agreement, and such privileges may be terminated, whether voluntarily or involuntarily, all without further adjustment of the annual fee stated above during the remainder of the current annual term then in progress. It is intended that the total annual fee to be paid by Nibley hereunder, shall constitute the entire amount to be due from Nibley to Hyrum for any given term of this Agreement. New library cards shall be issued and existing cards retired without further adjustment of the stated fee. The fee paid by Nibley as formulated herein represents the entire assessment in any given year and no further participation in building maintenance costs, utilities, insurance, investment in

collection and library materials, etc. will be expected or assessed by Hyrum.

8. It is intended by the parties that by reason of this Agreement, Nibley residents who apply for and receive library privileges from Hyrum shall be subject to the same obligations and shall receive the same privileges as are extended to Hyrum City residents.

9. Both parties agree to cooperate in completion of any additional paper work or otherwise take steps necessary to meet their obligations as contemplated by this Agreement, although not specifically stated herein.

10. It is expressly understood by the parties that this Agreement establishes a "fee for service" arrangement between the parties and that no ownership interest in Hyrum's library is being acquired by Nibley. Hyrum will acquire, hold, and dispose of all real and personal property associated with the library. Nibley acknowledges and agrees that it does not take title or any ownership interest in any real or personal property held by the library by virtue of this Agreement. Hyrum shall maintain full administrative control of its library, with full authority to adopt and enforce regulations relating to the operation of the library consistent with the terms of this Agreement, and to which all patrons of the library are subject.

11. Hyrum shall prepare and maintain such records as are deemed necessary to advise both parties regarding the use of the library by Nibley's residents. These records shall be made available to Nibley's officials at such reasonable intervals as are agreed to by the parties.

12. The parties agree to adopt such resolutions and take any required action as may be necessary and appropriate to carry into effect the terms of this Agreement.

13. This Agreement may not be amended except by subsequent written Agreement of the parties.

14. This Agreement shall become effective upon approval by the City Councils of both parties and executed by their respective Mayors and Recorders.

15. The undersigned representatives of the parties confirm their authority to execute this Agreement on behalf of their respective municipalities by reason of the approval of this Agreement by resolution of their respective City Councils.

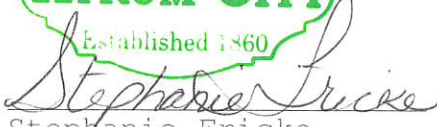
16. The parties to this Agreement agree that each of them has reviewed

and/or participated in the drafting of this Agreement with the assistance of counsel, and, therefore, the wording of this Agreement shall not be construed against any party hereto as the drafter.

17. The provisions of this Agreement are severable and should any provision be void, voidable, unenforceable, or invalid, such provision shall not affect the remaining provisions of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement, in duplicate, each of which shall be deemed an original, with the effective date being as noted herein.

HYRUM CITY

ATTEST:  
Stephanie Fricke
City Recorder

The seal of Hyrum City is circular with a green border. Inside the border, there is a green silhouette of a tree and a building. Below the seal, the text "Established 1860" is written in a small font.


By: Stephanie Miller
Mayor

NIBLEY CITY

ATTEST:

By: Larry Jacobsen
Mayor

Cheryl Bodily
City Recorder

Agenda Item #12

Description	Discussion & Consideration: Ordinance 25-12: Rezone Parcel 03-227-0004, located at 1500 W 2600 S from Residential (R-2) to Commercial (C) (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Approval of Ordinance 25-12: Rezone Parcel 03-227-0004, located at 1500 W 2600 S from Residential (R-2) to Commercial (C)
Staff Recommendation	Approval of Ordinance 25-12: Rezone Parcel 03-227-0004, located at 1500 W 2600 S from Residential (R-2) to Commercial (C)
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager Tom Dickinson, City Engineer Levi Roberts, City Planner Planning Commission

Background

Al Bingham, authorized representative of Wesley Nelson Farm Inc, owner of parcel 03-227-0004, located at 1500 W 2600 S, has requested to Rezone the approximately 7.8-acre portion of parcel from R-2 (Residential) to C (Commercial).

Applicant Statement

What is the need for the proposed zone change?

Commercial Developer wants this property for development.

What will the public benefit be if the zone change is granted?

Commercial opportunities

How does the proposal comply with the goals and policies of the Nibley City General Plan?

It does

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

Right next intersection to Highway 89 /91

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

It's there – Yes

Site Context

The vacant property, currently used for agriculture is approximately 7.8 acres. The property is surrounded on all sides by agricultural uses, either within Nibley City or Logan City. The property to the north is planned for a Commercial Development.



General Plan Guidance

The Future Land Use Map designates this property as “Commercial and medium to high density residential”. Other provisions of the General Plan related to this request include:

- *Land Use Goal 1: Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term.*

- *Land Use Goal 2: Guide land use and growth decisions through application of the General Plan, the Future Land Use Map, and relevant goals, principles, and projects.*
- *Commercial and Economic Development Goal 2: Create and maintain a sustainable economic base for Nibley City that will provide tax revenues and increase local employment and convenience of shopping.*
 - *Commercial and Economic Development Principle 2A: Improve, diversify, and increase Nibley's tax base. Seek revenue growth from economic development activities to mitigate residential property tax increases that may be required to offset increased level of services costs.*

Staff Analysis

Both the existing zoning of Residential (R-2) and Commercial (C) are consistent with the future land use map designation for this parcel, "Commercial and medium to high density residential". The General Plan encourages a mix of commercial, residential and light industrial uses. At this point in time, there is very limited commercial development in Nibley City to support Commercial and Economic Development Principle 2A. Visibility and close access to Highway 89/91 from 2600 S would enhance commercial potential for this property.

Considering the context of the site and the guidance provided in the Future Land-Use Map and goals of the general plan, Staff recommends approving the proposed rezone.

Findings

1. The proposed Commercial (C) zone designation is compatible with the 'commercial and medium to high density residential' designation of the City's adopted future land use map.
2. The Rezone would support Commercial and Economic Development Goal 2 to Create and maintain a sustainable economic base for Nibley City that will provide tax revenues and increase local employment and convenience of shopping.

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ORDINANCE 25-12

**REZONE PARCEL 03-227-0004, LOCATED AT 1500 W 2600 S FROM RESIDENTIAL (R-2) TO
COMMERCIAL (C)**

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

Parcel 03-227-0004, more particularly described below, is hereby rezoned from Residential (R-2) to
Commercial (C).

Parcel 03-227-0004:

ALL OF LOT 4 WESLEY NELSON FARMS SUBDIVISION

CONT 7.83 AC

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2025.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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New

Application Review Status

Final-Review

Not Reviewed

02/14/2025

Fees		Payments		
Plan Check	\$500.00	02/19/2025	Online	\$650.00
Public Notice Fee	\$150.00	Total Paid		\$670.80
Subtotal	\$650.00			
Processing Fee	\$20.80			
Total	\$670.80			
Amount Paid	\$670.80			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

First Name

Al

Last Name

Bingham

Address Street

2352 South Highway 89 / 91

City

Logan

State

Utah

Zip Code

84041

Phone

(801) 243-7800

Email

abingham@momentumloans.com

Is the property owner representative different from the listed property owner

no

Request Type:

Rezone

Rezone Address Street

2352 South Highway 89 / 91

Tax I.D. Number(s)

03-007-0004

Area of Rezone Request (Acres)

7.83

Current Zoning (check all that apply)

A- Agricultural

Proposed Zoning (check all that apply)

C- Commercial

Site Plan and Map (please attach)

 Plat.pdf

What is the need for the proposed zone change, code change or master plan change?

Fommercial Developer wants this propertry for development

What will the public benefit be if the zone change, code change or master plan change is granted?

Commercial opportunities

How does the proposal comply with the goals and policies of the Nibley City General Plan?

It does

Is there any annexation of property necessary?

No


Please explain how the anticipated use is appropriate for the surrounding area.

Right next intersection to Highway 89 /91

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

It's there - Yes

Please attach a statement from the County treasurer showing the current tax status of the property.

 CORE - Parcel #03-227-0004 in 2024.pdf

Signature

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

Posting. Not less than ten (10) days before the public hearing, Applicant is responsible for posting a sign in a prominent place on the property containing, in lettering that may be reasonably read by passersby, the time, date, and location of the public hearing. The posting shall not be required before the application being accepted. However, the City shall require that, not less than ten (10) days before the public hearing, the Applicant provides the City with evidence of compliance with this requirement.

With my signature, I give consent to receive service of process at the email listed on this application.

Al Bingham - 02/14/2025 11:39 am

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WESLEY NELSON FARMS SUBDIVISION

PART OF SW/4 SEC 17, T.11N., R.1E., S.L.B. & M.

LOGAN CITY

SCALE 1" = 200'

TAXING UNIT: 008

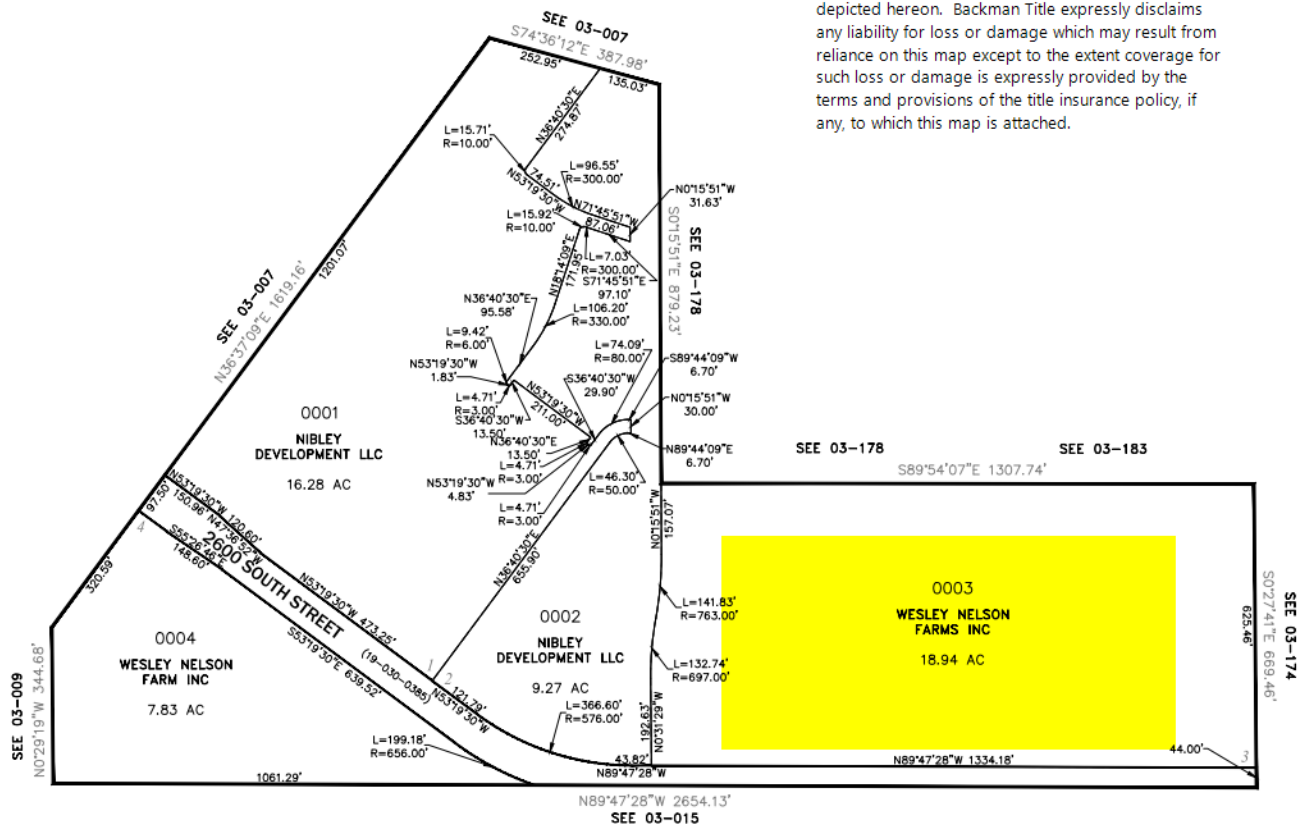
03-

227

-1-

FOR COMPLETE SURVEY DATA
SEE ORIGINAL DEDICATION PLAT IN
BOOK 2023 OF PLATS, PAGE 3790,
ENTRY NUMBER 1350729

This map may or may not be a survey of the land depicted hereon. Backman Title expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.



THIS MAP IS CREATED FROM DOCUMENTS OF RECORD FOR TAX PURPOSES ONLY

CACHE COUNTY RECORDER_LM_20231214

2025-3790(2)

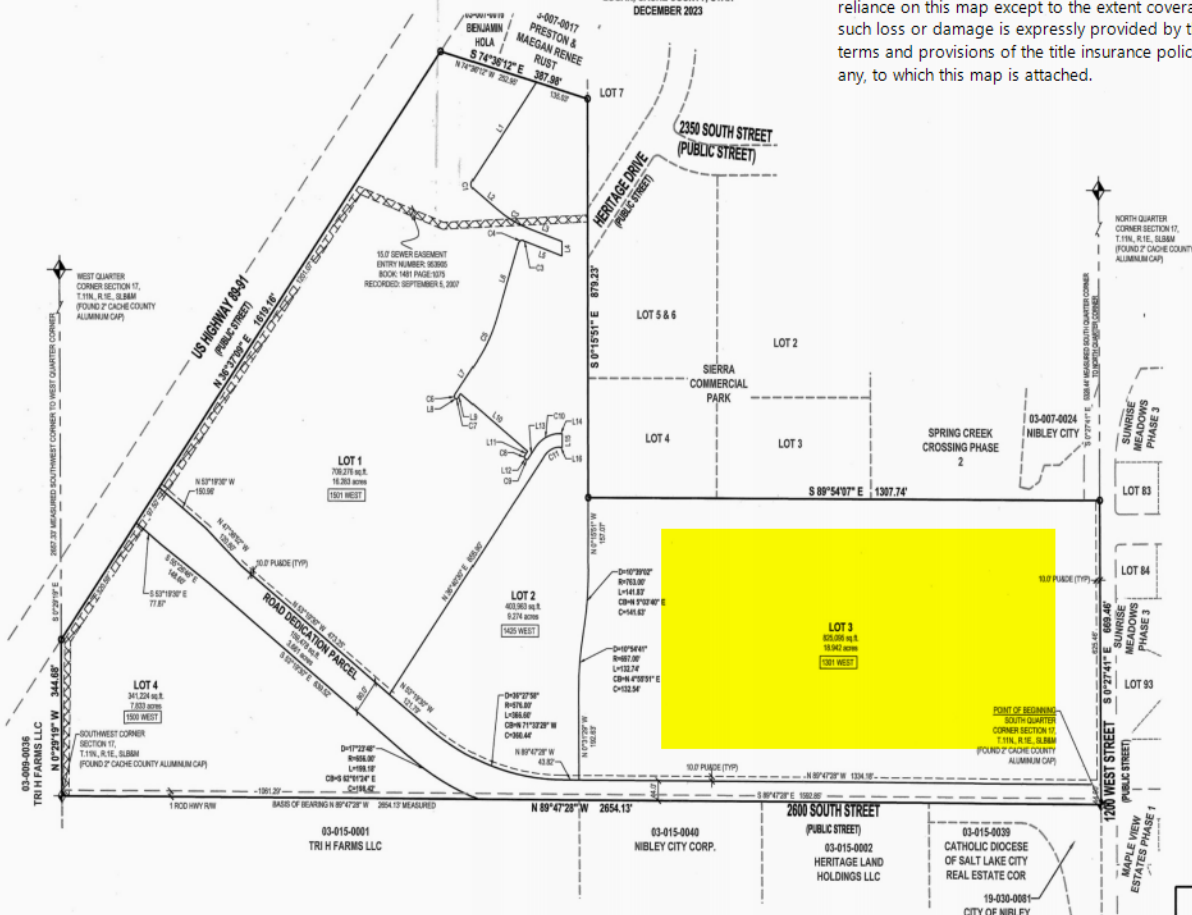
WESLEY NELSON FARMS SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 17
TOWNSHIP 11 NORTH RANGE 1 EAST
SALT LAKE BASE & MERIDIAN
LOGAN, CACHE COUNTY, UTAH
DECEMBER 2023

This map may or may not be a survey of the land depicted hereon. Backman Title expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.



VICINITY MAP
NO SCALE
LOGAN, CACHE COUNTY, UTAH



HORIZONTAL GRAPHIC SCALE



WESLEY NELSON FARMS SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 17
TOWNSHIP 11 NORTH RANGE 1 EAST
SALT LAKE BASE & MERIDIAN
LOGAN, CACHE COUNTY, UTAH

CACHE COUNTY RECORDER

ENTRY NO. 1350229 FEE
PAID 30.00 FILED FOR RECORD AND
RECORDED THIS 14 DAY OF DEC. 2023
AT 2023 IN BOOK 3940 OF OFFICIAL RECORDS
PAGE

GAUGE-COUNTYRECORDS

BY M. J. [Signature]
DEPUTY RECORDER

SUBDIVIDER
AL BINGHAM
850 NORTH 20 WEST
LOGAN, UT 94321
801.261.5300



LAYTON
815 North 430 West
Layton UT 84041
Phone: 801.547.1110
Fax: 801.563.6315

WWW.ENSCHENG.COM

SALT LAKE CITY
Phone: 801.224.3028

TUCULE
Phone: 020.952.2000

CEBAR CITY
Phone: 020.955.1400

RICHFIELD
Phone: 020.955.2900

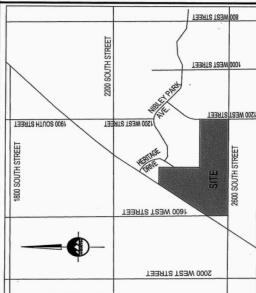
SHEET 2 OF 2
PROJECT NUMBER : 8106
MANAGER : T.WILLIAMS
DRAWN BY : A.SHELEY
CHECKED BY : T.WILLIAMS
DATE : 12/4/03

2023-5740(1)

WESLEY NELSON FARMS SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 17

TOWNSHIP 11 NORTH RANGE 1 EAST
SALT LAKE BASE & MERIDIAN
LOGAN, CACHE COUNTY, UTAH
DECEMBER 2023



GENERAL NOTES:

- UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED UTILITIES. THE CITY ENGINEER SHALL BE NOTIFIED IN WRITING PRIOR TO ANY PLAT MAP AS MAY BE NECESSARY FOR FEASIBLE PROVIDING UTILITY. THE CITY ENGINEER SHALL BE NOTIFIED IN WRITING PRIOR TO ANY PLAT MAP AS MAY BE NECESSARY FOR FEASIBLE PROVIDING UTILITY. THE CITY ENGINEER SHALL BE NOTIFIED IN WRITING PRIOR TO ANY PLAT MAP AS MAY BE NECESSARY FOR FEASIBLE PROVIDING UTILITY.
- PROTECT ALL EXISTING SECTION CORNERS AND STREET MONUMENTS. COORDINATE ALL SURVEY STREET MONUMENT INSTALLATION, GRADE, AND LOCATION WITH THE CITY ENGINEER PRIOR TO ANY PLAT MAP. COORDINATE ALL SURVEY STREET MONUMENT INSTALLATION, GRADE, AND LOCATION WITH THE CITY ENGINEER PRIOR TO ANY PLAT MAP.
- NOTICE TO ANY DEVELOPER: ANY FUTURE DEVELOPMENT OF ANY PART OF THE WESLEY NELSON FARMS SUBDIVISION MUST COMPLY WITH THE FOUR PLAT RECORDS.
- IF A USER IN THE CITY ENGINEER'S RECORDING BOOK ONE (1) TO THE DEPT. OF WATER TABLE, THE CITY ENGINEER OF A FINAL PLAT, THE CITY ENGINEER SHALL BE NOTIFIED IN WRITING PRIOR TO ANY PLAT MAP. THE CITY ENGINEER SHALL BE NOTIFIED IN WRITING PRIOR TO ANY PLAT MAP.

LINE TABLE				CURVE TABLE			
	BEARING	LENGTH	DELTA		BEARING	DELTA	
L1	N 87°42'00"E	284.67		C1	90.00°	15.71°	N 87°42'00"E
L2	N 87°42'00"E	74.51		C2	90.00°	86.50°	N 87°42'00"E
L3	N 87°42'00"E	74.51		C3	90.00°	86.50°	N 87°42'00"E
L4	N 87°42'00"E	314.87		C4	90.00°	15.82°	N 87°42'00"E
L5	S 87°42'00"E	74.51		C5	90.00°	86.50°	N 87°42'00"E
L6	N 87°42'00"E	74.50		C6	90.00°	84.2°	N 87°42'00"E
L7	N 87°42'00"E	74.50		C7	90.00°	15.71°	N 87°42'00"E
L8	N 87°42'00"E	132.1		C8	90.00°	86.50°	N 87°42'00"E
L9	S 87°42'00"E	21.07		C9	90.00°	4.71°	N 87°42'00"E
L10	S 87°42'00"E	21.07		C10	90.00°	4.71°	N 87°42'00"E
L11	N 87°42'00"E	25.07		C11	90.00°	86.50°	N 87°42'00"E
L12	N 87°42'00"E	4.82					
L13	S 87°42'00"E	25.07					
L14	S 87°42'00"E	5.73					
L15	N 87°42'00"E	8.70					
L16	N 87°42'00"E	8.70					

SURVEYOR'S CERTIFICATE

I, **THOMAS R. WILLIAMS**, a duly licensed Surveyor in the State of Utah, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that it is a true and correct representation of the survey made by me or under my direct supervision.

BOUNDARY DESCRIPTION

A parcel of land, situated in the Southwest Quarter of Section 17, Township 11 North, Range 1 East, Salt Lake Base and Meridian, and being more particularly described as follows:

Beginning at the South Quarter Corner of said Section 17, Township 11 North, Range 1 East, Salt Lake Base and Meridian, and running

North 87°42'00" West 2554.13 feet along the South line of said Section to the Southwest Corner of said Section 17,

thence North 0°27'00" West 348.48 feet along the West line of said Section 17 to the westerly right-of-way line of US Highway 89-91;

thence North 90°00'00" East 1913.16 feet along said westerly line of US Highway 89-91;

thence South 74°42'00" East 89.30 feet to a point on the West line of said Section 17;

thence South 89°42'00" East 1927.84 feet along the West line of said Section 17 to the Southwest Corner of said Section 17;

thence South 89°42'00" East 1927.84 feet along the West line of said Section 17 to the Southwest Corner of said Section 17;

thence South 89°42'00" East 1927.84 feet along the West line of said Section 17 to the Southwest Corner of said Section 17;

Containing 1,426.225 square feet or 0.032 acres.

OWNER'S DECLARATION

I, the undersigned, being the owner of the above described land, do hereby declare that the foregoing plat is a true and correct representation of the survey made by me or under my direct supervision.

WESLEY NELSON FARMS SUBDIVISION

do hereby declare that the foregoing plat is a true and correct representation of the survey made by me or under my direct supervision.

Witness my hand and seal of office this 13th day of December, 2023.

Wesley Nelson
Wesley Nelson

Allen Bingham
Allen Bingham

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH, County of Salt Lake, do hereby certify that the foregoing plat is a true and correct representation of the survey made by me or under my direct supervision.

On this 13th day of December, 2023, Allen Bingham, President of Wesley Nelson Farms Subdivision, Inc., a limited liability company, acknowledged to me that he is the President of said company and that he is the owner of the above described land.

Witness my hand and seal of office this 13th day of December, 2023.

Allen Bingham
Allen Bingham

MY COMMISSION EXPIRES: 07-31-2024

Allen Bingham
Allen Bingham

STATE OF UTAH, County of Salt Lake, do hereby certify that the foregoing plat is a true and correct representation of the survey made by me or under my direct supervision.

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Allen Bingham
Allen Bingham

MY COMMISSION EXPIRES: 07-31-2024

Allen Bingham
Allen Bingham

WESLEY NELSON FARMS SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17

TOWNSHIP 11 NORTH RANGE 1 EAST

SALT LAKE BASE & MERIDIAN

LOGAN, CACHE COUNTY, UTAH

CACHE COUNTY RECORDER

BOOK NO. 1550-2-1

PAGE NO. 13

RECORDED THIS 13th DAY OF DEC., 2023

AT 1:00 PM, 2023

BY: *Myra*

DEPUTY RECORDER

SHEET 1 OF 2

PROJECT NUMBER: 198

MANAGER: TIM LAMBS

DRAWN BY: A. BINGHAM

CHECKED BY: T. LAMBS

DATE: 10/20

CITY ATTORNEY'S APPROVAL

APPROVED THIS 13th DAY OF December, 2023

BY THE CITY ATTORNEY:

Myra

DEPUTY CITY ATTORNEY

CITY ENGINEERS APPROVAL

APPROVED THIS 13th DAY OF December, 2023

BY THE CITY ENGINEER:

Myra

DEPUTY CITY ENGINEER

PLANNING COMMISSION/CITY APPROVAL

APPROVED THIS 13th DAY OF December, 2023

BY THE PLANNING COMMISSION:

Myra

DEPUTY PLANNING COMMISSION

COMCAST COMMUNICATIONS APPROVAL

APPROVED THIS 13th DAY OF December, 2023

BY THE COMCAST COMMUNICATIONS:

Myra

DEPUTY COMCAST COMMUNICATIONS

ROCKY MOUNTAIN POWER APPROVAL

APPROVED THIS 13th DAY OF December, 2023

BY THE ROCKY MOUNTAIN POWER:

Myra

DEPUTY ROCKY MOUNTAIN POWER

DOMINION ENERGY APPROVAL

APPROVED THIS 13th DAY OF December, 2023

BY THE DOMINION ENERGY:

Myra

DEPUTY DOMINION ENERGY

SUBDIVIDER

AL BINGHAM

690 NORTH 20 WEST

LOGAN, UT 84321

801.261.1000

ENGIN

801 North 400 Road

Provo, UT 84601

Phone: 801.541.1100

Fax: 801.541.1100

www.engin.com

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Agenda Item #13

Description	Discussion & Consideration: Ordinance 25-07–Amending 19.12.040 Mixed Residential Zone R-M, Adding a 5.2 Acre Portion of Parcel 03-227-0002 & 03-227-0001, Located at 1425 W 2600 S to the R-M Application Map (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Denial of Ordinance 25-07–Amending 19.12.040 Mixed Residential Zone R-M, Adding a 5.2 Acre Portion of Parcel 03-227-0002 & 03-227-0001, Located at 1425 W 2600 S to the R-M Application Map (First Reading)
Staff Recommendation	Denial of Ordinance 25-07–Amending 19.12.040 Mixed Residential Zone R-M, Adding a 5.2 Acre Portion of Parcel 03-227-0002 & 03-227-0001, Located at 1425 W 2600 S to the R-M Application Map (First Reading)
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager Tom Dickinson, City Engineer Levi Roberts, City Planner Planning Commission

Background

**Note that the background information for Items 13 and 14 are very similar due to the connected nature of each item.*

Al Bingham, authorized representative of Nibley Development LLC, owner of parcel 03-227-0002, located at 1425 W 2600 S, has requested to Rezone an approximately 5.2-acre portion of parcel 03-227-0002. NCC 19.12.040(F) R-M application Map states: R-M Application Map

An R-M Zone designation shall only be applied for in the following areas which includes parcels with Tax ID numbers 03-227-0003, 03-001-0013 and 03-001-0010, as of August 1, 2024.

Therefore, in order for the rezone application to be considered, an amendment to the R-M application map would be necessary, adding the requested rezone area to the application map.

Accompanying the application is a concept plan to illustrate their current intentions for developing the property. The applicant has submitted a preliminary plat application that includes developing the portion of the parcel in this application and the adjacent 18-acre property to the east as a townhome development. It is important to note that approval of the code changes or rezone does not constitute approval of a specific development

plan, but may be referenced to understand the applicant's intention for future development.

The property in question was recently rezoned from R-2 (Residential) to Commercial (C) on June 8, 2023. In addition, a Concept Plan for Nibley Marketplace, a Commercial Development that included the property in question and additional property to the west was approved by Nibley City Planning Commission on April 25, 2024. The specific concept plan included 3 retail pads, a car wash and an office building on the property requested to be rezoned adjacent to a larger shopping center which includes a grocery store and additional retail space.

Applicant Statement

What is the need for the proposed zone change?

Change to residential to adjoin the residential RM zone to the east.

What will the public benefit be if the zone change is granted?

Create more first time homebuyer housing opportunities

How does the proposal comply with the goals and policies of the Nibley City General Plan?

Housing opportunities

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

Have residential (RM) zone to the east. And commercial to the west.

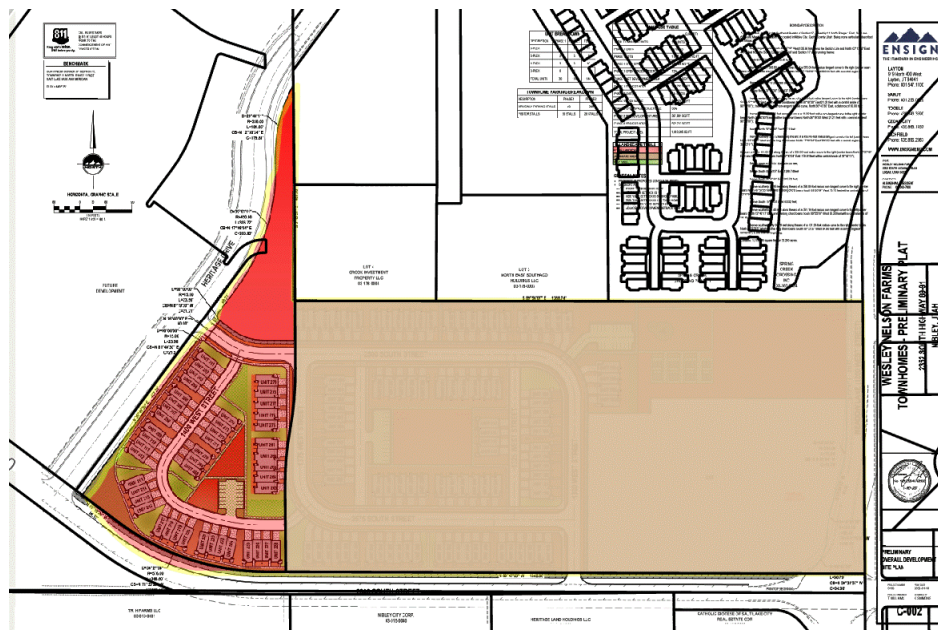
What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

Heritage Drive needs to be built for the commercial development. That needs to be coordinated with Nelson Farms, the commercial developer and the city (TIF).

Site Context

The vacant property, currently used for agriculture is approximately 5.2 acres. To the north is the Spring Creek Crossing townhomes and the Sierra Commercial Business Park, which includes a body care product retail store, a machine shop, and an assistive device manufacturing facility. To the west is a vacant, commercially zoned parcel, that recently received approval for the development of a shopping center, as noted above. To the south is vacant, agricultural property. To the east is an existing single-family

neighborhood. The property is serviced by one arterial roadway, 2600 South to the South. The planned Heritage Drive alignment, as approved in the commercial concept plan, noted above, would service the property.



General Plan Guidance

The Future Land Use Map designates this property as “Commercial and medium to high density residential”. Other provisions of the General Plan related to this request include:

- *Land Use Goal 1: Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term.*
- *Land Use Goal 2: Guide land use and growth decisions through application of the General Plan, the Future Land Use Map, and relevant goals, principles, and projects.*
- *Commercial and Economic Development Goal 2: Create and maintain a sustainable economic base for Nibley City that will provide tax revenues and increase local employment and convenience of shopping.*
 - *Commercial and Economic Development Principle 2A: Improve, diversify, and increase Nibley’s tax base. Seek revenue growth from economic development activities to mitigate residential property tax increases that may be required to offset increased level of services costs.*

In addition, Strategy 4 of the adopted Moderate-Income Housing Plan, an appendix to the General is “Rezone for densities necessary to facilitate the production of moderate-

income housing,” with a specific benchmark to consider additional areas in which the R-M zone could apply.

Staff Analysis

Both the existing zoning of Commercial (C) and Mixed Residential (R-M) are consistent with the future land use map designation for this parcel, “Commercial and medium to high density residential”. The General Plan encourages a mix of commercial, residential and light industrial uses. While it is a strategy of the moderate-income housing plan to rezone for densities necessary to facilitate the production of moderate-income housing, at this point in time, there is very limited commercial development in Nibley City to support Commercial and Economic Development Principle 2A. Commercial potential of this property is apparent with the recent proposal to develop the property with a significant commercial development. Heritage Drive is a planned frontage road of Highway 89/91 that has the potential to further support commercial business access in close proximity to the Highway. While Highway 89/91 provides visibility to businesses and an important connection, access on the Highway is limited to major intersections, which makes a street such as Heritage Drive vital to supporting commercial development.

While there is a demand and need for more housing in Nibley, rezoning the existing commercial property to a residential zone may create a missed opportunity for viable commercial development to service the community.

Considering the context of the site and the guidance provided in the Future Land-Use Map and goals of the general plan, Staff recommends denying both applications for the code change and rezone.

Findings

1. The existing Commercial (C) zone designation is compatible with the ‘commercial and medium to high density residential’ designation of the City’s adopted future land use map.
2. The Rezone may limit the potential to attain Commercial and Economic Development Goal 2 to Create and maintain a sustainable economic base for Nibley City that will provide tax revenues and increase local employment and convenience of shopping.
3. The recently approved concept plan for commercial development on the property and its site context demonstrate a potential opportunity for commercial development that would be less likely if rezoned to Mixed Residential (R-M).

ORDINANCE 25-07

**AMENDING 19.12.040 MIXED RESIDENTIAL ZONE R-M, ADDING A 5.2 ACRE PORTION OF
PARCEL 03-227-0002 & 03-227-0001, LOCATED AT 1425 W 2600 S TO THE R-M APPLICATION
MAP**

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

WHEREAS, The Mixed Residential (R-M) zone is compatible with the ‘commercial and medium to high density residential’ designation of the City’s adopted future land use map.

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

1. The attached amendments to Nibley City Code 19.12.040 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 _____ 2025.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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19.12.040 Mixed Residential Zone R-M

- A. Purpose: The purpose of the Mixed Residential Zone is to provide a variety of housing types to accommodate the diverse housing preferences of the community's existing and future residents that are supported by an appropriate provision of jobs, retail, services, open space and amenities.
- B. Definitions: Refer to NCC 19.04 and 19.32.020
- C. Use Regulations: See NCC 19.20. Allowed uses in this zone may be provided either separately from or within the same building or lot as other allowed uses, if approved pursuant to an authorized site plan.
- D. Space Requirements:

	Single-Family Home	Multi-Family Housing
Minimum Lot Size (sq. ft.)	4,500	-
Maximum Height	40'	50'
Minimum Footage	50'	-
Front Yard	20'	20'
Front Porches	10'	10'
Side Yard	5'	10'
Side Yard Porches, Deck Overhangs	5'	5'
Side Yard Adjacent to Streets	20'	20'
Rear Yard	15'	15'
Maximum Height	40'	

Accessory-Use Setbacks	Single-Family Home	Multi-Family Housing
------------------------	--------------------	----------------------

Front Yard	20'	20'
Side Yard	3'	3'
Side Yard Street	20'	20'
Rear Yard	1'	1'
Maximum Height	15'	15'

1. Setback and frontage requirements shall apply to each building, and not each dwelling unit

E. Animal And Fowl Unit Regulations: See NCC 19.34.

F. R-M Application Map

An R-M Zone designation shall only be applied for in the following areas which includes parcels with Tax ID numbers 03-227-0003, 03-001-0013 and 03-001-0010, as of August 1, 2024 and a 5.2-acre portion of Parcel 03-227-0001 and 03-227-0002 as displayed on the R-M Zone Eligibility Area Map contained in this section.

Nibley City R-M Zone Eligibility Area

- - - - - Nibley municipal boundaries
 ■ R-M zone eligibility area

Utah AGRC, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Esri, NASA, NGA, USGS, FEMA

Utah AGRC, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, Esri, NASA, NGA, USGS, FEMA

 Nibley municipal boundaries
 R-M zone eligibility area

Utah Geospatial Resource Center, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

Agenda Item #14

Description	Discussion & Consideration: Ordinance 25-08–Rezone a 5.2 acre portion of Parcel 03-227-0002 & 03-227-0001, located at 1425 W 2600 S, from Commercial (C) to Mixed Residential (R-M) (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Denial of Ordinance 25-08–Rezone a 5.2 acre portion of Parcel 03-227-0002 & 03-227-0001, located at 1425 W 2600 S, from Commercial (C) to Mixed Residential (R-M) (First Reading)
Staff Recommendation	Denial of Ordinance 25-08–Rezone a 5.2 acre portion of Parcel 03-227-0002 & 03-227-0001, located at 1425 W 2600 S, from Commercial (C) to Mixed Residential (R-M) (First Reading)
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager Levi Roberts, City Planner Planning Commission

Background

**Note that the background information for Items 13 and 14 are very similar due to the connected nature of each item.*

Al Bingham, authorized representative of Nibley Development LLC, owner of parcel 03-227-0002, located at 1425 W 2600 S, has requested to Rezone an approximately 5.2-acre portion of parcel 03-227-0002. NCC 19.12.040(F) R-M application Map states: R-M Application Map

An R-M Zone designation shall only be applied for in the following areas which includes parcels with Tax ID numbers 03-227-0003, 03-001-0013 and 03-001-0010, as of August 1, 2024.

Therefore, in order for the rezone application to be considered, an amendment to the R-M application map would be necessary, adding the requested rezone area to the application map (Item 2).

Accompanying the application is a concept plan to illustrate their current intentions for developing the property. The applicant has submitted a preliminary plat application that includes developing the portion of the parcel in this application and the adjacent 18-acre property to the east as a townhome development. It is important to note that approval of

the code changes or rezone does not constitute approval of a specific development plan, but may be referenced to understand the applicant's intention for future development.

The property in question was recently rezoned from R-2 (Residential) to Commercial (C) on June 8, 2023. In addition, a Concept Plan for Nibley Marketplace, a Commercial Development that included the property in question and additional property to the west was approved by Nibley City Planning Commission on April 25, 2024. The specific concept plan included 3 retail pads, a car wash and an office building on the property requested to be rezoned.

Applicant Statement

What is the need for the proposed zone change?

Change to residential to adjoin the residential RM zone to the east.

What will the public benefit be if the zone change is granted?

Create more first time homebuyer housing opportunities

How does the proposal comply with the goals and policies of the Nibley City General Plan?

Housing opportunities

Is there any annexation of property necessary?

No

Please explain how the anticipated use is appropriate for the surrounding area.

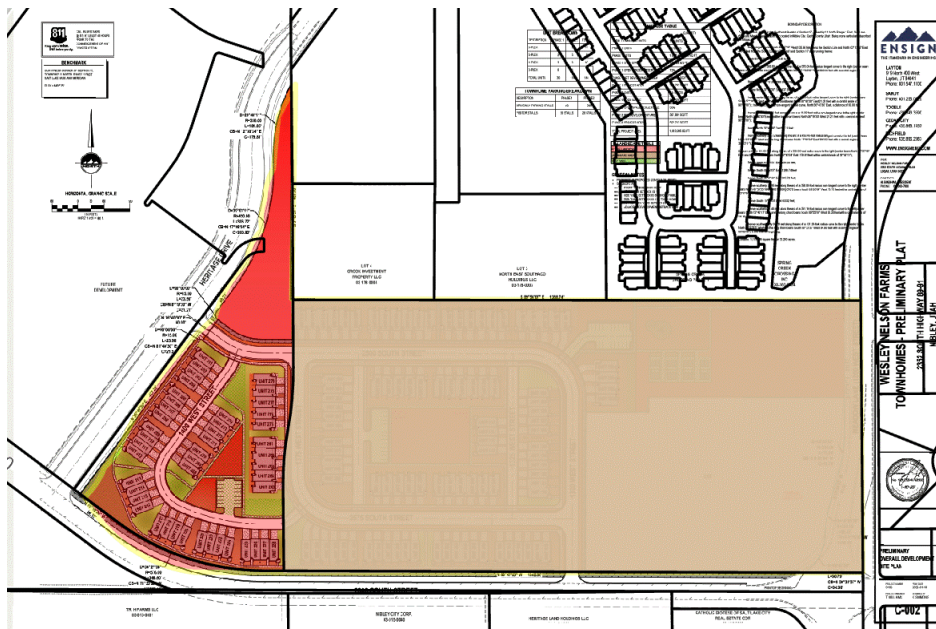
Have residential (RM) zone to the east. And commercial to the west.

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

Heritage Drive needs to be built for the commercial development. That needs to be coordinated with Nelson Farms, the commercial developer and the city (TIF).

Site Context

The vacant property, currently used for agriculture is approximately 5.2 acres. To the north is the Spring Creek Crossing townhomes and the Sierra Commercial Business Park, which includes a body care product retail store, a machine shop, and an assistive device manufacturing facility. To the west is a vacant, commercially zoned parcel, that recently received approval for the development of a shopping center, as noted above. To the south is vacant, agricultural property. To the east is an existing single-family neighborhood. The property is serviced by one arterial roadway, 2600 South to the South. The planned Heritage Drive alignment, as approved in the commercial concept plan, noted above, would service the property.



General Plan Guidance

The Future Land Use Map designates this property as “Commercial and medium to high density residential”. Other provisions of the General Plan related to this request include:

- *Land Use Goal 1: Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term.*
- *Land Use Goal 2: Guide land use and growth decisions through application of the General Plan, the Future Land Use Map, and relevant goals, principles, and projects.*
- *Commercial and Economic Development Goal 2: Create and maintain a sustainable economic base for Nibley City that will provide tax revenues and increase local employment and convenience of shopping.*

- o *Commercial and Economic Development Principle 2A: Improve, diversify, and increase Nibley's tax base. Seek revenue growth from economic development activities to mitigate residential property tax increases that may be required to offset increased level of services costs.*

In addition, Strategy 4 of the adopted Moderate-Income Housing Plan, an appendix to the General is "Rezone for densities necessary to facilitate the production of moderate-income housing," with a specific benchmark to consider additional areas in which the R-M zone could apply.

Staff Analysis

Both the existing zoning of Commercial (C) and Mixed Residential (R-M) are consistent with the future land use map designation for this parcel, "Commercial and medium to high density residential". The General Plan encourages a mix of commercial, residential and light industrial uses. While it is a strategy of the moderate-income housing plan to rezone for densities necessary to facilitate the production of moderate-income housing, at this point in time, there is very limited commercial development in Nibley City to support Commercial and Economic Development Principle 2A. Commercial potential of this property is apparent with the recent proposal to develop the property with a significant commercial development. Heritage Drive is a planned frontage road of Highway 89/91 that has the potential to further support commercial business access in close proximity to the Highway. While Highway 89/91 provides visibility to businesses and an important connection, access on the Highway is limited to major intersections, which makes a street such as Heritage Drive vital to supporting commercial development.

While there is a demand and need for more housing in Nibley, rezoning the existing commercial property to a residential zone may create a missed opportunity for viable commercial development to service the community.

Considering the context of the site and the guidance provided in the Future Land-Use Map and goals of the general plan, Staff recommends denying both applications for the code change and rezone.

Other considerations

If the City chooses to approve the rezone, Staff recommends that the rezone does not go into effect until the property is subdivided.

Findings

1. The existing Commercial (C) zone designation is compatible with the 'commercial and medium to high density residential' designation of the City's adopted future land use map.
2. The Rezone may limit the potential to attain Commercial and Economic Development Goal 2 to Create and maintain a sustainable economic base for Nibley City that will provide tax revenues and increase local employment and convenience of shopping.
3. The recently approved concept plan for commercial development on the property and its site context demonstrate a potential opportunity for commercial development that would be less likely if rezoned to Mixed Residential (R-M).

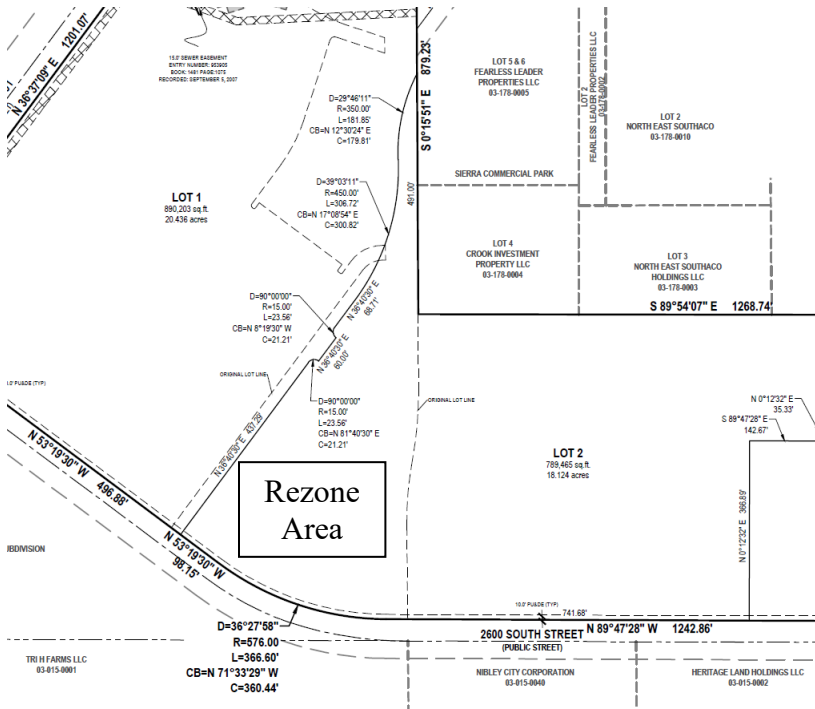
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ORDINANCE 25-08

REZONE A 5.2 ACRE PORTION OF PARCEL 03-227-0002 & 03-227-0001, LOCATED AT 1425 W 2600 S, FROM COMMERCIAL (C) TO MIXED RESIDENTIAL (R-M)

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

A portion of parcel 03-227-0002 & 03-227-0001, located at 1425 W 2600 S, as described in the image below, is hereby rezoned from Commercial (C) to Mixed Residential (R-M).



PASSED BY THE NIBLEY CITY COUNCIL THIS _____ day of _____, 2025.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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Application Review Status

Final-Review

Not Reviewed

01/03/2025

Fees		Payments		
Plan Check	\$500.00	01/03/2025	Online	\$650.00
Public Notice Fee	\$150.00	Total Paid		\$670.80
Subtotal	\$650.00			
Processing Fee	\$20.80			
Total	\$670.80			
Amount Paid	\$670.80			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

First Name

Al (Wesley Nelson Farms)

Last Name

Bingham

Address Street

2352 South Highway 89 / 91

City

Logan

State

Utah

Zip Code

84321

Phone

(801) 243-7800

Email

abingham@momentumloans.com

Is the property owner representative different from the listed property owner

no

Request Type:

Rezone

Rezone Address Street

2352 South Highway 89 /91

Tax I.D. Number(s)

03-227-0003

Area of Rezone Request (Acres)

5.20

Current Zoning (check all that apply)

C- Commercial

Proposed Zoning (check all that apply)

R-M- Mixed Residential

Site Plan and Map (please attach)

 rezone.pdf

What is the need for the proposed zone change, code change or master plan change?

Change to residential to adjoin the residential RM zone to the east.

What will the public benefit be if the zone change, code change or master plan change is granted?

Ctreate more first time homebuyer housing opportunities

How does the proposal comply with the goals and policies of the Nibley City General Plan?

Housing opportunities

Is there any annexation of property necessary?

No


Please explain how the anticipated use is appropriate for the surrounding area.

Have residential (RM) zone to the east. And commercial to the west.

What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the property owner or developer?

Heritage Drive needs to be built for the commercial development. That needs to be coordinated with Nelson Farms, the commercial developer and the city (TIF).

Please attach a statement from the County treasurer showing the current tax status of the property.

 CORE - Parcel #03-227-0003 in 2024-2.pdf

Signature

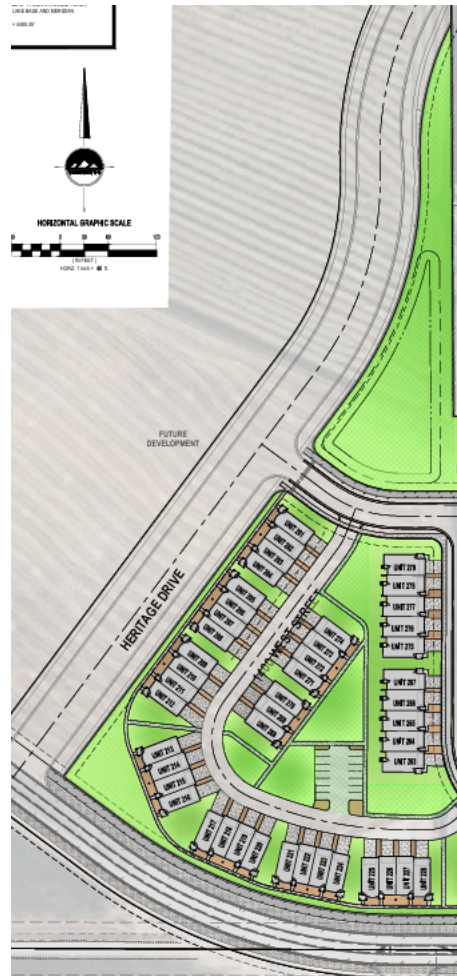
I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete, and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my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

Posting. Not less than ten (10) days before the public hearing, Applicant is responsible for posting a sign in a prominent place on the property containing, in lettering that may be reasonably read by passersby, the time, date, and location of the public hearing. The posting shall not be required before the application being accepted. However, the City shall require that, not less than ten (10) days before the public hearing, the Applicant provides the City with evidence of compliance with this requirement.

With my signature, I give consent to receive service of process at the email listed on this application.

AI Bingham - 01/03/2025 4:16 pm

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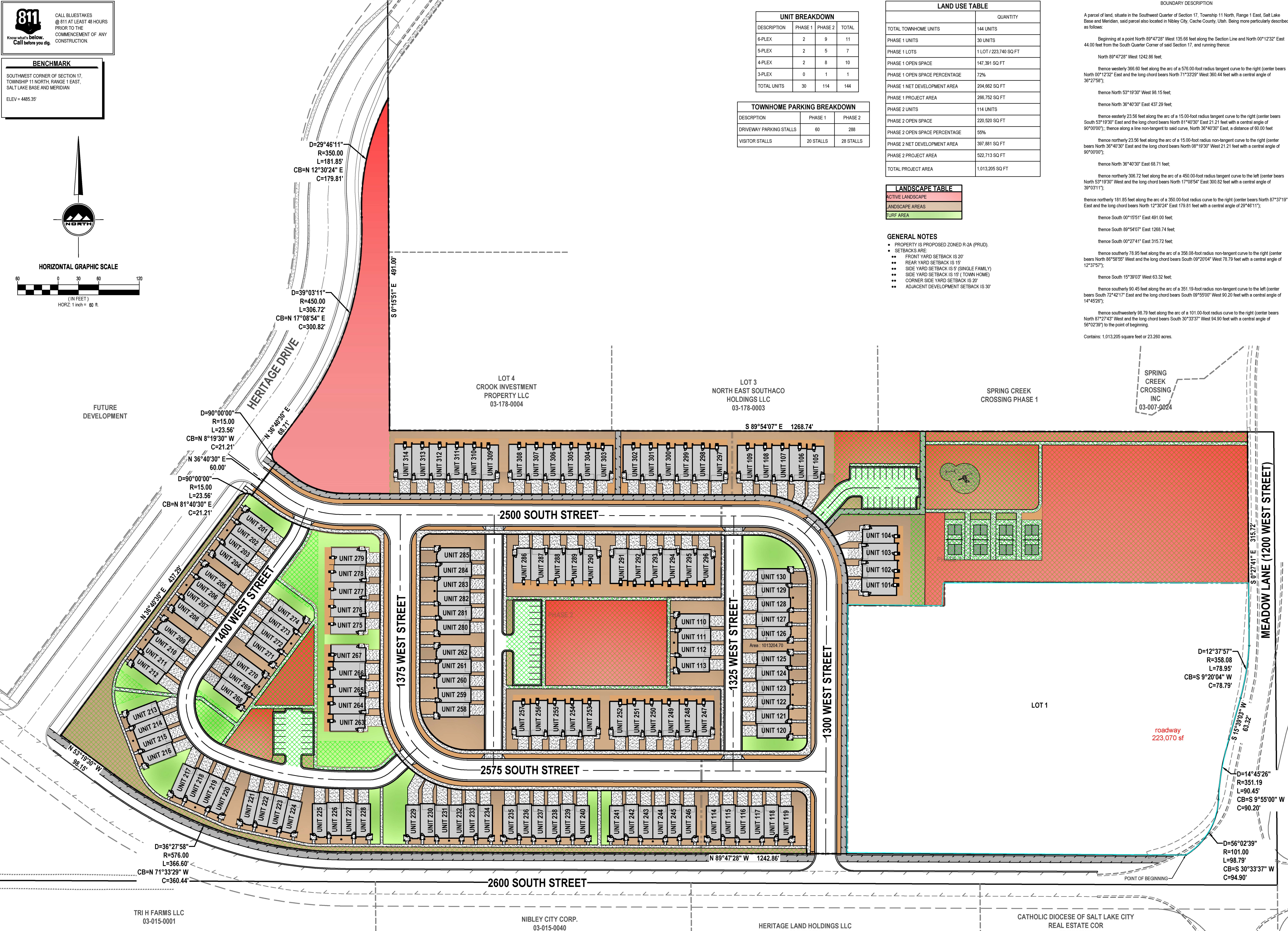
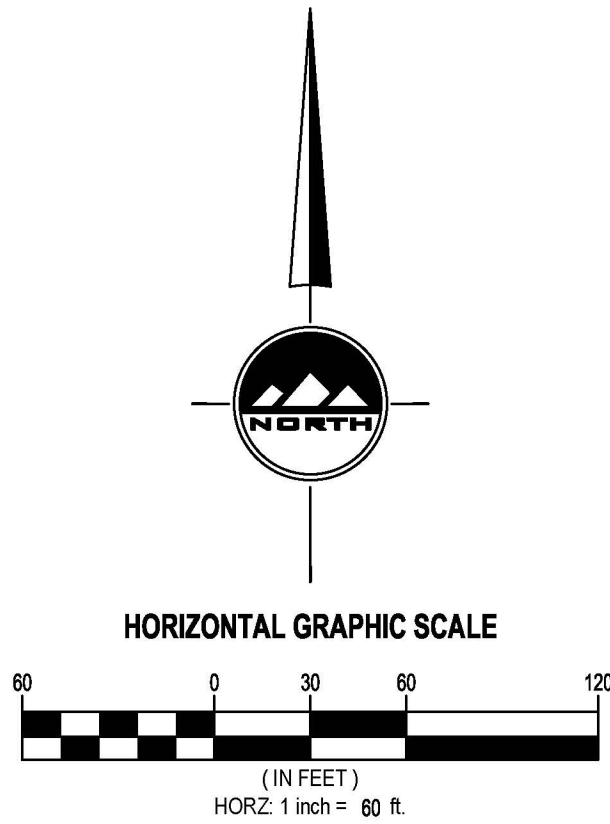
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811

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.
Know what's below.
Call before you dig.

BENCHMARK

SOUTHWEST CORNER OF SECTION 17,
TOWNSHIP 11 NORTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
ELEV = 4485.35'



UNIT BREAKDOWN			
DESCRIPTION	PHASE 1	PHASE 2	TOTAL
6-PLEX	2	9	11
5-PLEX	2	5	7
4-PLEX	2	8	10
3-PLEX	0	1	1
TOTAL UNITS	30	114	144

TOWNHOME PARKING BREAKDOWN		
DESCRIPTION	PHASE 1	PHASE 2
DRIVEWAY PARKING STALLS	60	288
VISITOR STALLS	20 STALLS	28 STALLS

LAND USE TABLE	
	QUANTITY
TOTAL TOWNHOME UNITS	144 UNITS
PHASE 1 UNITS	30 UNITS
PHASE 1 LOTS	1 LOT / 223,740 SQ. FT.
PHASE 1 OPEN SPACE	147,381 SQ. FT.
PHASE 1 OPEN SPACE PERCENTAGE	72%
PHASE 1 NET DEVELOPMENT AREA	204,662 SQ. FT.
PHASE 1 PROJECT AREA	266,752 SQ. FT.
PHASE 2 UNITS	114 UNITS
PHASE 2 OPEN SPACE	220,520 SQ. FT.
PHASE 2 OPEN SPACE PERCENTAGE	55%
PHASE 2 NET DEVELOPMENT AREA	387,881 SQ. FT.
PHASE 2 PROJECT AREA	522,713 SQ. FT.
TOTAL PROJECT AREA	1,013,205 SQ. FT.

LANDSCAPE TABLE	
ACTIVE LANDSCAPE	
LANDSCAPE AREAS	
TURF AREA	

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

BOUNDARY DESCRIPTION

A parcel of land, situate in the Southwest Quarter of Section 17, Township 11 North, Range 1 East, Salt Lake Base and Meridian, said parcel also located in Nibley City, Cache County, Utah, Being more particularly described as follows:

Beginning at a point North 89°47'28" West 135.66 feet along the Section Line and North 00°12'32" East 44.00 feet from the South Quarter Corner of said Section 17, and running thence:

North 89°47'28" West 1242.86 feet;

thence westerly 366.60 feet along the arc of a 576.00-foot radius tangent curve to the right (center bears North 00°12'32" East and the long chord bears North 71°33'29" West 360.44 feet with a central angle of 36°27'58");

thence North 53°19'30" West 98.15 feet;

thence North 36°40'30" East 437.29 feet;

thence easterly 23.56 feet along the arc of a 15.00-foot radius tangent curve to the right (center bears South 53°19'30" East and the long chord bears North 61°40'30" East 21.21 feet with a central angle of 90°00'00"); thence along a line non-tangent to said curve, North 36°40'30" East, a distance of 60.00 feet

thence northerly 23.56 feet along the arc of a 15.00-foot radius non-tangent curve to the right (center bears North 36°40'30" East and the long chord bears North 08°19'30" West 21.21 feet with a central angle of 90°00'00");

thence North 36°40'30" East 68.71 feet;

thence northerly 366.72 feet along the arc of a 450.00-foot radius tangent curve to the left (center bears North 53°19'30" West and the long chord bears North 17°08'54" East 300.82 feet with a central angle of 38°03'11");

thence northerly 181.85 feet along the arc of a 350.00-foot radius curve to the right (center bears North 87°37'19" East and the long chord bears North 12°30'24" East 178.81 feet with a central angle of 29°46'11");

thence South 00°15'51" East 491.00 feet;

thence South 89°54'07" East 1268.74 feet;

thence South 00°27'41" East 315.72 feet;

thence southerly 78.95 feet along the arc of a 358.08-foot radius non-tangent curve to the right (center bears North 89°54'07" West and the long chord bears South 09°20'04" West 78.79 feet with a central angle of 12°37'57");

thence South 15°39'03" West 63.32 feet;

thence southerly 90.45 feet along the arc of a 351.19-foot radius non-tangent curve to the left (center bears South 72°42'17" East and the long chord bears South 09°20'04" West 90.20 feet with a central angle of 14°45'26");

thence southwesterly 98.79 feet along the arc of a 101.00-foot radius curve to the right (center bears North 67°27'43" West and the long chord bears South 30°33'37" West 94.90 feet with a central angle of 56°02'39") to the point of beginning.

Contains: 1,013,205 square feet or 23.260 acres.

ENSIGN

THE STANDARD IN ENGINEERING

LAYTON

919 North 400 West
Layton, UT 84041
Phone: 801.547.1100

SANDY

Phone: 801.255.0529

TOOELE

Phone: 435.843.3590

CEDAR CITY

Phone: 435.865.1453

RICHFIELD

Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:

WESLEY NELSON FARMS
2352 SOUTH HIGHWAY 89-91
LOGAN, UTAH 84321

CONTACT:

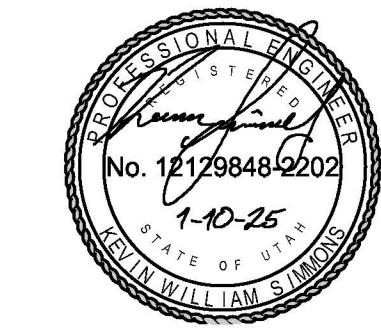
AL BINGHAM, PRESIDENT
PHONE: 801-243-7800

WESLEY NELSON FARMS

TOWNHOMES - PRELIMINARY PLAT

2352 SOUTH HIGHWAY 89-91

NIBLEY, UTAH



PRELIMINARY
OVERALL DEVELOPMENT
SITE PLAN

PROJECT NUMBER
9196

PRINT DATE
2025-01-10

PROJECT MANAGER
T. WILLIAMS

DESIGNED BY
K. SIMMONS

C-002

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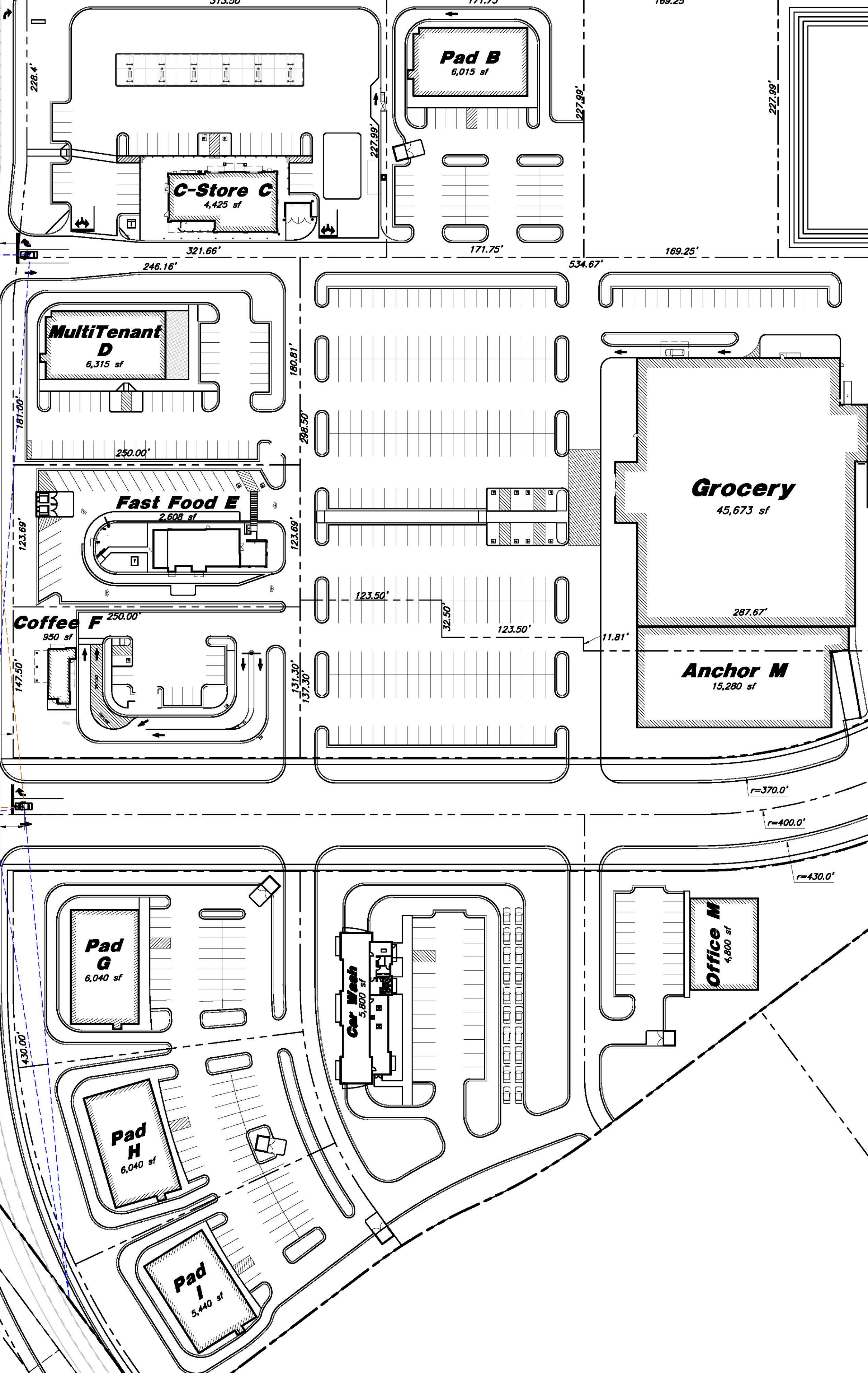
Scale: 1" = 60'

SPEED
LIMIT
25

2600 South Street

Heritage Dr

NIBLEY AVE PARK



Designed by: SY
Drafted by: SR
Client Name:
Bill Goskill
21-144 CSP-H

ANNA
2010 North Redwood Road, Salt Lake City, Utah 84116
(801) 521-8529 - ANNAengineering.net

Conceptual Site Plan

Nibley Utah

US Highway 89 & 2600 South Street
Nibley, Utah

8 Feb, 2024

SHEET NO.

H

NOTE:
This plan has been prepared without benefit of a complete survey. This plan has also been prepared without a full review of City Ordinances and requirements. It is conceptual in nature and no guarantee of its accuracy or compliance with City codes is implied.

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Agenda Item #15

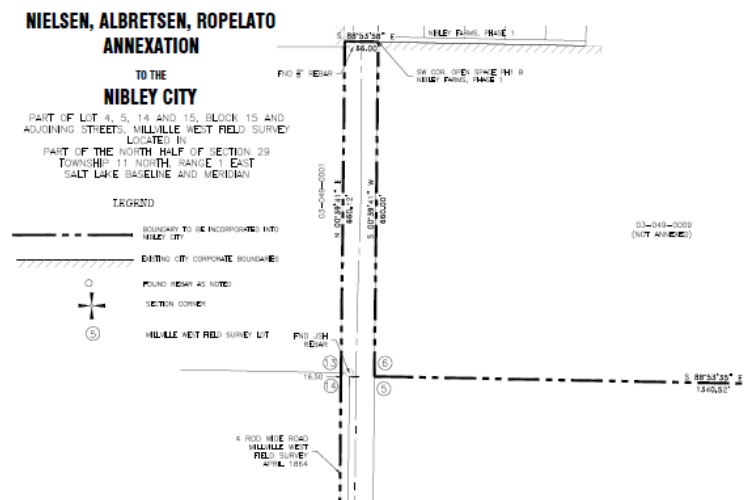
Description	Discussion & Consideration: Ordinance 25-11—Annexation and Zoning Assignment of Parcel 03-049-0010, 03-049-0012 and 03-049-0013, Located at Approximately 3601 S 1200 W. Containing 53.55 Acres and Assigning Zoning of R-2A (Residential) to Parcels 03-449-0010 and 03-049-0011 and R-M (Mixed Residential) to Parcel 03-049-0013 (First Reading)
Presenter	Levi Roberts, City Planner
Staff Recommendation	Approval of Ordinance 25-11—Annexation and Zoning Assignment of Parcel 03-049-0010, 03-049-0012 and 03-049-0013, Located at Approximately 3601 S 1200 W. Containing 53.55 Acres and Assigning Zoning of R-2A (Residential) to Parcels 03-449-0010 and 03-049-0011 and R-M (Mixed Residential) to Parcel 03-049-0013
Planning Commission Recommendation	Recommend approval of Zone designation for Parcels 03-049-0010, 03-049-0011 and 03-049-0013 to Residential (R-2A), in conjunction with proposed annexation
Reviewed By	Larry Jacobsen, Mayor Justin Maughan, City Manager Levi Roberts, City Planner Planning Commission

Background:

Dan Larsen, representative of Kartchner Homes, filed an annexation petition to annex parcel 03-049-0010, 03-049-0011, and 03-049-0013, located at approximately 3600 South 1500 West, which contains 52.29 acres into Nibley City. All three affected property owners have also signed the petition. The area is within the City's annexation declaration boundary of the annexation policy plan. The annexation would be contiguous with existing City boundaries. It would create an unincorporated island, as defined by UCA 10-2-401(1)(l). This is allowed by State Code provided that the county and municipality have otherwise agreed. The Cache County Council will consider this request at their March 11 meeting, prior to the Nibley City Council consideration.

One consideration for this request is that it includes a proposal to annex a portion of the 1500 West Right-of-Way (660' in length) beyond the annexation boundaries along an unincorporated property that would bridge a gap between existing City boundaries and the proposed annexation area. Previously, the applicant proposed to annex the area while leaving this unincorporated peninsula and the jurisdiction of the road with Cache County. Cache County expressed concerns with the maintenance of this section road that would lead to Nibley City development and ultimately did not approve the

peninsula. Staff recommends considering the amended boundary with 1500 W. This would resolve Cache County's concerns as maintenance of the road would fall on Nibley City and would simplify utility extensions to this area as they would be in the City's jurisdiction.



Zoning Request

In conjunction with the annexation petition, the applicant has requested the following zoning for the property:

- R-2A (Residential) for Parcels 03-0049-0010 and 03-049-0011, located at 3600 S between 1200 W and 1500 W
- R-M (Mixed Residential) for Parcel 03-049-0013, located at approximately 3701 S 1200 W

General Plan Guidance and Staff Analysis

The Future Land Use Map, an appendix to the general plan, designates the area which includes Parcel 03-049-0013 as 'Commercial and Medium to High Density Residential'. The R-M zone, which allows a mix of uses and residential density up to 10 units per net developable acre would support this future land use designation.

The Future Land Use Map designates Parcels 03-0049-0010 and 03-049-0011 as 'Medium Density Residential'. The R-2A zone, with a base minimum lot size of 12,000 sq ft and an average lot size of 14,000 sq ft would support this future land use designation.

The designated area of Commercial and Medium to High Density Residential was planned as a transition area between the medium density residential area to the north and the planned industrial area to the south, which is generally planned for between 4400 S and 4000 S. Other than the existing Nibley Farms Subdivision to the north, the current land uses in this area are characterized by agricultural uses.

Other provisions of the General Plan related to this request include:

- *Land Use Goal 1: Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term.*
- *Land Use Goal 2: Guide land use and growth decisions through application of the General Plan, the Future Land Use Map, and relevant goals, principles, and projects.*
- *Residential Development and Housing Goal 1: Ensure that new residential development is compatible with existing development and protects Nibley's rural character and natural resources.*

In addition, Strategy 4 of the adopted Moderate-Income Housing Plan, an appendix to the General Plan is "Rezone for densities necessary to facilitate the production of moderate-income housing," with a specific benchmark to consider additional areas in which the R-M zone could apply.

Based upon the context of the site and the guidance provided in the Future Land-Use Map and goals of the general plan, Staff has determined that this application is in support of the General Plan and the Future Annexation Policy Plan.

Planning Commission Recommendation

The Planning Commission recommended approval of Zone designation for Parcels 03-049-0010, 03-049-0011 and 03-049-0013 to Residential (R-2A), in conjunction with proposed annexation, which differs from the applicant's proposal. The Planning Commission expressed concerns with the existing R-M zone standards and are currently reviewing and considering updates to those standards.

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ORDINANCE 25-11

ANNEXATION AND ZONING ASSIGNMENT OF PARCEL 03-049-0010, 03-049-0011 AND 03-049-0013 LOCATED AT APPROXIMATELY 3601 S 1200 W, CONTAINING 53.55 ACRES AND ASSIGNING ZONING OF R-2A (RESIDENTIAL)

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

1. The attached Annexation Petition, with the following legal description, be approved to annex into the City:

Part of Lot 4, 5, 14 and 15, Block 15 and adjoining streets, Millville West Field Survey located in the North Half of Section 29, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows: Commencing at the West Quarter Corner of Section 20, Township 1 East of the Salt Lake Baseline and Meridian monumented with an Aluminum Cap (East Quarter Corner of said Section 20 monumented with a Brass Cap bears N 89°55'25" E 5306.65 feet) thence N 89°55'25" E 2183.73 feet E 5306.65 feet) thence N 89°55'25" E 2183.73 feet E 2183.73 feet along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 6 recorded in the Cache County Recorder's Office under Entry No. 1322379 on June 21, 2022 and the POINT OF BEGINNING and running thence S 88°55'24" E 701.51 feet along the south line of said Nibley Farms, Phase 6 and its projection thereof to the east right of way line of 1200 East Street; thence along said east right of way line the next three courses: thence S 00°32'23" W 18.15 feet; thence 736.21 feet along a curve to the left, with a central angle of 01°30'33", a radius of 27950.50 feet, and a chord that bears S 00°12'53" E 736.19 feet; thence S 00°58'10" E 585.07 feet; thence N 89°13'34" W 1312.59 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar ; rebar ; thence N 00°28'04" E 678.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey; thence N 88°52'50" W 819.40 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thereof; thence N 00°31'03" E 667.65 feet (North 660 feet, By Record); thence N 00°39'41" E 660.12 feet (North 660 feet, By Record); E 660.12 feet (North 660 feet, By Record); thence S 88°53'58" E 66.00 feet to the Southwest Corner of E 66.00 feet to the Southwest Corner of Open Space PH1 B, Nibley Farms, Phase 1 recorded in the Cache County Recorder's Office under Entry No. 1247073 on May 20, 2020; thence S 00°39'41" W 660.00 feet; W 660.00 feet; thence S 88°53'35" E 1340.52 feet to the point of beginning, containing 53.55 acres, more or less.

2. Parcel 03-049-0010, Parcel 03-049-0013 and 03-049-0011 shall be assigned the zone as R-2A (Residential).

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2025.

Larry Jacobsen, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

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ANNEXATION PETITION

Contact Sponsor:

Dan Larsen

601 west 1700 South

Logan Ut, 84321

435-755-7080

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

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thence S 00°58'10" E 585.07 feet;
thence N 89°13'34" W 1312.59 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar;
thence N 00°28'04" E 678.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey;
thence N 88°52'50" W 802.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its projection thereof;
thence N 00°31'03" E 667.78 feet (North 660 feet, By Record);
thence S 88°53'35" E 1390.02 feet to the point of beginning, containing 52.292 acres, more or less.

Signatures of property owners in the Annexation boundary

Notice:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.
- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Nibley City. If you choose to withdraw your signature, you shall do so no later than 30 days Nibley City receives notice that the petition has been certified.

Parcel # 03-049-0010

K Holdings LLC

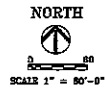


Parcel # 03-049-0011

Bruce W Albresten and Connie Albersten Revocable living Trust

Parcel # 03-049-0013

Bob Matthew & Melynda Ropeleto

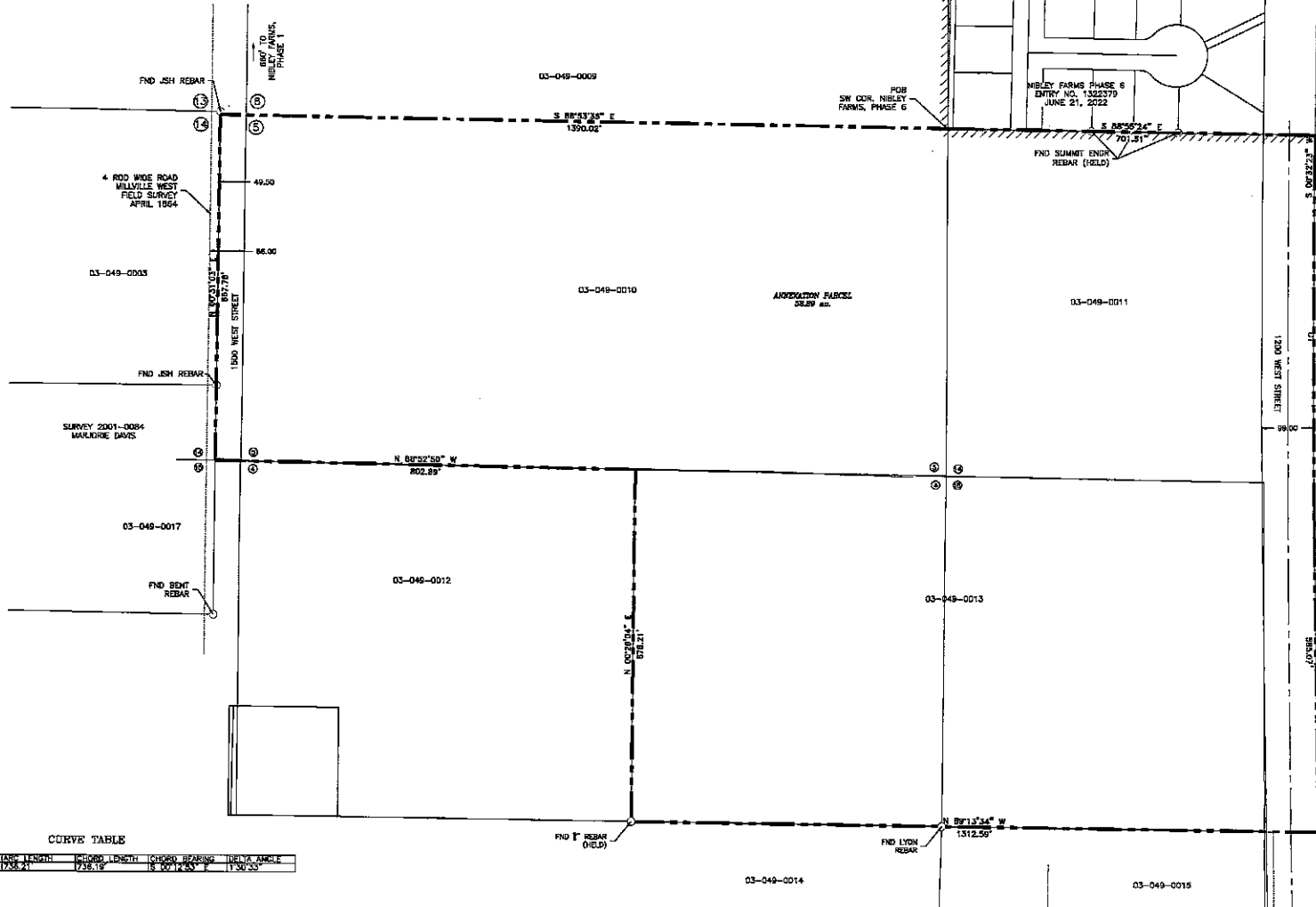


LEGEND

- BOUNDARY TO BE INCORPORATED INTO PROVIDENCE CITY
- EXISTING CITY CORPORATE BOUNDARIES
- FOUND REBAR AS NOTED
- SECTION CORNER
- MILLVILLE WEST FIELD SURVEY LOT

NIELSEN, ALBRETSSEN, ROPELATO ANNEXATION

TO THE
NIBLEY CITY
PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY
LOCATED IN
PART OF THE NORTHWEST QUARTER OF SECTION 29
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN



ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE NIBLEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWING THE PETITIONER REQUESTING THAT SAID TRACT BE ANNEXED TO NIBLEY CITY, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTION 2-403, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____.

RECORDED
APPROVED: _____ MAYOR

DEPUTY COUNTY SURVEYOR APPROVAL

I certify that I have examined this plat and find it to be correct and in accordance with information on file in this office.

Date _____ Deputy County Surveyor

SURVEYOR'S CERTIFICATE

I, BRIAN C. LYON, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO NIBLEY CITY, CACHIE COUNTY, UTAH.



BOUNDARY CERTIFICATE

Part of Lot 4, 5, 14 and 15, Block 15, Millville West Field Survey located in the Northwest Quarter of Section 29, Township 11 North, Range 1 East of the Salt Lake Base and Meridian described as follows:

Commencing at the West Quarter Corner of Section 20, Township 1 East of the Salt Lake Base and Meridian monumented with an Aluminum Cap (East Quarter Corner of said Section 20 monumented with a Iron Cap bears N 08°52'25" E 5306.65 feet) thence N 89°52'25" E 2163.70 feet along the Quarter Section line; thence South 3852.35 feet to the Southwest Corner of Nibley Farms, Phase 6 recorded in the Cache County Recorder's Office under Entry No. 1322379 on June 21, 2022 and the POINT OF BEGINNING and running thence S 89°52'25" E 701.51 feet along the south line of Nibley Farms, Phase 6 and its extension thereof to the west right of way line of 1200 East Street; thence along said east right of way line the next three courses thence S 00°32'23" W 123.51 feet; thence S 228.40 feet along a curve to the left, with a central angle of 01°32'33", a radius of 19860.80 feet, and a chord that bears S 00°12'03" E 325.48 feet; thence S 07°58'10" E 890.64 feet; thence N 08°17'04" W 1312.59 feet along the south line of Parcel 03-049-0013 to a 5/8" rebar; thence N 00°28'04" E 676.21 feet along the west line of Parcel 03-049-0013 to the south line of Lot 5, Block 15, Millville West Field Survey; thence N 89°52'25" W 883.89 feet along the south line of Lot 5, Block 15, Millville West Field Survey and its extension thence; thence N 00°31'33" E 587.78 feet (North 680 feet, By Record); thence S 89°52'25" E 1393.02 feet to the point of beginning, containing 52.286 acres, more or less.

NIELSEN, ALBRETSSEN, ROPELATO ANNEXATION

TO THE
NIBLEY CITY
PART OF LOT 4, 5, 14 AND 15, BLOCK 15, MILLVILLE WEST FIELD SURVEY
LOCATED IN
PART OF THE NORTHWEST QUARTER OF SECTION 29
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASELINE AND MERIDIAN

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435) 755-5121

DATE AUG-2024

ANNEXATION PETITION

Contact Sponsor:

Dan Larsen

601 west 1700 South

Logan Ut, 84321

435-755-7080

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Parcel # 03-049-0010
K Holdings LLC

Parcel # 03-049-0011
Bruce W Albreten and Connie Albreten Revocable living Trust
Albreten Connie C Albreten

Judy Andraesen Successor Trustee for Trust (daughter)

Parcel # 03-049-0013
Bob Matthew & Melynda Ropeleto

ANNEXATION PETITION

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Dan Larsen
601 west 1700 South
Logan Ut, 84321
435-755-7080

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K Holdings LLC

Parcel # 03-049-0011
Bruce W Albresten and Connie Albersten Revocable living Trust

Parcel # 03-049-0013
Bob Matthew & Melynda Ropeleto

Melynda Ropeleto

10/17/2024, 04:19:10 PM MDT

Application Review Status

Final-Review

Not Reviewed

Date Submitted

09/23/2024

Fees		Payments		
General	\$400.00	09/23/2024	Online	\$400.00
Subtotal	\$400.00	Total Paid		\$412.80
Processing Fee	\$12.80			
Total	\$412.80			
Amount Paid	\$412.80			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Surveyed Plat and Legal Description

- Nibley SW Annex legal.docx
- NIBLEY ANNEXATION 9-12-24 V2 KartchConceptv2-annex.pdf

Cache County Tax I.D. Number(s) proposed to be annexed
03-049-0013, 03-049-0011, 03-049-0010

Are you the owner of all properties associated with this annexation?
no

Address or General Location of the proposed annexation.
1500 west 3600 south

Copy of notice sent to affected entities

Notice of Annexation petition.docx

List all entities to which the required notice was sent.

Cache County, Cache County School District, Cache Mosquito District, Nibley/Millville Cemetery, CVTD, Nibley City

Proposed Land Use(s) and Residential Densities (if applicable)

Follow the city Future Land Use Plan

Please indicate which zone designation(s) you propose for the annexation area (check all that apply)

R-2A Residential, R-M Residential High Density

Acreage of proposed annexation area

52.292

Existing Land Use(s)

Agriculture

Describe how you propose to provide utilities to the site (Sewer, water, drainage, other).

Sewer and water to be connected to line from the north. Drainage to be held onsite.

Petitioner First Name

Dan

Petitioner Last Name

Larsen

Phone

(435) 755-7080

Email

DanLarsen@kartchner.com

Prior to submitting this application, Have you filed an Annexation Request with Cache County?

yes

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed. I understand that this petition/application, if approved, applies only to the land use and is not approval or assurance of compliance with any other City regulation, code, or ordinance. Any information, technical assistance, or review comments by any City official are intended solely as informal guidance, and are neither a determination of compliance nor binding on the City.

With my signature, I give consent to receive service of process at the email listed on this application.

Electronically Signed

Dan Larsen - 09/23/2024 2:42 pm

Messages

09/23/2024 14:55 pm - Levi Roberts

Dan,

Prior to accepting this petition, we will need to receive a certificate that the County has mailed out required notices as required by UCA 10-2-402(2)(b).

Levi Roberts, Nibley City Planner

Comments:

09/23/2024 14:57 pm - Applicant

Perfect, That was to be expected. Thanks for your Help with this Levi.

09/23/2024 15:00 pm - Levi Roberts

No problem. Also, can you please clarify your zoning request? Are you asking for R-2A in a portion and R-M in another portion or are you asking for either designation to be considered? As we discussed the R-M designation would also require a code change expanding the eligibility map, since this area isn't included as an eligible rezone area.

09/24/2024 9:18 am - Applicant

The North Parcels 03-049-0010 and 03-049-0011 would be the area for the R2-a. The south parcel 03-049-0013 would be the RM. We'd like to follow the cities future land use plan. If there is another High density zone that would be more applicable let us know. What zone would the city like to see in the Medium and High density area? I don't think commercial is viable in this area.

09/24/2024 10:27 am - Levi Roberts

Thanks for clarifying. There is no specific zone for this area, but I would generally agree that what you describe would be in support of the future land use map.

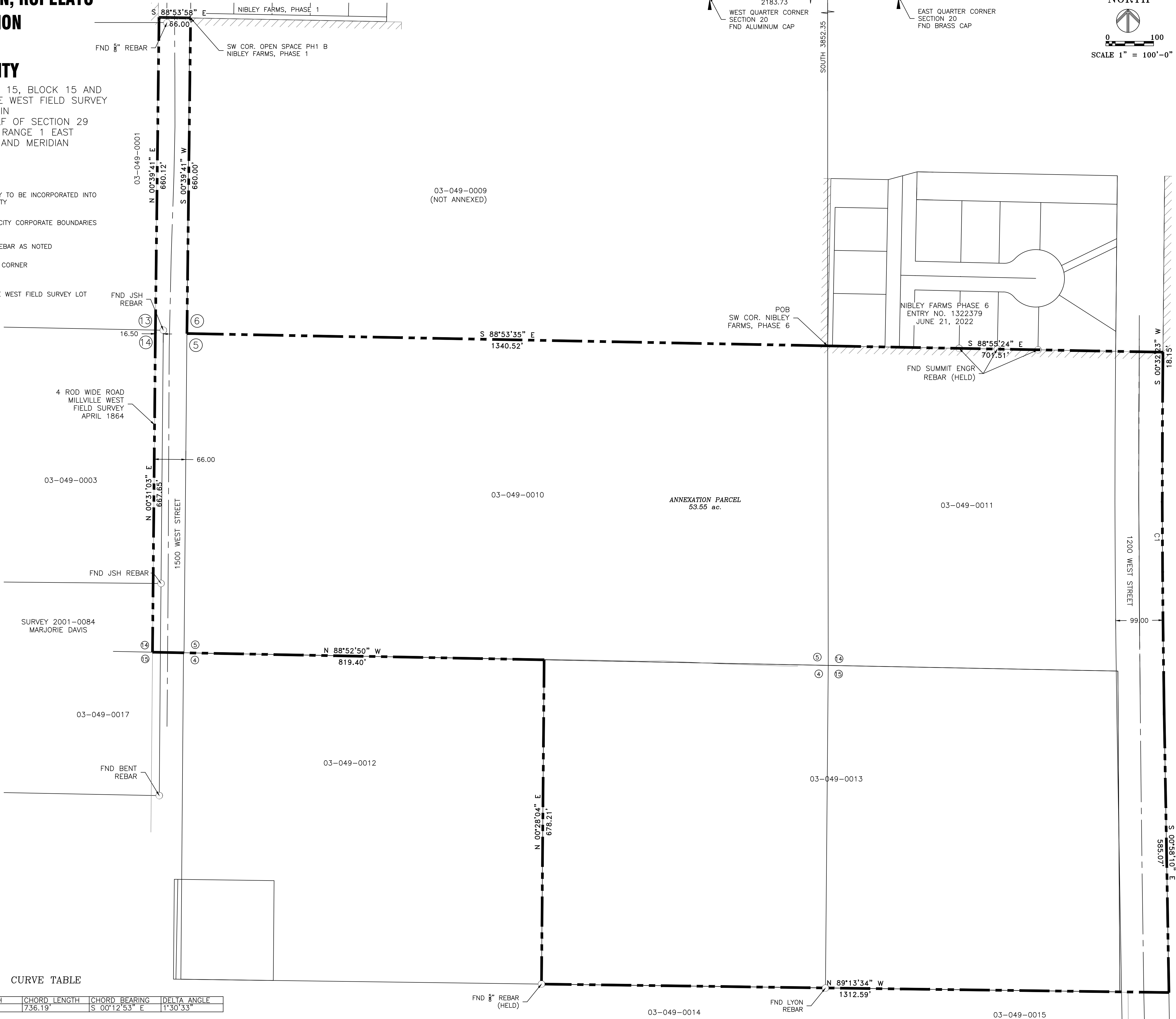
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NIELSEN, ALBRETSSEN, ROPELATO
ANNEXATION

TO THE
NIBLEY CITY
 PART OF LOT 4, 5, 14 AND 15, BLOCK 15 AND
 ADJOINING STREETS, MILLVILLE WEST FIELD SURVEY
 LOCATED IN
 PART OF THE NORTH HALF OF SECTION 29
 TOWNSHIP 11 NORTH, RANGE 1 EAST
 SALT LAKE BASELINE AND MERIDIAN

LEGEND

- BOUNDARY TO BE INCORPORATED INTO NIBLEY CITY
 --- EXISTING CITY CORPORATE BOUNDARIES
 ○ FOUND REBAR AS NOTED
 ⊕ SECTION CORNER
 ⑤ MILLVILLE WEST FIELD SURVEY LOT



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	27950.50'	736.21'	736.19'	S 00°12'53\"	1°30'33\"

ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT WE, THE NIBLEY CITY COUNCIL, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO NIBLEY CITY, AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH CODE SECTION 10-2-403, AND THAT WE HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 20____.

 RECORDER
 APPROVED: _____
 MAYOR

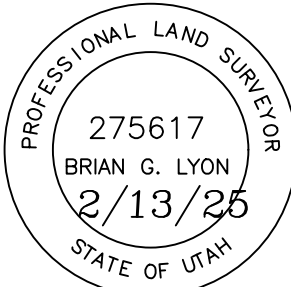
DEPUTY COUNTY SURVEYOR APPROVAL

This plat has been reviewed by the county surveyor's office and is hereby approved as a final local entity plat, pursuant to Utah Code Annotated 17-23-20.

Date _____ Deputy County Surveyor _____

SURVEYOR'S CERTIFICATE

I, BRIAN G. LYON, HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE MAP OF THE TRACT OF LAND TO BE ANNEXED TO NIBLEY CITY, CACHE COUNTY, UTAH.



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NIELSEN, ALBRETSSEN, ROPELATO
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 LOCATED IN
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 SALT LAKE BASELINE AND MERIDIAN



ALLIANCE CONSULTING
 ENGINEERS

150 EAST 200 NORTH SUITE P
 LOGAN, UTAH 84321
 (435) 755-5121

DATE FEB-2025

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