



NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, October 10, 2019 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Beus)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. A Presentation from CAPSA regarding Domestic Violence Awareness Month
7. Discussion regarding a sidewalk on 640 West
8. Discussion and Consideration of Resolution 19-12: The Addition of a Moderate-Income Housing Plan to Nibley City's General Plan (Second Reading)
9. Discussion and Consideration of Ordinance 19-16: An Update to Nibley City Code 19.32: R-PUD Town Center (Second Reading)
10. Discussion and Consideration of the proposed Nibley Farms Subdivision Preliminary Plat, a 32.49-acre Rural Preservation Subdivision located between 1200 West and 1500 West at 3400 South
11. Council and Staff Reports

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.

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.



**Nibley City Council
Agenda Report for
October 10, 2019**

Agenda Item #6

Description	Presentation by CAPSA
Department	City Council
Presenter	Bryce Lancaster, CAPSA's Prevention Department
Recommendation	Receive the report and provide comments
Reviewed By	Mayor, City Manager, Deputy Recorder

Background

Bryce Lancaster from the CAPSA Prevention Department will make a brief presentation regarding services provided by CAPSA and Domestic Violence Awareness month.

Agenda Item #7

Description	Discussion Regarding a sidewalk on 640 West
Department	Public Works
Presenter	Justin Maughan, Public Works Director
Recommendation	Receive the staff presentation and provide direction to staff.
Reviewed By	Mayor, City Manager, Public Works Director, City Engineer, City Planner, City Attorney, and Contracted Surveyor

Background:

During the last Council meeting where this item was discussed, on July 25, 2019, staff was directed to attempt to redesign a solution that might move the proposed 640 West sidewalk farther away from residents' houses. Staff members and the mayor have been working on that plan and believe they have developed a plan that is feasible. That plan has been reviewed with residents and it appears that the residents are much more supportive of this new approach.

Although staff have concerns about deviating from city-adopted cross sections or master plans, the most significant concern staff members have in moving the sidewalk farther from the line where the City believes the public right-of-way (ROW) is located is the potential for loss of that property that is being disputed by the homeowners. After discussing the issue with the City's Attorney and surveyor, staff's recommendation is that, if the City were to move the sidewalk away from the location where the City believes it has ROW, the City should write a letter that states that the City believe the ROW is where the City had it surveyed, but that the City has moved the sidewalk for our convenience at this time and that we reserve the right to move the sidewalk in the future if that becomes necessary. That letter would be delivered to the residents and the letter would be recorded with the County Recorder for each of the affected properties. The City attorney believes this action would protect the City's interests should the City need to widen the road and move the sidewalk in the future.

The new design that has been drawn for the sidewalk would put it approximately 10 feet west of the edge of the existing asphalt, and would include a 5-foot wide sidewalk. This puts the sidewalk very close to where the resident's surveyor believes the ROW line is located.

If the sidewalk were constructed in this location, the City would have to reconstruct the existing irrigation ditch behind the sidewalk. The City has shared the plans with the Canal company and they have approved the plan.

Staff have spoken to most of the property owners at this writing, and should have spoken to the rest of them by the Council meeting. The residents who have previously shown the most concern about the previous plan have agreed with the new plan.

The estimated cost for construction would be \$180,000.00

Previous Background provided for July 25, 2019 Meeting

The Nibley City transportation plan calls for a ten-foot-wide shared use path to be built along 640 West to eventually connect between 3200 South and 4000 South and/or for a sidewalk to be built in this location. The first portion of this project proposed to be constructed is from 3200 South to approximately 3400 South, where it would connect to the Scott Farms subdivision. The reason for needing this first segment would be to improve the safety of pedestrians traveling between that subdivision and 3200 South, especially children walking to and from Heritage Elementary School. No school busing services are provided between that neighborhood and Heritage Elementary School. In addition, the school bus for the middle school drops off students at approximately 3300 S 640 W, and those students have to walk south to Scott Farms or north to 3200 S. The City approached the school district about providing busing for elementary students to Scott Farms. However, the district responded that the neighborhood is too close to the school to provide buses.

In reviewing the city-owned right-of-way (ROW) along 640 West, the City contracted with JUB Engineers to survey the ROW. In completing that survey, the surveyor placed stakes to mark the boundary lines between city-owned ROW and the private property of residents along the road. After placing the stakes, residents along the road became concerned about how close the stakes were to their homes because they believed the property line was further away from their homes. One of the property owners hired a different surveyor, who gave his opinion that the property line was 14.5 feet farther away from the homes, as the residents believed.

The City's position is that the resident's survey is incorrect. The City believes that the resident's surveyor erred in that he is either misinterpreting a deed from 1883 that deeded 66 feet as road ROW, or he believes that portions of that 66-foot ROW have been lost by the City to either the railroad or the residents. The opinion of City staff is that road ROW cannot be lost and that the

only way it could change hands would be if it had been purposely transferred to another owner through a formal abandonment process. No evidence of abandonment of the ROW has been produced.

In addition to this recent survey conducted by Nibley City, JUB engineers has identified at least 8 other surveys conducted in this area since 1906 that all indicate the ROW line as indicated on Nibley's most recent survey. However, for some reason, it appears that when at least four of the houses on 640 were constructed, they were placed according to an incorrect survey. Therefore, the City believes their homes are closer to the ROW line than the residents thought they were. The closest of these homes is approximately 20 feet from the City's ROW line, which is already less than the required 30-foot setback. However, the residents believe that they are approximately 35 feet back from where they think the ROW line is.

The City held a meeting with 640 West residents on July 10 at City Hall. Mayor Dustin, Councilman Larsen and City staff members attended that meeting, along with approximately a dozen residents.

Staff would like direction from the City Council on a few questions:

1. Would the City Council like to take a position on the conflict between the surveys by accepting one of the surveys as correct?
 - a. If the Council accepts the City's survey as correct, the city could then proceed with the construction project according to the usual city standards for placing sidewalks. If the City were to do that, there is the potential that residents could sue the City and ask a judge to determine if their survey is correct.
 - b. The staff opinion is that, if the City wanted to simply accept the resident's survey, that would entail abandoning ROW that is currently owned by the City, in which case the City should follow a legal process for abandonment to clarify that the City doesn't own the disputed area. This process would include a public hearing and other legal steps to dispose of the city-owned property.
2. Would the Council like to direct staff to seek a resolution to the conflicting surveys? The most likely method to resolve the conflict would be to petition the First District Court and ask a judge to decide which survey is correct. The City Attorney believes that the City has a very strong case and that it would prevail in court.
 - a. If the City were to not seek a resolution to the conflict, another option would be to build the sidewalk outside of the disputed area.
3. Would the City Council like to give direction to construct the trail in one of several potential locations? This might include a variety of options, each of which has different costs and impacts, such as canal relocation or piping, stormwater handling, and shifting of travel lanes. Three potential location options are listed below:

- a. To proceed with construction of the trail in the disputed area,
- b. To construct the trail partially in the disputed area, or

To construct the trail in the City's ROW, but outside of the disputed area. This could be either between the disputed area and the current asphalt, or between the current asphalt and the railroad tracks.

Agenda Item #8

Description	Discussion and Consideration of Resolution 19-12: The Addition of a Moderate-Income Housing Plan to the Nibley City General Plan (Second Reading)
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Move to approve Resolution 19-12: The Addition of a Moderate-Income Housing Plan to the Nibley City General Plan
Reviewed By	City Manager, City Planner, Planning Commission

Background

This year, the State Legislature passed a bill requiring all municipalities that meet a specific size to update their Moderate Income Housing Plan as part of their General Plan. These Cities would need to adopt this update by December 1, 2019. Since Nibley City is located within a County of the third class and has a population of over 5,000 people, Nibley City is required to do this as well. The bill requires that the City will pursue and plan for three out of twenty-four options as listed in the law.

Full Bill: [S.B. 34 Affordable Housing Modifications](#)

10-9a-401. General plan required -- Content.

a) The general plan of a municipality, other than a town, shall plan for moderate income housing growth.

(b) On or before December 1, 2019, each of the following that have a general plan that does not comply with Subsection(3)(a) shall amend the general plan to comply with Subsection(3)(a):

(i) a city of the first, second, third, or fourth class;

(ii) a city of the fifth class with a population of 5,000 or more, if the city is located within a county of the first, second, or third class; and

(iii) a metro township with a population of 5,000 or more.

(c) The population figures described in Subsections(3)(b)(ii)and(iii)shall be derived from:

(i) the most recent official census or census estimate of the United States Census Bureau; or

(ii) if a population figure is not available under Subsection(3)(c)(i), an estimate of the Utah Population Committee.

What is Moderate Income Housing and Affordable Housing?

Housing is considered affordable when households, regardless of their income, spend no more than 30% of their monthly income on housing expenses. Therefore, the cost-burdened household is that household whose housing expenses exceed 30% of their monthly income.

Moderate Income Housing is based on the Area Median Income (AMI). Below is the Cache County's Area Median Income

	2009 American Community Survey	2017 American Community Survey	Annual Growth Rate (Slope)	2024 Projection	Difference between 2017 and 2024
Median HOUSEHOLD income (ACS Table B19019)	\$0	\$53,812	\$3,925	\$68,000	\$ 14,188

The Moderate-Income Housing Plan should contain how Nibley City will address the future growth and provide affordable housing for those making 30%, 50%, and 80% of the AMI.

The following highlighted sections are the four proposed requirements included in the recommended plan.

10-9a-403. General plan preparation.

(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing for residents of various income levels, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element that:

(A) provides the general location and extent of existing and proposed freeways, arterial and collector streets, public transit, active transportation facilities, and other modes of transportation that the planning commission considers appropriate;

(B) for a municipality that has access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development around major transit investment corridors to maintain and improve the connections between housing, employment, education, recreation, and commerce;

(C) for a municipality that does not have access to a major transit investment corridor, addresses the municipality's plan for residential and commercial development in areas that will maintain and improve the connections between housing, transportation, employment, education, recreation, and commerce; and

(D) correlates with the population projections, the employment projections, and the proposed land use element of the general plan; and

(iii) for a municipality described in Subsection 10-9a-401(3)(b), a plan that provides a realistic opportunity to meet the need for additional moderate income housing.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people of various income levels living, working, or desiring to live or

work in the community; and

(B) to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;

(ii) for a town, may include, and for other municipalities, shall include, an analysis of how the municipality will provide a realistic opportunity for the development of moderate income housing within the next five years;

(iii) for a town, may include, and for other municipalities, shall include, a recommendation to implement three or more of the following strategies:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) facilitate the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city;

(E) create or allow for, and reduce regulations related to, accessory dwelling units in residential zones;

(F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers;

(G) encourage higher density or moderate income residential development near major transit investment corridors;

(H) eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;

(I) allow for single room occupancy developments;

(J) implement zoning incentives for low to moderate income units in new developments;

(K) utilize strategies that preserve subsidized low to moderate income units on a long-term basis;

(L) preserve existing moderate income housing;

(M) reduce impact fees, as defined in Section 11-36a-102, related to low and moderate income housing;

(N) participate in a community land trust program for low or moderate income housing;

(O) implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality;

(P) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing;

(Q) apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity;

(R) apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services;

(S) apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;

(T) apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create moderate income housing;

(U) apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance;

(V) utilize a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency; and

(W) any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income; and

(iv) in addition to the recommendations required under Subsection(2)(b)(iii), for a municipality that has a fixed guideway public transit station, shall include a recommendation to implement the strategies described in Subsection(2)(b)(iii)(G)or(H).

RESOLUTION 19-12

A RESOLUTION ESTABLISHING AN AMENDMENT TO THE NIBLEY CITY GENERAL PLAN: ADDING THE NIBLEY CITY MODERATE INCOME HOUSING PLAN 2019

WHEREAS, Utah law allows municipalities to create land use laws within their boundaries to benefit their residents; and

WHEREAS, Nibley City has established zoning, land use laws, standards, and requirements to help enhance the lives and property of Nibley residents; and

WHEREAS, Utah is facing an affordable housing crisis; and

WHEREAS, Nibley City's zoning codes and land use policy can help contribute to affordable housing within the area; and

WHEREAS, Utah has adopted new standards for a Moderate Income Housing Plan that require Nibley City to update the plan.

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

1. That the attached Moderate Income Housing Plan is accepted and adopted by the Nibley City Council.
2. The attached Plan is added to the Nibley City General Plan

Dated this ____ day of _____ 2019

Shaun Dustin, Mayor

ATTEST

David Zook, City Recorder



Nibley City Moderate Income Housing Plan 2019



INTRODUCTION AND OVERVIEW

Nibley City is located in southern Cache County, close to major employment areas in Logan City, and is adjacent to Highway 89/91, which serves as the primary transportation corridor to the Wasatch Front. Nibley City is also home to a young and growing population, with a median age of 23.6, and with 37% of its population 19 years old or younger (Census Bureau, 2018). Nibley City is a bedroom community with almost all of Nibley City residents traveling outside the City for employment, and most land uses in the City contain residential homes or agricultural use. Only a few areas within the City include industrial or commercial business and activities.

The City's demographics provide opportunities and some challenges for economic growth, smart housing growth, and maintaining Nibley's agricultural heritage. This plan will highlight Nibley's growing population, discuss Nibley's current housing stock, and talk about future growth and ways to allow for the building of moderate income housing.

In the Spring of 2019, the Utah State Legislature passed S.B. 34 Affordable Housing Modifications. This bill requires most cities in Utah to adopt a Moderate Income Housing Plan as Part of the General Plan by December 1, 2019. The primary sources of data were gathered from United States Census Bureau, the Utah Department of Workforce Services, and Cache County and Nibley City GIS and land use data.

This plan's conclusion includes four recommended goals, as follows:

1. Allow for and reduce regulation related to accessory dwelling units in residential zones.
2. Allow for higher density of moderate income residential developments in commercial and mixed-use zones, town center, neighborhood commercial, and other employment areas.
3. Rezone for densities necessary to assure the production of moderate income housing.
4. Partner with organizations that offer grants or additional assistance in Housing affordability.

POPULATION AND FUTURE GROWTH

Nibley City's population, as of July 1, 2018, was estimated at 7,087 people, which is a 30% increase from the 2010 population of 5,466 (Census Bureau, 2018). Nibley City's 2016 General Plan predicts that Nibley City will grow by 300% by 2060. Nibley City's population is expected to triple in the 40 years.

Census	Projections					Absolute Change 2010-2060	Percent Change 2015-2065
2010	2020	2030	2040	2050	2060		
5,438	8,796	14,136	15,725	18,597	21,905	16,467	303%

(Governor's Office of Planning & Budget, 2012 Baseline Projections)

Nibley City will continue to attract residents and businesses because of its proximity to Logan and the Highway 89/91 transportation corridor. In addition, the city has a large area proposed for future annexation in its annexation plan, around 40,000 acres, which will allow for future land development. Nibley City currently contains more than 900 acres of undeveloped property within Nibley City boundaries, most of which is in agricultural use. Growth will likely take place next to existing developments first, and then will continue to fill the undeveloped parcels within Nibley City and Nibley City's future annexation area.

Cache County and the cities surrounding Nibley are also anticipating substantial growth over the same time period. Cache County's population is expected to double in the next 45 years.

County	2015	2025	2035	2045	2055	2065	Absolute Change 2015- 2065	Percent Change 2015- 2065
Cache	121,855	146,338	171,969	195,325	212,908	234,744	112,890	93%

(Kem C. Gardner Policy Institute, The University of Utah, July 2017)

Every County in Utah is anticipated to experience some level of growth over the next 40 years. The four primary components of this population growth are:

- *Utah's total fertility rate (average number of children born to a Utah woman in her lifetime) is projected to continue the existing trend of a slow decline. From 2015-2065, rates are projected to decline from 2.32 to 2.29. These rates are projected to remain higher than national rates that move from 1.87 to 1.86 over a similar period.*
- *In 2065, life expectancy in Utah is projected to be 86.3 for women and 85.2 for men. This is an increase of approximately 4 years for women and 6 years for men. The sharper increase for men narrows the life expectancy gap traditionally seen between the sexes.*
- *Natural increase (births minus deaths) is projected to remain positive and account for two-thirds of the cumulative population increase to 2065. However, given increased life*

expectancy and declining fertility, the rate and amount of natural increase are projected to slowly decline over time.

- *Net migration accounts for one-third of the cumulative population increase to 2065. Projections show the contributions of natural increase and net migration converging over time.*

(Kem C. Gardner Policy Institute, The University of Utah, July 2017)

These anticipated factors are apparent in Cache County and will have a direct impact on projected population growth in Nibley City.

CURRENT LAND USE AND HOUSING

With the increase in population, it is essential to evaluate Nibley City's existing housing supply. The table below shows Nibley City's 2017 Housing numbers for different types of housing units. The following information and table shows the acres and percentage of Land Use within Nibley City for Agriculture and Vacant Land, Residential Land, and Commercial:

- Residential land use had the most properties and acres of land
 - 84.1% of properties were residential
 - 48.9% of total acres were residential
- Greenbelt areas were large properties
 - 3.9% of properties were greenbelt but totaled 32.7% of total acres
- There is still vacant land available for development, conservation or both
 - 11.0% of total acres were vacant
- Single family residential used the most land in residential development
 - 99.4% of residential land use was single family
- Townhomes were the second most common residential property type but uses the third least amount of land
 - 5.9% of properties were townhomes
 - Only 0.2% of residential areas are townhomes

A significant portion of Nibley was residential, but there was still a considerable portion that was available for development, such as agriculture, greenbelt, and vacant properties. Although Nibley has much room to grow, social as well as environmental impacts of developing should be considered in the context of its impact on Nibley, adjacent communities, and Cache Valley.

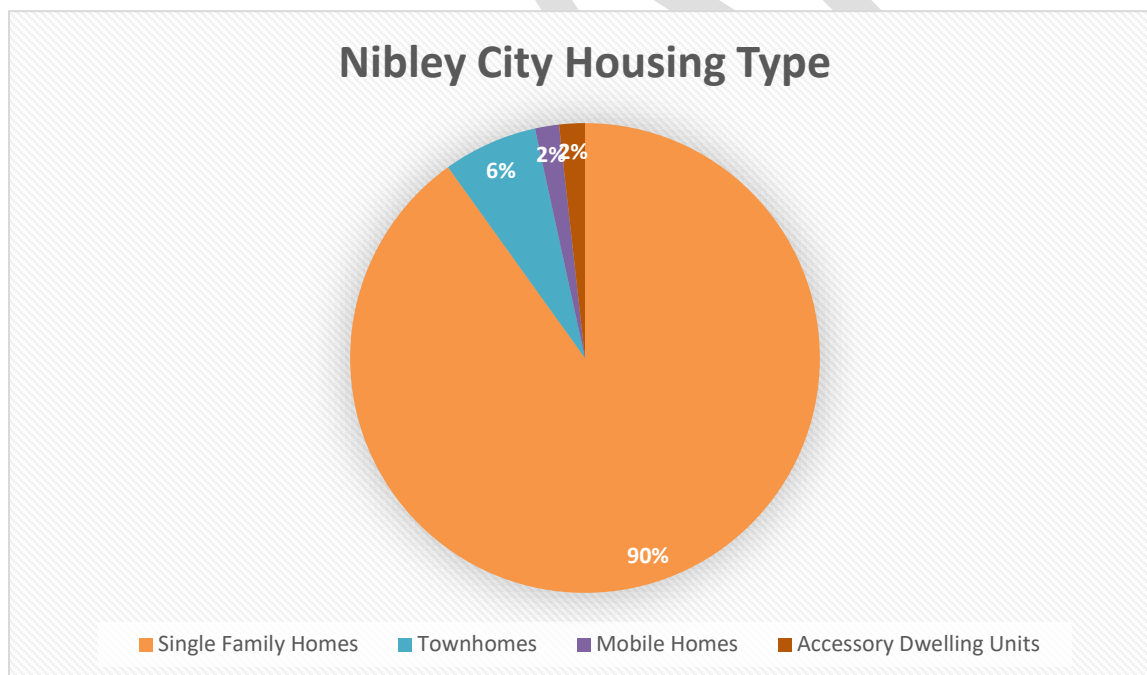
Land Use Type	Properties		Acres	
	#	%	#	%
Agriculture	21	0.9%	18.3	0.7%
Commercial	49	2.2%	168.2	6.5%
Greenbelt	88	3.9%	848.3	32.7%
Residential	1,907	84.1%	1,270.8	48.9%
Secondary	6	0.3%	4.2	0.2%
Vacant*	196	8.6%	286.7	11.0%
Total	2,267	-	2,596.5	-

2019 Cache County GIS Department

*Vacant included 196 properties that did not have property sizes. Therefore, the numbers in these tables are incomplete but still may represent general trends in land uses.

The following table and graph show the type of housing that is currently within Nibley City.

Housing Type	Number of Units in 2017
Single Family Homes	1,527
Townhomes	110
Mobile Homes	28
Accessory Dwelling Units	20-30*



(U.S. Census Bureau. Table B25001: Total housing units. American Community Survey.)

*ADU number is an estimate based on the 2016 General Plan Update.

As shown in the table and graph above, 90% of homes within Nibley City are single-family homes. Single-family homes make up the majority of developed land uses within Nibley City, and these developments range from .11 acre lots to five-acre lots. However, most single-family homes are located on one-third to one-half acre lots, with the majority of residential zoning on undeveloped parcels zoned for half-acre minimum lots.

Nibley City Residential Lots Sizes	
Average	.993 Acres
Mode	.28 Acres
Median	.38 Acres

Cache County Recorder's Office, July 2, 2019

Nibley City currently only has two housing development that are not traditional single-family homes.

SPRING CREEK CROSSING PUD: TOWNHOMES



Spring Creek Crossing townhomes first started to be developed in 2007 and contains 120 units. The last four units are anticipated to be finished in the summer of 2019. The development is located on Nibley Park Ave. in the northwest corner of town. The subdivision was approved as a Planned Unit Development. Spring Creek Crossing is the only development within Nibley City that contains townhomes.

NIBLEY MOBILE HOME PARK



This trailer park contains 28 units and is located on 2600 S at 100 W. The park is fully developed and is currently listed as a non-conforming use within Nibley City. The City does not anticipate any further expansion of the park.

HOUSING AGE

An assessment of structure age can, in some cases, reveal whether there is a need for housing rehabilitation. In Nibley, 3.4% of residential structures were built in 1959 or earlier, 13% percent were built between 1960 and 1979, and 22.6% were built between 1980 and 1999, and 61% were built in the year 2000 or later. The above numbers suggest that the majority of homes in Nibley City are relatively new and generally in good condition.

ESTIMATE OF THE EXISTING SUPPLY OF MODERATE INCOME HOUSING

Housing is considered affordable when households, regardless of their income, spend no more than 30% of their monthly income on housing expenses. Therefore, a cost-burdened household is that household whose housing expenses exceed 30% of their monthly income. Nibley City's Median Household income in the 2017 American Community Survey was at \$80,125, compared to Cache County's Area Median Income (AMI) which was at \$53,812. The projections for Nibley's Medium Household Income is that is is expected to increase to \$95,979 by 2025, while the AMI in Cache County has grown under 3% for the last several years, and the City predicts that the AMI will raise to under \$68,000 by 2025. When planning for Moderate Income and Affordable Housing, it is essential to use the AMI instead of the City's Median Household Income, since AMI is a more accurate picture of the needs of housing for the whole area.

Definitions:

- **Affordable:** housing costs are equal to or less than 30% of a household's gross monthly income
- **Available:** a housing unit that is vacant
- **Affordable and Available:** a housing unit that is both affordable and vacant, or is currently occupied by a household at or below the defined income threshold

In 2015, there were 120 moderate-income renter households at the 0-80 percent AMI threshold. There were 110 rental units that households at the 0-80 percent AMI threshold could afford. However, there were only 70 units that were both affordable and available. This means that there was a deficit of 50 affordable and available rental units for households at the 0-80 percent AMI threshold.

Renter Occupied Housing					
AMI Level	Households	Affordable Units	Surplus/Deficit of Affordable Units	Available Units	Surplus/Deficit of Available Units
≤ 30%	20	20	0	0	-20
≤ 50%	45	80	+35	10	-35
≤ 80%	120	110	-10	70	-50

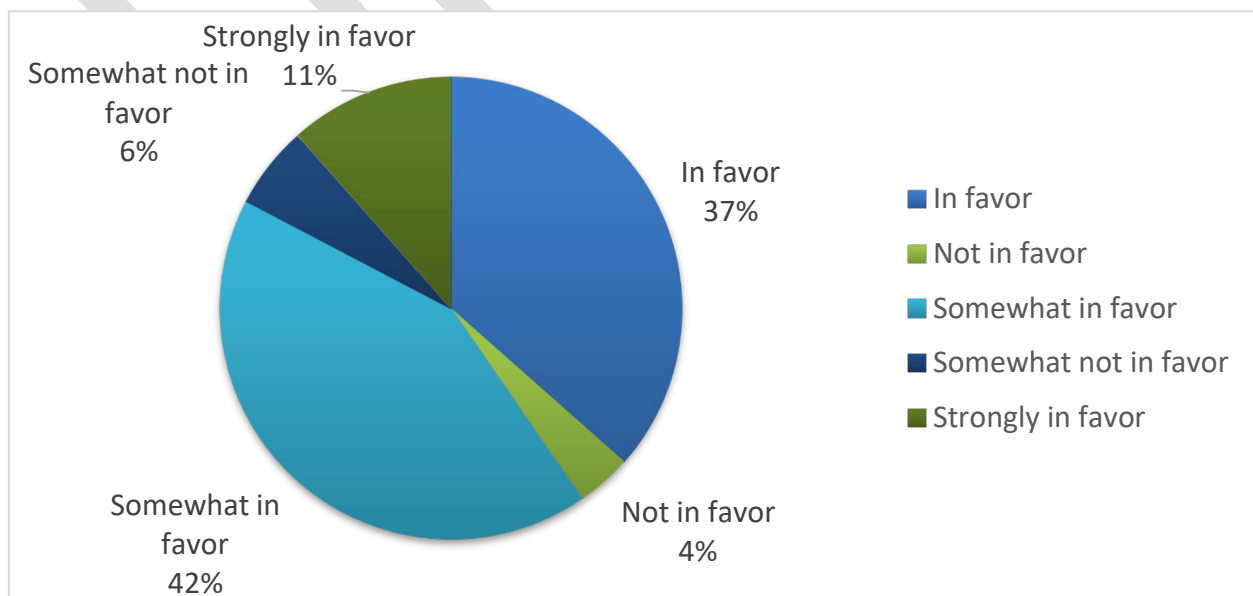
Source: Housing and Urban Development. (2018). 2011-2015 Comprehensive Housing Affordability Strategy

PUBLIC INPUT

Nibley City, in the summer of 2018, conducted a survey about future land use within Nibley City. This data was used to help Nibley City create and adopted Nibley City's 2018 Future Land Use Map. Nibley City had a total of 52 residents that participated in the survey that was conducted at a booth during Heritage Days. There were several questions regarding housing within that survey and are presented below:

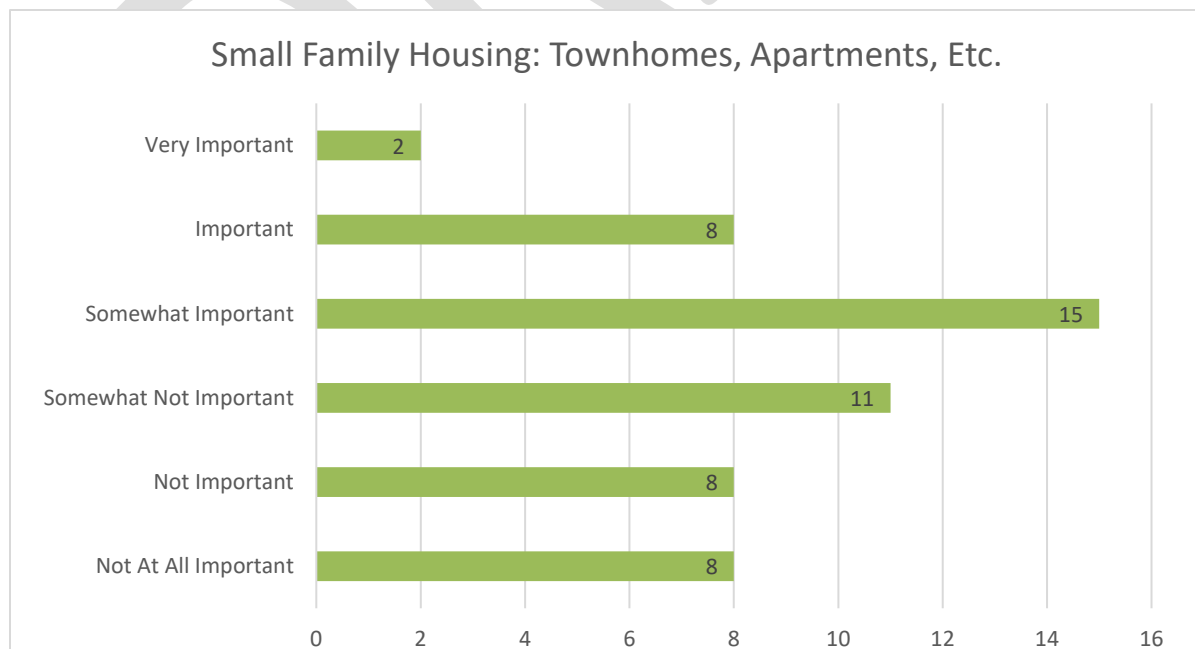
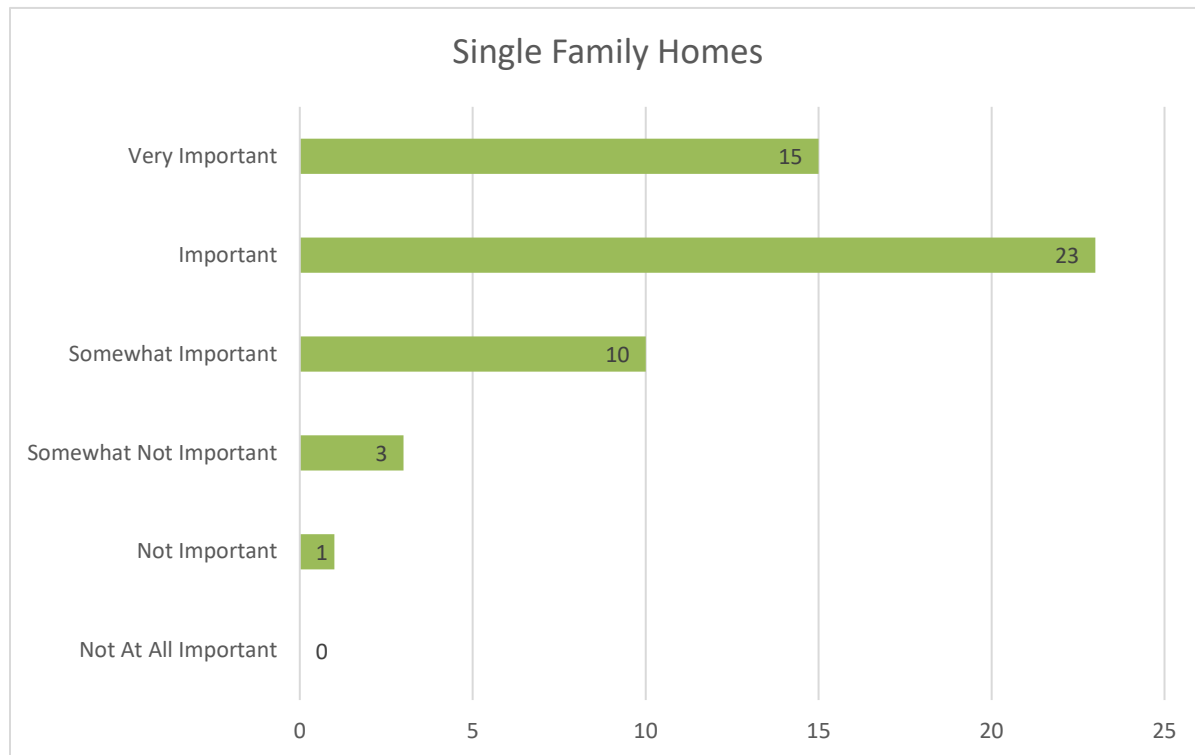
Town Center Questions:

Nibley City is examining the possibility of creating a downtown zone east of Nibley City Hall. This zone might allow commercial uses such as retail, office space, and restaurants; and/or housing with apartments, town-homes, and single-family homes, and open space with parks, trails, and courtyards. How much would you support this planning effort by the City? (This question also showed a picture of Concept 3 from the 2016 Town Center Design Study):

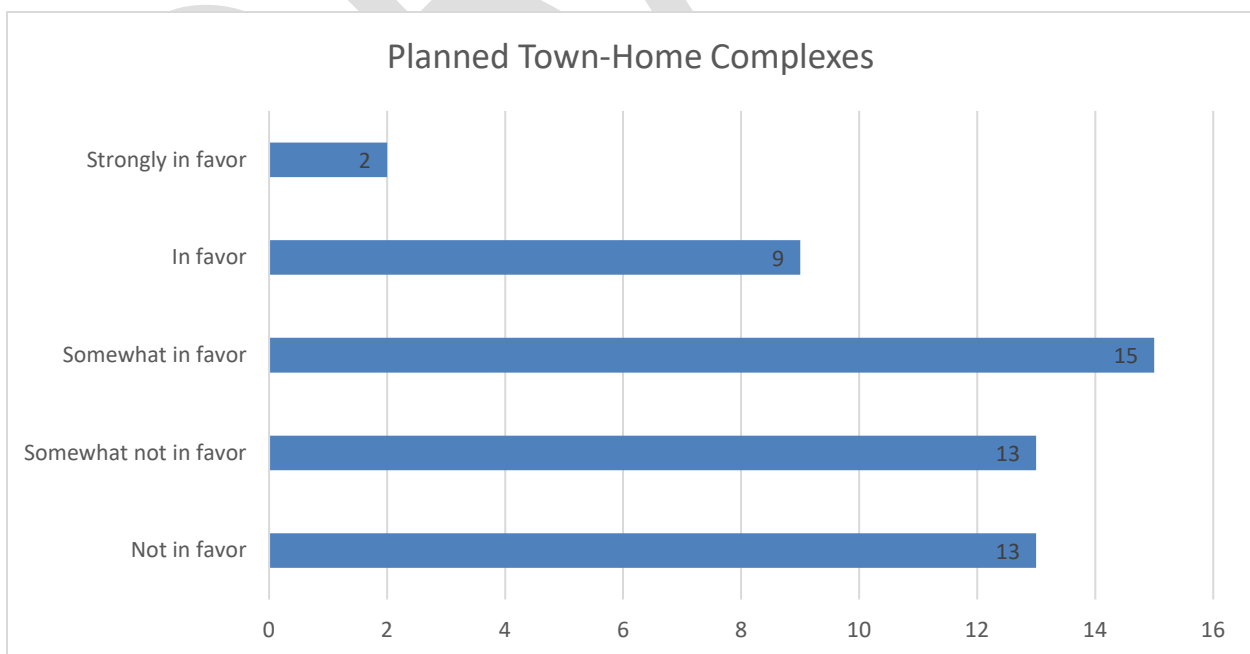
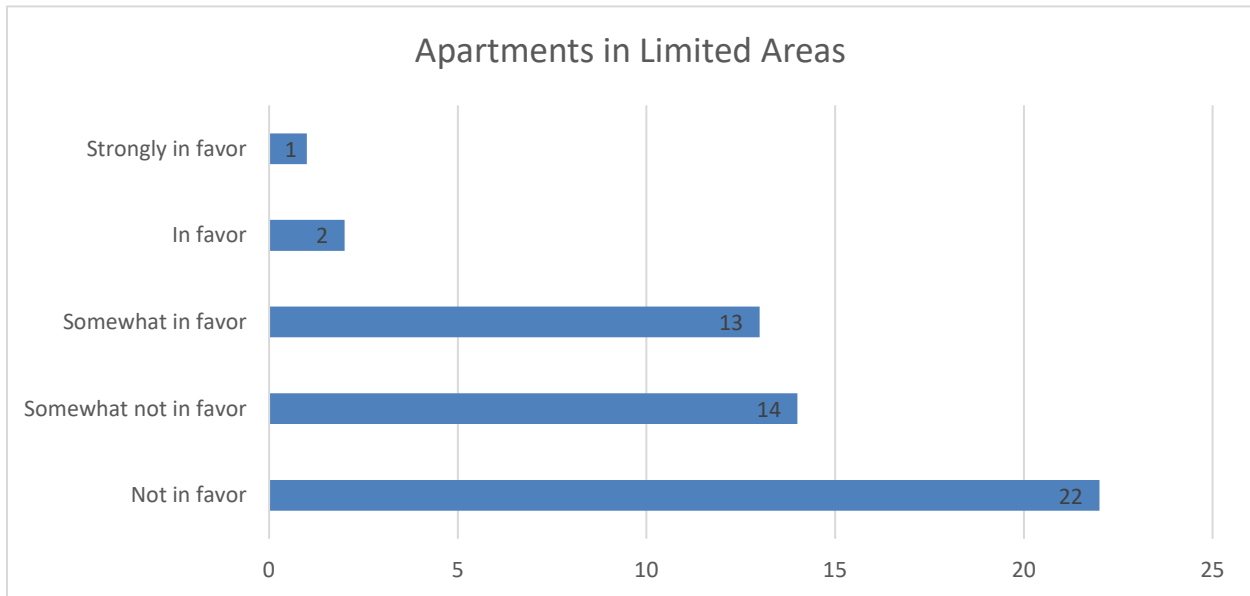


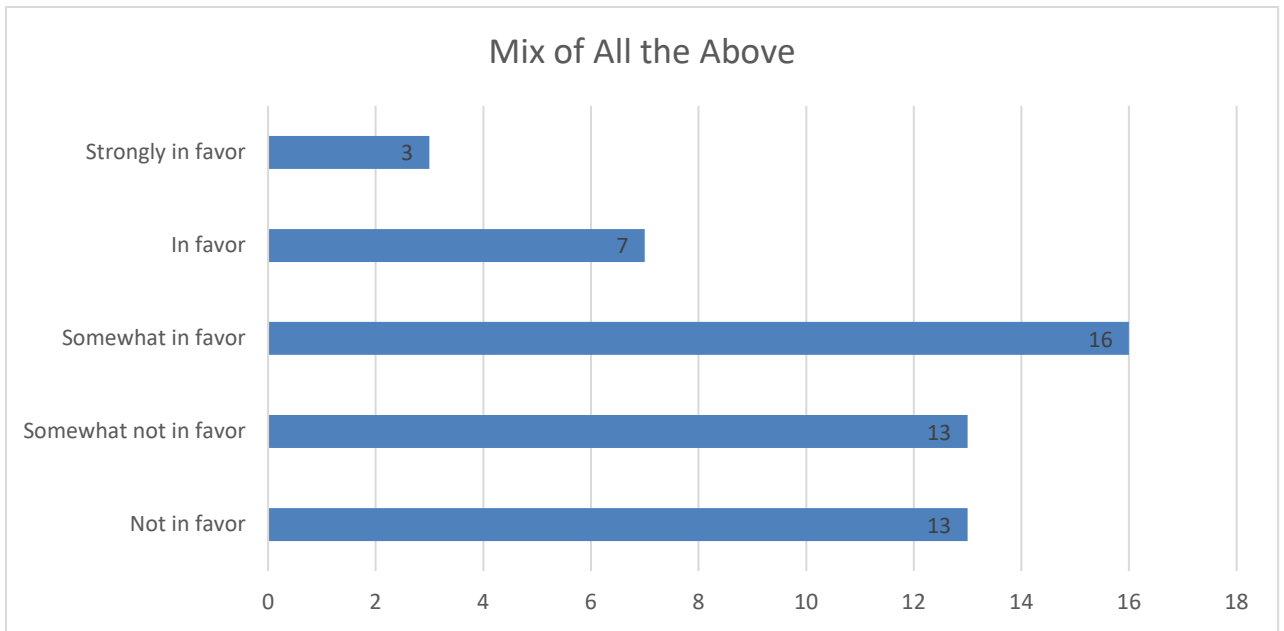
The following were the answers to the question:

Select what you think Nibley City should make a priority in future land use planning:



The following were responses to the following questions: *A recent study showed that Nibley has a shortage of housing available for less than \$200,000. What steps would you like to see Nibley take to help meet that need?*





In addition to a written survey, residents were presented with pictures of different types of housing and asked to give a first and second choice in, “What type of Housing do you want to see built-in Nibley City,” with orange representing their first choice and green representing their second choice.



Picture	% First Choice	% Second Choice	Percent Total
1	67.21%	14.29%	40.65%
2	6.56%	5.36%	5.69%
3	0.00%	1.79%	0.81%
4	11.48%	41.07%	25.20%
5	3.28%	14.29%	9.76%
6	11.48%	23.21%	17.89%

FUTURE HOUSING NEEDS

Nibley City expects to continue to grow in population because of Nibley City's location within Cache Valley, its large potential annexation area, many acres of undeveloped land already in the city, and housing growth pressure in the surrounding area. Nibley City's household size has declined from 4.23 in 2009 to 4.04 in 2017 (American Community Survey, 2017). This figure was still larger than the statewide average of 3.14 people, which is the largest of any state in the nation (Census Bureau, 2018).

To provide housing for the anticipated population in 2030, assuming the current average of 4.04 people per household, Nibley City would need to have added 1,745 homes by 2030. Over the past five years, Nibley has issued an average of 68 building permits per year. If Nibley continued to grow at that rate, 748 homes would be constructed by 2030. The number of homes predicted is a shortfall of 929 units over 11 years to meet the expected 2030 population increase. The problem is exaggerated further if the number of people per household continues to fall and comes closer to the state's average number of 3.14 people per household. In addition to a potential housing shortage in the future with current growth rates, those seeking moderate income and affordable housing will likely have the hardest time finding a home within Nibley City.



MODERATE INCOME AND AFFORDABLE HOUSING

The tables below contain the information of estimate of the need for moderate income housing for the next five years.

Number of Housing Units Needed at AMI Thresholds by 2024

AMI Threshold	Total	Owner-Occupied	Renter-Occupied
≤30%	15.6	14	2
≤50%	32.6	29	4
≤80%	105.0	93	12
≤100%	153.3	135	16
>100%	413.0	364	49

Steps to Figuring out the Number of Moderate Income Housing for the Next Five Years

Step 1: Figure out the number of projected housing units needed by 2024.

Housing Units 2017 Estimate and 2024 Projection

	2017	2024	Difference
Total Housing Units ¹	1,594	2,007	413
Owner-Occupied ²	1,473	1,769	296
Renter-Occupied ²	121	238	117

Source 1: U.S. Census Bureau. Table B01003: Total Population. American Community Survey.

Source 2: U.S. Census Bureau. Table B25008: Total Population in occupied housing units by tenure. American Community Survey.

Step 2: Figure out the number of housing units by AMI threshold and tenure by levels.

Housing Units AMI Threshold

AMI Threshold	Owner	Renter	Total
≤30%	35	20	55
>30 to ≤50%	70	45	60
>50 to ≤80%	180	75	255
>80 to ≤100%	170	0	170
>100%	875	40	915
Total	1,300	160	1,455

Source: Housing and Urban Development. (2018). 2011-2015 Comprehensive Housing Affordability Strategy [Data].

Step 3: Figure out the percentage of housing units by AMI thresholds.

Percentage of Households and AMI Threshold

AMI Threshold	Total Units	Percentage of Total Units
≤30%	55	3.8%
≤50%	115	7.9%
≤80%	255	25.4%
≤100%	170	37.1%
>100%	915	100%
Total	1,455	

Step 4: Multiply the percentage of total units by the projected number of housing units needed by 2024.

Projected Number of Housing Units Needed by AMI Thresholds in 2024

AMI Threshold	Percentage of Total Units	Projected Units by 2024	Total
≤30%	3.8%	413	15.6
≤50%	7.9%	413	32.6
≤80%	25.4%	413	105.0
≤100%	37.1%	413	153.3
>100%	100%	413	413.0

Step 5: Figure out the percentage of housing units by tenure in 2024.

Total Percentage of Housing Units in 2024

	Total	Percentage
Total Housing Units ¹	2,007	-
Owner-Occupied ²	1,769	88.1%
Renter-Occupied ²	238	11.9%

Source 1: U.S. Census Bureau. Table B01003: Total Population. American Community Survey.

Source 2: U.S. Census Bureau. Table B25008: Total Population in occupied housing units by tenure. American Community Survey.

Step 6: Multiply the number of housing units needed at each AMI threshold by the percentage of tenure

Number of Housing Units Needed by Tenure at AMI Thresholds by 2024

AMI Threshold	Total	Owner-Occupied	Renter-Occupied
≤30%	15.6	14	2
≤50%	32.6	29	4
≤80%	105.0	93	12
≤100%	153.3	135	16
>100%	413.0	364	49

By 2024, Nibley will need an additional 364 housing units to house the projected population growth. To meet the needs of moderate-income households, 105, or a quarter of housing units needed by 2024, will need to be moderate-income housing units. About 33 of those units will be needed at the 50 percent AMI threshold. Of the 33 housing units needed at the 50 percent AMI threshold, 29 should be owner-occupied housing and four renter-occupied.

The 105 additional moderate-income housing units needed by 2024 does not take into consideration the current deficit of moderate-income housing units. Therefore, Nibley will need more than 155 moderate-income housing units to meet the needs of current and future moderate-income households. This figure was calculated by adding the prospective amount of needed moderate-income housing (105) with the current deficit of rental-units (55). This figure does not consider the number of owner-units needed; therefore, the total number of housing units needed by 2024, considering the current deficit and future need, will be higher than 155.

Summary of Affordability in 2018		
Household Income	Maximum Monthly Income for Housing Expenses	Maximum Mortgage Loan Amount
≤30% AMI	\$437	\$75,149
>30% to ≤ 50% AMI	\$729	\$125,249
>50% to ≤80% AMI	\$1,166	\$200,398
>80% to ≤100% AMI	\$1,458	\$250,497

NIBLEY CITY ZONING AND SUBDIVISION OPTIONS

Nibley City currently provides for a few zoning options for residential development. The table below shows the standard by-right zoning with the minimum lot size, frontage, and setbacks.

NCC 19.22.010 Space Requirement Chart:

		A	R-E	R-1	R-1A	R-2	R-2A
A.	Minimum lot area	5 acres	2 acres	1 acre	3/4 acre	1/2 acre	12,000 sq. ft. average size of 14,000 sq. ft.
	Minimum lot width, measured at setback line	200	200	200	150	100	100
B.	Setback principal uses						
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³
	Side yard, interior	15 ³	15	10	10	10	10
	Side yard, street	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³
	Rear yard	30	30	30	30	25	25

Within these standard zones, single-family units are the primary housing type, but duplexes and attached Accessory Dwelling Units are both permitted, as long as they comply with standards listed in Nibley City Code Title 19. In addition to standard zoning, Nibley City allows for three other forms of subdivisions that are currently permitted and one type of subdivision that has been repealed.

CLUSTER SUBDIVISIONS (SEE NCC 21.10.030)

A cluster Subdivision allows for a developer to be able to decrease their lot size in exchange for preserved open space. This open space can take the form of a park or agricultural land. No density bonus accompanies these types of developments within Nibley City.

Current Cluster Subdivision

- Stonebridge, located at 1200 W and 2980 S

PLANNED UNIT DEVELOPMENT (PUD) REPEALED

Nibley City's Planned Unit Development Code was repealed in 2011. Nibley City approved a new Residential-Planned Unit Development in May of 2019 that is discussed below. The PUD ordinance allowed for greater density and flexibility for developers to negotiate with the City for density and open space. There are three subdivisions that have been approved and developed under the former PUD Ordinance.

Current PUD Subdivisions

- Spring Creek Crossing, located at Nibley Park Ave. (2350 S) and around 1250 W
- Sunset Parks, located at 1000 W and 2770 S
- The Cottages Community, located at 250 W and 3515 S

RURAL PRESERVATION SUBDIVISION/CONSERVATION SUBDIVISION (SEE NCC 21.10.020)

The Rural Preservation Subdivision (renamed from Conservation Subdivision) is a subdivision option that allows for development in R-1, R-1A, R-2, and to some extent R-2A, to receive a higher density and smaller lot size in exchange for preserved open space. The lot size and density bonus are tiered based on the percentage of the project that is dedicated as open space.

Current Conservation and Rural Preservation Subdivisions

- Maple View Estates, located east of 1200 W and south of 2600 S
- The Cottonwoods, located at Hollow RD and 4030 S
- Apple Creek, located south of 3200 S and at 500 W
- Meadow Creek, located at 3850 S and 150 E



RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD) (SEE NCC 19.32)

In May of 2019, Nibley City adopted Nibley City Code 19.32 Residential Planned Unit Development. This new section of code allows for a developer to apply for an overlay zone in six parts of town zoned for half-acre, three-quarter acres, or full acre lot minimums and would allow a developer to develop up to twelve units per net developable acre with a mix of single-family homes and townhomes. At the time of this writing, no R-PUDs have been applied for or approved.

MINOR SUBDIVISION AND FLAG LOTS (SEE NCC 21.08.040 AND 19.46)

In 2018, Nibley City passed two ordinances that 1) allow for the development of a minor subdivision and 2) provide for the creation of flag lots. These two code updates allow property owners with more options to develop their property for moderate income housing. The minor subdivision allows for a smaller subdivision, containing five lots or less, the ability to move through a simplified subdivision approval process. The updated flag lot ordinance allows for the development of property that has little to no frontage along a public or private roadway.

GOALS, PROJECTS AND ACTION ITEMS

When planning for moderate income housing within Nibley City, it is essential to note that cities have limited ability to ensure that affordable housing is built. Nibley City will encourage and support the development of home construction and subdivision by developers and home builders. The housing market also plays a part in what types of homes are built within these developments. The following goals are recommended to the City to encourage the construction of new and moderate income housing within Nibley City.

Nibley City should provide opportunities within the City for the construction of moderate income housing. Nibley City should take the following steps to ensure the City is meeting goals listed within this plan

- Review the objectives listed below and work to achieve the goals by the suggested time frame
- Review building permits for housing units annually and evaluate Moderate Income Housing additions to the City compared to the needed housing and goals listed within this plan
- Update this plan as needed or at a five-year minimum time frame
- Take Moderate Income Housing into consideration when reviewing rezone applications.
- If possible, encourage developers to build affordable housing as part of developments as a condition of the rezone

ALLOW FOR AND REDUCE REGULATION RELATED TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES.

Nibley City currently allows for attached accessory dwelling units (ADUs). These ADUs mostly take the form of basement apartments. Nibley City should consider expanding allowances for detached ADUs within most residential zones. ADUs can be a great way to expand moderate income housing stock with minimal impacts to neighborhoods. As established above, many of Nibley City lots are larger than half an acre, which could create the opportunity for construction of ADUs throughout the city.

Moderate Income Housing Considerations

- How large would the City allow an ADU to be in reference to the primary structure
- In what zones and lot sizes would a detached ADU be allowed?
- Parking requirements? Having no or minimal parking requirements would allow for more homeowners to build ADUs
- Property owner habitation
- Making ADUs for short-term rentals as a prohibited use
- Registration of ADUs so the City could track the number of units.

Timeframe: Early 2020

ALLOW FOR HIGHER DENSITY OF MODERATE INCOME RESIDENTIAL DEVELOPMENTS IN COMMERCIAL AND MIXED-USE ZONES, TOWN CENTER, NEIGHBORHOOD COMMERCIAL, AND OTHER EMPLOYMENT AREAS

Nibley City's 2016 General Plan recommends establishing and creating a town-center area that would be composed of commercial, residential, and open space uses. The City, in May of 2019, passed an R-PUD Ordinance that would allow for the development of a town center area. This R-PUD would allow for some commercial areas within the R-PUD and allow for townhomes and single-family homes. The City should continue to plan and update City zoning code for a town-center that would allow mixed-use within Commercial and Neighborhood Commercial Zones.

Nibley City should also start to plan for the future 4400 S industrial corridor, as shown on the future land use map. Nibley City should coordinate these planning efforts with Hyrum, Wellsville, Cache County, and UDOT. The City should consider housing densities and types that would be allowed be developed along that corridor.

Moderate Income Housing Considerations

- Create mixed-use areas within the future Town-Center

- Allow for apartments and condominiums within Neighborhood Commercial Zones attached to commercial buildings
- Plan for future 4400 S Industrial Corridor

Timeframe: End of 2020

REZONE FOR DENSITIES NECESSARY TO ASSURE THE PRODUCTION OF MODERATE INCOME HOUSING

Nibley City has recently passed an R-PUD ordinance with increased density within areas of the City. The R-PUD Overlay Zone increases the density from the underlying zone and allow up to twelve units a per-net developable acre. The City should work with property owners and developers in approving an appropriate amount of R-PUD Overlay Zones and Developments to help achieve the needs of affordable housing.

Nibley City should also continue working on the Town Center Planning and Zoning Ordinance and allow for a variety of housing types, including single-family homes, townhomes, condominiums and apartments as part of that zoning criteria and development. Nibley City should involve Cache County Transit District (CVTD) in these plans to provide for adequate public transportation in the area. This would allow for residents of the Town Center to have easy access to significant employment, recreation and shopping centers in Cache Valley, as well as Utah State University and Bridgerland Technical College.

Moderate Income Housing Considerations

- Create a Town Center Zoning Ordinance that would allow for mixed-use, condominiums, townhomes, and single-family homes in addition to open space and commercial uses.
- Involve CVTD with Town Center and provide areas for bus stops and active transportation within the development.
- Work closely with Developers and property owners and make appropriate rezones for R-PUD developments.

Timeframe: As applications are received

PARTNER WITH ORGANIZATIONS THAT OFFER GRANTS OR OTHER ASSISTANCE IN HOUSING AFFORDABILITY

Nibley City has a history of working with organizations that build affordable housing or offer services. Nibley has partnered with Neighborhood Housing Solutions in the past, which constructed about two hundred homes for qualifying families. Nibley City has also worked and partnered with Bear River Association of Governments (BRAG), which offers programs to help lower-income families be able to pay for needed utilities, assist with rent, conduct required home repairs, etc.

Moderate Income Housing Considerations

- Nibley should be be pro-active in seeking partnerships with cooperations or non-profit organizations in building affordable housing.
- Nibley City should refer those inds need to BRAG and publicize helpful information about programs that are offered through BRAG and HUD.

Time Frame: Current





NIBLEY CITY MODERATE INCOME HOUSING PLAN

 Nibley City Boundary

 Annexation Declaration
 Boundary

 Parks, Open Space, and Trails

 Agriculture

 Open Space, Agriculture, and
Low Density Residential

 Low Density Residential

 Medium Density Residential

 High Density Residential

 Commercial

 Industrial

 Commercial and Medium to
High Density Residential

 Municipal, Schools, and
Churches

HERITAGE DAYS LAND USE SURVEY

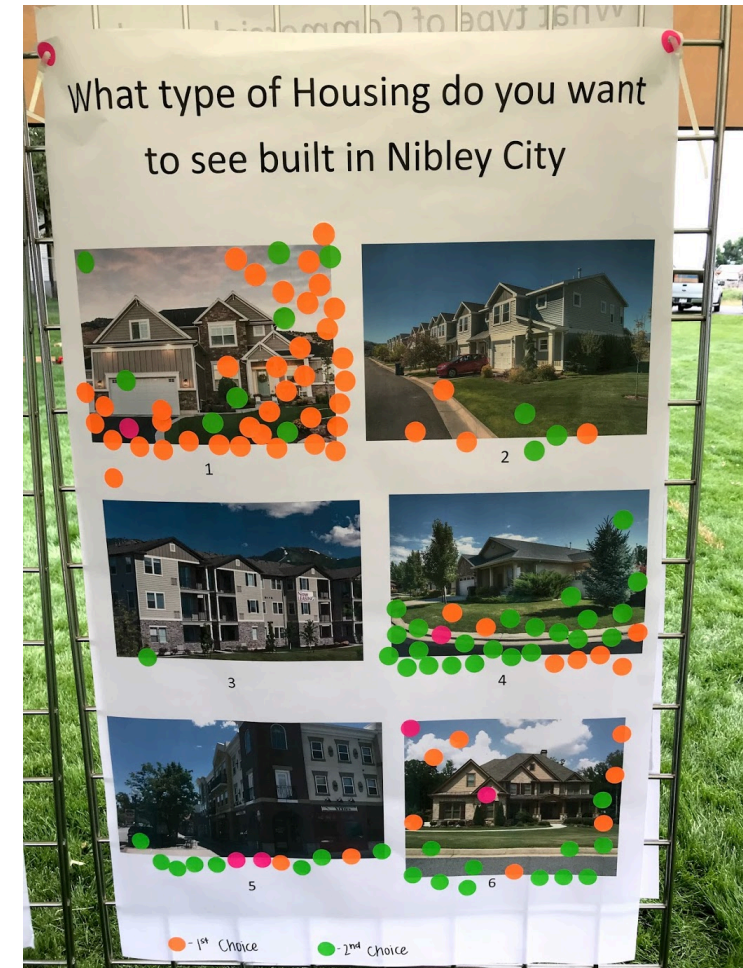
Survey took place on June 21, 2018 at
Nibley City Heritage Days

BOOTH AT THE 2018 FAMILY FESTIVITIES

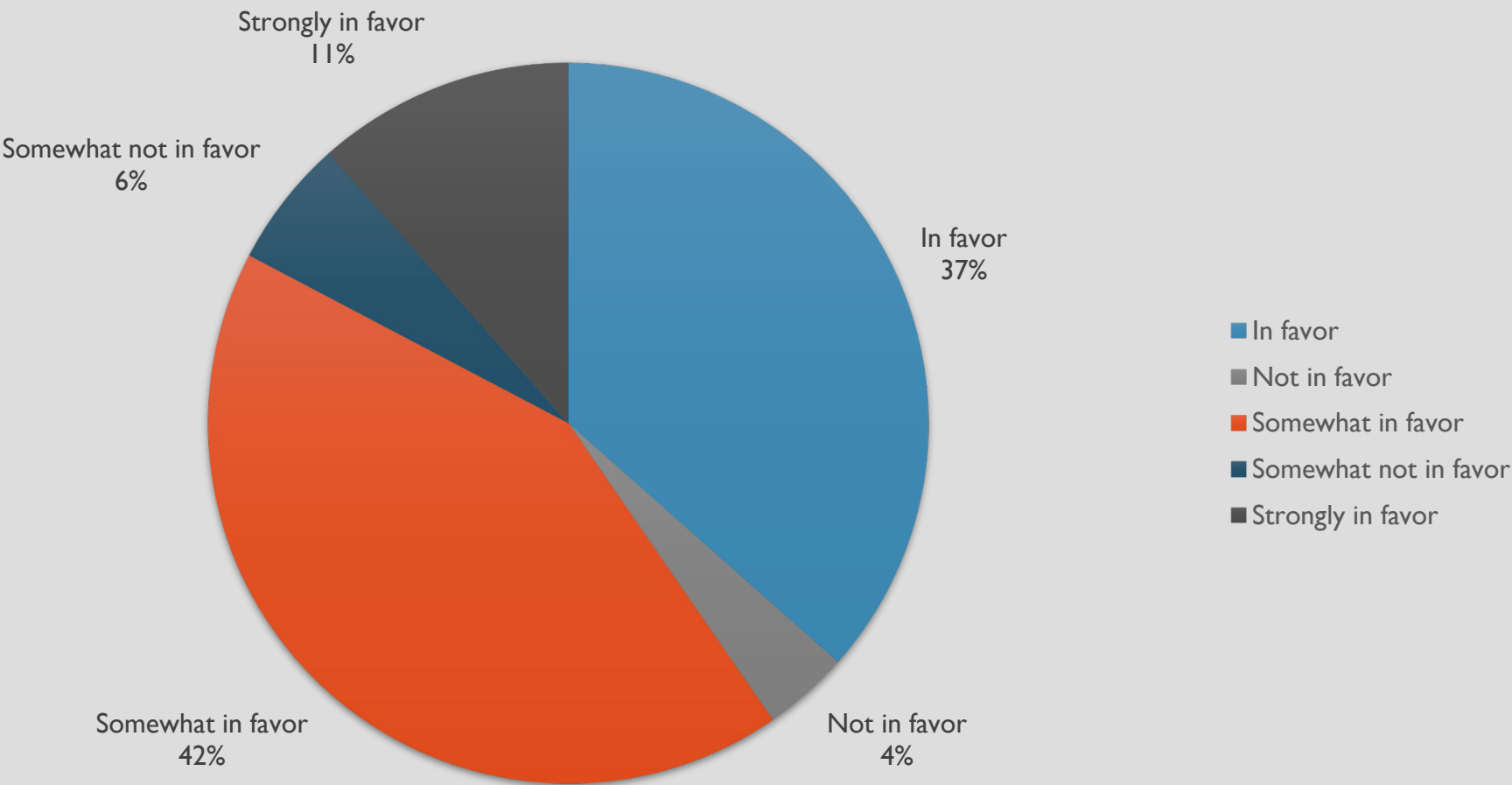
Had people do a sticker survey

Written Survey (either on paper or on an iPad)

Took comments on maps

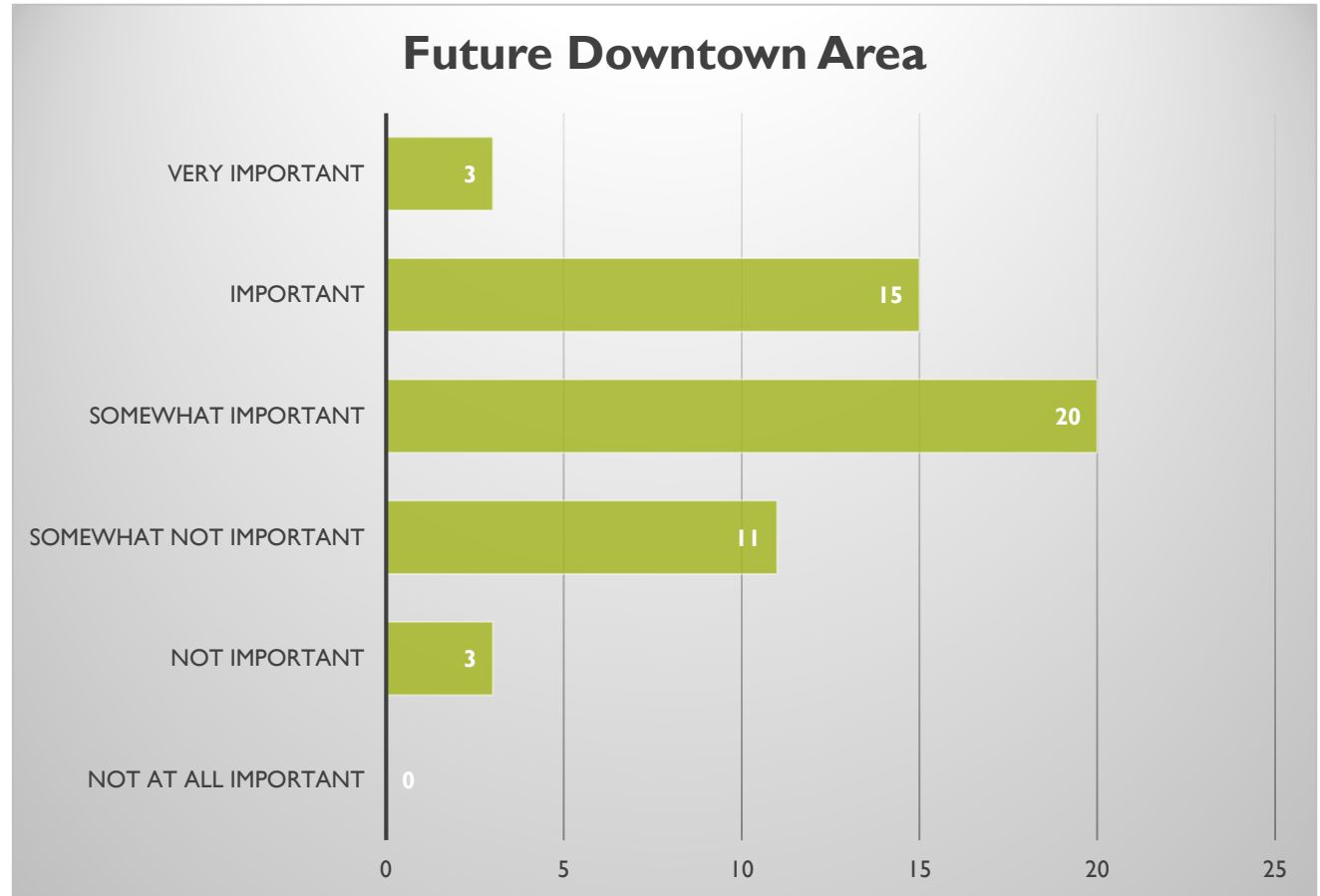


Nibley City is examining the possibility of creating a downtown zone east of Nibley City Hall. This zone might allow commercial uses such as retail, office space, and restaurants; and/or housing with apartments, town-homes, and single-family homes, and open space with parks, trails, and courtyards. How much would you support this planning effort by the City? (This question also showed a picture of Concept 3 from the 2016 Town Center Design Study)

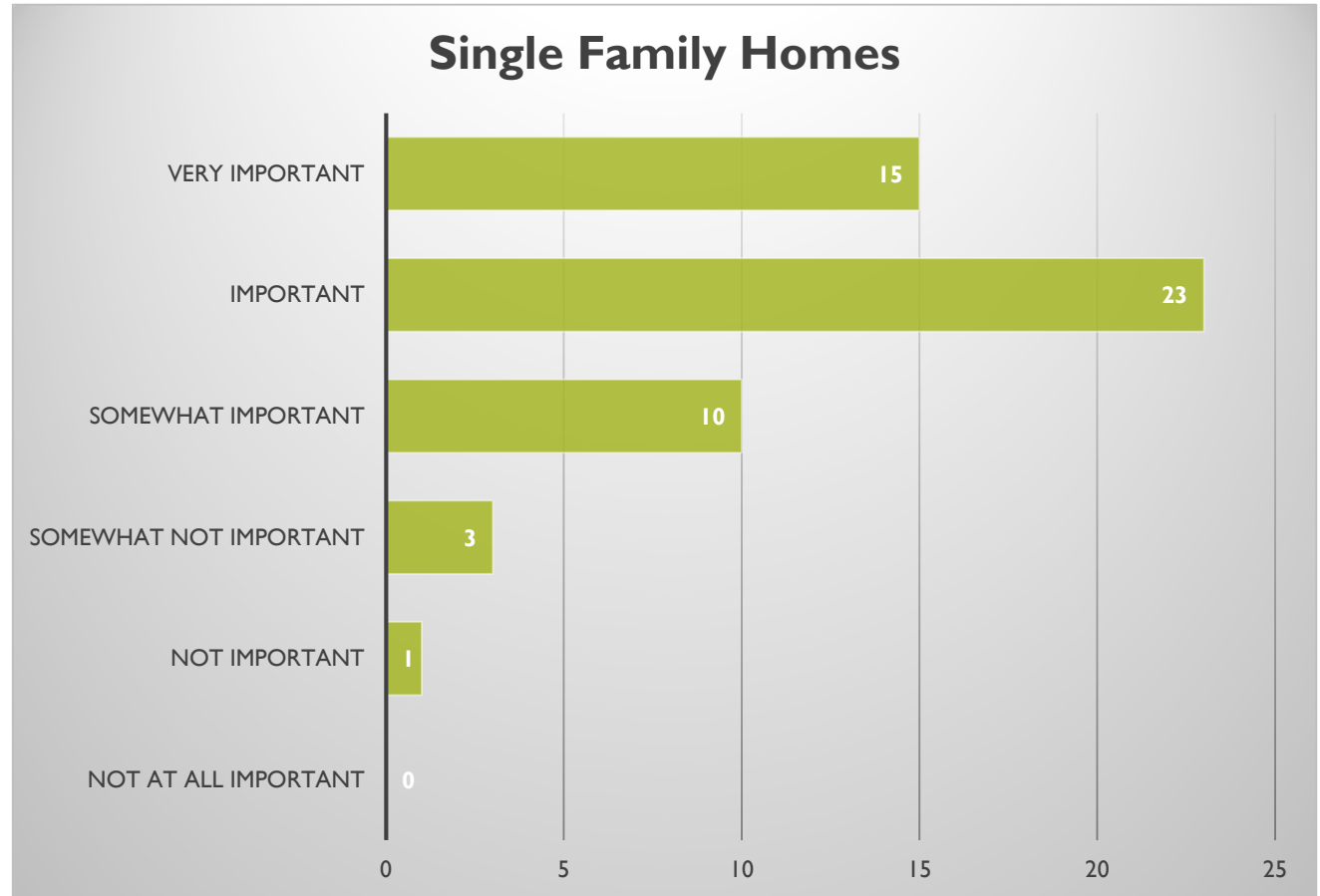


Take Away:
90.3% of those who took the survey were either somewhat in favor, in favor, or strongly in favor of a downtown zone.

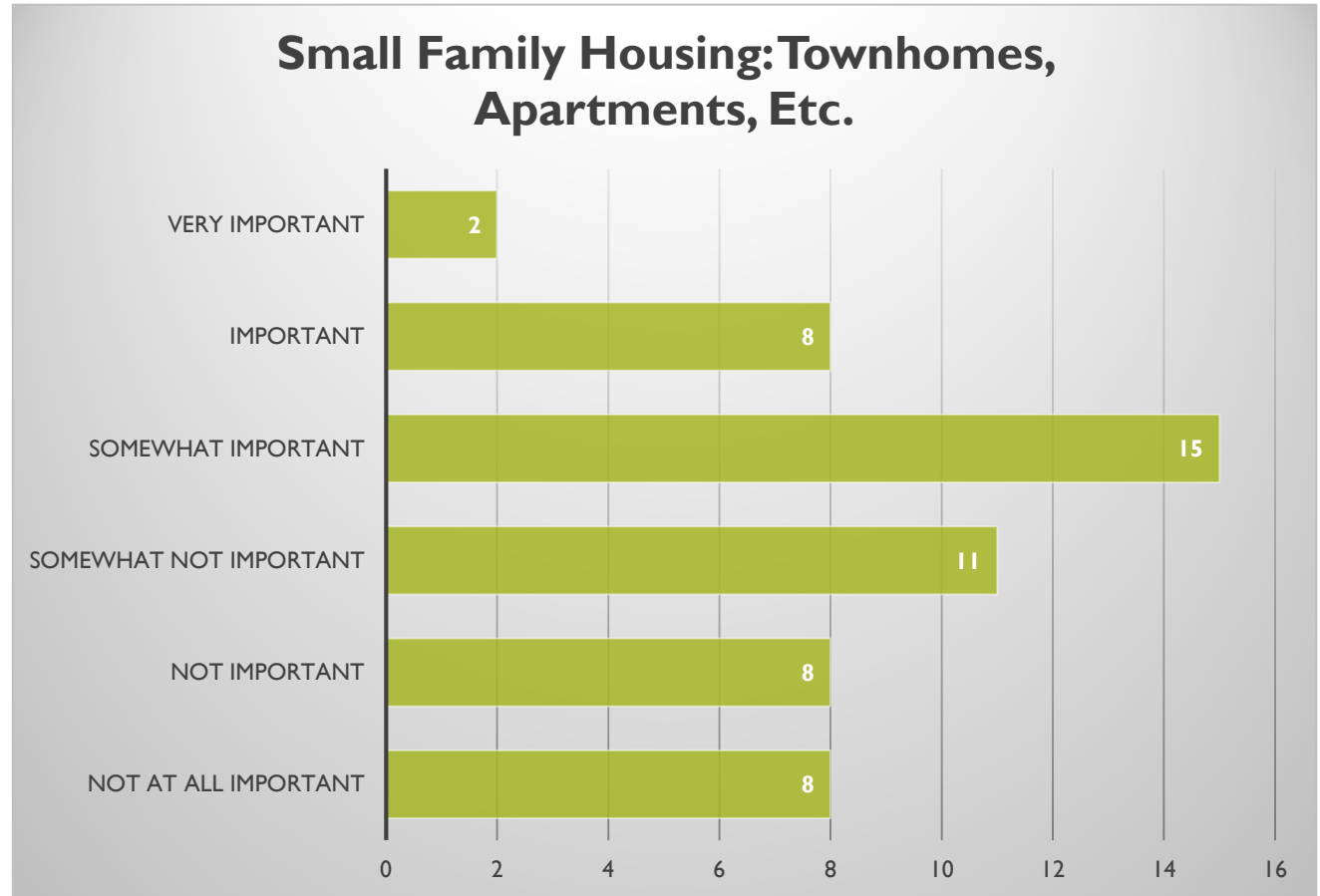
Select what you think Nibley City should make a priority in future land use planning.



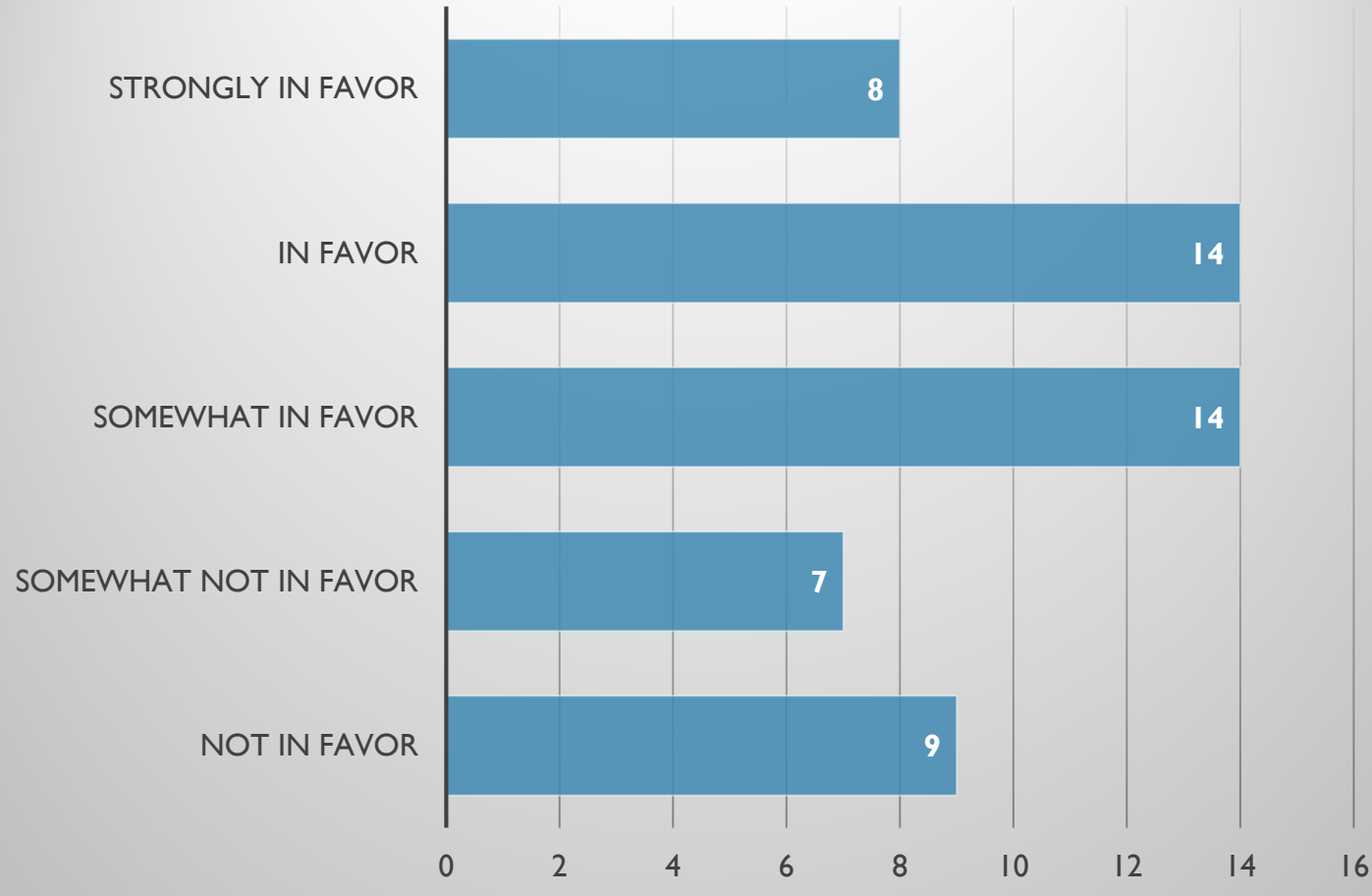
Select what you think Nibley City should make a priority in future land use planning.



Select what you think Nibley City should make a priority in future land use planning.

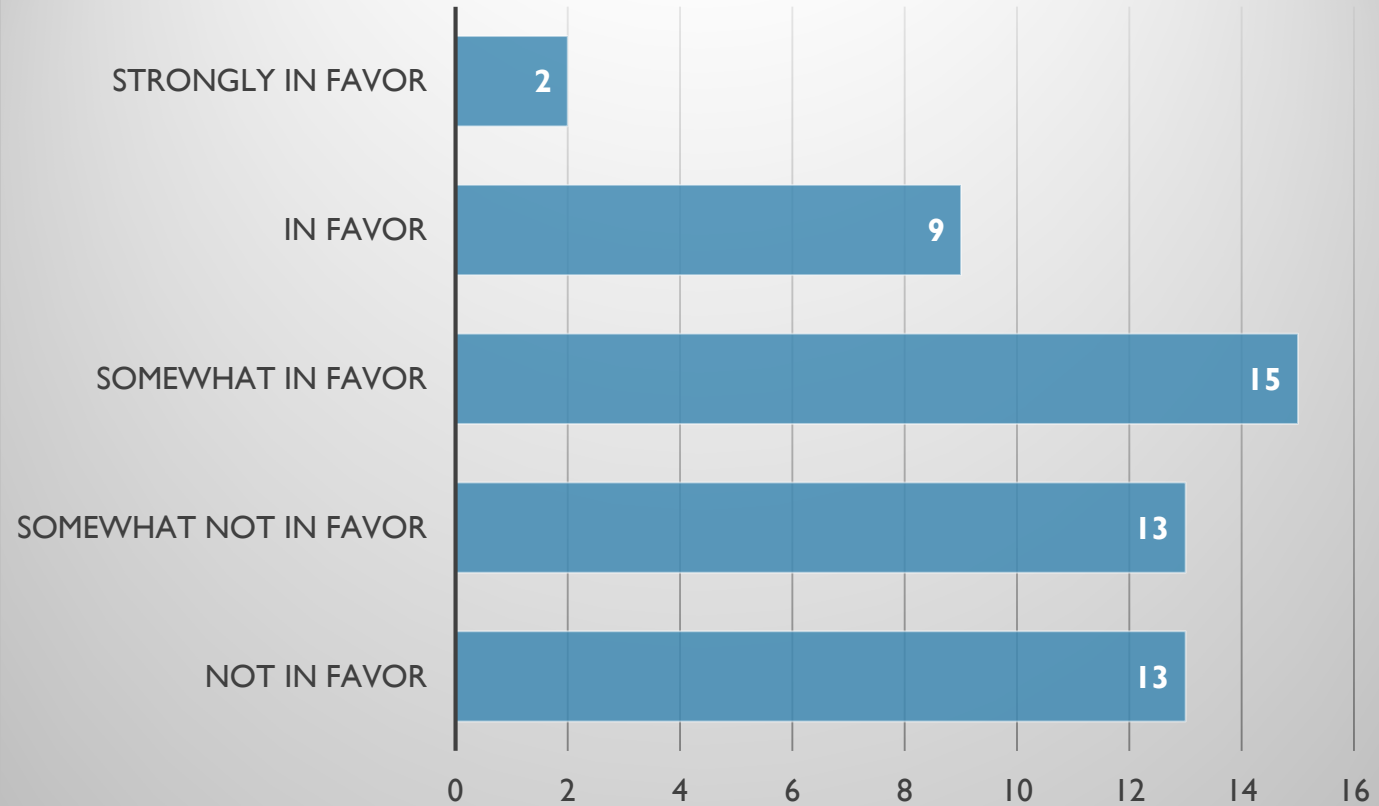


Smaller Lots for Single Family Homes



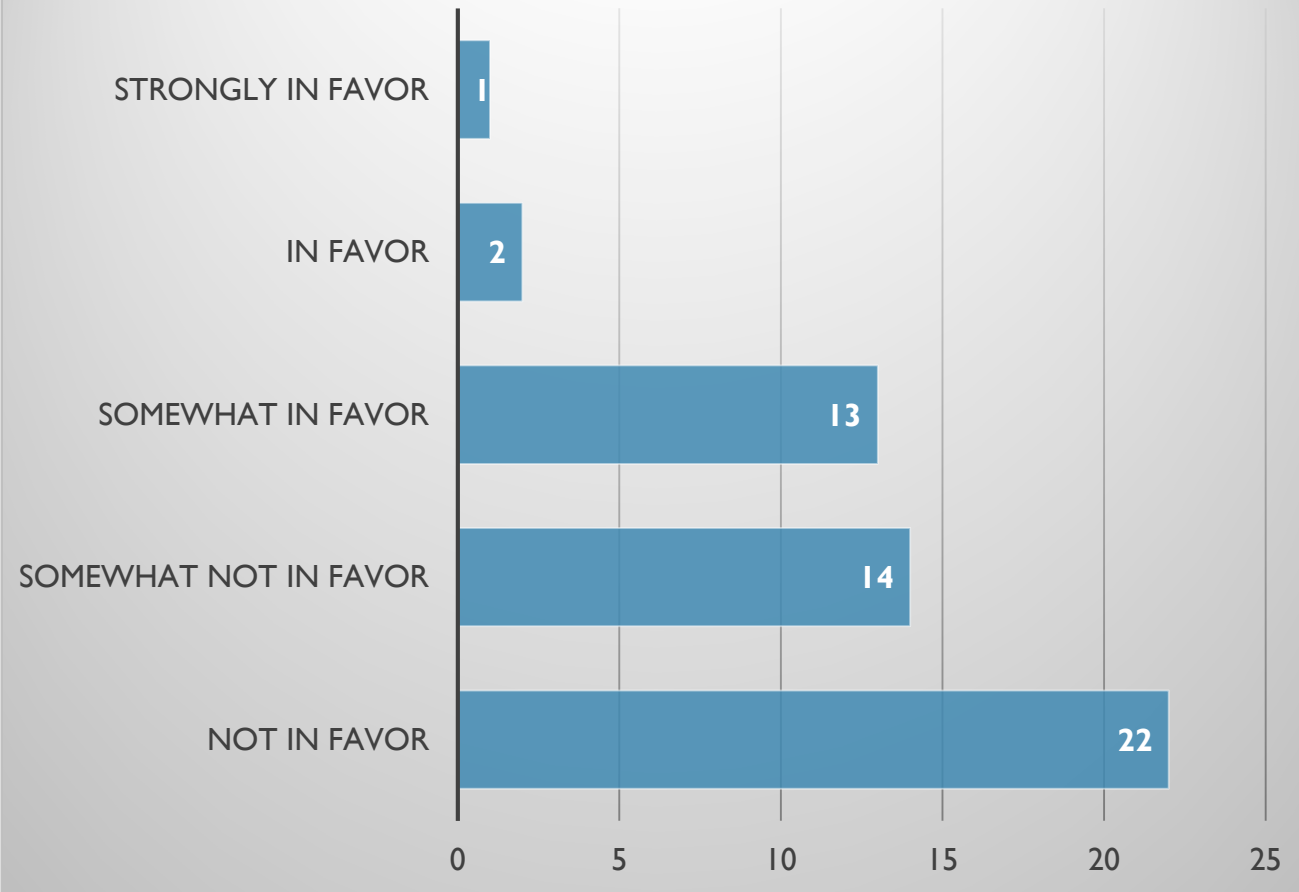
A recent study showed that Nibley has a shortage of housing available for less than \$200,000. What steps would you like to see Nibley take to help meet that need?

Planned Town-Home Complexes



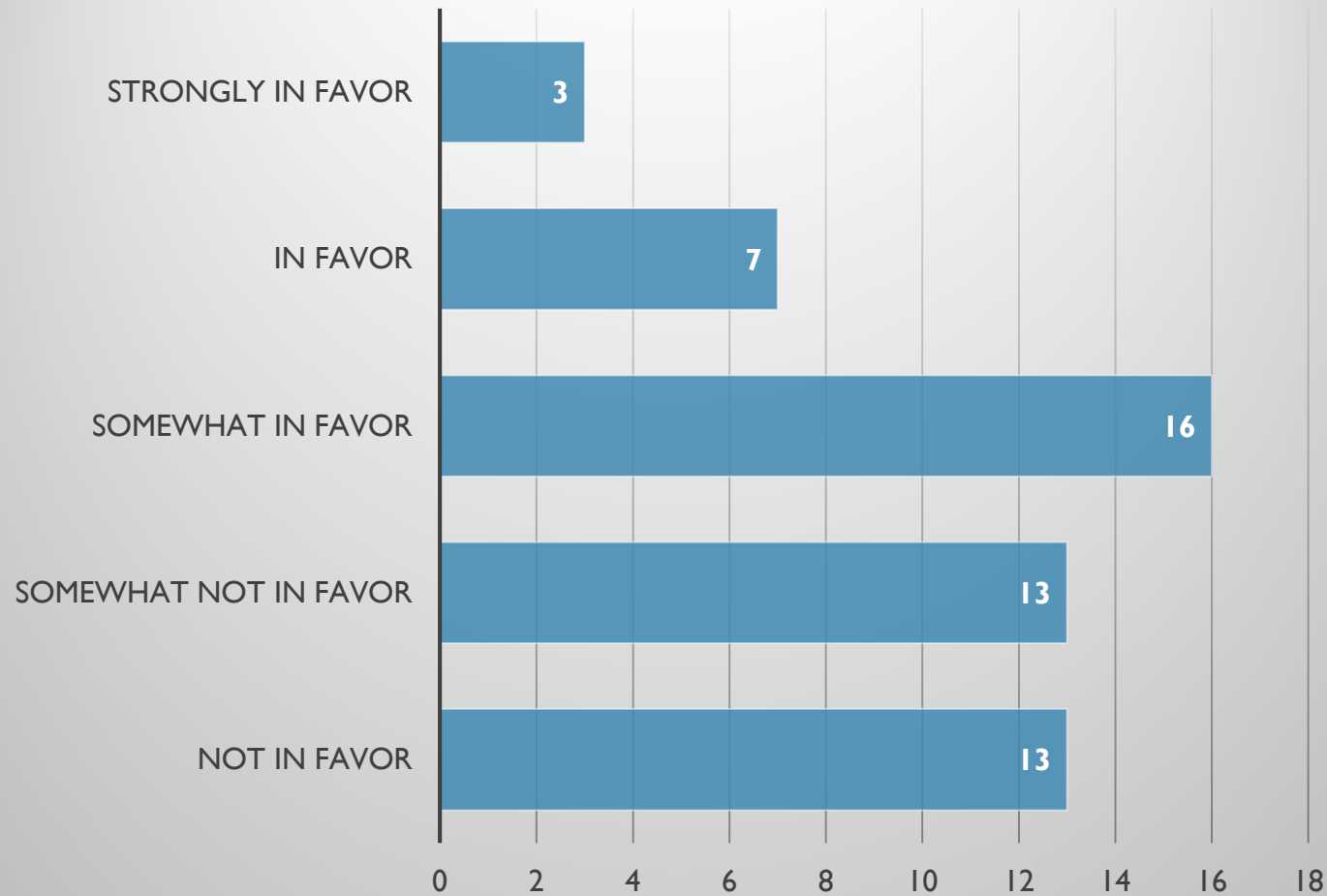
A recent study showed that Nibley has a shortage of housing available for less than \$200,000. What steps would you like to see Nibley take to help meet that need?

Apartments in Limited Areas



A recent study showed that Nibley has a shortage of housing available for less than \$200,000. What steps would you like to see Nibley take to help meet that need?

Mix of All the Above

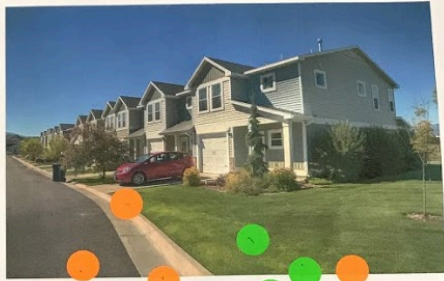


A recent study showed that Nibley has a shortage of housing available for less than \$200,000. What steps would you like to see Nibley take to help meet that need?

What type of Housing do you want
to see built in Nibley City



1



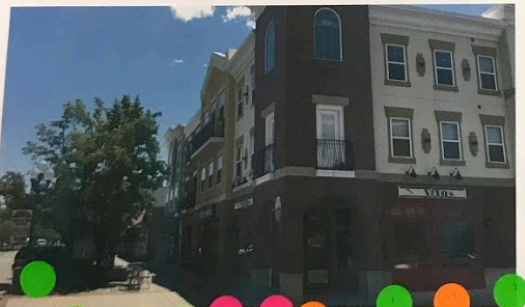
2



3



4



5



6

Picture	First Choice	Second Choice	Total
1	41	8	50
2	4	3	7
3	0	1	1
4	7	23	31
5	2	8	12
6	7	13	22
Total	61	56	123

Picture	% First Choice	% Second Choice	Percent Total
1	67.21%	14.29%	40.65%
2	6.56%	5.36%	5.69%
3	0.00%	1.79%	0.81%
4	11.48%	41.07%	25.20%
5	3.28%	14.29%	9.76%
6	11.48%	23.21%	17.89%

NEW UTAH LAW

In the Spring of 2019, the Utah State Legislature passed S.B. 34 Affordable Housing Modifications.

This bill requires most cities in Utah to adopt a Moderate Income Housing Plan as Part of the General Plan by December 1, 2019

Enrolled Copy

S.B. 34

AFFORDABLE HOUSING MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Val K. Potter

LONG TITLE

General Description:

This bill modifies provisions related to a municipality's and a county's general plan related to moderate income housing.

Highlighted Provisions:

This bill:

- defines terms;
- modifies the requirements of certain municipalities and counties related to the moderate income housing plan element of their general plan;
- modifies the reporting requirements of certain municipalities and counties related to the moderate income housing plan element of their general plan;
- modifies provisions related to the use of Transportation Investment Fund money;
- modifies provisions related to the Olene Walker Housing Loan Fund Board; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

MODERATE INCOME HOUSING PLAN

- The Plan must contain the following:
 - An estimate of the existing supply of moderate income housing located within the city
 - An estimate of the need for moderate income housing in the city for the next five years as revised biennially;
 - A survey of total residential land use;
 - An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
 - Municipalities shall include a recommendation to implement three or more of the strategies listed within the code

KEY TERMS

Affordable: Housing costs are equal to or less than 30% of a household's gross monthly income

Area Median Income: The midpoint of Cache County's income distribution; half of the families earn more than the median and half earn less.

Moderate Income Housing: Housing that can be reasonably affordable by those earning 80% of AMI or less

MODERATE INCOME HOUSING PLAN KEY POINTS

- Nibley City anticipate population growth in the future
- 48.9% of land use in Nibley is residential. 90% of residential units are single family and single family lots use 99.4% of all residential land use
- Nibley City will need an additional of **155** of moderate income housing to meet anticipated growth and for current need over the next five years

Census	Nibley Population Projections					Absolute Change 2010-2060	Percent Change 2015-2065
	2020	2030	2040	2050	2060		
2010							
5,438	8,796	14,136	15,725	18,597	21,905	16,467	303%

NIBLEY'S FOUR MODERATE INCOME HOUSING GOALS



Allow for and reduce regulation related to accessory dwelling units in residential zones.



Allow for higher density of moderate income residential developments in commercial and mixed-use zones, town center, neighborhood commercial, and other employment areas



Rezone for densities necessary to assure the production of moderate income housing



Partner with organizations that offer grants or additional assistance in housing affordability

Agenda Item #9

Description	Discussion and Consideration of Ordinance 19-16: An Update to Nibley City Code 19.32: R-PUD Town Center (Second Reading)
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Move to approve Ordinance 19-16: An Update to Nibley City Code 19.32: R-PUD Town Center
Reviewed By	City Manager, City Planner, Planning Commission

Background

Nibley City Planning Commission has been discussing creating a Town Center Area as recommended by the Nibley City General Plan. After several workshops, the Planning Commission's general feeling was to use the R-PUD to help create a Town Center Area. After a discussion between the Nibley City Mayor, City Manager, and City Planner; the Planning Commission's recommendation is to add the ability to have condominiums within the proposed Town Center. The suggested changes would require a change within the R-PUD code.

The proposal would allow for up to 40% of the units within the Town Center to contain condominiums but would not allow any extra density as currently listed within the ordinance. The new proposal also defines the ability for developers to be able to include Patios Homes, which are single family homes with reduced setbacks or lot sizes. Patios Homes would not count toward the single family homes as would be required in a Development.

ORDINANCE 19-16

AN UPDATE TO NIBLEY CITY CODE 19.32: R-PUD TOWN CENTER

WHEREAS, Nibley City has the ability to control zoning and land use within Nibley City boundaries; and

WHEREAS, Nibley City recently adopted the Residential-Planning Unit Development; and

WHEREAS, Nibley City wants to help allow for affordable housing and economic take place within the proposed town center; and

WHEREAS, Nibley City's General Plan recommends that the City take steps to create a town-center.

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

1. The attached changes to Nibley City Code 19.32 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 _____, 2019.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

19.32 Residential Planned Unit Developments (R-PUD)

19.32.010 Purpose And Intent

19.32.020 Definitions And Standards

19.32.030 Use Regulations

19.32.040 Area And Density Regulations

19.32.050 Open Space and Amenities

19.32.060 General Requirements

19.32.070 Approval Process

19.32.080 Development Standards

19.32.010 Purpose And Intent

- A. Intent: This section provides enabling authority and standards for the review and approval of applications for Residential Planned Unit Developments (R-PUD's). The intent of this ordinance is to provide an alternative to traditional subdivision design by encouraging innovation and offering some flexibility in the design of residential developments, which may incorporate the permanent preservation of amenities, agricultural lands and other valuable natural and cultural resources, as well as providing a variety of amenities for the enjoyment and benefit of the citizens of Nibley.
- B. Purpose: An R-PUD is an overlay rezone. That is, applicants apply for the overlay to be applied, allowing them to receive the density outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The Planning Commission and City Council may approve, deny or approve the R-PUD with conditions, and no applicant has any entitlement to the approval of an R-PUD.

19.32.020 Definitions And Standards

- A. Amenity: Natural or man-made feature which enhances the development. These include features such as picnic areas, walking paths/trails outside of required sidewalks, playgrounds, sports fields, club houses, swimming pools, splash pads, etc.
- B. Buffer: A landscape and planted area along a public right-of-way, street, or neighboring development, a buffer must be at least thirty (30') feet wide. Buffers must be landscaped, at the sole cost of the developer, and shall provide for every hundred (100) linear feet of buffer six trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or R-PUD boundary where required. Irrigation system shall be installed by the developer and shall be designed and installed to Nibley City Standards. Buffer areas shall be owned and maintained by an Owners Association.
- C. Condominium: A multiple-unit dwelling containing individually-owned dwelling units and jointly-owned shared areas and facilities, which dwelling, or development is subject to the provisions of state and local laws.
- ~~C.D.~~ Constrained and Sensitive Land: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limited to Federal, State, or municipally designated wetlands, water bodies, floodplains, slopes

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greater than 20%, faults, canals, and other geologically or environmentally sensitive features that require mitigation, special insurance, or permits from government authorities to allow development. This land may be used as amenities if it complies fully with conditions within this chapter for qualification of amenities.

D-E. Dwelling Unit: Any building or portion thereof which is designed for or occupied by one family for living, sleeping, and/or eating purposes. A dwelling unit may include up to two (2) persons per unit to whom rooms are rented in addition to a family related by blood, marriage or adoption, but if the number of such additional persons exceeds two (2) or if they use or are furnished separate cooking facilities, whether temporary or permanent, such additional persons shall be considered a separate dwelling unit

E-F. Meadows: Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.

F-G. Net Developable Land: Net Developable land shall include the total area of the proposed development minus land that is required by Nibley City Ordinance to be dedicated to the City, including, but not limited to:

1. Public access rights-of-way, including roadways and sidewalks
2. Land required to be dedicated along waterways
3. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (public and private parks, trails, etc.)
4. Constrained and Sensitive Land, as defined herein
5. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without public access.
6. Constrained and Sensitive Land, land dedicated along waterways, and other natural landscape or open space land may be considered net developable land when calculating for density if such land can be enhanced with trails, public access, picnic areas, park amenities, or other improvements.

H. Open Space: Any space in an R-PUD that does not contain any amenities, except for park amenities, as defined herein, buildings, parking lots or private yards. All Open Space must be completely landscaped with sod, trees, xeriscape, gardens or agricultural use. Natural features such as wetlands, meadows, tree stands and Constrained and Sensitive Lands may also be considered Open Space. Landscaping within the rights-of-way including public sidewalks and trails, and private and public parks shall also be counted as Open Space.

G-I. Patio Home: A detached, single-family unit situated on a reduced-size lot and with reduced setbacks.

H-J. Private Parks: A tract of land presently owned or controlled and used by a private entity or group and to which only members of that private entity or group have access or use rights. Private Parks must contain at least one amenity as defined herein). Private Parks must contain one (1) tree for every 1,000 sq. ft. and 60% of the area must be planted with sod. Sod and tree requirement may be altered for approved club houses,

sport courts/fields, swimming pools, splash pads, covered pavilions or other approved recreation uses.

~~I.K.~~ K. Owners' Association: A community association which is organized within a development in which individual owners share common interest and responsibilities for open space, landscaping, or facilities.

~~J.L.~~ L. Public Park: A publicly-owned tract of land landscaped and developed for the general public. Public Parks, as defined for R-PUD, must contain at least one amenity as defined herein. Public Parks must contain one (1) tree for every 1,000 sq. ft. and 60% of the area must be planted with sod. All landscaping must meet Nibley City Standards. Sod and tree requirement may be altered for approved, sport courts/fields, swimming pools, splash pads, covered pavilions or other approved recreation uses. Public Parks shall be placed on the border of each development so that it may easily be accessed by the community as a whole. Each public park must contain a public bathroom.

~~K.M.~~ M. Single Family Dwelling Unit: A dwelling unit owned in fee and located on an individual lot and which is not attached to any other dwelling unit by any means.

N. Town Center Area: The area as labeled on R-PUD Application Map as "Town Center Area"

~~L.O.~~ O. Townhome: A dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation. Each townhome unit must be on its own parcel.

~~M.P.~~ P. Tree Stand: A group or cluster of trees within a geographic location that are occurring naturally or artificially.

~~N.Q.~~ Q. Waterway: Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.

~~O.R.~~ R. Planned Unit Development: For the purpose of this chapter "residential planned unit development" (R-PUD) means an integrated design for the development of residential uses to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements, as specified by this chapter.

19.32.030 Use Regulations

- A. An R-PUD may be applied for by following the steps listed in 19.32.070 (A) on properties designated on the R-PUD Application Map in NCC 19.32.030(B). These areas keep their base zoning, with that zoning's standards, conditions, and restrictions, unless the City Council approves the use of the R-PUD through an R-PUD application process. R-PUDs are prohibited in all other areas. The City Council, with a recommendation from the Planning Commission, may make changes to what parcels are labeled on the R-PUD Application Map by following proper ordinance change procedures.
- B. R-PUD Application Map (insert map or link to map)
- C. The following are permitted uses in an R-PUD:
 - 1. Single Family and Townhome dwelling units may be permitted uses, as defined within this ordinance.

2. All other uses not defined within this chapter shall comply with the underlying zone, lot size, and the Land Use Chart in NCC 19.20, unless otherwise specified within this ordinance.
- D. Any uses not specifically permitted or conditionally permitted are prohibited.
- E. Animal Use: All animal uses shall be in accordance with Nibley City Code.
- F. Up to 30% of the Net Developable Area may be approved for neighborhood commercial use as part of an R-PUD. These uses shall comply with Nibley's City's Neighborhood Commercial Zone Use Chart and standards as listed in NCC 19.14.050. Commercial use must be concentrated in one location. These parcels shall be labeled on the plat as Neighborhood Commercial.
- G. When calculating density for dwelling units, any Neighborhood Commercial area shall be subtracted from the Net Developable Area of the R-PUD.

19.32.040 Area And Density Regulations

- A. Housing Types: Only single-family homes and town homes are allowed in the R-PUD in residential areas, except as allowed in the Town-Center Area. The density shall be based on Net Developable Acres of the development as follows:
 1. ~~Single Family~~ Single Family Homes: Equal to or less than 5 units per Net Developable Acre
 - i. ~~Single Family~~ Single Family Home R-PUD must contain a minimum of 50 units.
 2. A Mix of Single Family and Townhomes: Equal to or less than 12 units per Net Developable Acre. Up to 80% of dwelling units can be townhomes.
 - i. A Mix of Single Family and Townhomes R-PUD must contain a minimum of 120 units.
- B. Town-Center: The area as marked on R-PUD Application Map in NCC19.32.030 (B) as Town-Center Area shall have the following Housing Requirements.
 1. Single Family Home Development and Mix of Single Family and Townhome Development shall be governed by NCC 19.32.040 (A).
 2. A Mix of Single Family, Townhomes and Condominium: Equal to or less than 12 units per Net Developable Acres. Up to 40% of the units can be condominiums, and a minimum of 20% of homes must be single family homes.
- ~~B.~~ C. A proposed R-PUD adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.
- ~~B.~~ D. The City may approve single family homes that do not meet the required setbacks and lot size, i.e. patio homes. These homes shall not be counted toward the single-family home requirements contained in in this section and shall be counted toward the number of townhomes.

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A. 19.32.050 Open Space and Amenities

A. Each R-PUD shall provide the following types and amounts of open space and amenities:

Min Open Space Requirement	
Dwelling Type	Percentage of Net Developable Acres Required to be used for Amenities and Open Space
Single Family	20%
A Mix of Single Family and Townhomes	35%
<u>A Mix of Single Family, Townhomes and Condominium</u>	<u>35%</u>

Minimum Amenity						
Number of Units	Park Area	Pavilion	Swing Set	Playground	Clubhouse, Pool, or Splash Pad	Sports Court/Fields
Less Than 100	1.5 Acres	-	-	1	-	-
101-150	2.5 Acres	-	1	1	-	-
151-200	3.5 Acres	-	1	2	-	1
201-250	4.5 Acres	1	1	2	-	1
251-300	5.5 Acres	1	1	2	1 of the above options	1
301-400	6.5	2	2	3	2 of the above options (At least one pool or Splashpad)	2
401-500	7.5	2	2	3	2 of the above options_(	2

					(At least one pool or Splashpad)	
501 +	*	*	*	*	*	*

1. Development over 500 units must supply adequate and proportional amenities based on the table above.
2. Development containing under a total of 20 gross acres must provide a minimum open space as follows:
 - a. Single Family: 20% open space as defined within this Chapter or 3 acres of open space, whichever is greater
 - b. Mix: 35% Open space as defined within this Chapter or 5.5 acres of open space, whichever is greater
3. Development may be phased according to NCC 21.02.080 and the Development Agreement. The City Council may extend phasing deadlines within the development agreement based on the size of the project and proposed amenities. Public and Owners' Association-owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out amenities must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the Development Agreement. Until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
4. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.
5. This chart does not cover all potential amenities. The applicant may apply for other amenities that would benefit the R-PUD. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the require amenity. An applicant may add additional amenities above and beyond the requirements of this section.
6. Public and Private Park space may be combined or spread throughout the development. Each Park shall be a minimum of .25 acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an R-PUD shall be agreed upon by the applicant and the City Council. Park space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.

7. All amenities shall meet any federal, state, city, or other standards that apply.
8. Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.
9. Picnic Area: Two or more picnic tables for use by 10 or more persons.
10. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.
11. Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.
12. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.
13. Pool: A recreation facility designed and intended for water contact activities that serves an R-PUD. No pool shall be less than 800 sq. ft.
14. Splashpad: A recreation facility with sprinklers, fountains, nozzles and other devices or structures that spray water. Splashpads shall contain some above ground features.

C. Maintenance of Amenities

1. All R-PUDs must establish and maintain in perpetuity an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law. The Developer shall be a member of said Owners Association while the subdivision is being developed. The Owners Association for Mix developments shall have office space for the Owners Association constructed a part of the development.
2. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining amenities shall be borne by the fee owner of the property that is part of the R-PUD or Owners Association.
3. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be submitted with the preliminary plat for proposed maintenance of amenities within the development. This plan shall outline the following:
 - a. The proposed ownership and responsibility for maintenance of the amenities;
 - b. The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;
 - c. The size of each amenities parcel; and
 - d. The proposed concept plan for landscaping of the amenities.
4. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the amenities and providing for and addressing the means for the permanent maintenance of the amenities within the

proposed R-PUD application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:

- a. Documents and plans as listed in for the Preliminary Maintenance Plan.
 - b. A description of the use of the amenities and how that use complies with this Chapter;
 - c. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of amenities (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, clubhouse, pool, woodlands, etc.);
 - d. The estimated staffing needs, insurance requirements, and associated costs.
 - e. The landscaping plans for parcels that will be owned by an Owners Association or by the City.
5. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision before any property or lots are sold or transferred and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.
6. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements as set forth in NCC 21.14.
7. Failure to Maintain: The City may assume responsibility for the maintenance and operation of any portion of any amenity or common facility within an R-PUD in the event the party responsible for maintaining or operating the amenity fails to do so in accordance with the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, costs, fees, and liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. Owners shall not impede the City in its efforts to maintain the amenities.
8. Corrective Action: The City may enter onto any amenity provided as part of an R-PUD and take such corrective action, including extended maintenance, repairs, modifications, or the execution of additional agreements, as the City determines is necessary for the amenity to satisfy the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. The costs of such corrective action shall be charged to the owners and may include administrative costs, legal costs, and penalties. Such costs shall become a lien

on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property before any property or lots are sold or transferred.

9. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the owner listed in the maintenance plan. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
10. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all amenities and constrained and sensitive lands within the R-PUD to allow the owner of the property to have sufficient access.

19.32.060 General Requirements

- A. The R-PUD should be compatible with surrounding land uses, building types and physical features of the site. Specific requirements are included below:
- B. Determination of Net Developable Land:
 1. In calculating what portion of the project is considered developable, areas designated as constrained and sensitive land may not be included in the project size.
 2. If the constrained and sensitive land, property along waterways or other natural landscapes may reasonably be turned into a publicly-accessible amenity, it may be re-included in the project size.
 3. Net Developable Land must comply with the definition within this chapter.
- C. Site Development Standards: The following shall serve as the setback/site development standards for each proposed R-PUD.

	Single-Family Home	Townhome	Patio Home	Condo
Minimum Lot Size (sq. ft.)	4,500	-	=	=
Minimum Frontage	50'	-	=	=
Primary-Use Setbacks				
Front Yard	20'	20'	<u>20'</u>	<u>30'</u>

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Front Porches	10'	10'	<u>10'</u>	<u>10'</u>
Side Yard	5'	10'	<u>0'</u>	<u>10'</u>
Side Yard Porches, Deck, Overhangs	5'	5'	<u>0'</u>	<u>5'</u>
Side Yard Adjacent to Streets	20'	20'	<u>20'</u>	<u>25'</u>
Rear Yard	15'	15'	<u>15'</u>	<u>15'</u>
Maximum Height	40'	40'	<u>40'</u>	<u>40'</u>

Accessory-Use Setbacks				
Front Yard	20'	20'	<u>20'</u>	<u>20'</u>
Side Yard	3'	3'	<u>3'</u>	<u>3'</u>
Side Yard Street	20'	20'	<u>20'</u>	<u>20'</u>
Rear Yard	1'	1'	<u>1'</u>	<u>1'</u>
Maximum Height	15'	15'	<u>15'</u>	<u>15'</u>

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

~~1.~~

2. All other setbacks shall comply with Nibley City Code.

3. All buildings and landscaping shall comply with NCC 19.24.110 Clear View of Intersecting Streets as amended.

D. Signs: Any signs proposed for the development, other than traditional street signs, must conform to Nibley City Code.

E. All property developed as Townhomes, must be subject to covenants, conditions and restrictions and must be subject to and governed by an owner's associations in compliance with Utah Code Annotated Title 57.

1. In addition, each owner's association must have a governing board made up of property owners within the R-PUD, but general administration and maintenance of the development may be handled with a property manager. Any R-PUD that

- contains townhome must have onsite management, outside professional management or onsite point of contact.
- F. Amenities: Maintenance and ownership of amenities may be provided for under one of the following options as approved by the City Council in the City Council's discretion:
 - 1. Dedication of the land to Nibley City as a public park or parkway system; or
 - 2. Granting to the city a permanent amenities easement on and over the said private amenities to guarantee that the amenities remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowners' association established with articles of association and bylaws; or
 - 3. Adoption of covenants, conditions, and restrictions and creation of an owners' association that provides for the payment of common expenses for the upkeep of common areas and facilities.
 - G. Bond: For each phase, the developer shall be required to provide guarantees as set forth in NCC 21.14.
 - H. Subsequent Subdivision: If the R-PUD is to be subsequently divided either as a subdivision into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in the case of a subdivision.
 - I. Subdivision Regulations: Any part of an R-PUD that is proposed as a subdivision is subject to the provisions of the subdivision title and the standards, conditions, and restrictions of the base zoning, unless superseded by the provisions of this ordinance.

19.32.070 Approval Process

- A. An R-PUD is an overlay zone. That is, developers apply for the overlay to be applied, allowing them to receive the density bonuses outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The City Council, with a recommendation from the Planning Commission, may approve, deny or approve with conditions as a legislative action and no applicant has any entitlement to the approval of an R-PUD.
- B. Application Submission: An application for an R-PUD shall be submitted to the City with all required documents, maps, plats and plans as listed below.
- C. Procedure:
 - 1. An R-PUD shall go through the following process to gain approval:
 - a. Development Committee: An applicant shall have a preliminary meeting with a development committee composed of applicable City staff, and other elected and appointed official as appointed by the Mayor and approved by the City Council. Overlay Zone Application: Applicants shall submit an R-PUD Overlay Zone and preliminary plat application with the following:
 - i. A complete development plan application that is duly signed by the property owner or the owner's representative and that

- includes a legal description of the property and a nonrefundable application fee.
- ii. A vicinity map showing the approximate location of the subject parcel in relation to other major areas of the city.
 - iii. A general description of the proposed development, together with a map indicating the general development pattern, land uses, densities, intensities, open spaces, parks and recreation, and how the project is coordinating with existing and planned trails, sidewalks and pedestrian walkways and any other important elements within or adjacent to the project.
 - iv. Sufficient detail to indicate how the proposed development complies with the development standards for residential and nonresidential uses according to Nibley City Code and Design Standards.
 - v. A description of architectural design standards that will apply to all buildings within the development plan.
 - vi. A data table showing the total number of lots/units. Existing and proposed infrastructure including proposed roadways, utility locations and capacities and the estimated impacts of the proposed development plan on all public utilities including culinary water, secondary water, wastewater, transportation, storm drainage, fire protection, solid waste, parks and recreation demands of the proposed project.
 - vii. Existing physical characteristics of the site including all constrained and sensitive land
 - viii. Identify how environmental issues, if any, will be protected or mitigated, i.e., wetlands, historical sites, endangered plants and animals.
 - ix. Conceptual information relating to storm drainage including 100-year 24-hour drainage flows, 10-year 24-hour stormwater flows and proposed storm drainage facilities.
 - x. Major street layout that meets Nibley City standards.
 - xi. A general description of controlling entities and methods such as the use of CC&Rs, Owners Associations, architectural or design review committees or associations proposed to ensure that internal compatibility related to issues such as site design and architecture will be maintained over the life of the project.
 - xii. A list of property owners' names and addresses within three hundred feet (300') of the subject property and stamped and pre-addressed envelopes (return address to be left blank) for all property owners within three hundred feet (300') of the proposed development.
 - xiii. A list of land adjacent in the same ownership.
 - xiv. An electronic file of all submitted plans in PDF format or other electronic format determined by city staff. Such other information shall be included as may be necessary to determine

that the contemplated arrangement of uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this title.

- b. Preliminary Plat: A preliminary plat that complies with Nibley City Subdivision Code and all other applicable code for the subdivision. Preliminary plat approval may be granted at the same time of approval of the overlay zone.
- c. Approval with Development Agreement:
 - i. Before an R-PUD Overlay Zone can be approved, the City Council and applicant must enter into a development agreement which shall be recorded on title to the real property that is the subject of the development and which shall be binding upon and shall run with that property. The development agreement must include the following provisions:
 - a. That the development must be developed in a way that is substantially similar to the site plan and proposed amenity improvements.
 - b. That the preliminary site plan and all supporting documentation shall be attached to the development agreement.
 - c. That any development of the proposed real property shall not exceed the number of units as listed on the preliminary plat.
 - ii. The applicant shall provide the necessary documentation to establish that any holders of interests that are superior on title to the development agreement, including, but not limited to, liens, mortgages, deeds of trust, and other similar devices have been made subordinate to the development agreement.
 - iii. Signing and recording of the development agreement, and the subordination to the development agreement of any superior interests on title, must be accomplished before an R-PUD Overlay Zone may be approved.
- d. Final Subdivision Approval: Once the overlay zone and development agreement have been recorded, an applicant may apply for final plat approval. An applicant shall provide the following:
 - i. An applicant shall follow the standards as listed in NCC §21 for Final Plat approval of a subdivision.
 - ii. An applicant must submit all construction and civil engineering drawings and detailed plans for all amenities for the proposed phase of the development. These shall include landscape drawings and details. The City Engineer shall review and ensure all plans meet Nibley City standards.
 - iii. A maintenance plan that complies with the terms of this chapter.

- iv. The Planning Commission shall review and make a recommendation for final plat approval, approve with conditions, or denial to the City Council.
 - v. The City Council shall approve, approve with conditions, or deny the final plat application base on the standards listed within Nibley City Code, Design Standards, and the applicant's compliance with the Development Agreement.
- D. R-PUD Considerations: In approving with conditions, denying or approving an R-PUD proposal, the Planning Commission and City Council shall consider the following in addition to all other considerations required by law:
- 1. Design of Buildings: The architectural design of buildings and their relationship on the site and their relationship to development beyond the boundaries of the development.
 - 2. Streets and Parking: Which streets shall be public, and which shall be private, the entrances and exits to the development, and the provisions for internal and external traffic circulation and off-street parking.
 - 3. Type, Size, and Location of amenities.
 - 4. Landscaping and Screening: The landscaping and screening as related to the several uses within the development and as a means of its integration into its surroundings.
 - 5. Signs: The size, location, design and nature of signs, if any, and the intensity and direction or area of floodlighting.
 - 6. Ability to Complete Project: The demonstrated ability of the proponents of the R-PUD to financially carry out the proposed project under total or phase development proposals within the time limit established.
 - 7. Criteria for Issuing Conditional Use Permit: Criteria used in NCC 19.28 of this title.
- E. Revisions: In the event an approved preliminary or final site plan requires revision by the developer, the site plan, and its revision shall be approved by the Nibley City Council with the recommendation of the Planning Commission. In the event revision is for a final site plan, all property owners in the development shall be notified in writing by the Planning Commission that a revision has been submitted and will be considered by the Planning Commission.
- F. Building Permit Issuance: The building inspector shall not issue any permit for the proposed building or use within the project unless such building or use is in accordance with the approved development plan and any conditions imposed, including completion of amenities. Time Limit: Unless there is substantial action leading toward completion of a R-PUD or an approved phase thereof within three years from the date of approval, such approval shall expire unless after reconsideration of the progress of the project an extension is approved by the City Council.

19.32.080 Development Standards

These standards are intended to create R-PUD developments that will establish permanent neighborhoods and provide a sense of community. To meet the intent of this section, the

following provisions shall be applied to all new multi-family residential and mixed-use developments. For exterior remodels, these standards shall be required. Commercial areas of an R-PUD must comply with Nibley City Commercial design standards for commercial developments.

A. Townhome, Patio Homes, and Condominium Architectural Standards.

1. General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.
2. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.
3. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.
4. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods
5. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.
6. Variation. Townhome dwellings units shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the size of the building. The following architectural features shall be incorporated into the design of the building:
 - a. Change in building materials;
 - b. Building projections measuring at least twelve(12) inches in depth based on the scale of the proposed building;
 - c. Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.
7. Garages. Townhomes shall be designed oriented toward exterior public roads with rear loading garages accessed by a paved parking area or alleyway, except along Highway 165 and 89/91 as approved. Rear loading garages are highly encouraged for townhomes located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for townhomes

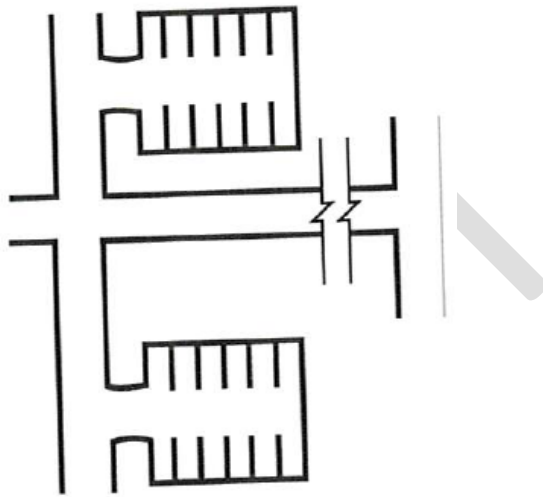
that do not have any portion of the building adjacent to a current or planned public road or street outside of the development. Multiple unit structures shall have garages incorporated into the primary structure. At least fifty percent (50%) of units shall contain a two-car garage. Detached garages are prohibited in R-PUDs

B. Site Design Standards.

1. Natural features. R-PUDs shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features.
2. A landscaping plan for the front yards shall be included. The landscaping plan shall include at least one (1) tree for every dwelling unit, and two (2) shrub of five (1) gallon size for each dwelling units. Coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.
3. Connectivity. R-PUD shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.
 - i. Street Design: All street designs shall comply with the General Plan and Transportation Master Plan including Nibley City's street standards and connectivity requirements. Each development shall provide at least two working access points that provide access to an existing street right-of-way. Additional access points may be required in order to facilitate an adequate and convenient circulation system within the City. Such additional access points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties.
 - ii. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.
 - iii. All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.
 - iv. Private Drives/Alleyways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.
 - a. Private drives shall be a minimum width of 20 ft.
 - b. All private drives shall be perpendicular, within 10 degrees, to the street they connect to.
 - c. Driveways that access a single dwelling unit are not considered private drives or an alleyway

- v. Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use as determined by the land use authority. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of eight ft (8") sidewalk.
 - vi. No dwelling units in an R-PUD shall have driveway access to any arterial roadway as listed in Nibley's Transportation Master Plan. Townhome units may face and have frontage along arterial roadways but must have rear loading garages. Public and private parks, open space or Buffering as defined within this chapter may also be along arterial roads.
4. Pedestrian circulation. R-PUD shall provide a circulation map and show the following improvements to for pedestrian circulation and safety:
- a. Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, adjacent sites and adjacent master planned trails where applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.
 - b. Walkways shall be hard surfaced with concrete.
 - c. Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.
 - d. The development shall provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan and Nibley City Design Standards.
5. Parking: Each R-PUD shall provide 2 primary parking spaces for each unit. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-PUD shall provide one guest parking spot for every three units. Guesting parking may be located in parking courts or on street parking maintained by the owner association.

- i. Individual parking courts shall contain no more than 20 parking spaces and shall be physically and visually separated by a landscape area a minimum of 10 feet in width from any adjacent right-of-way. The separation shall be landscaped with grass, trees, or xeriscape plants.



- ii. A parking court of any length shall consist of no more than one double-loaded parking aisle.
 - iii. Parking courts shall be located in the interior of the development and located between or in the rear of buildings for townhome developments.
 - iv. On-street parking shall be limited to local roads only. On-street parking shall have dedicated and marked spaces and must be approved by the City Engineer,
 - v. Parking Courts shall be paved and built to Nibley City parking lot standards.
6. Landscaping: All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grasses, or similar landscaping materials.
- i. Landscaping shall also be installed in all park strips to the same standards as other onsite landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other nonvegetative material are not allowed in the park strip area between the curb and sidewalk. Xeriscaping is permitted. The developer

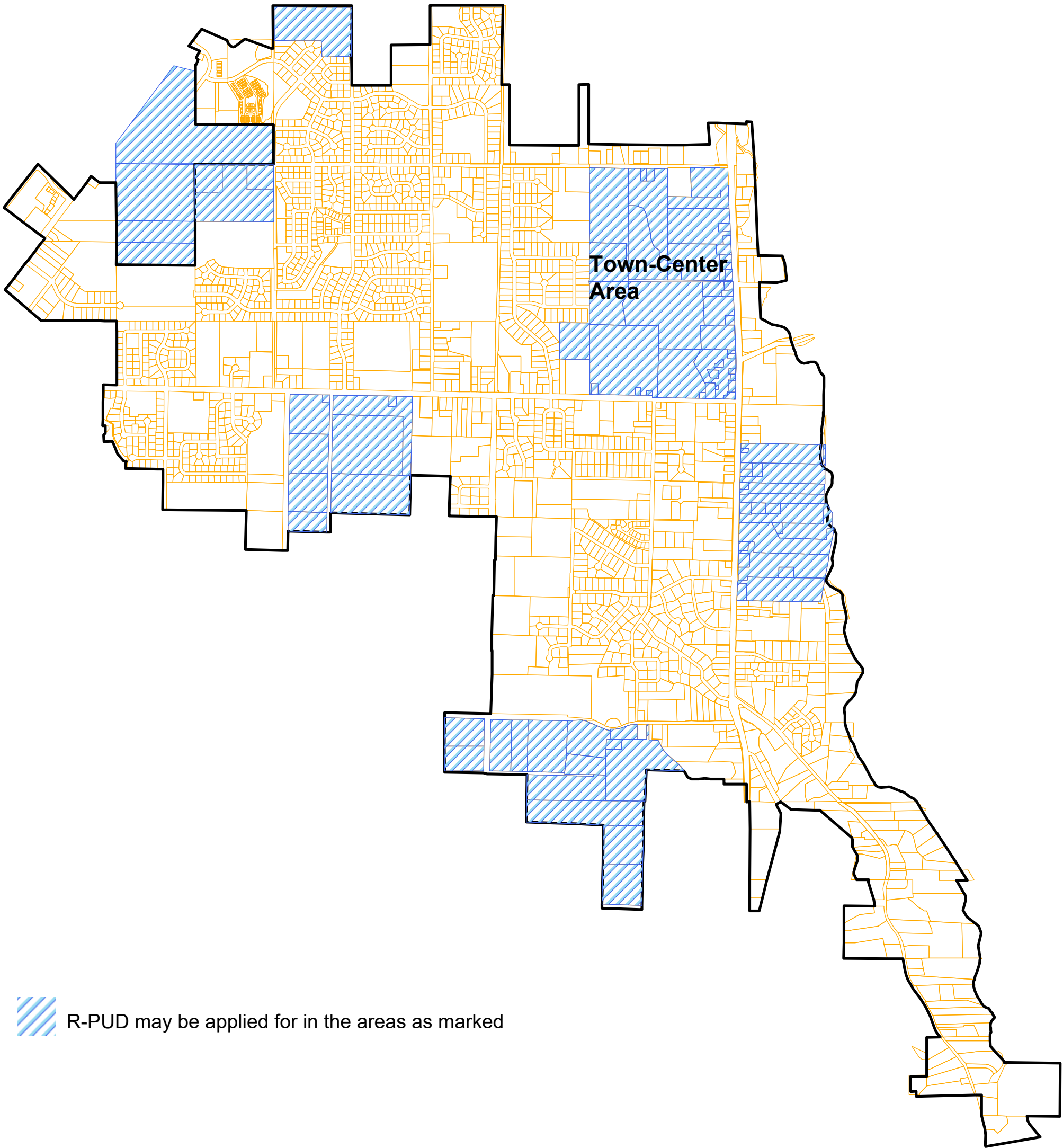
should plant street trees of an approved species and size along all street. Trees should be planted at intervals of every 50 feet and must meet Nibley City Standards.

- ii. Buffering: R-PUD developments shall provide buffering along Highway 89/91 or Highway 165, or along the boundary of an R-PUD that is adjacent to commercial, or industrial zones. Buffering landscaping is not required if commercial or industrial zones are separated by a public street from the R-PUD. Buffering shall meet the standards within this ordinance.
- iii. Natural Landscape: All open space land dedicated to natural use must maintain its natural landscaping and plant life.

7. Fences:

- i. Permitted Fences: Dwelling units are allowed to install and construct fences in compliance with NCC 19.24.090. Vinyl fences are only permitted in an R-PUD for the purpose to mark property lines of individual dwelling units.
- ii. Fencing to mark the boundary of the development or amenities must meet the following standards:
 - a. Opaque fences or walls must only be 4 feet tall. Any fencing above 4 feet must be at a minimum 80% transparent.
 - b. Fencing and walls must be constructed out of concrete, bricks, rock, or metal bars. Chain link and vinyl fences are prohibited unless used to mark the property boundary of the dwelling unit. Wood may only be used in a rail or agricultural-type fencing. Other materials may be approved by the Planning Commission based on the longevity of the material and if the material will aesthetically enhance the property. Walls and fencing shall also comply with NCC 19.24.090 and other fencing setback requirements as contained within Nibley City Code.

19.32.030 (B) R-PUD Application Map



 R-PUD may be applied for in the areas as marked

Agenda Item #10

Description	Discussion and Consideration of the proposed Nibley Farms Subdivision Preliminary Plat, a 32.49-acre Rural Preservation Subdivision located between 1200 West and 1500 West at 3400 South
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Review Nibley Farms Subdivision Preliminary Plat, a 32.49-acre Rural Preservation Subdivision located between 1200 West and 1500 West at 3400 South. If developer meets the findings within this report, approve preliminary plat. Discuss with developer options for Open Space along 1200 W as dedicated park space.
Reviewed By	City Manager, City Planner, Planning Commission

Background



Nibley Farms Subdivision Preliminary Plat is a Rural Preservation Subdivision application proposed by Westates Companies, LLC. The project is located between 1200 W and 1500 W and at 3400 S. The proposal contains a total of 65 lots, which is under the allowed 75 lot density bonus. Staff has sent comments back to the developer and is expecting an updated plat before the meeting. However, without the updated plat, staff has some concerns about the proposed

development. These concerns can be found in the “Findings” section below.

Zoning

Rural Preservation Subdivision Open Space	
Total Gross Acres	32.49
Total Developable Acres	27.59
Total Open Space Land	11.90
Open Space Percentage	43.2%
Incentive Multiplier	1.35
Total Lots Allow	75, proposed 67

Staff finds that the plat meets the zoning requirements for the total number of lots, lot sizes, setbacks, and the proportion of proposed open space. The minimum frontage requirement for the Open Space Ratio is 80', which the plat complies.

	Zoned: R-2 Rural Preservation Subdivision	Nibley Farms Subdivision Preliminary Plat
Minimum Lot Size	7,800 sq. ft.	8,845 sq. ft.
Average Lot Size	9,200 sq. ft.	10,207 sq. ft.
Frontage	80 ft.	The Plat Complies
Side Yard Setbacks	10 ft.	The Plat Complies
Rear Yard Setback	25 ft.	The Plat Complies
Street Side Yard	25 ft.	The Plat Complies

Phasing: NCC 21.02.080

A preliminary plat needs to show the proposed phasing plan. The applicant has added the phasing to the plat. Nibley City Subdivisions code requires that a preliminary plat shows “a plan outlining how the subdivider intends to phase construction of the project if phasing is intended.” NCC 21.08.010. The City also needs to ensure that phasing will take place in a way to allow for proper access during development so that once the development has 30 homes or more, a second access is developed. As proposed, Phase 1-3 contain a total of 28 lots, and then Phase 4 would add another access at 1300 W.

Staff's primary concern is about the construction of needed improvements over so many different phases and connection of water line to phase one which is currently being shown in phase 4 through 1300 W. However, phases are generally proportional and compliant with Nibley City Code.

Utility Lines

The plat contains the proposed water lines and sewer lines and the connection points as required.

NCC 21.08.010 (C)(5)

Existing sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.

The Subdivision will also need to place utility lines to the south of 1500 W to comply with Nibley City's Water and Sewer Master Plans. The proposed utility lines currently terminate their southward direction at the proposed 3410 S.

Canals

There are several canals on the property within the proposed subdivision. The Canal Company has not given approval of the proposed changes as required NCC 21.08.010 (C)(6), but all plans have been submitted to the canal company, and those plans are under review. The applicant is currently evaluating, with the Canal Company and the City, if the 1200 W canal could be abandoned.

In addition to those requirements, Nibley City subdivision plats must follow NCC 19.24.230 (F). This section of code requires that all open primary canal or waterways within a subdivision have a right-of-way dedicated to the City of "15' from the top of each bank to be identified on the preliminary plat and final plat". However, there are no primary canals within the proposed subdivision. The applicant is planning to keep the canal that runs through open space 6 open with adjacent open space and trail. The trail and continue along the south end of the development along the canal that is adjacent to the property line.

Roads

The proposed development shows roads and widths that align with existing roads that have been constructed, and City staff does not have any concerns about right-of-way widths. There is a local road link that shows 1300 S continuing to the South in the Transportation Master Plan. That road is contained on the plat. However, right-of-way widths need to be shown on the plat and must be 60' wide.

The developer has added a cul-de-sac on one of the roads that use to intersect with 1200 W. A trail will need to be added as stated in NCC 21-12-60 (B). A trail needs to exit out of the back of the cul-de-sac that is a minimum of 8' wide. It may be ideal to plot is over the sewer line.

Open Space, Sensitive Areas Designation Plan Map and Maintenance Plan

One of the key features of a Rural Preservation Subdivision is the open space required in exchange for the bonus density. Because of the open space requirements, the City requires that the preliminary plat application comes with a Sensitive Areas Designation Plan Map and a Preliminary Maintenance Plan. Staff has received the Sensitive Areas Designation Plan Map as required in 21.10.020 (D)(3). The maintenance plan, for a preliminary plat, must show the following:

NCC 21.10.020 (L) (2)

2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:

- a) The proposed Ownership of the Open Space Land;*
- b) The party that will be responsible for maintenance of the Open Space Land;*
- c) The proposed use of the Open Space Land and how each parcel of Open Space Land meets the*
- d) standards listed within this section;*
- e) The size of each Open Space Land parcel; and*
- f) The proposed concept plan for landscaping of the Open Space Land.*

The plan proposal is that the open space parcels are owned and maintained by a private party. All the Open Space must meet the defined purpose and criteria contained in the following code:

NCC 21.10.020 (B) (1)

OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on a Rural Preservation Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.

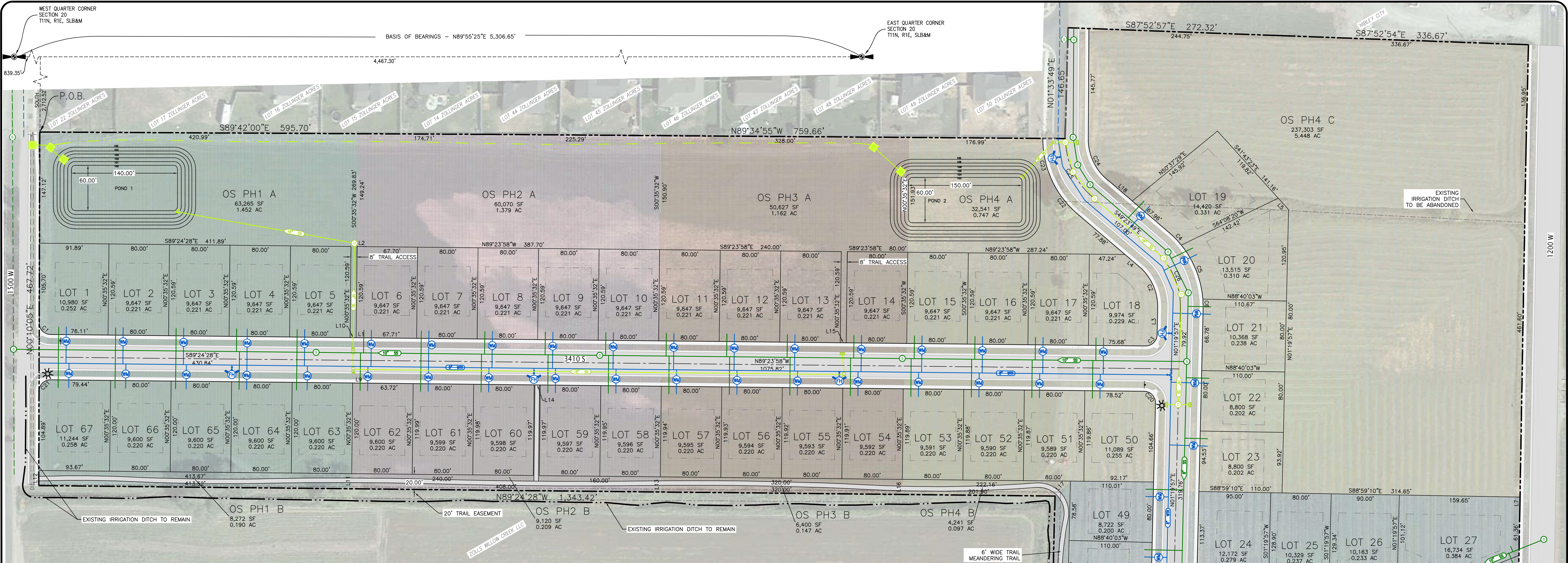
Staff has a few questions about the maintenance plan as follows:

- Who is proposed to own the south trails?
- Maintenance Plan reference the stormwater pond that the City will own and maintain with require improvements. 21.10.20 (I)(7). The required improvements seem to be reflected in the landscape plan. Please clarify the use and ownership of stormwater ponds.
- Plan mention there will be pedestrian access to Open Space 1-4. There is a trail easement on the plat between lots 13 and 14, but there is not any trail easement or plans for what that trail will look like. Nibley City Code 21.10.020 (B)(1) requires "Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land."
- The City Council general recommendation is for the City to have ownership of the open space along 1200 W so it could be added to the park.
- South Trail should be 8' ft wide to meet Trails Master Plan Standard

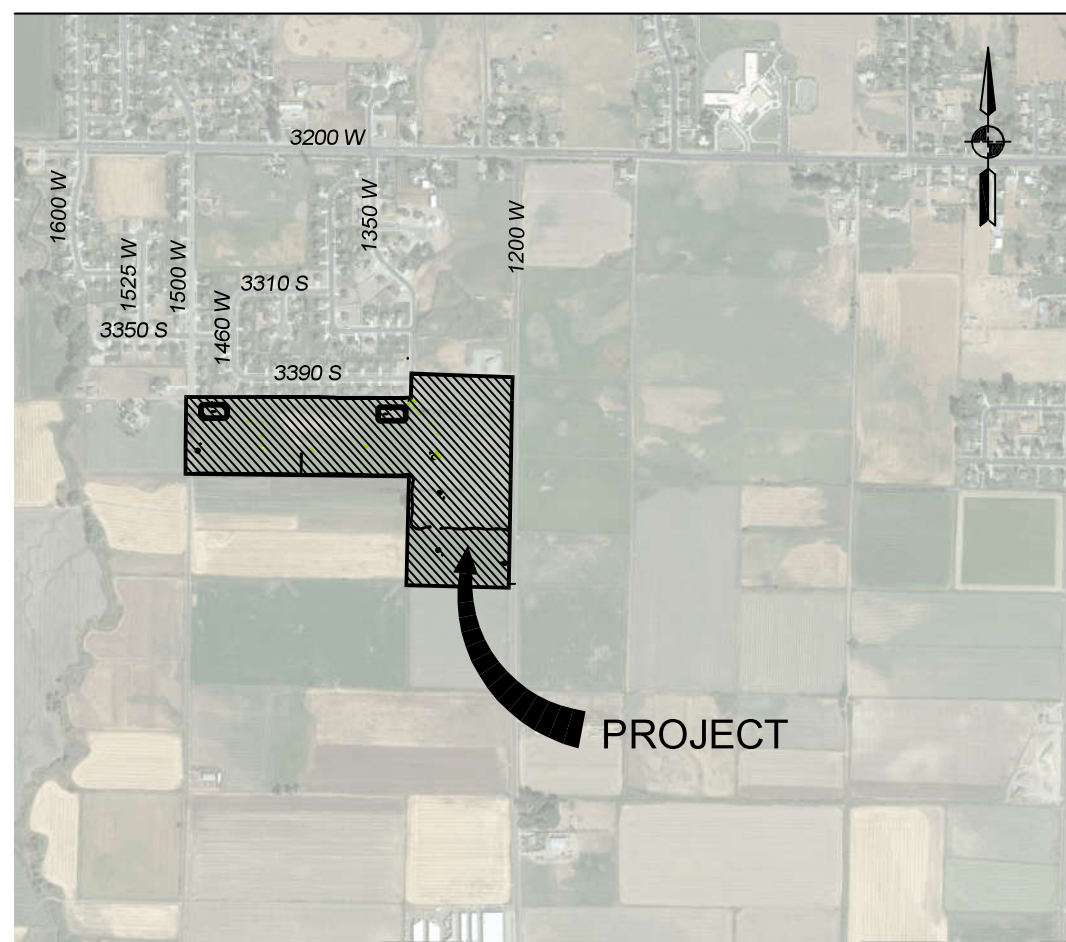
Recommended Findings:

In addition to the notes above about the maintenance plan, staff recommend the other findings:

- The plat meets all zoning requirements for lot size, frontage, setbacks.
- Right-of-way widths need to be listed on the plat 21.08.010 (D)
- South Trail should be 8 ft. wide to meet Trail Master Plan
- Developer should address the concerns with open space as listed within this report.
- A trail needs to exit out of the back of the cul-de-sac that is a minimum of 8' wide NCC 21-12-60 (B).



VICINITY MAP



NOTES

PUBLIC UTILITY EASEMENTS:

ALL LOTS IN THIS SUBDIVISION ARE SUBJECT TO PUBLIC UTILITY EASEMENTS ALONG ALL PROPERTY LINES AS FOLLOWS:
FRONT: 10 FEET
REAR: 10 FEET
SIDE: 5 FEET

ZONING INFORMATION

ZONE: R-2

APPROVED MINIMUM SETBACKS ARE AS FOLLOWS:
FRONT: 30 FEET
REAR: 25 FEET
SIDE: 10 FEET

CORNER LOTS ARE SUBJECT TO A 25 FOOT BUILDING SETBACK ON THE STREET THAT IS NOT BEING FRONTED ON. ALL SETBACKS ARE SUBJECT TO NIBLEY CITY ZONING ORDINANCE REQUIREMENTS AT THE TIME A BUILDING PERMIT IS ISSUED.

TABULATIONS

	ZONED	SUBDIVISION
MINIMUM LOT SIZE	7,800 sf	8,722 sf
AVERAGE LOT SIZE	9,200 sf	9,903 sf
FRONTAGE	80'	80'

Size of parcel = 1415332.74 sf = 32.49 ac
Net developable (city default) = 32.49 ac x 0.8 = 26.0 ac
Net developable (calculated) = 32.49 ac - 4.96 = 27.53 ac
Max number of homes 27.53 x 2 = 55

Open space required = 27.53 x 0.40 = 11.01
Open space provided = 11.90 ac
Open space ratio = 11.90 / 27.53 = .432
Incentive multiplier = 1.35

Max number of homes = 1.35 x 55 = 74 homes

67 lots designed
Min width = 80 ft

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD LENGTH	CHORD BEARING
C1	15.00'	23.45'	89°34'33"	21.13'	N44°37'12"W
C2	70.00'	58.77'	48°06'10"	57.06'	S22°43'08"E
C3	15.00'	23.37'	89°16'05"	21.08'	S45°58'00"W
C4	130.00'	19.54'	8°56'50"	19.53'	N43°09'45"W
C5	130.00'	77.95'	34°21'13"	76.78'	N21°40'44"W
C6	130.00'	13.24'	5°50'05"	13.23'	N01°35'05"W
C7	15.00'	23.56'	90°00'00"	21.21'	N43°40'03"W
C8	60.00'	62.89'	60°03'29"	60.05'	S73°10'19"W
C9	30.00'	25.23'	48°11'23"	24.49'	S67°14'16"W
C10	60.00'	48.37'	48°11'32"	47.07'	N53°42'10"W
C11	60.00'	66.89'	63°52'44"	63.48'	N01°19'57"E
C12	60.00'	48.37'	48°11'32"	47.07'	N56°22'05"E
C13	30.00'	25.23'	48°11'23"	24.49'	S64°34'21"E
C14	60.00'	62.89'	60°03'29"	60.05'	S70°30'24"E
C15	15.00'	23.56'	90°00'00"	21.21'	N46°19'57"E
C16	15.00'	23.39'	89°20'37"	21.09'	N44°00'04"W
C17	15.00'	22.44'	86°04'48"	20.48'	S48°17'14"W
C18	15.00'	22.46'	85°48'03"	20.42'	S45°46'20"E
C19	15.00'	23.39'	89°19'58"	21.09'	N46°39'39"E
C20	15.00'	23.75'	90°43'55"	21.35'	S44°02'00"E
C21	15.00'	23.67'	90°25'27"	21.29'	N45°22'48"E
C22	130.00'	59.16'	26°04'21"	58.65'	S38°43'52"E
C23	130.00'	59.16'	26°04'19"	58.65'	S12°39'42"E
C24	70.00'	64.74'	52°29'32"	62.46'	N26°07'53"W
C25	100.00'	91.57'	52°27'52"	88.40'	S25°52'03"E
C26	100.00'	84.70'	48°31'55"	82.19'	N22°56'00"W

LINE	BEARING	DISTANCE
L1	N89°24'28"W	12.29'
L2	S89°24'28"E	12.30'
L3	S00°35'32"W	35.49'
L4	S49°23'49"E	27.84'
L5	S42°05'21"E	20.39'
L6	N88°40'03"W	10.58'
L7	S00°35'32"W	15.78'
L8	S88°40'03"E	10.58'
L9	S89°24'28"E	16.28'
L10	N89°24'28"W	8.00'
L11	S00°35'32"W	20.00'
L12	N00°10'05"E	20.00'
L13	S00°35'32"W	20.00'
L14	S89°23'58"E	8.00'
L15	N89°23'58"W	8.00'
L16	S00°35'32"W	20.00'
L17	S45°57'45"W	28.47'
L18	N49°23'49"W	40.35'
L19	N88°40'03"W	20.00'
L20	N88°40'16"W	20.00'

UTILITY LEGEND

- FIRE HYDRANT
- STREET LIGHT
- STORMWATER CATCH BASIN
- STOP SIGN
- WATER LINE
- SANITARY SEWER
- STORM DRAIN
- STORM DRAIN SWALE
- SEWER MANHOLE
- 1" WATER LATERAL METER
- STORMWATER MANHOLE
- 3X6 STORM WATER BOX

BOUNDARY DESCRIPTION

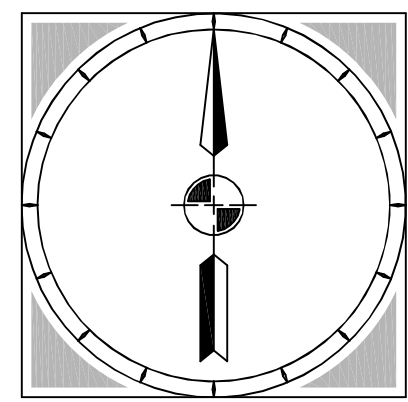
BEGINNING AT A POINT N89°55'25"E 839.35 FEET AND SOUTH 2,712.52 FEET FROM THE WEST ONE-QUARTER CORNER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE S89°42'00"E 595.70 FEET;
THENCE S89°34'55"E 759.66 FEET;
THENCE N01°33'49"E 146.65 FEET;
THENCE S87°52'57"E 272.32 FEET;
THENCE S87°52'54"E 336.67 FEET;
THENCE S01°21'17"W 136.95 FEET;
THENCE S00°58'53"W 477.38 FEET;
THENCE EAST 0.00 FEET;
THENCE S01°06'13"W 652.51 FEET;
THENCE N88°40'16"W 617.35 FEET;
THENCE N01°19'57"E 655.44 FEET;
THENCE N89°24'28"W 1,343.42 FEET;
THENCE N00°10'05"E 467.72 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 32,492 ACRES, OR 1,415,343 SQUARE FEET

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°55'25" EAST BETWEEN THE SURVEY MONUMENTS AT THE WEST AND EAST ONE-QUARTER CORNERS OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.



PROJECT
C19-025
SHEET
1 OF 3
ISSUE DATE
10-02-19

Summit Engineering Group Inc.
Structural • Civil • Surveying
55 WEST CENTER • P.O. BOX 178
HEBER CITY, UTAH 84032
P: 435-854-9229 • F: 435-854-9231

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**NIBLEY FARMS
PRELIMINARY PLAT**
LOCATED IN THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 11 NORTH, RANGE 1 EAST,
SLB&M, NIBLEY CITY, CACHE COUNTY, UTAH

OWNER: JOHN A, SUC TR RIGGS
856 W. 3200 S.
NIBLEY, UT 84321
DEVELOPER: WESTATES COMPANIES
95 RIVER BEND WAY
NORTH SALT LAKE, UT 84054

Preliminary Maintenance Plan for Open Space

Nibley Farms

Introduction

This Preliminary Maintenance Plan for Open Space is for the proposed Nibley Farms subdivision containing 67 lots and approximately 32.49 acres. The proposed open space layout is shown on the attached Preliminary Plat.

Applicable Code Section:

21.10.020 Rural Preservation Subdivision

L.2.Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:

- a) The proposed Ownership of the Open Space Land;
- b) The party that will be responsible for maintenance of the OpenSpace Land;
- c) The proposed use of the OpenSpace Land and how each parcel of OpenSpace Land meets the standards listed within this section;
- d) The size of each OpenSpace Land parcel; and
- e) The proposed concept plan for landscaping of the Open Space Land.

General

Nibley Farms has two main sections of open space that are connected via walkable trail. This walkable trail is intended to interconnect with future publicly and privately built trails extending throughout the city. The total open space is approximately 11.9 acres.

The proposed, updated configuration provides a strong open space connection between 1200 W and 1500 W. Additionally, it establishes a buffer between the existing development to the north and the new lots in this development. Further, the bulk of the open space is adjacent to the city's open space property along 1200 W.

Proposed Ownership

With this new configuration, we intend to deed the property to a private owner with appropriate deed restrictions as required by city code.

Proposed Usage

The property as proposed, provides immediate use as a walkable route with grazing or farming opportunities.

Accomplishes:

- Walkability with connectivity through street connections and outlets for future trail connections
- Preservation of rural use.

Maintenance

Maintenance would follow the ownership of the open space property. Requirements for the trail include crack sealing of the asphalt surface, usually every couple of years. A seal coat would also typically be applied every few years as needed. The areas directly adjacent to the hard surface trail would typically be cut two or three times per year.

Protection

The open space parcels will be protected via protective easement in accordance with the City's code requirement.

Standards

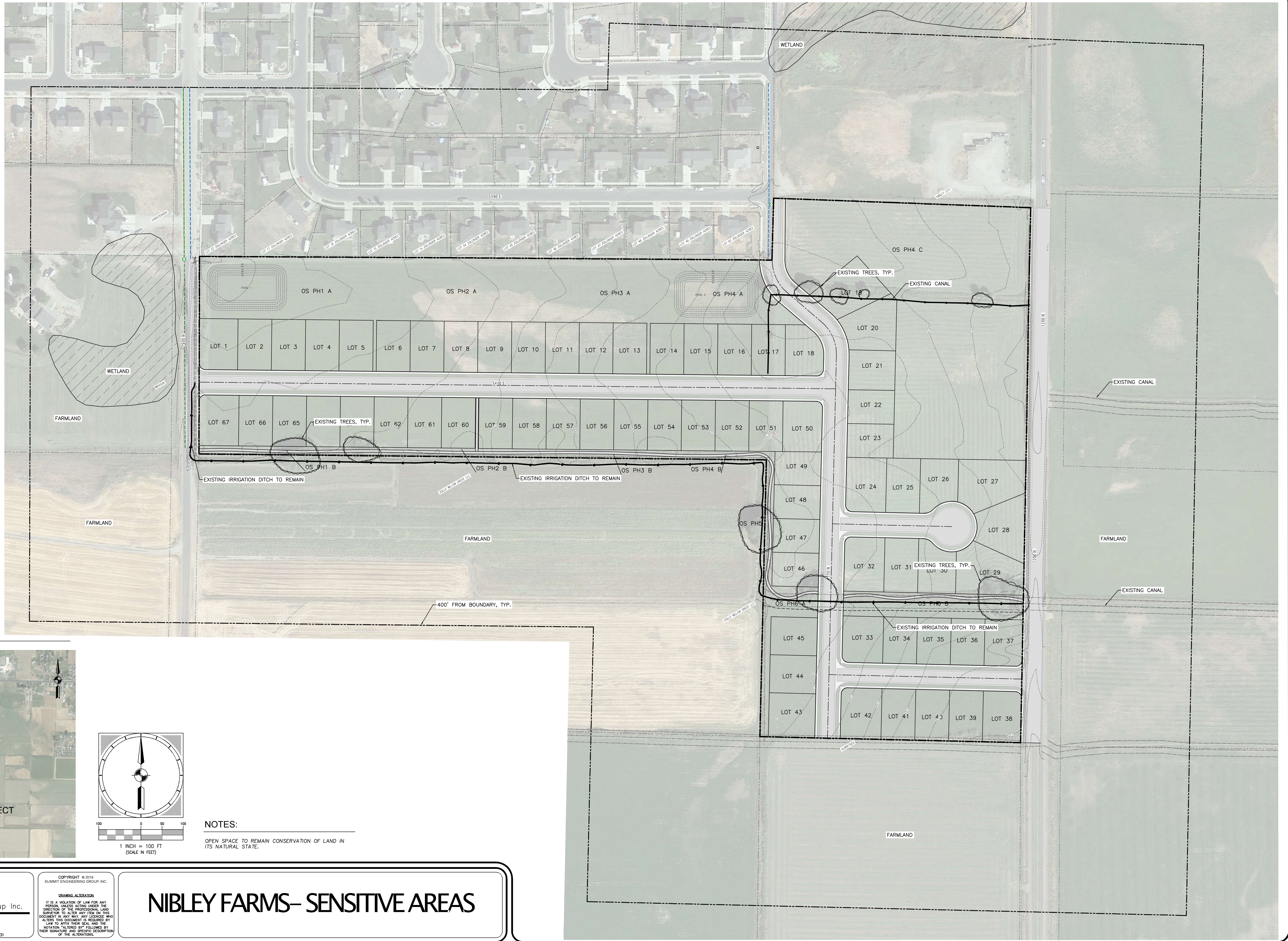
The proposed open space is designed to meet the requirements outlined in sections 2, 3 and 5 with a portion at the west end complying with 7.

21.10.020 Rural Preservation Subdivision

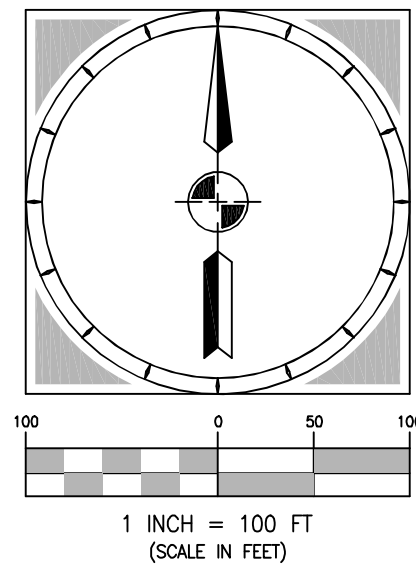
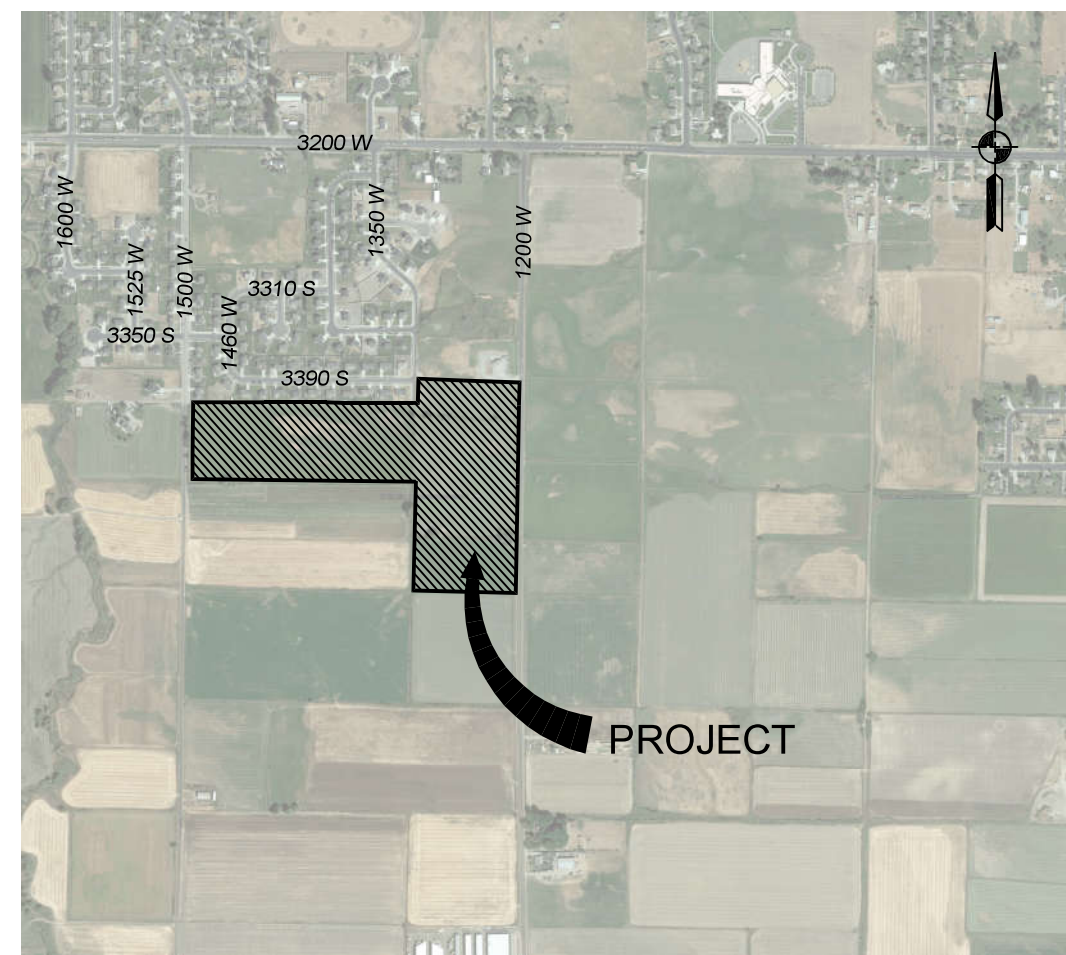
- I) OpenSpace Land Design Standards: OpenSpace Land shall be located and designed within the Rural Preservation Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of OpenSpace Land. Designated OpenSpace Land within a Rural Preservation Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet three (3) or more of the following standards:
 1. Significant Areas and Natural Landscape: OpenSpace Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature. This OpenSpace Land may also contain historic buildings and/or sites, archeological sites, and cultural features. The maintenance plan shall outline how the property will be preserved and maintained. The maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.
 2. Contiguous Land: OpenSpace Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other OpenSpace Land in adjacent subdivisions or developments to provide for large and integrated OpenSpace Land areas within the City.
 3. Agricultural Land: Privately held OpenSpace Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.
 4. Buffering: OpenSpace Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, six (6) trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and

installed to Nibley City Standards for City parks current at the time of approval of Final Plat. OpenSpace buffer areas shall be under single ownership.

5. Pedestrian Access: Developer shall provide pedestrian access to OpenSpace Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
6. Recreation Space: OpenSpace Land maybe designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other recreation and park amenities. These recreation spaces are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the maintenance plan can be given. Publicly and owners' association owned openspaces shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the development agreement; until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
7. Stormwater Basin: These facilities must be built to Nibley City Design Standards and Specifications, must contain a tree for every 300 square feet and planted and clustered around the perimeter basin area; an irrigation system must be installed, and be planted with grass, natural vegetation and shrubs. The stormwater basin can be a local or regional basin and must be owned and maintained by Nibley City.



VICINITY MAP
N.T.S.



NOTES:

OPEN SPACE TO REMAIN CONSERVATION OF LAND IN ITS NATURAL STATE.

PROJECT
C19-025
SHEET
3 OF 3
ISSUE DATE
10-02-19

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NIBLEY FARMS- SENSITIVE AREAS