

McDONALD FIELDING PLLC

THE MILL AT DRY CREEK
175 W. CANYON CREST ROAD, SUITE 204
ALPINE, UTAH 84004
PHONE: 801-610-0010

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September 3, 2019

Logan Municipal Council
c/o Teresa Harris, City Recorder
290 North 100 West
Logan, UT 84321
Via Email: teresa.harris@loganutah.org
(copy via United States Mail)

Mayor Holly Daines
Via Email: holly.daines@loganutah.org

Mike DeSimone
Via Email: mike.desimone@loganutah.org

Logan Municipal Council (Via Email):

Amy Z. Anderson
(azadeikanderson@hotmail.com)

Jess W. Bradfield
(jess.bradfield@loganutah.org)

Tom Jensen
(thomascarljensen@hotmail.com)

Herm Olsen
(herm@hao-law.com)

Jeannie F. Simmonds
(jfsimmonds@comcast.net)

RE: Request for Disconnection of Wesley Nelson Farms, Inc.
(Tax Parcel ID No. 03-007-0019)

The Honorable Members of the Logan Municipal Council:

This firm represents Wesley Nelson Farms, Inc. (“**Petitioner**”), owner of the above-referenced property, which is situated immediately north of 2600 South and east of U.S. Highway 89/91 in Logan, City, Cache County, Utah (“**Property**”).

REQUEST FOR DISCONNECTION

Pursuant to Utah Code Ann. § 10-2-501(1)(a), Petitioner, as owner of title to the Property, hereby submits the signed request for disconnection attached as **Exhibit 1**.¹

(a) Filing With the Legislative Body

Pursuant to Utah Code Ann. § 10-2-501(2)(a) Petitioner does hereby file this REQUEST FOR DISCONNECTION with the Logan City Municipal Council, the legislative body of Logan City. Contemporaneously with this petition, the Petitioner has filed a Notice of Intent to File

¹ The annexation form was used because a disconnection form either does not exist or is not available from the City’s website.

Petition for Annexation with the legislative body of Nibley City, notifying all concerned persons of its intent to request annexation into Nibley City upon disconnection from Logan City.

(b) Statutory Requirements

(i) Name, address, and signature of owner.

Pursuant to Utah Code Ann. § 10-2-501(2)(b)(i), the names, addresses, and signatures of the owners of more than 50% of any private real property in the area proposed for disconnection are found in Exhibit 1. Petitioner owns 100% of the private real property in the area proposed for disconnection. The territory proposed for disconnection is shown in the plat map attached as **Exhibit 2**.² A current survey of the property is attached as **Exhibit 3**.

(ii) Reasons for disconnection.

Pursuant to Utah Code Ann. § 10-2-501(2)(b)(ii), Petitioner hereby submits the statutorily-required reasons for disconnection.

a. Viability.

Not only is disconnection of the Property viable it has been recommended by Logan City's staff and acknowledged as necessary and inevitable by the municipal council. Indeed, Logan City, itself, has already initiated boundary line discussions with Nibley City that would include disconnection of the Property from Logan City and annexation of the Property into Nibley under a boundary line adjustment with Nibley City.

For example, Logan City drafted Resolution No. 19-34, attached as **Exhibit 4**, which acknowledges that Petitioner is among "the owners of certain property described herein [with] a desire to further develop their property; and ... the proposed development can be better facilitated by a boundary adjustment between the City of Logan and Nibley City[.]" (Ex. 4 at p. 1.) As Exhibit 4 demonstrates, Logan City has been contemplating since at least 2018 an adjustment of the municipal boundary line between Logan City and Nibley City that would make the respective municipal boundaries coincide with the centerline of SR89/91 from 2200 South down to 3200 South, with all lands of SR 89/91 in Nibley and all lands west of SR 89/91 in Logan. (See Ex. 4 at p. 3.)³

In the June 18, 2019, regular meeting of the municipal council Director of Community Development Mike DeSimone stated, with regard to the undeveloped land to the east of SR 89/91, which includes the Property:

We don't have services down there. The service—this big property right here we've looked at, it's several million dollars, and it will take a number of years to get there. They have development plans they want to proceed with

² A full-sized print out of the plat map can be proved by the Petitioner upon request.

³ Logan City's previous mayor discussed disconnection of the Property in 2016.

sooner than that. We've had those conversations with them for the last couple of years.

.... Nibley has a [sewer] line running right through their property, right along the highway. They have water on the backside. So they have the ability to service these properties and we don't. So that's really the crux of the issue.

(Audio Transcription of June 18, 2019, Logan Municipal Council Regular Meeting, attached as **Exhibit 5**, at pp. 5-6.)

Not only does Logan City not have the necessary capital improvements to develop the Property such as water and sewer, by the city's own admission getting such infrastructure to the Property would be "prohibitive" and the city simply does not have funds in its capital plan to accommodate the extension of such infrastructure. (Ex. 5 at pp. 13-14.) According to February 20, 2018, municipal council meeting minutes, **Exhibit 6**, discussing proposed Resolution 18-02, **Exhibit 7**, to adjust the city's municipal boundaries, the total cost for bringing infrastructure to the Property would be approximately \$3 million. (Ex. 6 at pp. 9-10.)

Logan City would have approved Resolution 19-34 but for its desire to negotiate road setbacks with Nibley City in exchange for Nibley's cooperation with the boundary line adjustment. As discussed by the Logan municipal council, Nibley's setbacks are 30 feet whereas Logan City's are 150. (See Ex. 5 at pp. 10-11, 14, 16, 20-22, 26-27 and 29.) Consequently, the municipal council essentially decided to delay formal passage of Resolution 19-34 until it could meet with the Nibley City Council and persuade it to enact the same 150-foot setbacks as Logan City has as part of the boundary line adjustment deal between the two cities. (*Id.*)

Nibley City has long planned to have the Property become part of Nibley City. For example, its January 2013 Economic Development Strategic Plan, attached as **Exhibit 8**, identified development of commercial areas along SR 89/91 as priority and part of its community vision. (See Ex. 8 at p. 4.) Nibley's Economic Development Strategic Plan stated, "Nibley will need to identify more land for future commercial development—either in its existing boundaries or through future annexations." (*Id.* at p. 11.) The Petitioner plans to develop the portions of the Property immediately adjacent to SR 89/91 into commercial uses, as shown in **Exhibit 9**, with higher density residential uses immediately adjacent to the commercial development and lower density residential uses immediately adjacent to the higher density residential uses.

As shown in **Exhibit 10**, the Property is part of the Nibley City Annexation Policy Plan and is depicted on the Nibley City Annexation Declaration Boundary map. (Ex. 10 at p.6.) As shown in **Exhibit 11**, Nibley City has existing infrastructure immediately adjacent to the Property and has included the Property in its future land use planning. Indeed, on October 4, 2018, Nibley City passed Resolution 18-10, attached as **Exhibit 12**, creating a Future Land Use map that includes the Property, assigning it a commercial and medium to high density residential zoning designation.

The Petitioner's development experts, engineers and Nibley City Manager David Zook would all testify that development of the Property in Nibley City is much more feasible because,

among other things, there are Nibley City utility lines right on the edge of the Property whereas, as mentioned above, Logan City has no nearby utilities it could extend to service the Property. In short, development of the Property in Logan City is not viable but development of the Property in Nibley City is viable.

b. Justice and equity require disconnection.

Justice and equity require disconnection. Logan City will not suffer any injustice by having the property disconnected. The land is undeveloped agricultural property. Logan City hasn't invested a single cent into the Property. Moreover, under Utah law, "[u]ndeveloped land has historically been found to be appropriate for disconnection." *Bluffdale Mountain Homes, LC v. Bluffdale City*, 2007 UT 57, ¶ 59, 167 P.3d 1016, 1033. *See also id.* at ¶ 60 n. 53 (citing *In re Disconnection of Territory & Restriction of Corporate Limits of City of Draper*, 646 P.2d 699, 702 (Utah 1982) (focusing on the undeveloped nature of the disconnection property)).

The Property is essentially undevelopable if it remains in Logan City because the cost of bringing essential infrastructure and utilities to the Property from Logan City's existing infrastructure would be prohibitive, as demonstrated above. Logan City knows this.

There is also a well-documented political faction on the municipal council that wants the unreasonable and confiscatory setbacks found in the South Corridor Plan for the SR 89/91 corridor to be implemented. This is not only well documented in the local media, *see Exhibit 13*, but also in multiple municipal council meetings. (*See Ex. 5* at pp. 10-11, 14, 16, 20-22, 26-27 and 29.)

Finally, there is a well-documented and ongoing political struggle between Nibley City and Logan City regarding municipal boundaries that has been pending for years with the Petitioner stuck in the middle. Both cities want a boundary adjustment and recognize the practical necessity for it. However, Logan City is unwilling to agree to the logical boundary adjustment it has proposed unless Nibley City is willing to acquiesce to the SR 89/91 corridor setbacks that Logan City wants (but Nibley City doesn't). This political environment has made it impossible for the Petitioner to develop its land, with Petitioner's development plans stagnating while Logan City and Nibley City leverage each other on various issues related to the boundary adjustment, including setbacks.

The Petitioner's witnesses—including Al Bingham, Joel Nelson and many other Nelson family members—will all testify that Logan City's mayor, members of the municipal council, and the city attorney have agreed that the Property is best suited for development in Nibley City. Notwithstanding its admission that the Property needs to be developed in Nibley City, Logan City has engaged in various tactics that have caused the relationship between the city and Petitioner to break down. For example, the Petitioner's witnesses will testify that Logan City has made tentative agreements with the Petitioner only to later back away from them. Logan City has also attempted to acquire the Property for substantially less than fair market value (presumably to preserve the SR 89/91 corridor). It has proposed various unreasonable conditions upon the Petitioner (such as onerous and unreasonable setbacks) in exchange for Logan City's cooperation with annexation into Nibley City. All of this has created an environment of mistrust that makes it

difficult to work with Logan City and, thus, impossible to develop the Property in Logan City. The disagreements between Petitioner and Logan City are well documented. (*See, e.g.*, Ex. 13.)

Most recently, Logan City escalated the situation by enacting Ordinance No. 19-008, which amends Section 17.21.060.B.1 of the Logan City Code to impose either a 100-foot or 150-foot setback from the Highway 89/91 right of way on the Petitioner's Property. As explained in the Petitioner's June 6, 2019, letter to Logan City, **Exhibit 14**, Ordinance No. 19-008 was enacted in violation of the Utah Land Use Development and Management Act and Logan City Code and violated the Petitioner's rights to due process. Even though these drastic setbacks affected the Property, Petitioner was not given proper notice of the city's enactment of this ordinance and denied the right to participate in a public hearing. Moreover, as explained in Exhibit 14, the ordinance constitutes an unconstitutional taking of Petitioner's property. Despite explaining all of this to Logan City in the June 6th letter, the city never responded, which typifies the dealings of Logan City and the intransigent gridlock/stagnation Petitioner has experienced while trying to develop the Property in Logan City for many years now.

The above facts and proffered testimony will demonstrate that the development "process as applied to [Petitioner] reflects unreasonable delay and arbitrarily changing standards" and, moreover, that Logan City's "current political environment precludes an orderly development process" for Petitioners, which are precisely the same factors demonstrating that justice and equity required disconnection in *Bluffdale City*, 2007 UT 57, ¶ 59, 167 P.3d 1016, 1033 (internal quotations omitted). *See also id.* at ¶ 60 (citing *In re Disconnection of Certain Territory from Highland City*, 668 P.2d 544, 546 (Utah 1983) (noting that although the City testified it wanted to use the proposed disconnection area as a park or cemetery, "no master plan had officially set it aside for such uses"); *Kennecott Copper Corp. v. City of Bingham Canyon*, 18 Utah 2d 60, 415 P.2d 209, 211 (1966) (considering Kennecott's argument that the necessary extension of its mining operations into unoccupied, incorporated land "has been seriously hampered because of various factors, including the City's requirements relating to zoning regulations and construction purposes"))).

Finally, it would be unjust to continue to subject the Petitioner to the development process in Logan City only to have Logan City and Nibley City later reach an agreement that puts the property into Nibley City anyway. It would be unjust to force the Petitioner to continued delay in the development of the Property while Logan City and Nibley City sort out their municipal boundaries. It would be unjust and inequitable to deny disconnection and thereby subject the Petitioner to millions of dollars in unnecessary cost just to bring Logan City's infrastructure down to the Petitioner's property when Nibley City's infrastructure is right at the Petitioner's door step. It would be unjust and inequitable to deny disconnection and thereby subject Petitioner to Logan City's unreasonable setbacks when Logan City can't even deliver infrastructure to the Property. Petitioner not only may have to pay millions more just to get infrastructure to the Property but also potentially loses hundreds of thousands of dollars in land value that is rendered undevelopable due to the setbacks. Finally, disconnection will not result in any inequity or prejudice to Logan City.

c. Disconnection will not economically burden the city or create an island or peninsula.

i. Municipal costs, requirements, and burdens.

Pursuant to Utah Code Ann. § 10-2-502.7(3)(c)(i) the proposed disconnection will not “leave the municipality with an area within its boundaries for which the cost, requirements, or other burdens of providing municipal services would materially increase over previous years[.]”

Also, pursuant to Utah Code Ann. § 10-2-502.7(4), disconnection will have little or no effect upon the municipality or community as a whole, adjoining property owners, existing or projected streets or public ways, water mains and water services, sewer mains and sewer services, law enforcement, zoning, and other municipal services.

As mentioned above, the disconnection only involves the Petitioner’s undeveloped agricultural property and no others. Most of the Petitioner’s neighbors are already in Nibley City. Indeed Nibley City bounds the Property like a c-clamp from the east. (*See, e.g.*, Ex. 10 at p. 6.)

As Nibley City’s Annexation Declaration Boundary so aptly shows, the Property is really an isolated peninsula of Logan City jutting into Nibley City. Consequently, disconnection will resolve or reduce this isolated peninsula for Logan City and fill in a gap for Nibley City.

The Property is also separated from Logan City by SR 89/91. Indeed, the only way to get infrastructure to the Property from Logan City would be to bore underneath SR89/91 or go through existing Nibley City boundaries. Consequently, disconnection from Logan City would actually save Logan City millions of dollars it would otherwise cost to bring utilities and services to the Property.

All of the projected streets, public ways, water services, sewer mains, etc. for the Property have been planned and projected by Nibley City, as shown in Exhibits 10 and 11. The Petitioner is unaware of any corresponding plans of Logan City that would be substantially disrupted or affected by disconnection.

The Property has been and remains in greenbelt and thus generates negligible tax income for the city and no sales tax. Accordingly, disconnection from the city will have little or no impact on the city’s capital plan, budget or finances.

Finally, there will be no increased burden to Logan City resulting from disconnection because the Property is an extremely small percentage of the city. According to Wikipedia, Logan is 18.5 square miles or 11,840 acres. The Property, being only 55.992 acres, is only 0.47% of the city’s entire area. Consequently, its removal will not materially impact Logan.

ii. Logan City can continue to function as a municipality.

Pursuant to Utah Code Ann. § 10-2-502.7(3)(c)(ii) disconnection will not make it economically or practically unfeasible for the municipality to continue to function as a

municipality” for the same reasons set forth in in Section (b)(ii)(c)(i) above. The loss of less than half a percentage of its total area will not have any material impact upon the city.

iii. No island or peninsula will be created.

Disconnection of the Property from Logan City will not result in the creation of an island or peninsula in violation of Utah Code Ann. § 10-2-502.7(3)(c)(iii.). As discussed above, disconnection will resolve or reduce an isolated peninsula for Logan City. (*See also* Exs. 2-3 and Ex. 10 at p. 6.) Moreover, the statute only prohibits resulting “peninsulas of unincorporated territory” and any peninsula remaining after disconnection will be one of an *incorporated* nature in this case. *See also* Utah Code Ann. § 10-1-104(6). Finally, disconnection would not impair services to any remaining peninsula any more than services are already impaired from Logan City due to the geographical isolation of Logan City properties east of SR 89/91 and bounded by Nibley City. *See Bluffdale City*, 2007 UT 57, ¶¶ 74-75, 167 P.3d 1016, 1036-37.

d. Nibley City can better provide municipal services.

Because Nibley City has long planned to have the Property become part of its city, Nibley City can, in a cost-effective manner and without materially increasing its costs of providing municipal services, provide services for the Property. *Cf.* Utah Code Ann. § 10-2-502.7(3)(d).

(iii) Plat of the territory proposed for disconnection.

Pursuant to Utah Code Ann. § 10-2-501(2)(b)(iii), the final local entity plat of the territory proposed for disconnection, as defined in Utah Code Ann. § 67-1a-6.5, is attached as Exhibit 2.

(iv) Persons with authority to act on Petitioner’s behalf.

Pursuant to Utah Code Ann. § 10-2-501(2)(b)(iv), the 1-5 persons with authority to act on the Petitioner’s behalf in the proceedings are as follows:

Dan McDonald, Esq. McDonald Fielding, PLLC The Mill at Dry Creek 175 W. Canyon Crest Road, Suite 204 Alpine, Utah 84004 Tel: 801-372-0055 Email: dan@mcdonaldfielding.com	Al Bingham Tel: 801-243-7800 Email: abingham@momentumloans.com
Keith Hendricks Tel: 602-604-2120 Email: khendricks@law-msh.com	Joel Nelson Tel: 801-278-5230 Email: joelnelson2@gmail.com

Michael B. Herbst, P.L.S. Ensign Engineering and Land Surveying Tel: 801-726-7258 Email: mherbst@ensignutah.com	
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NOTICE OF REQUEST FOR DISCONNECTION

(a) Publication of notice.

Pursuant to Utah Code Ann. § 10-2-501(3)(a)(i), Petitioner hereby certifies that it shall cause the Notice of Request for Disconnection attached hereto as **Exhibit 15** to be published once a week for three consecutive weeks before the public hearing described in Utah Code Ann. § 10-2-502.5 in a newspaper of general circulation within the municipality.

(b) Public notice website.

Pursuant to Utah Code Ann. § 10-2-501(3)(b), Petitioner hereby certifies that it shall cause the Notice of Request for Disconnection attached hereto as Exhibit 15 to be published on the Utah Public Notice Website for three weeks before the day of the public hearing under Utah Code Ann. § 10-2-502.5.

(c) Compliance with Section 45-1-101.

Pursuant to Utah Code Ann. § 10-2-501(3)(c), Petitioner hereby certifies that it shall cause the Notice of Request for Disconnection attached hereto as Exhibit 15 to be published in accordance with Utah Code Ann. § 45-1-101 for three weeks before the day of the public hearing under Utah Code Ann. § 10-2-502.5.

(d) Mailing of notice.

Pursuant to Utah Code Ann. § 10-2-501(3)(d), Petitioner hereby certifies that it has caused notice of the request for disconnection to be mailed to each owner of real property located within the area proposed to be disconnected.

(e) Delivery to Cache County legislative body.

Pursuant to Utah Code Ann. § 10-2-501(3)(e), Petitioner hereby certifies that it has caused a copy of this request for disconnection to be delivered to the legislative body of the county in which the area proposed for disconnection is located as follows:

Cache County Council
199 North Main Street
Logan, Utah 84321.

(f) Request for publication on city's website.

Pursuant to Utah Code Ann. § 10-2-501(3)(f), Petitioner hereby requests that Logan City publish notice of the request for disconnection on the city's website for three weeks before the day of the public hearing because it is within the city's sole power to set a public hearing and control its own website.

REQUEST FOR PUBLIC HEARING

Petitioner hereby requests a public hearing before the Logan City Municipal Council in compliance with Utah Code Ann. § 10-2-502.5 and that the city publish notice of the public hearing as required therein.

REQUEST FOR DISCONNECTION ACTION/TRANSMISSION TO LT. GOVERNOR

Pursuant to Utah Code Ann. § 10-2-507(1)(a), Petitioner hereby requests the city's legislative body to adopt an ordinance of disconnection under Utah Code Ann. § 10-2-502.5(4)(b) approving Petitioner's Request for Disconnection (the "**disconnection action**").

Pursuant to Utah Code Ann. § 10-2-507(2)(a), Petitioner hereby requests the city's legislative body to, within 30 days after the disconnection action, to request a certificate of disconnection from the Utah Lieutenant Governor and file with the Utah Lieutenant Governor a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and a copy of the approved final local entity plat, as defined in Section 67-1a-6.5.

Pursuant to Utah Code Ann. § 10-2-507(2)(b), Petitioner hereby requests that, upon the Utah Lieutenant Governor's issuance of a certificate of disconnection, the city's legislative body submit to the Cache County Recorder the original notice of an impending boundary action, certificate of disconnection, and approved final local entity plat, along with a certified copy of the ordinance approving the disconnection.

Sincerely,

MCDONALD FIELDING



Daniel J. McDonald

Enclosures (Exs. 1-15)

C: Wesley Nelson Farms

Exhibit 1
(Disconnection Application Form)



DISCONNECTION

APPLICATION FOR ANNEXATION REVIEW

Date of Application 8/30/2019 Total Acreage Involved 55.992

Disconnection:

Address of Proposed Annexation 2352 South Highway 89-91

Current and Proposed Future Use of the Land (Future Zoning) N/A

Include the following additional information with this application: disconnection

1. Plat Map(s) showing all of the land included in the proposed annexation (shown in Exhibit 2)
2. A copy of the current year Cache County Tax Roll Report for each property (attached)

disconnection

Please ensure the following table is complete. Indicate the official sponsor of the annexation by circling the name. Attach additional pages if necessary.

Printed Name of Property Owner	Date	Tax ID #	Property Address	Assessed Valuation	Signature of Property Owner in Favor of Annexation
1. Wesley Nelson Farms, Inc.	8/30/2019	03-007-0019	2352 South Highway 89-91	\$2,908,446.00	
Mailing Address and Phone Number of Contact Person				Property Size	
Al Bingham, 1497 N 125 E, Layont, UT 84041-2958, 801-243-7800				55.992 acres	
Printed Name of Property Owner	Date	Tax ID #	Property Address	Assessed Valuation	Signature of Property Owner in Favor of Annexation
2.					
Mailing Address and Phone Number of Contact Person				Property Size	
Printed Name of Property Owner	Date	Tax ID #	Property Address	Assessed Valuation	Signature of Property Owner in Favor of Annexation
3.					
Mailing Address and Phone Number of Contact Person				Property Size	

3.						
Mailing Address and Phone Number of Contact Person					Property Size	



CACHE COUNTY
2019 Notice of Property Valuation & Tax Changes
JILL ZOLLINGER
CACHE COUNTY CLERK / AUDITOR
179 NORTH MAIN SUITE 102, LOGAN, UTAH 84321

**THIS IS NOT A BILL
DO NOT PAY**

WESLEY NELSON FARMS INC,
ALLEN BINGHAM
1497 N 125 E
LAYTON UT 84041-2958

Parcel Number: **03-007-0019**
Tax Area: **928**
Last Review Date: **2019**
Tax Status: **CURRENT**

PROPERTY DESCRIPTION (NOT FOR LEGAL DOCUMENTS)

BEG AT SE COR OF SW/4 OF SEC 17 T 11N R 1E, N 30 RDS W 54 RDS S 30 RDS E 54
RDS TO BEG CONT 10.12 AC--ALSO THAT PT OF SW/4 OF SW/4 SEC 17 LYING S & E OF
STATE ROAD-- ALSO BEG AT PT 30 RDS N OF S/4 COR SEC 17 N 10 RD W 80 RD S 40 RD
E 26 RD N 30 RD E 54 RD TO BEG-- ALSO AT SE COR OF NW/4 OF SW/4 SEC 17 N 13
RDS 10 FT W 21 RD 18 FT M/L TO CO RD SWLY ALG SD RD 20 RD 18 FT M/L TO PT DUE
W OF BEG

PROPERTY ADDRESS

**2352 SOUTH HWY 89-91
LOGAN**

******* NOTICE OF PROPERTY VALUATION *******

Property Type	2018 Market Value	2018 Taxable Value	2019 Market Value	2019 Taxable Value
RESIDENTIAL LAND & BUILDING	178,600	98,230	201,596	110,875
BUILDING AGRICULTURE	10,100	10,100	10,100	10,100
LAND GREENBELT	1,578,391	26,975	2,696,750	24,005
THIS PROPERTY IS RECEIVING THE PRIMARY RESIDENTIAL EXEMPTION				
Total Value	1,767,091	135,305	2,908,446	144,980

******* NOTICE OF TAX CHANGES AND TAX INCREASES *******

Taxing Entity	Taxing Entity Phone Number	2018 Taxes	2019		2019		2019		Percent	
			If No Budget Change	If Tax Increase Approved	If No Budget Change	If Tax Increase Approved	Change	If Increase		
CACHE CO GENERAL FUND	435-755-1900	222.98	0.001483	215.01	0.001531	221.96	6.95	3.2%		BE HEARD PUBLIC TAX INCREASE HEARING HEARING HELD 11/27/18 HEARING HELD 11/27/18 8/22/19 8:30 PM - 2035 N 1200 E, N LOGAN
CACHE CO HEALTH FUND	435-755-1900	14.48	0.000096	13.92	0.000099	14.35	0.43	3.1%		
MULTI-CO A & C	435-755-1900	1.22	0.000009	1.30	0.000009	1.30	0.00	0.0%		
CACHE CO A & C	435-755-1900	51.01	0.000341	49.44	0.000341	49.44	0.00	0.0%		
CACHE SCHOOL DISTRICT	435-792-7603	827.80	0.005589	807.39	0.006015	872.05	64.66	8.0%		
STATE SCHOOL LEVY-CACHE	435-792-7603	225.42	0.001661	240.81	0.001661	240.81	0.00	0.0%		
STATE CHARTER SCHOOLS-CACHE	435-792-7603	7.44	0.000057	8.26	0.000057	8.26	0.00	0.0%		
LOGAN CITY	435-716-9181	264.12	0.001747	253.28	0.001747	253.28	0.00	0.0%		
TAXES DO NOT INCLUDE TAX RELIEF, DELINQUENT TAXES, PERSONAL PROPERTY TAXES, OR SPECIAL ASSESSMENTS										
Total Property Tax		\$1,514.77	0.010563	\$1,589.41	0.011480	\$1,651.45	\$72.04	4.5%		

******* APPEAL PROPERTY VALUE WITH COUNTY BOARD OF EQUALIZATION *******

The market value may be appealed within **45 days** of this mailing, but no later than **Monday, 16 September 2019 at 5 pm**. Required forms and evidence supporting a different market value must be submitted to the County Auditor's office for a formal review by the Board of Equalization.

Auditor's Office	(435) 755-1706	Forms and information regarding tax rates, tax relief, and valuation appeals are available on the Auditor's web page at www.cachecounty.org/auditor
Assessor's Office	(435) 755-1590	Assistance with questions regarding property value. www.cachecounty.org/assessor
Recorder's Office	(435) 755-1530	Address, ownership, or legal description issues. www.cachecounty.org/recorder
Treasurer's Office	(435) 755-1500	Questions regarding delinquent taxes and tax payments. www.cachecounty.org/treasurer

THIS IS NOT A BILL - DO NOT PAY

03-007-0019

***** AUTO**ALL FOR AADC 840 B4 16 1/5 - P1 T1
WESLEY NELSON FARMS INC,
ALLEN BINGHAM
1497 N 125 E
LAYTON UT 84041-2958

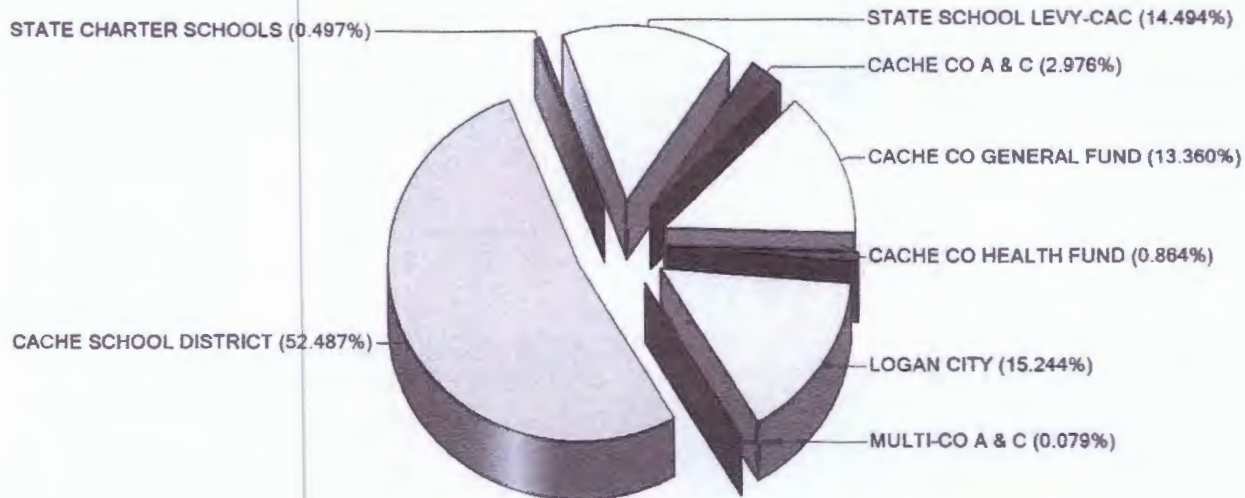
03-007-0019
928
CURRENT
Printed: 07/09/2019

THIS IS A NOTICE OF PROPERTY VALUATION AND TAX CHANGES. THIS IS NOT A BILL. DO NOT PAY!

State law requires that notification be given in advance of any proposed tax increase and related hearing information. You are strongly encouraged to participate in the public meetings where these tax increases are discussed. The date, time, and locations for public tax increase hearings are listed on the front of this notice.

TAX AREA PROPERTY TAX DISTRIBUTION:

928-LOGAN CITY W/CACHE CO SCHOOLS



EXPLANATION FOR PAGE 1 OF "NOTICE OF PROPERTY VALUATION AND TAX CHANGE"

******* NOTICE OF PROPERTY VALUATION *******

You CAN appeal market value

The notice lists your property types and values. Market value is determined by the County Assessor's office. All property taxes are based on the taxable value of your property on **January 1st** of the current year. As the market value of your property increases or decreases, your property tax may also increase or decrease. Property value appeals are administered by the County Auditor's office. See www.cachecounty.org/auditor

******* NOTICE OF TAX CHANGES AND TAX INCREASES *******

You CANNOT appeal tax, but you CAN oppose tax increases by participating in TAX INCREASE HEARINGS!

Taxing Entity: Organization that has the authority to levy property tax.

Taxing Entity Phone Number: Official contact for questions on levy.

Taxes Last Year: This is the amount of tax that you were charged last year.

If No Budget Change: This is the amount of tax you will be charged if property tax revenues for each taxing entity are not increased above the amount generated by the **state certified rate**.

If Tax Increase Approved: This is the tax you will be charged if a taxing entity proposes levying a rate that exceeds the **certified state rate**, holds a public hearing and then adopts that increased budget and rate.

*** See Public Tax Increase Hearing Information and participate in the public hearing process ***

Change in Tax: Difference between "If Tax Increase Approved" and "If No Budget Change."

Change Percentage: Percentage difference between "If Tax Increase Approved" and "If No Budget Change."

Public Tax Increase Hearing: Note the date, time, and location for each public hearing and attend.

******* APPEAL PROPERTY VALUE WITH COUNTY BOARD OF EQUALIZATION *******

This section contains important property tax deadlines and county office contact information for various property tax support functions. If you can provide evidence to support a market value for your property that is different than the County assessment, then file an appeal with the Auditor's Office. See www.cachecounty.org/auditor

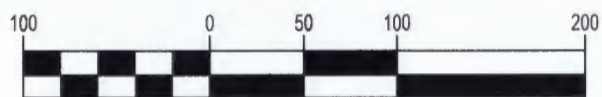
Exhibit 2

(Logan City Local Entity Plat)

WES

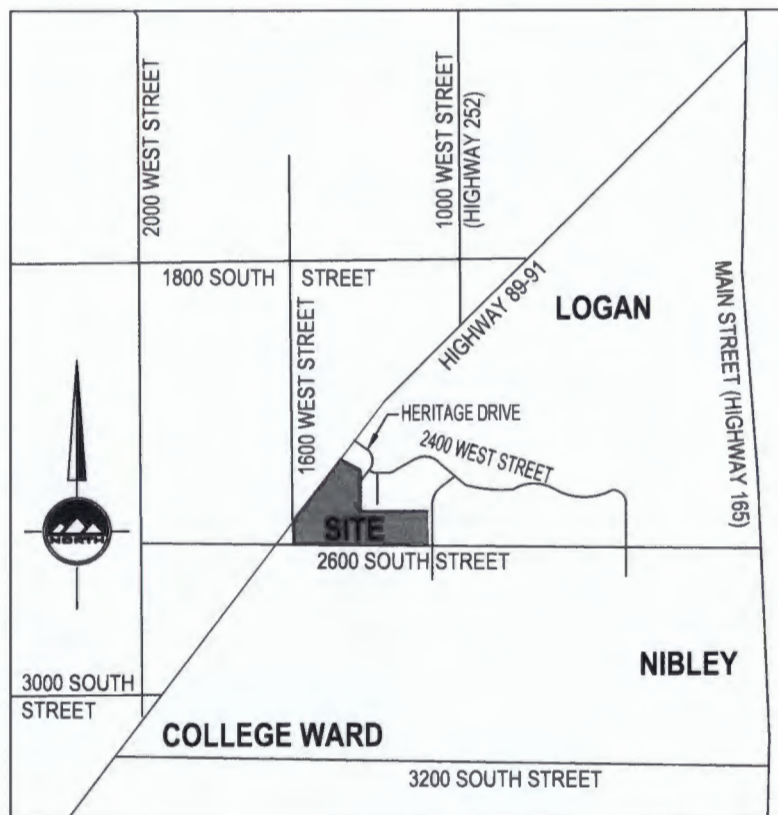


HORIZONTAL GRAPHIC SCALE



(IN FEET)

HORZ: 1 inch = 100 ft.



VICINITY MAP

NO SCALE
LOGAN, CACHE COUNTY, UTAH



WEST QUARTER
CORNER SECTION 17,
T.11N., R.1E., SLB&M
(FOUND 2" CACHE COUNTY
ALUMINUM CAP)

LEGEND



SECTION CORNER

SET 5/8" REBAR WITH YELLOW PLASTIC
CAP, OR NAIL STAMPED "ENSEIGN ENG. &
LAND SURV."

Exhibit 3

(Property Survey)



Know what's below.
Call before you dig.

CALL BLUESTAKES
@ 811 AT LEAST 48 HOURS
PRIOR TO THE
COMMENCEMENT OF ANY
CONSTRUCTION.

BENCHMARK

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

ELEV = 4485.35'

LEGEND



SECTION CORNER



MONUMENT



EXIST REBAR AND CAP



SET ENSIGN REBAR AND CAP



WATER METER



WATER MANHOLE



WATER VALVE



FIRE HYDRANT



IRRIGATION VALVE



SANITARY SEWER MANHOLE



STORM DRAIN CLEAN OUT



STORM DRAIN CATCH BASIN



STORM DRAIN COMBO BOX



STORM DRAIN CULVERT



SIGN



ELECTRICAL BOX



UTILITY MANHOLE



UTILITY POLE



CABLE BOX



TELEPHONE BOX



RIGHT OF WAY



CENTERLINE



PROPERTY LINE



ADJACENT PROPERTY LINE



TANGENT LINE



EXIST DITCH FLOW LINE



FENCE



EDGE OF ASPHALT



SANITARY SEWER LINE



STORM DRAIN LINE



LAND DRAIN LINE



CULINARY WATER LINE



IRRIGATION LINE



OVERHEAD POWER LINE



ELECTRICAL LINE



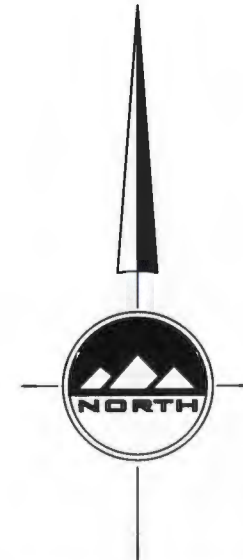
EXISTING CONTOURS



CONCRETE



BUILDING



HORIZONTAL GRAPHIC SCALE



(IN FEET)

HORZ: 1 inch = 100 ft.

LOCATED IN THE
SOUTHWEST QUARTER
OF SECTION 17,
TOWNSHIP 11 NORTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN



Exhibit 4

(Resolution No. 19-34 and Workshop Materials)

**CITY OF LOGAN
RESOLUTION NO. 19-34**

**A RESOLUTION INDICATING THE INTENT TO ADJUST THE
BOUNDARY BETWEEN THE
CITY OF LOGAN AND NIBLEY CITY**

WHEREAS, the owners of certain property described herein have a desire to further develop their property; and

WHEREAS, the proposed development can be better facilitated by a boundary adjustment between the City of Logan and Nibley City; and

WHEREAS, the City of Logan and Nibley City have each passed setbacks along Highway 89, that are applicable to the properties described herein, with the intent to foster appropriate development along the Highway 89 corridor; and

WHEREAS, each City desires to adjust their mutual boundary to accommodate the proposed development and to use Highway 89 as the mutual boundary between the two Cities; and

WHEREAS, UCA 10-2-419 requires that the Municipal Council of each municipality so desiring to adjust their common boundary adopt a resolution indicating their intent.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN that it is their intent that the common boundaries between the City of Logan and Nibley City shall be adjusted in that property identified below and as shown in Exhibit A:

The following will be relinquished from Nibley City jurisdiction and will be transferred to the jurisdictional authority of the City of Logan, and

Tax ID	Name	Tax ID	Name
03-012-0033	B&N Properties, LLC	03-012-0034	B&N Properties, LLC
03-012-0038	B&N Properties, LLC	03-012-0041	Urban District Properties, LLC
03-012-0042	Urban District Properties, LLC	03-012-0043	Urban District Properties, LLC
03-012-0044	Urban District Properties, LLC	03-012-0045	Urban District Properties, LLC
03-012-0046	Urban District Properties, LLC	03-012-0047	Urban District Properties, LLC

The following will be relinquished from the City of Logan jurisdiction and will be transferred to the jurisdictional authority of Nibley City.

Tax ID	Name	Tax ID	Name
03-007-0009	Pitcher, Larry & Bette	03-007-0027	Thomas Edison Charter School
03-007-0010	Nielsen, Lynn & Bernice	03-009-0036	Tri H Farms, LLC

03-007-0011	Nielsen, Lynn & Bernice	03-012-0006	Hansen, Terry/Michelle
03-007-0013	Tialavea, Robyn	03-012-0026	Anderson, Todd & Dixie
03-007-0014	Leishman, Matt	03-012-0027	Anderson, Todd & Dixie
03-007-0015	Barker, Vernon & Karen	03-012-0028	Anderson, Todd & Dixie
03-007-0016	Carroll, John & Jan	03-012-0037	Hansen, Glen & Dixie
03-007-0017	Carroll, John & Jan	03-012-0039	Tri H Harms, LLC
03-007-0019	Wesley Nelson Farms Inc.	03-015-0001	Tri H Farms, LLC
03-007-0022	Nielsen, Cindy	03-015-0003	Tri H Farms, LLC
03-007-0023	Nielsen, Lynn & Bernice	03-015-0004	Tri H Farms, LLC
03-014-0004	Ricks, Edward	03-013-0009	Ricks, Edward
03-013-0008	Ricks, Edward & Mickey		

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ____ DAY OF
_____, 2019.

Jeannie F. Simmonds, Chair

ATTEST:

Teresa Harris, City Recorder



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: June 4, 2019
FROM: Mike DeSimone, Director
SUBJECT: Resolution 19-034 (Logan/Nibley Boundary Adjustment)

Logan and Nibley have been working to adjust the common City boundary south of 2200 South along State Route 89/91 to a new line more manageable for both jurisdictions. The proposal is to adjust the municipal boundary line to coincide with the centerline of SR 89/91 from 2200 South down to 3200 South. The resulting adjustment will leave all lands east of SR 89/91 in Nibley and all lands west of SR 89/91 in Logan. This proposed action involves 27 different parcels.

The LMC considered this action in 2018 but deferred a decision until an agreement could be worked out with Nibley on implementing the South Corridor Plan. Logan recently adopted an expanded overlay zone that implemented enhanced setbacks between the Logan River Golf Course and 3200 South, while designating certain commercial nodes around important intersections (Ordinance 19-08). Nibley has also adopted increased setbacks within their areas of the corridor.

Attached is a proposed resolution and supporting documentation identifying the proposed boundary adjustment and the parcels affected by this action. If the Council agrees with the direction, we will then coordinate with Nibley on having a licensed surveyor prepare a new boundary description as required. The request in 2018 previously excluded the area around 3200 South (Ted's) as Nibley was not contiguous to that area; however, modifying the city boundary to the centerline of SR 89/91 affords Nibley the ability to annex along the highway down to, and including, Ted's.

Utah Municipal Code 10-2-419 governs the adjustment of common municipal boundaries. Procedurally, (1) each municipal shall adopt a resolution indicating their intent to adjust the common boundaries; (2) hold a hearing no less than 60 days after the adoption of the resolution; (3) publish a public notice for three weeks in the newspaper and on the Utah Public Notice Website; (4) hold a public hearing; (5) adopt an ordinance; and, (6) file new legal boundary with the County and the State.

Both Logan City and Nibley will notify each landowner affected by this proposal as part of the public notification process and following the adoption of a Resolution of Intent.

If you have any questions about this proposal, please let me know.

Attachments:
Ordinance 19-034
List of affected parcels

2019 Logan City & Nibley City Boundary Adjustment

From Logan to Nibley

Tax ID	Name	Acreage	Assessed Value
03-007-0009	Pitcher, Larry & Bette	0.38	177,600
03-007-0010	Nielsen, Lynn & Bernice	4.83	236,360
03-007-0011	Nielsen, Lynn & Bernice	0.41	155,496
03-007-0013	Tialavea, Robyn	1.11	159,800
03-007-0014	Leishman, Matt	0.52	141,000
03-007-0015	Barker, Vernon & Karen	0.76	171,000
03-007-0016	Carroll, John & Jan	0.34	184,952
03-007-0017	Carroll, John & Jan	0.65	143,200
03-007-0019	Wesley Nelson Farms Inc.	55.35	2,895,150
03-007-0022	Nielsen, Cindy	0.48	219,276
03-007-0023	Nielsen, Lynn & Bernice	5.48	267,100
03-007-0027	Thomas Edison Charter School	0.78 +/-	
03-009-0036	Tri H Farms, LLC	0.96	50,556
03-012-0006	Hansen, Terry & Michelle	0.48	190,500
03-012-0026	Anderson, Todd & Dixie	1.18	178,350
03-012-0027	Anderson, Todd & Dixie	2.10	102,750
03-012-0028	Anderson, Todd & Dixie	2.51	377,900
03-012-0037	Tri H Farms, LLC	1.99	360,210
03-015-0001	Tri H Farms, LLC	28.97	892,500
03-015-0003	Tri H Farms, LLC	11.09	328,200
03-015-0004	Tri H Farms, LLC	11.10	328,200
03-014-0004	Ricks, Edward	1.06	123,650
03-013-0008	Ricks, Edward & Mickey	0.76	245,036
03-013-0009	Ricks, Edward	1.83	254,821
24 Parcels		135.12 Acres	8,183,607

From Nibley to Logan

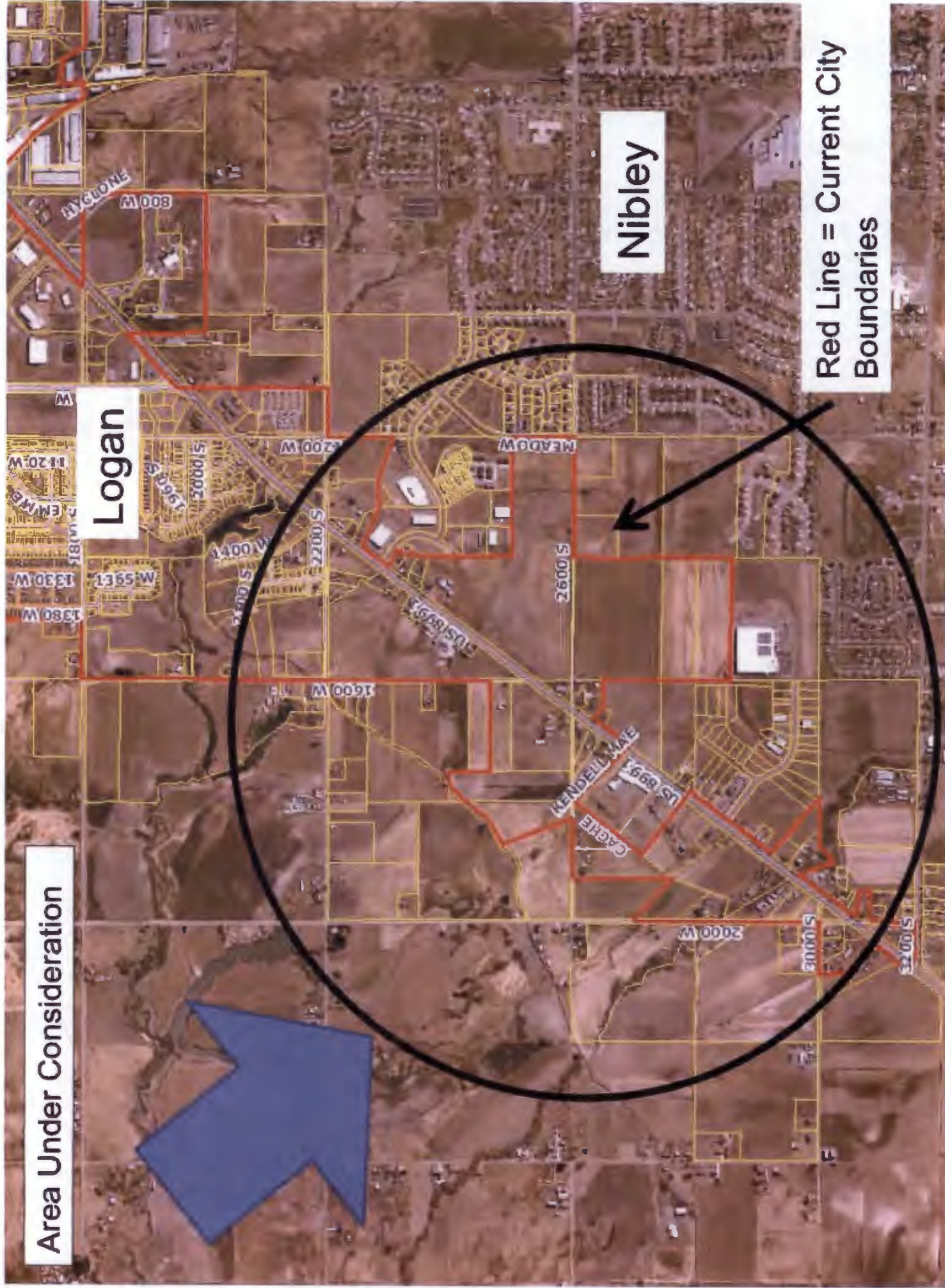
Tax ID	Name	Acreage	Assessed Value
03-012-0033	Urban District Properties, LLC	6.86	448,232
03-012-0034	B&N Properties, LLC	2.57	1,908,273
03-012-0038 (Comm)	B&N Properties, LLC	3.62	2,947,790
03-012-0041	Urban District Properties, LLC	Building	
03-012-0042	Urban District Properties, LLC	Building	
03-012-0043	Urban District Properties, LLC	Building	
03-012-0044	Urban District Properties, LLC	Building	
03-012-0045	Urban District Properties, LLC	Building	
03-012-0046	Urban District Properties, LLC	Building	
03-012-0047	Urban District Properties, LLC	Building	
3 Parcels & 7 Blds.		13.05 Acres +/-	5,304,295

Area Under Consideration

Logan

Nibley

Red Line = Current City
Boundaries



Existing Logan City
Boundaries (red)

Cache County

Logan

Nibley



Proposed Logan City Boundaries

Proposed Logan City Boundary



Logan City Boundary to be moved to Centerline of US 89/91



Proposed Logan City Boundary

**From Logan City to
Nibley City**

2200 S

Nielsen 03-007-0022

Nielsen 03-007-0011

Pitcher 03-007-0009

Nielsen 03-007-0023

Tialavea 03-007-0013

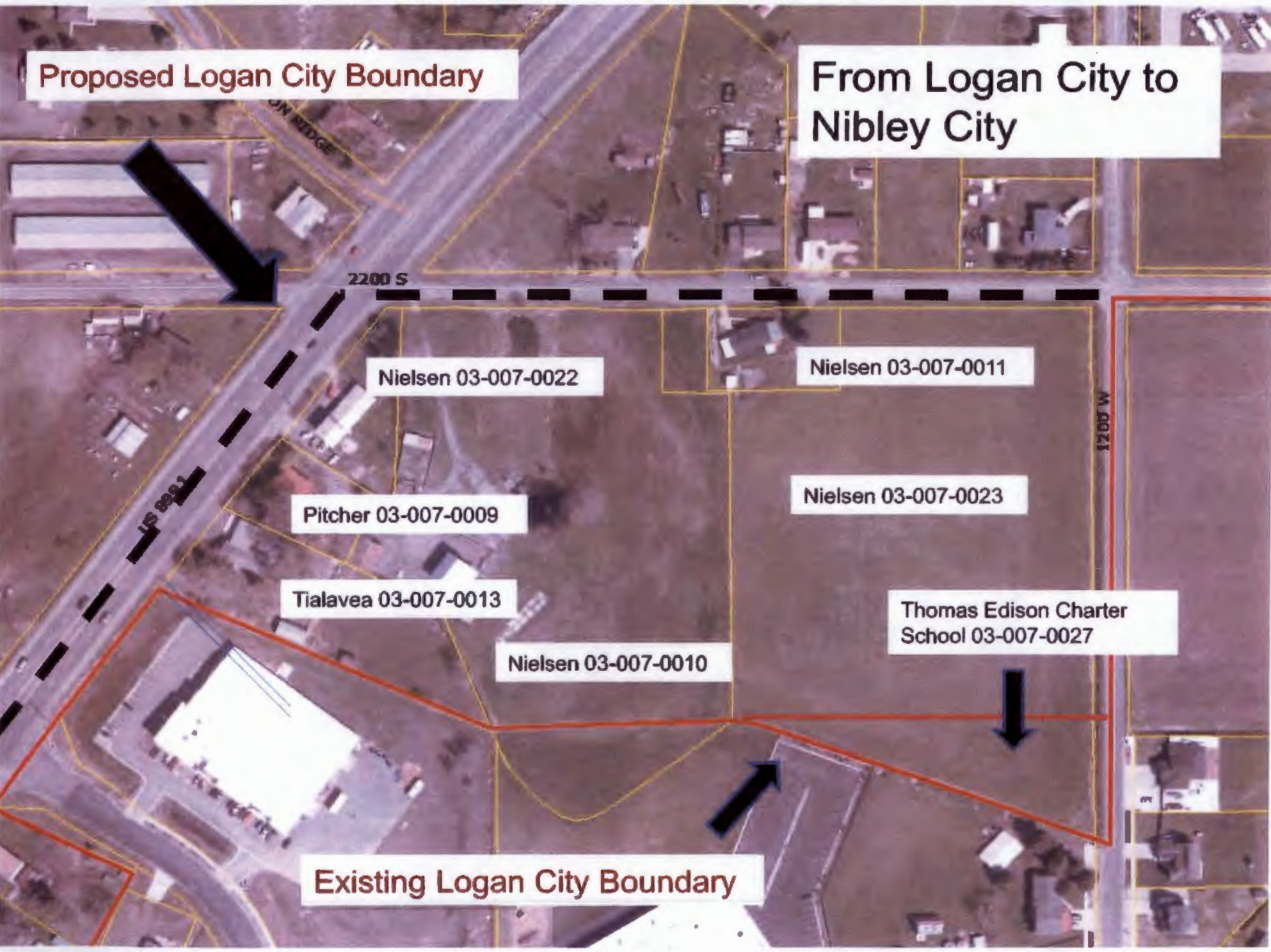
Thomas Edison Charter
School 03-007-0027

Nielsen 03-007-0010

Existing Logan City Boundary

1200 W

15 800 E



From Logan City to Nibley City



Proposed Logan City Boundary

Leishman 03-007-0014

Barker 03-007-0015

Carroll 03-007-0016 & 0017

Wesley Nelson Farms, Inc.
03-007-0019

Existing Logan City Boundary

**Proposed Logan City
Boundary**

**From Logan City to
Nibley City**

Tri H Farms, LLC 03-009-0036

Wesley Nelson Farms, Inc. 03-007-0019

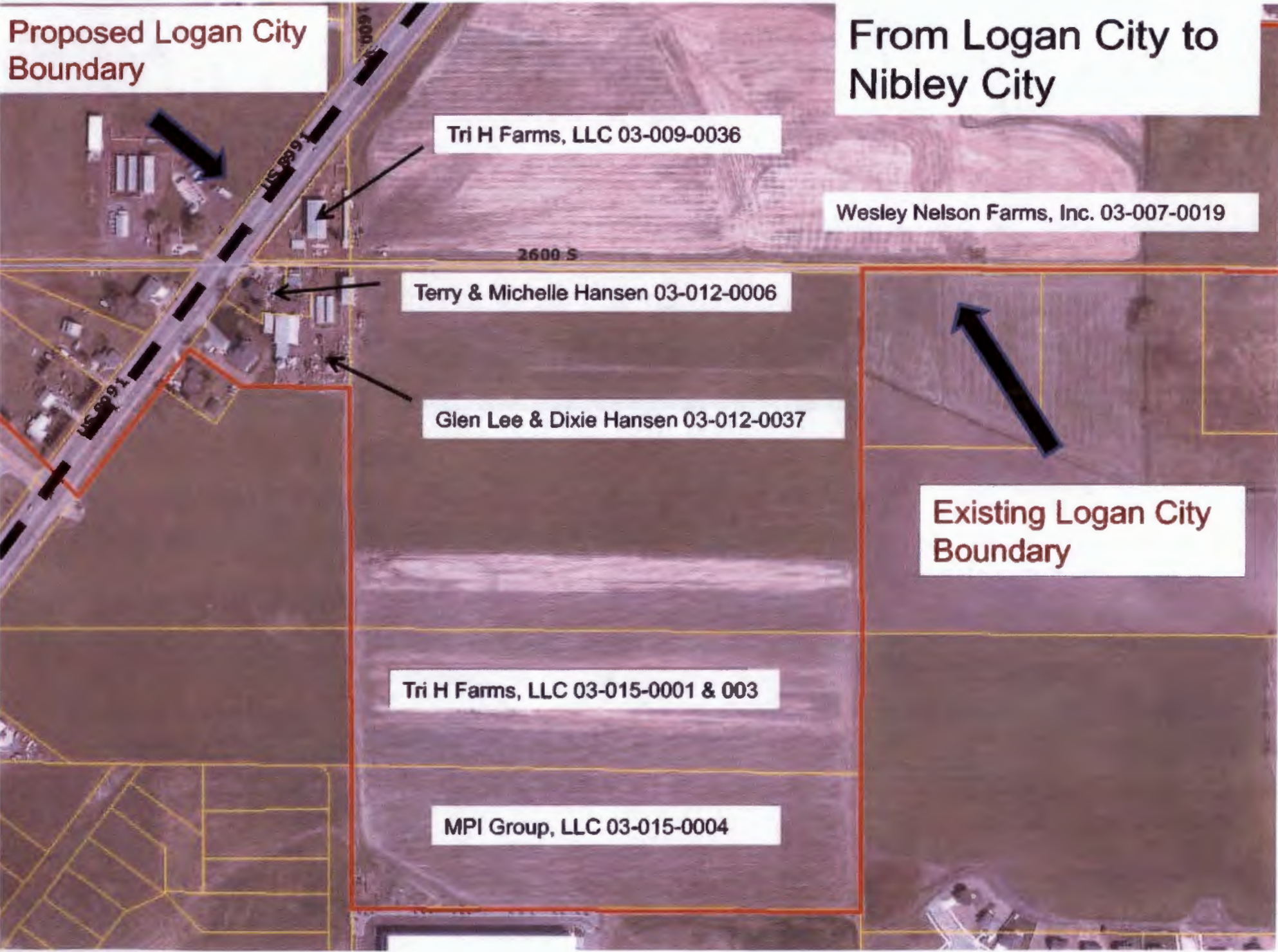
Terry & Michelle Hansen 03-012-0006

Glen Lee & Dixie Hansen 03-012-0037

**Existing Logan City
Boundary**

Tri H Farms, LLC 03-015-0001 & 003

MPI Group, LLC 03-015-0004



From Nibley City to
Logan City

2600 S

B&N Properties, LLC & Urban
District Properties, LLC 03-
012-0033, 0034, 0038 & 0041 -
0047

Existing Logan City
Boundary

KENDELL MAE

Proposed Logan City
Boundary

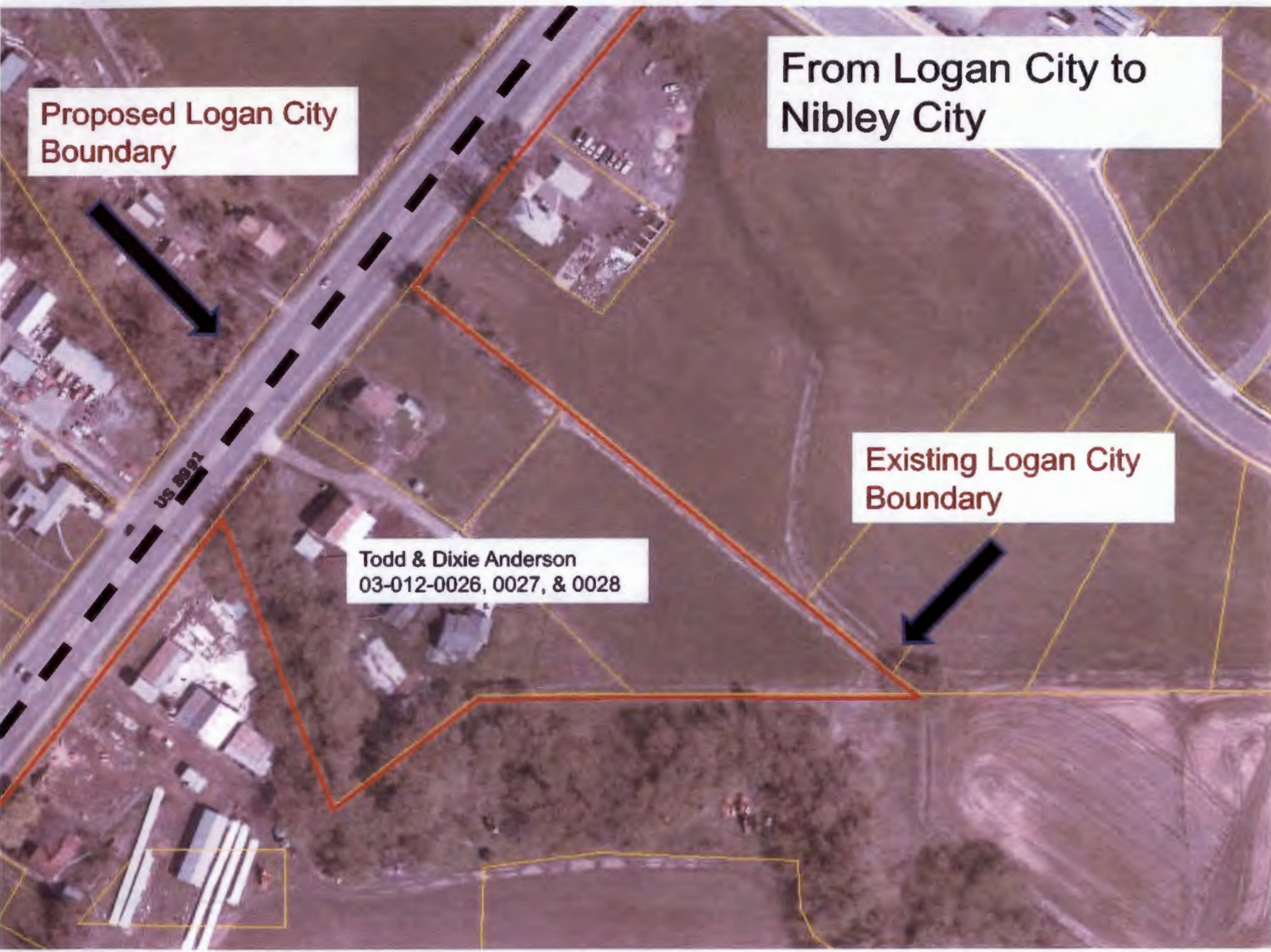


**Proposed Logan City
Boundary**

**From Logan City to
Nibley City**

**Existing Logan City
Boundary**

**Todd & Dixie Anderson
03-012-0026, 0027, & 0028**



From Logan City to Nibley City

Proposed Logan City
Boundary

Ricks, Edward
03-014-0004

Existing
Logan City
Boundary

Ricks, Edward
03-013-0009

Ricks, Edward & Mickey
03-013-0008



Exhibit 5

**(Transcript of June 18, 2019, Logan Municipal Council
Regular Meeting)**

ADVANCED REPORTING SOLUTIONS

801-746-5080 | office@advancedrep.com | advancedrep.com

SALT LAKE | 159 West Broadway, Broadway Lofts, Suite 100 | Salt Lake City, Utah 84101

PROVO | 3507 North University Avenue, Suite 350-D | Provo, Utah 84604

ST. GEORGE | 20 North Main Street, Suite 301 | St. George, Utah 84770



Logan Municipal Council Regular Meeting -
June 18, 2019 - Regular Meeting Agenda Action Item 8.A -
Consideration of a proposed resolution indicating the
intent to adjust the boundary between the City of Logan
and the City of Nibley - Resolution 19-34

ported by: Amber Fraass, RPR, CSR

Amber Fraass, RPR, CSR

P R O C E E D I N G S

-o0o-

MS. SIMMONDS: We'll move now to a consideration of a proposed resolution indicating the intent to adjust the boundary between the City of Logan and the City of Nibley.

I'll let you go for it, Mike.

MR. DESIMONE: Okay. So this -- in front of you is Resolution No. 19-34. And what this is is just a resolution of intent to adjust the city boundary line between Logan City and Nibley City.

So this is on the south end of town. It involves this area in that great big giant circle. Everything south of 2200 South down to about 3200 South. And what the proposal is is to adjust our boundaries to coincide with the centerline of the highway. So -- so in the simplest form, everything on the east side would go to Nibley, everything on the west side would come into Logan.

And the existing lines on this map are in red, so this shows you -- I'll let go through these real briefly, kind of what the idea is. And if you look at the very top of this, here's 2200 South, these parcels would come in -- would go into Nibley, the line would

adjust to the centerline of the highway. This property would go into Nibley, and then all the way down.

MS. SIMMONDS: Oh, no. Go back.

UNIDENTIFIED MALE okay.

MS. SIMMONDS: All the way down. Do each one.

UNIDENTIFIED MALE okay. I will. Let me go through the next slide.

MS. SIMMONDS: Okay.

MR. DESIMONE: So this is -- these are the properties on 2200 South and the highway. They involve primarily these right here. The Nelsons own the bulk of them. This small triangular piece where the arrow is, that's owned by the Thomas Edison Charter School in Nibley, currently. That would go to Nibley.

The next section -- this building right here's Campsaver, where my mouse is. The bulk of this is owned by the Wesley Nelson Farm and their family. The bulk of it here, you have these small properties up in here. Down on the south end of this parcel is 2600 South. This road goes from the highway all the way over to the new high school in Melville.

The property further south, the Hansen's property -- well, existing dairy, and then this is the Tri-H Farms property. And then at the very southern end

of this grouping of property, this was owned by the Tri-H Farms family and now it's owned by Malouf, which is just south of that, and they're in Nibley.

They've asked to expand their plant -- or their warehouse -- at least the parking lot and the turnaround. And we've kind of talked to them about it. And we have those cross jurisdictional issues, and so they would prefer that they're -- into Nibley.

Going across the highway, this is the area -- they just remodelled this strip mall right there. And then this is where I believe Ellis is going, this other building used to be Peterson Farm Supplies, a carpet/flooring store. This would go into Logan. They still would remain on Nibley infrastructure until at some point we're down there and we can switch over services. We'll have to make an arrangement or a contract that says that.

This is further south. There's three properties right here that would go in. And then going down towards 3200 South, the reason we want to annex down the center of the highway is this would enable Nibley to also bring in Ted's, which is down the corner, and also these properties.

So what precipitated this, I guess, historically, why this is in Logan, gosh, it's been

probably 12 years ago, I think. Some of those property owners actually approached Logan to be annexed into Logan because Nibley was working its way over to the highway. And they didn't like Nibley -- they didn't like us, they just liked Nibley less -- or more.

And so what happened was Nibley annexed across the highway, people got nervous about that. They were told that they were going to lose their property, it was going to become industrial. And so Logan went ahead and annexed them.

We don't have services down there. The service -- this big property right here we've looked at, it's several million dollars, and it will take a number of years to get there. They have development plans they want to proceed with sooner than that. We've had those conversations with them for the last couple of years.

The irony is is their -- their original owner, the uncle, was the one who approached Logan about coming into Logan. So now he's obviously passed, and the family's -- Engelhardts, they want to develop. Nibley has a sewer line running right through their property, right along the highway. They have water on the backside. So they have the ability to service these properties and we don't. So that's really the crux of the issue. So.

Again, we want to go to the centerline of the highway. Makes it easier for us to pick up stuff on the west, they can pick up everything on the east. And this resolution, again, is just a resolution of intent. Just outlines our intent to proceed. It actually starts the public process. We do the public notification, we have to get a surveyor lined up to redraft the boundary, and then it will come back to you in the form of a true public hearing and an ordinance.

I'd be happy to answer any questions.

UNIDENTIFIED FEMALE: On any -- besides that one farm, have any of those other property owners or those other parcels, like the Nelsons and the Hansens and Tri-H, have any of them expressed or asked to be deannexed and brought into Logan?

MR. DESIMONE: No.

UNIDENTIFIED FEMALE: So it's just the Hansen farm?

MR. DESIMONE: It's just -- it's just these properties, the Nelson farms and the Hansens. Not these Hansens, the older Hansens. They're the ones with Tri-H Farms, which is his son, and then the MPI Group.

UNIDENTIFIED FEMALE: Oh, the -- Tri-H and MPI have asked to be part of Nibley?

MR. DESIMONE: Yes.

We -- when we -- we've come to this group, to the council -- this is, I think, our third time. Yeah. When we started this a couple years ago, David Zuich and I went around, knocked on doors and talked to folks to kind of gauge where they were -- where they were at. And most people didn't really seem to care one way or the other.

The Hansens did care. They prefer to be in Logan. They obviously prefer our services in terms of the library, things like that. Tri-H Farms kind of went back and forth based on what the dad was telling the son. So what I've understood from them is they want to go into Nibley now. But again, that's why we would do a public hearing, to ask that question.

UNIDENTIFIED FEMALE: And part of it, if you'll recall, during Mayor Watts' tenure -- I mean, we worked with North Logan just to straighten out the boundaries because, again, it was a bit of a checkerboard. I mean, that took a number of years to really, you know, come to an agreement. But it just cleaned up the boundaries.

And it's like, you know, if we're doing one or two properties, let's just do it once, clean it up, make it straight, easy jurisdictions for -- you know, for fire, for police, for whatever and -- and just cleaned up

once.

MS. SIMMONDS: I understand that sentiment. I'm just not particularly -- I really think that if people want to be in Nibley, they need to ask us. And so far there's only one property that's asked us, officially, to be in Nibley. And I think that's the property we should deal with, not all the rest of them.

MR. JENSEN: Part of this whole thing just got fulminated because we asked for a -- setbacks. And originally, there was this setback of 200 feet with that south corner, which probably was excessive. But --

MS. SIMMONDS: I think it was 300 once upon a time, wasn't it?

MR. JENSEN: It may have been 300.

MR. OLSEN: 500.

MR. JENSEN: 500? Well, it's getting bigger.

MS. ANDERSON: Well, that's why it never passed. I mean, it was a proposal.

MR. JENSEN: It -- yeah. It was excessive, and it probably needed a funding mechanism to buy properties because it would have been a -- taking. Well, that never materialized. And so I'm pleased that we got 100 or so out of it.

I do have a question for you, specifically. We -- we say it goes down to, what? 30 feet at a node?

Or 40? What was --

MS. SIMMONDS: We don't know. Nibley has not formalized that.

MR. DESIMONE: Nibley hasn't adopted what their proposal was. Our proposal is -- well, what we've adopted is we have a setback along the highway, outside the commercial nodes of 100 to 150 feet, and the nodes -- the commercial nodes we've identified based on UDOT agreement for signalization. Those dropped down to 75 feet.

MR. JENSEN: 75?

MR. DESIMONE: Yeah.

UNIDENTIFIED FEMALE: But Nibley has specified some nodes that are not UDOT approved; correct?

MR. DESIMONE: Right. That's correct. They've -- they've actually added some nodes in their proposal. So the Campsaver intersection -- I think that's Heritage Drive. They've -- they've requested that.

So to backup, what we've suggested as commercial nodes are the 10th West intersection, obviously, because it's signalized, the 2600 South intersection, this will eventually be signalized, and then 3200 South where this comes through. Those -- those three are on an agreement at some point to have a signal

associated with them.

Nibley has said, Okay, we agree with those. We also want to include Campsaver, that intersection, because they believe that's one of their commercial areas. And then down here where -- where Malouf comes out -- and I apologize, I don't know the name of that street either. But they -- they've asked --

MS. SIMMONDS: I thought they were closing that street off.

MR. DESIMONE: No.

MR. JENSEN: That's the -- 10th's compromised.

MR. DESIMONE: No. So they've got additional commercial nodes above and beyond what, you know, we've discussed. I think likely they'll be signalized. But their -- their setback in their node is down to 30 feet.

UNIDENTIFIED FEMALE: 30 feet, and their -- and theirs snuck in more commercial nodes than --

MR. DESIMONE: That's correct. Right.

UNIDENTIFIED FEMALE: So whether -- whether it's signalized or not, it will be a 30-foot setback?

MR. DESIMONE: That's correct. And they drew their nodes approximately the same as we did, you know, just drawing a circumference around a point, I think 600 to 700 feet out. So.

MR. BRADFIELD: Were we going to have a meeting with those other -- the other cities, I thought, on setbacks, I think?

MR. DESIMONE: Well, we -- we've talked about --

UNIDENTIFIED FEMALE: Melsville's (sic) already adopted some, and then we adopted ours.

MR. DESIMONE: Yeah.

UNIDENTIFIED FEMALE: And again, that was -- we were encouraging Nibley to do the same thing. Theirs isn't quite as much of a setback as ours, but I think they did make a good faith effort, or the proposal's on the table. As you know, they have not passed it yet.

Again, Campsaver's kind of already developed intersection, as are some of ours in Logan, you know, our setbacks are not as wide until you get out in -- I mean, we do have the campus area with former -- what -- that clinic --

MR. JENSEN: GE Healthcare.

UNIDENTIFIED FEMALE: GE Healthcare that have more of a setback. But, again, some of our already developed areas do have smaller setbacks because that's how they're done. They're not likely to change any time soon. So.

MR. DESIMONE: Well, part of it, too, is --

is, when the south gateway corridor plan was developed, it really was looking at everything beyond 10th West and south. It really didn't look at points north in Logan, they just considered that part of Logan. It's not part of the corridor.

So really, that's been kind of the crux of the issue is they look back as Logan has developed and say, Wait a second. You've got yours, we want ours. Yet, the -- really the underlying philosophy of that corridor plan is to preserve that corridor so that we don't have kind of that hard-to-park problem where you have driveways every 50 feet and it really causes problems with traffic. That's our primary way to truck -- ship goods and services in and out of the valley, so we're really going to be aware of that.

That's -- that's kind of the primary goal. And then the aesthetics are obviously very important as well.

MR. BRADFELD: They probably are likely to want Malouf and the future of Malouf more than anything we're getting out of this. Can we use that as a -- that area behind Malouf as, Yeah, we'll will go with this plan, but we want some of those setbacks? We need it to be a little bit -- because they're getting a lot out of that. We're -- we're giving up all of where Malouf's

going to grow.

MR. DESIMONE: Well, we're --

MR. BRADFIELD: Amy shook her head no, so --

MR. DESIMONE: Yeah.

MS. ANDERSON: Yeah. It sounds like Malouf has already requested for the portion that they want to --

MR. DESIMONE: Right.

MS. ANDERSON: -- you know, do development. They don't want to be in two different jurisdictions.

MR. DESIMONE: Right. It's easier for them to be in one city, and we get that. I mean, when you look at the -- when you look at the ratios, obviously we're giving up 130-plus acres. They're giving up 13 acres, so it's ten to one. The tax values, you know, I think --

MR. JENSEN: 50 percent better.

MR. DESIMONE: Yeah, I think it's 8 million they're giving them and we're getting 5 million. I mean, really, it comes back to a fundamental issue that the mayor raised; it's about really good governance. What can we govern as a city that we're prepared to serve?

If we want to maintain the property, then we need to start thinking about how do we get into our capital improvements program and services down there?

Water, suer, we -- that's what we really need to start thinking about. Or we need to figure out a better way to do it.

UNIDENTIFIED FEMALE: And we've looked at some rough numbers and it -- it's pretty prohibitive, and we just simply do not have that in our capital plan. There are other things that, at least, I would personally rather focus on. Clearly council makes the financial decisions, so --

MR. DESIMONE: Right.

UNIDENTIFIED FEMALE: But it just seems...

MR. DESIMONE: And then back to your point, Jess, it really -- we don't really have leverage in that respect. We can't say, We'll give you this property if you give us the setbacks because ultimately those owners could petition the city through court, and it -- really, it will get done. It will get done through that process. It may take a little bit longer, but ultimately, they'll end up doing what they're going to do.

MR. BRADFIELD: A lot of water in Ted's. We'll take that, filter it out, give them that water. Then we'll turn on all the cars in the parking lot and give them power. I don't know.

I'm in favor of -- I'm in favor of a clean split.

MR. JENSEN: Can I ask a question? Logan, you said we had a 100 foot or 150? Is it --

MS. SIMMONDS: 150.

MR. DESIMONE: Yeah, it's both. We've got two segments. It's 100 in the upper and 150 in the lower.

MR. JENSEN: Okay. And nodes we have 75?

MR. DESIMONE: Yes.

MR. JENSEN: And Nibley's going -- suggesting what?

MS. SIMMONDS: 130.

MR. DESIMONE: Right. What I've seen in their last proposal before the city council is 150 feet between their commercial nodes, and then 30 feet within their commercial nodes.

MR. JENSEN: And can we -- I'm -- I'm going to make an editorial comment. I listened to the minutes of the Nibley meetings, and it's rather disparaging. I mean, it's -- they're really getting a good deal out of this thing, and yet they have been rather disparaging and rude to us. And -- and yet they're getting a very good deal out of this thing.

MR. OLSEN: No. Don't make an editorial comment, make a motion.

UNIDENTIFIED FEMALE: But wait until Jess

gets back to vote. He will slip back in shortly.

MR. JENSEN: I -- I'm troubled by two things on here. Well, more than that, but I'll mention two things. The 30-foot setback is, I think, ridiculous. I'd like to have a greater one. And the fact that they want a node every time somebody has a drive coming out, I mean, it's just too much. Is there some way to negotiate that to get it at signalized intersection and not willy-nilly we're going to call it a node?

MR. DESIMONE: Well, I mean, we can -- we can suggest all we want, ultimately they have their right as a city to come up with what they want to. And we've talked to them before about that, that they should really follow the UDOT-prescribed agreement that we've all signed off on. But -- but I don't know what else to offer in that respect. I mean, it's -- Nibley's Nibley, and they're going to do what they want to do.

MS. ANDERSON: So I would make a motion to approve Resolution 19-34 with the exception of the parcels just south of 2200 South, which would be the parcels -- the Pitcher, Tialevea parcels.

MS. SIMMONDS: There's a motion on the floor to accept the resolution for all the properties except the properties at 2200 South. Every -- the rest of it would all go to Nibley.

MR. JENSEN: What -- what --

MS. ANDERSON: The last -- we talked last meeting about the ability we do have to (inaudible).

MS. SIMMONDS: So that corner up there, right there, would stay in Logan. The remaining -- all of that and down, all of that and down, and all of that would go to Nibley.

MR. JENSEN: Service that.

MS. SIMMONDS: Is there a second to that motion?

MR. BRADFIELD: What was the motion? Sorry.

MS. SIMMONDS: Everything except the property up there by 2200 South.

MR. DESIMONE: But just to be clear on the motion, can you just identify the exact properties that you want excluded?

MS. SIMMONDS: By the number?

MR. DESIMONE: Yeah.

MS. SIMMONDS: Oh, my goodness.

MS. ANDERSON: So it's --

MR. DESIMONE: Or by name.

MS. ANDERSON: -- yeah. 030070022, 030070009, 030070013, 030070010, 030070011, and 030070023.

MR. BRADFIELD: At what cost does -- at what

cost is it that we just keep that little portion -- that worth -- if something breaks down to have to have that across the street from --

MS. SIMMONDS: We have the ability to service that -- those parcels of property already. The infrastructure's in place.

MS. ANDERSON: The reason I'm suggesting that is is that intersection, there's no way they can do 30-foot setbacks should those properties decide to sell.

MS. SIMMONDS: Is there a second?

MR. BRADFIELD: I'll second.

MS. SIMMONDS: Now we can discuss it.

MR. OLSEN: And I have remained silent because I have represented some of the parties in terms of land ownership, and so I -- in -- in an effort to avoid any even appearance of conflict, I intend to abstain.

MS. SIMMONDS: With no opinion?

MR. OLSEN: Abstaining.

MS. SIMMONDS: Oh, okay. Tom?

MR. JENSEN: I'm good with it, with my begrudging remarks. But I think Amy's made a great suggestion here.

MR. BRADFIELD: I have a question for Herm.

In your abstaining, what do those that maybe

you don't want to represent tonight, how do they feel about that?

MR. OLSEN: Well, I don't know how they feel about this precise motion. I know some of them would prefer to remain in Logan. But that will be a subject of another issue at a later date.

MR. JENSEN: Do they -- do they have a choice?

MS. SIMMONDS: Again --

MS. ANDERSON: Well, opportunity at the public hearing.

MS. SIMMONDS: To say they want to stay in Logan?

MS. ANDERSON: Right.

MR. DESIMONE: They'll have an opportunity -- I'm sorry. But it would be nice to know now as opposed to then because what this does is sets into play us going through a process that's expensive. We need to get a surveyor involved. We'll split the cost with Nibley on that, but we also will do public hearing, public notifications. But we're going to spend some money.

So if there are folks who are, you know, vehemently opposed, then you'd think -- maybe somewhere down the road you might say, Well, maybe they should be excluded. I would rather know now than then.

MR. OLSEN: Some of these property owners haven't been specifically notified, and they're not in a position to say one way or the other.

MR. DESIMONE: Yeah, and that's true. And we won't notice them until we -- until you say, Here's a green light. Go for it.

MR. OLSEN: Until there's a notice of intent published, and then it's an issue of percentage of value and percentage of space, and then that's got to be figured out at a later time. That's why it can't be determined tonight.

MS. SIMMONDS: So once again, I will say that my -- my thought would be that we just do the one that's asked. Or the two pieces that have asked.

MR. JENSEN: Do -- do you lose your bargaining of the setbacks, then?

UNIDENTIFIED FEMALE: Yeah, that goes away.

MS. SIMMONDS: Well, I don't know whether it goes away or it doesn't go away.

UNIDENTIFIED FEMALE: Well, I think they did say in their minutes that that was why they were waiting to pass the setbacks, to see if we did move forward. So that -- that is my understanding is that that would go away if the boundary does and doesn't take place. But again, that's council's call.

MR. BRADFIELD: So we will lose our setbacks?
Their setbacks?

MS. SIMMONDS: Well, I don't know --

UNIDENTIFIED FEMALE: They haven't passed
them yet.

MS. SIMMONDS: Yeah. You (sic) haven't
passed them yet. We have no guarantee.

UNIDENTIFIED FEMALE: Correct.

MS. SIMMONDS: And we need to do what's the
best for Logan, given the circumstances. And I agree
with Amy, but I would go further. And I would only do
the properties that have asked. At this point in time.
That's --

UNIDENTIFIED FEMALE: Well, then,
technically, no one's asked because they could file a
petition for deannexation at any time. And we actually,
at one point, assumed that Nelson Farms was going to go
forward and do that, and that hasn't happened. But
again, any of them have the opportunity to file that
petition --

MR. DESIMONE: Right.

UNIDENTIFIED FEMALE: -- as they so chose.

MR. DESIMONE: They could do it individually.
We -- we just thought, from a city's perspective, it
would be less expensive, less timely for all of us to do

it once. But if that's the purpose of the council is to say, You as an individual owner can do it on your own, that's fine, too.

MR. JENSEN: I'd rather keep the leverage of -- or at least the supposed leverage of the setbacks. To me, that's an important thing.

UNIDENTIFIED FEMALE: Again, there is no guarantee.

MR. BRADFIELD: Right.

MS. SIMMONDS: There's no guarantee.

MR. JENSEN: Well, with anything, I suppose.

MR. BRADFIELD: And the next council could come along and kill it.

UNIDENTIFIED FEMALE: Well, and they haven't passed it, but yeah, you're right. They could choose not to pass it, they could change it in future councils, that's exactly right.

MR. OLSEN: And -- and it may -- it may bear wisdom to postpone it until we see what Nibley intends to do with it.

UNIDENTIFIED FEMALE: Well, that's kind of what they did to us. So we're at a bit of a standoff if we don't choose to move forward.

MR. JENSEN: I'm chicken right now.

MS. SIMMONDS: Well, you know it's going to

go with our July 24th "True Grit" theme. The standoff.

UNIDENTIFIED FEMALE: I know.

MR. BRADFELD: So is there ever -- I mean, can we have that meeting with them and sit down with them and just talk about some of these things?

MR. DESIMONE: Yeah. I mean, I -- I don't know why it wouldn't be a bad idea, sure.

UNIDENTIFIED FEMALE: But it -- so you're saying you'd like to schedule a joint public meeting with the Nibley City council?

MR. BRADFELD: Yeah, I would -- it would be my preference. I don't know if it's anyone else's preference. I'm speaking --

UNIDENTIFIED FEMALE: We can ask.

MR. BRADFELD: As only speaking for myself, I -- I would --

MR. DESIMONE: Not a bad idea, really.

MS. SIMMONDS: Well, there is a motion on the table. So we need to -- and there has been a second. Unless anyone's withdrawing their motion, we probably need to finish our discussion and vote on it, then we're done.

MR. JENSEN: Well, if something can be accomplished with a mutual meeting, I've always appreciated that type of thing rather than negotiating in

absentia, basically.

MR. BRADFELD: I'll withdraw my second.

MS. SIMMONDS: There's still a motion on the table. Is there anyone who's willing to second the motion?

Motion dies now because a lack of a second.

MR. BRADFELD: It is not -- and I want to be clear. It's not because I don't approve of the plan that Amy puts forward. I, personally, would like to see us meet with them first. And if that doesn't work out, then I'm fine -- I would prefer a clean break down the middle of the road. So for me it's -- that's not the issue. I would just like to discuss this with them.

MR. JENSEN: And is that a motion?

MS. SIMMONDS: Would you like to move to --

MR. BRADFELD: Do we have to motion for that?

MR. JENSEN: Yeah.

MS. SIMMONDS: You have to move to request public hearing.

MR. BRADFELD: I will pose that as my motion, then. To request a public hearing with the council and the mayor.

UNIDENTIFIED MALE: You want this a public hearing or just a joint public meeting?

MR. BRADFELD: Public meeting, excuse me.

UNIDENTIFIED MALE: Okay.

MR. OLSEN: Yeah. Or would it make more sense and be -- well, I don't know. Be potentially less acrimonious if we're just -- for instance, you, Jess, and Tom, so that he can make sure they don't disparage us, meeting with two council members and each the mayor? Oh, of course that -- would that be a public meeting?

MR. JENSEN: No.

MR. OLSEN: Two --

MS. ANDERSON: More than two of us.

MR. JENSEN: I -- I think that would be fine. I think the -- the lower key would be better.

MR. BRADFELD: So -- if we -- yeah. I'm okay with it.

MS. SIMMONDS: We've been down this road.

MR. JENSEN: Well --

MS. ANDERSON: I think it should be all of us.

MR. JENSEN: We haven't really met --

MS. ANDERSON: It should be all of us or none of us (inaudible) --

UNIDENTIFIED FEMALE: And I've met with Mayor Dustin. We have not pulled council members in, so we can certainly do that.

MR. BRADFIELD: I'll just do it for all of us, and then those who can show up, I suppose. That way it's free and clear and open and honest.

MS. SIMMONDS: We all have to show up. It's part of our job.

MR. BRADFIELD: Well --

MS. SIMMONDS: So you are moving to --

MR. BRADFIELD: I will move to have a public meeting with the City of Nibley, and -- or the -- not the entire city, but their city council --

MS. SIMMONDS: Nibley City council.

MR. BRADFIELD: -- as well as their mayor so that we can discuss the issues at play. In ordinance --

MR. DESIMONE: Resolution 19-34.

MR. BRADFIELD: -- 19-34.

UNIDENTIFIED FEMALE: Resolution.

MR. BRADFIELD: Oh, yeah. Resolution 19-34.

MS. SIMMONDS: Okay.

UNIDENTIFIED MALE: Do you want to add to your resolution -- you would like to continue this item, Resolution --

MR. BRADFIELD: And I will -- is that a separate --

UNIDENTIFIED MALE: You can add that to your current motion.

MR. BRADFIELD: And to continue Resolution
19-34 to --

MS. SIMMONDS: Until we have had the public
meeting? The next council meeting after the public
meeting?

MR. BRADFIELD: That is correct.

MS. SIMMONDS: Okay.

UNIDENTIFIED MALE: Do -- do we need a date?

MR. BRADFIELD: A possible (inaudible).

MS. SIMMONDS: I said once we schedule the
public meeting, we would put it on the agenda the next
council meeting after that public meeting.

Is that allowable?

UNIDENTIFIED MALE: We wouldn't have a date
certain there, if --

MR. BRADFIELD: And I table the agenda -- or
table the resolution until --

MS. SIMMONDS: Second meeting in August?

MR. BRADFIELD: -- the second meeting in
August.

MS. SIMMONDS: Okay. Is there a second to
that?

MR. JENSEN: Second.

MS. SIMMONDS: It's been moved and seconded.

Is there any further discussion?

MR. OLSEN: And this is for both councils?

MS. SIMMONDS: Yes.

MR. OLSEN: Okay.

UNIDENTIFIED FEMALE: That would be the invitation.

MS. SIMMONDS: Yeah.

You're not coming?

MR. OLSEN: May not. I think it's just going to be -- I think that's a waste of time. I think Tom and Jess and the mayor and Mike can meet, and that -- and with their two counterparts and mayor, that could be a productive meeting. You get ten council members and two mayors and that's not going to go anywhere.

MR. JENSEN: I think there's -- I think -- I actually think if -- you know, not the first time, the second time, that there's wisdom in those comments.

MS. SIMMONDS: Whoa, it's getting deep.

There is a motion and a second on the floor. Anymore discussion?

MR. BRADFIELD: I mean, what are your thoughts?

MS. ANDERSON: Well, I would just rather vote on it right now, but.

MS. SIMMONDS: All those in favor of the motion please say I.

MR. BRADFIELD: I.

MR. JENSEN: I.

MS. SIMMONDS: I.

Those opposed, please say no.

MS. ANDERSON: No.

MR. OLSEN: No.

MS. SIMMONDS: Passes 3 to 1. Or 3 to 2,
excuse me.

UNIDENTIFIED FEMALE: We will extend the
invitation and see where it goes.

MS. SIMMONDS: Thank you.

(End of recording.)

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Amber R. Fraass, RPR, CSR

Exhibit 6

(Logan Municipal Council Minutes – February 20, 2018)

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, February 20, 2018 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Tom Jensen conducting.

Councilmember's present at the beginning of the meeting: Chairman Tom Jensen, Vice Chair Jeannie Simmonds, Councilmember Amy Z. Anderson and Councilmember Jess W. Bradfield. Administration present: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris. Excused: Councilmember Herm Olsen.

Chairman Jensen welcomed those present. There were approximately 22 citizens in the audience at the beginning of the meeting.

OPENING CEREMONY:

Roger Jones, Executive Director of the Bear River Association of Governments gave the opening thought, prayer, and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from February 6, 2018 were reviewed and approved with minor changes.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Bradfield to approve the February 6, 2018 minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Agenda. Chairman Jensen announced there are two public hearings scheduled for tonight's Council meeting.

Meeting Schedule. Chairman Jensen announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, March 6, 2018.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident Keith Schnare addressed the Council and gave an update on the Logan City CERT Program. He said there are currently 322 Logan residents listed as CERT trained. Many of those are older and more participants are needed. He asked the Mayor and Council to take this message to the upcoming neighborhood council meetings and encourage residents to become CERT trained. The Adams Neighborhood needs more CERT trained resident and the Wilson and Hillcrest need younger CERT trained resident's. The CERT Program are all volunteers and require 32-40 hours of training that Cache County oversees.

Logan resident Gail Yost addressed the Council and said it's her understanding that there will not be a parking structure planned where the new hotel is being built because of the high-water table. If the water table is too high for that area then it will be too high in the

area where she lives on 100 East for a future parking structure. She said her neighborhood needs to be protected as promised by those who ran for office.

Logan resident Steve Tryon addressed the Council regarding the proposed new library. He would like to see the downtown built upward and said we need to build a city that brings people to Logan. He is concerned about the proposed library location and does not feel it should go on the V-1 site. He feels it should be where people can see it and not on a back corner.

Logan resident Steve Hoedt addressed the Council and commented that he is concerned about a proposed water rate increase when the City just gave the Opera Company \$150,000. He would like to see more detailed information about the proposed rate increase.

There were no further questions or comments for the Mayor or Council.

MAYOR/STAFF REPORTS:

Chairman Jensen asked what can we do to encourage citizens to clear snow from their sidewalks throughout the community.

Mayor Daines responded that clearing snow from the sidewalks is always a concern. She will relay this message to Community Development and they can send out the City's Ordinance Enforcement Officer to contact the property owners and remind them to clear their sidewalk.

No further reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Vice Chair Simonds

Vice Chair Simmonds reported that she attended the last Planning Commission meeting and the majority of the meeting was a discussion and public hearing regarding the proposed rezone of Town Center 1 and Town Center 2. She was impressed with the Planning Commission and how they addressed the issues regarding the rezone. The Commission is taking their time with the rezone and it will come to the Council sometime in March or April.

No further Council items were presented.

ACTION ITEMS:

**PUBLIC HEARING - Budget Adjustment FY 2017-2018 appropriating: \$57,700
Public Works Rolling Stock Reserves toward the purchase of a service truck and
pool vehicle – Resolution 18-05**

At the February 6, 2018 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

Chairman Jensen opened the meeting to a public hearing.

There were no comments and Chairman Jensen closed the public hearing.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Anderson to approve Resolution 18-05 as presented. Motion carried unanimously.

PUBLIC HEARING - CDBG Priorities and Goals for Program Year 2018 Annual Action Plan

At the February 6, 2018 Council meeting, CDBG Coordinator Aaron Smith addressed the Council and presented the CDBG Priorities and Goals for Program Year 2018 Annual Action Plan. The 2018 Program Year has not yet been approved for funding.

Project Updates

- 100 West Golf Course Road Corners - \$35,000 - Construction Summer 2018
- Canyon Road Trail - \$135,588 – Design RFP, Construction Summer/Fall 2018
- 1400 North 200 East - \$50,000 – Summer 2018
- Park Access and Mobility - \$250,000 – 300 East Sidewalk complete and internal paths at Merlin Olsen summer 2018

Project Updates – Sub Recipients

- English Language Center Roof - \$17,500 – Complete
- Bridgerland Literacy Labs - \$2,000 – First reimbursement has been made. Expected completion February 28, 2018
- BRAG Homebuyer Education Program - \$10,000 – First reimbursement has been made, expected completion June 30, 2018
- Whittier Center Windows - \$17,000 – Early Summer 2018
- UATP Assistive Technology Demonstration and Loan - \$5,000 – June 30, 2018

Program Year 2018 Discussion

- Consolidated Plan 2014-2018 – Identifies funding priorities for the program and sets funding marks for all priorities
- Priority 1 – Contribute to at least one significant neighborhood infrastructure or facility improvement in each eligible neighborhood over the course of five years – Funding approximately 65-70% over five years
- Priority 2 – Support Social Services, nonprofit, or neighborhood initiatives that address community needs for low/moderate income residents – Funding approximately 10-15% over five years
- Priority 3 – Administration and Planning – Funding approximately 20% over five years

Estimated Funding allocations for PY2018 - \$425,000

Priority 1 – Infrastructure and Facilities - \$300,000

Priority 2 – Nonprofit services support - \$42,000

Priority 3 – Administration and planning - \$82,500

Mr. Smith reported that he received two email comments regarding the CDBG Program, one from Bronwyn O'Hara and the other from Hilary Shughart. He also reported that the Federal Government approved CDBG funding although we won't know the final allocation for a few more weeks.

Chairman Jensen opened the meeting to a public hearing.

Logan resident Bronwyn O'Hara addressed the Council and said she submitted a CDBG project idea for a public parking structure in the downtown. She also asked how are the projects prioritized.

Chairman Jensen explained how the projects are prioritized and said there are always more requests than money available.

There were no further comments and Chairman Jensen closed the public hearing and no action was taken by the Council at this time.

Mr. Smith reported on the following timeline for the CDBG Program.

Timeline

February 23	March 20 – Application Period
March 28	Steering Committee Meeting – 5:00 pm City Hall
March 30	Public Comment Period
May 1	Public Hearing – Adoption of Annual Action Plan

WORKSHOP ITEMS:

Country Manor's Request to Dedicate Private Infrastructure – Mark Nielsen

Mark Nielsen addressed the Council regarding a request from the Country Manor Neighborhood to Dedicate Private Infrastructure. He stated that Kristie Cooley from the Country Manor Homeowners Association has requested the City of Logan receive dedication of the private infrastructure within the Country Manor Subdivision. This request is different than past requests due to City ownership of a significant portion of the infrastructure within the Country Manor Subdivision as well as ownership of 25% of the lots within the subdivision.

The original subdivision created 68 lots. As part of the NRCS flood repair project in 2011, the City of Logan purchased 17 of these lots along the Logan River to construct a flood levee. The infrastructure in Country Manor Drive which is the main road that provides access to the private cul-de-sacs is City owned and maintained and serves 22 of the remaining 51 lots. This leaves 29 lots within the Country Manor Subdivision that are served by private infrastructure.

The water lines and sewer lines are in good shape and vary in age from 22 to 38 years old. The water lines do not meet current State minimum requirements because they are 6-inch diameter rather than 8-inch diameter. The streets do not meet current City standards. There are no curb, gutter, and sidewalks on any of the private roads. The asphalt cross-section does not meet the City's minimum standards and there is poor drainage along the road which further deteriorates the pavement without curb and gutter along the road.

The Homeowners Association currently has no reserve funds for infrastructure. They charge each homeowner \$10 per month for dues. Based on the infrastructure replacement costs in 2017, it will cost approximately \$1.1M. The piping would typically have approximately 30 years of life remaining. This would mean each homeowner would pay about \$60 per month to generate the needed funds in 30 years. This does not include the current costs of maintaining open space and the storm water pump station.

The City policy for dedicating infrastructure is that the homeowners should bring the infrastructure to current standards before the City accepts the dedication. In this case, the largest item that does not meet the standard are the roadways.

Mr. Nielsen recommend the roads be constructed to meet minimum structural standards, curb and gutter needs to be added, and where possible sidewalk on one side of the road should be added. In the past, the City has implemented a special assessment area to allow residents to spread these costs over 5 years. Doing that will provide a rough estimated monthly payment of \$75 for each homeowner and the City will pay for 17 lots each month.

In an email sent by President of the Country Manor Homeowners' Association Kristie Cooley to the Council she added the following to the original request.

1. The City presumes a 5-year amortization of the costs to upgrade roads and water lines. The neighborhood asked the City to consider instead, a 15-year schedule. There is a precedent for a 15-year repayment and the Downtown Main Street BID was amortized over a 15-years period.
2. The City consider splitting the cost to upgrade curb, gutter and (if applicable) sidewalk. The neighborhood has noted that the City has helped non-conforming areas make these upgrades by sharing the cost with property owners, as was the case with the 600 West BID.
3. Contrary to the information in the original memo to the Council, The Country Manor Homeowners' Association has approximately \$40,000 that can be contributed to the total cost of construction.
4. In regard to the sidewalks, Ms. Cooley asked the Council to note the unique circumstances of the four private roads in Country Manor: All area dead-end roads, three of the roads have only 4 homes, and the remaining road has just 14 homes. Because of this, there is extremely limited traffic on these roads which makes adding sidewalks a

non-critical issue. In addition, there is limited right-of-way property in which to build the sidewalks.

5. Finally, the neighborhood would respectfully request that the Council consider that for the past 35 years, those living on private roads have contributed to the cost of City utilities and services which were not actually provided for their roads. Property owners have been paying for these costs through additional homeowners fees and/or assessments.

Mr. Nielsen referred to the City Policy on Private Infrastructure and said the City receives many requests but so far only one was approved on Temple Avenue and that is because the residents set up a Special Improvement District, made the improvements that were needed and brought the infrastructure up to standard.

Mr. Nielsen stated the City owns approximately 25% of the lots in Country Manor. All the lots in Country Manor participate in the Homeowners' Association whether they are supplied infrastructure through the City or private. The City participates even though we own the levee.

Logan City Attorney Kymber Housley stated this is the first time he is hearing that the City should be paying Homeowner Association fees.

Mr. Nielsen responded the City has not been paying because they have not sent us a bill. His understanding is when the City purchased the lots, the Homeowners Association fees came with the lot.

Mr. Housley said he would not be giving his legal opinion at this time since he is just hearing about it. He said there is a City owned "pocket park" in his subdivision and the City is not paying HOA fees on that property. Had we negotiated at the time, the City would not have agreed to pay any HOA fees due to the cost of putting in the levee and he stated this was most likely never discussed at that time.

Mr. Housley added that under the assessment area we cannot go longer than 10 years unless the Council makes a specific finding showing that the improvements would last beyond that time frame and in this case, they would. It's based on the life span of the new infrastructure being installed.

Mr. Nielsen said he did not include replacing the 8-inch water line and the reason is that its currently 6 inches which was in compliance when the subdivision was built and there is adequate fire flow. There are isolated pieces of the water system that need to be fixed such as the hydrants. He said, typically a water line lasts anywhere from 65-70 years so Country Manor has 30 more years left with their current water lines. He also said the residents would like to give their park to the City. The residents are plowing the snow in the cul-de-sacs and cutting the grass in the open space areas.

Vice Chair Simmonds said in the email sent by Kristie Cooley there was mention of a precedent that the City did in the past.

Mr. Nielsen responded on 350 South the City installed curb, gutter and sidewalk in that section of the subdivision and that was done on a 50/50 split with the City and the residents. He said regarding the work done on Temple Avenue approximately 10 years ago, the residents did not pay for everything and the City shared in some of the cost.

Mr. Housley said one of the issues with the City helping with the project on Temple Avenue was our collection trucks driving down the steep hill and the City had interest in improving this roadway so we could safely collect garbage. The City's main participation is we allowed the street to be narrower than the standard street.

Chairman Jensen there have always been issues in the Country Manor subdivision with flooding and crumbling roads. The area is below the water table and should never been built in the first place but if we let it deteriorate then it becomes a blighted area.

Mr. Nielsen said the ramification of the Council denying the request from Country Manor is the residents will be responsible for the upkeep of the infrastructure in perpetuity and based on City Attorney Housley's findings, that may include the City as a 25% participant. This project could qualify for CDBG funding but it was his understating that CDBG funding has been prioritized for the next 5 years.

Mayor Daines reminded the Council they make that decisions regarding CDBG funding allocation.

Country Manor Homeowner Association President Kristie Cooley addressed the Council. She said they have homes that sell quickly in Country Manor but some of the deterioration of the roads have made homes difficult to sell. The HOA cannot financially maintain the quality of roads in the subdivision. She stated that according to the figures compiled by Mr. Nielsen the cost would be \$75-\$100 per home. They have a diverse income level in their neighborhood and adding an additional \$100 per month will be a hardship for some and would cause them to leave. She suggested \$35 per month for a 10-year time period would be the amount that residents could pay. They could also apply for the CDBG funding which could maybe bring the \$35 amount down even further.

Mr. Nielsen said the cost for the road and sidewalk was just over \$300,000. Dividing that by the number of homes involved would be \$60 per month over a five-year time period per home.

Ms. Cooley said that \$35 per month will still be a burden for some people. The difference is the term which would be 10 years vs. perpetuity. She said even \$60 for 5 years is better than \$100 in perpetuity. Currently there are no vacant homes, there are two homes for sale and several rentals.

Vice Chair Simmonds said we need to consider the precedent this will set in terms of future requests.

Chairman Jensen agreed but said if the precedent hurts the neighborhood and causes further deterioration then, the problem has not been solved.

Mr. Nielsen said there are several dozens of HOA neighborhoods similar to Country Manor that the City will have to address in the future.

Mr. Housley said approving this for Country Manor could mandate a precedent but the Council will have to justify why they do it for one area and not another. He suggested that Mr. Nielsen propose two alternatives for the Council to consider with a 5-year and a ten-year term limit. He said usually when we don't take infrastructure from a developer its because it doesn't meet our standard specifications from a quality standpoint, sizing is a different issue.

Mr. Nielsen said he hasn't seen any problems with Country Manor's utility system.

Mayor Daines said we do have a policy in place regarding private infrastructure but the Council can review this policy and make changes.

Mr. Nielsen said he will prepare two different resolutions for the Council to consider at the March 6 Council meeting.

Mr. Housley explained that once the Council decides to move forward there is a process to create an assessment area.

Consideration of a proposed resolution indicating the Intent to Adjust the Municipal Boundaries between the city of Logan and the City of Nibley – Resolution 18-02 – Mike DeSimone, Community Development Director

Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution. He stated that Logan and Nibley have been working to modify our common City boundary South of 2200 South to a new line more manageable for both jurisdiction, one which correlates with the Highway. This proposed action involves 32 parcels. If the Council agrees with the direction, we will work with Nibley and the larger landowners to have a new legal description prepared as required. Excluded from this proposal is the area around 3200 South as Nibley is not contiguous to that area. That area will be considered in a separate request once Nibley annexes property to the East.

Mr. DeSimone said one of the concerns was whether Nibley was committed to implement the South Corridor Plan. Mayor Daines spoke with Nibley City Mayor Shaun Dustin and he agreed with the goals of preserving the 89/91 right-of-way to support future UDOT uses and is supporting efforts to preserve open space. However, Nibley feels the 300 and 500 foot setbacks called for in the South Corridor Plan are not economically feasible in all cases and could conflict with their development plan.

Mayor Daines indicated that Nibley does not have the room to implement the larger boundaries that were suggested. There is private property involved so Logan City would have to come up with the funding to purchase the right-of-way through the property which, most likely will not happen.

Vice Chair Simmonds asked what the costs would be if Logan City were to provide service to these properties.

Mr. Nielsen said it would cost approximately one million dollars for a water line, \$1.5M for the sewer line and that does not include power. The total cost would be approximately \$3M.

Vice Chair Simmonds asked is it possible for the City to find a way to provide infrastructure to the corner/border, in exchange for an enhanced setback along Highway 89?

Mr. Nielsen responded that in his opinion, if he were the property owner he would not care about the cost of infrastructure because he is going to sell the property to a developer and the developer will pay the cost. He indicated that UDOT has an access management agreement.

Mr. Housley said that technically we can do what Vice Chair Simmonds suggested and the landowner can agree to something more restrictive than what our ordinance allows. Practically speaking, Mr. Nielsen is correct and most of the landowners are not looking to develop themselves but are looking to sell their property to developers. All of the landowners would have to agree and do everything together and he feels that would be difficult to do.

Vice Chair Simmonds said it would not be an ordinance but an agreement with the current property owners and there could be something included on the land title. She is concerned that we are giving away a lot of frontage and not getting a good deal on the West side of Highway 89.

Mr. DeSimone said if we really want to protect the South Main Corridor then we should purchase the property and it would cost close to \$15M to buy all the property.

Chairman Jensen said if we allow the highway to have access or proximity to the road similar to what has happened on the North end of Main Street, we will do generations to come a huge disservice for safety and visibility.

Mr. DeSimone responded that most would agree with that but Logan City does not control access on the Highway which, is a UDOT function and they have been fairly rigid on their points of access.

Mr. Housley said we can enter into an agreement but we cannot codify or make it enforceable. If the property goes into Nibley it's their jurisdiction and they will regulate how they see fit. There is no mechanism to do a conditional boundary adjustment. When this property was first annexed there was a different dynamic and the property owners asked to annex into Logan because they didn't want property development and the Council at that time said yes, because we didn't want it developed either. We were willing to annex the property and we had no intention of installing utilities but that was 10-15 years ago and now the property owners have a different idea. The same thing goes for Nibley and they can tell the Council today what they are willing to do but there is no guarantee on what will happen in 15 years.

Vice Chair Simmonds feels we should be more creative and have that taxable value in Logan City and not lose the value in development along the South Main Corridor.

Mr. Housley said this is a policy decision for the Council and there is no right or wrong answer. Currently the property is in Logan and the decision is, do we want to clean up the boundaries between Logan and Nibley.

Mayor Daines commented that it took time to work out the North Logan and River Heights boundary adjustments but they were both completed and work well.

Councilmember Bradfield said eventually the Council will have to vote on this boundary adjustment but he asked what is Mayor Daines opinion of the adjustment?

Mayor Daines responded back when this adjustment first came before the Council she wrote letters to Nibley City and she was a proponent of trying to make the setbacks work. But, as she has worked through the practicalities she has found that Logan would need to purchase the property which, is unrealistic. She feels it would be good to clean up the boundary lines.

Vice Chair Simmonds said she still feels that we could negotiate some sort of enhanced setback with an incentive to provide utilities which wasn't previously offered to Nibley. She is hesitant to give up that much potential, taxable acreage. She would like to get more clarification on the costs of utilities. She would also like to see the potential revenue that could come from the property.

Mr. Anderson commented it would be hard to give an amount because we don't know how the property is going to be developed. But, when developed we would be giving up a lot for a very little.

Mayor Daines commented there will be a light at 3200 South and a light at 1000 West and there could be one other light in-between these two areas. Having a light usually brings commercial business but at this time we don't know what will happen.

The Council requested that another workshop regarding the proposed boundary adjustment between Logan and Nibley be continued to the March 6 Council meeting agenda as a workshop item.

Library Discussion (30 minutes for public comment) – Mayor Daines

Mayor Daines addressed the Council and said as a new administration takes over there are projects that are moved forward. Tonight, she is seeking direction from the Council on how to proceed with the library. She would like to take more time and do more research and homework. But, if Council prefers to move forward with the proposed V-1 location she can certainly go that direction as well. Her concerns about the proposed V-1 location are parking and cost. She said that former Mayor Craig Petersen identified \$9M in funding that was set aside. But, to get to the total \$12M that was identified by Mr. Petersen, we will need private contributions. Mayor Daines stated that she has been involved with a lot of fundraising efforts for the Eccles Theatre and others and she

personally feels this is not a realistic amount to raise. She asked Logan Library Director Karen Clark to address the pros and cons of the V-1 location from her perspective.

Logan Library Director Karen Clark listed the following pros and cons of the V-1 property as a future library location.

Pros

- Close to downtown
- Close to the Arts District
- Close to Logan High School
- Not on Main Street
- Great water feature
- Great place for amphitheater
- 2-story building
- Would help revitalize the neighborhood
- Public Transportation already there (CVTD bus stop nearby)

Cons

Parking – The parking estimate in Mayor Petersen’s proposal indicates the library needs 40-50 stalls. Ms. Clark said she consulted with other library professionals and from their perspective and her own, the parking needed is 100-150 stalls for the following reasons:

- The library averages 739 visitors per day
- There are 28 library staff (includes full and part time. 15+staff are at the library at one time)
- Story time has up to 30+ children per session
- Monday Movie Nights can have 10 to 100 attendees
- Public meeting rooms currently have 75+ attendance now on evenings and Saturdays. Currently, patrons wanting to use meeting rooms are often are turned away.
- Multiple meeting rooms will bring more patrons/visitors and 200+ seating for public meeting rooms in the new library would be used.

Close to Logan High School

- Will we have to worry about teen truancy or other security issues?
- Will the teens take over the parking lot?
- Will we need additional staff for more teen programming?

The library not on Main Street? Is this a concern?

Will a 2-story building require more staff?

\$500,000+ to purchase the property which is an added cost to the new library

Vice Chair Simmonds said wherever the library is located, the City will need to purchase property.

Chairman Jensen said originally, he thought being near Logan High School was a negative but he now feels that the library being near the high school will be an opportunity to inspire young people to be involved in the library more than if it were

somewhere else. He's also heard concerns about the intersection of the V-1 location because of the surge of traffic that comes at certain times in the morning and afternoon with the high school students coming to and leaving the school. He added that most libraries have a single point of entry as a control system and there is a good amount of parking on 100 South and parking could also go down below the V-1 site.

Mayor Daines said we have also not discussed site acquisition adjacent to the V-1 site. A potential layout of the proposed design has been done by Design West and they estimate 22 parking stalls is what they think can go on the actual V-1 property and 20 angled street stalls if we were to cut back 100 South. That totals 42 stalls unless we purchase adjacent properties. At one time, a discussion was held with Gene Needham Sr. about the Franz property which he owns but that is not considered as the adjacent property which is actually a larger piece and currently has a structure on it so it might be significantly more expensive.

Ms. Clark said she strongly feels that the library location needs additional parking.

Mr. DeSimone said there isn't a suggested number of parking stalls for a library.

Councilmember Anderson commented that some of those parking stalls should be determined on what people feel is "close" parking and for every individual there is a different definition of where parking is located.

Chairman Jensen said the less convenient the parking the less usability of the library especially during the winter months.

Vice Chair Simmonds said one of the challenges we have in relationship to the V-1 site and parking is we are looking at this from a high school that is still under construction. The high school is building their East parking lot last so we won't really know until they are finished with construction to determine how congested parking will be. She said we need to be careful not to make a decision based on what the parking situation looks like right now at the high school because that could change.

Ms. Clark said she and her staff would be willing to park off-site from the library and walk.

Councilmember Bradfield asked does the library need to be downtown.

Ms. Clark said the library doesn't have to be downtown and she has the viewpoint that, "If we build it, they will come". There are benefits to the library being downtown but it's not necessary.

Councilmember Bradfield said in talking with the Downtown Alliance, they would like to have the library downtown. He also talked to several business owners and asked how much foot traffic they get from the library being downtown. The response was they get some traffic but most people are coming into their store for respite to get out of the heat, etc. He doesn't feel the library is a huge draw to downtown, people go to the library, get in their car and drive somewhere else.

Ms. Clark said the library participates with downtown events such as the Gallery Walk and the Gingerbread House display during the Christmas season.

Chairman Jensen said the downtown is made up of a fabric of many things. He feels the library creates the vitality of a downtown and is the center of a community, it is the heartbeat and the library is a critical part of our heartbeat along with the City, County and the Ellen Eccles Theatre buildings.

Mayor Daines asked the Council for direction on the budget, location, and is the Council ready to move forward and provide administration additional time to gather more information before we move forward.

Chairman Jensen said the architects have provided an estimate but there are items that are missing from the estimate which must be included. He said the biggest mistake we can make is differentiating between a construction budget and a project budget. Construction is what a contractor can bid for it but the total budget includes furniture and a lot of other things. The estimates he has seen are based on current construction costs, per square foot \$235 - \$295 and that is escalating at the rate of 7-10% per year. There are the costs of furniture, graphics, racking systems, audio/visual, permits, connections, testing, etc. That total plus one year of escalation and the 7% design fee without the land, is between \$15M to almost \$18M. He doesn't want the City to start the project without knowing all of the costs involved.

Mayor Daines said we simply don't have that much money. One option for moving ahead is to simply say, this is how much the City has to spend on the total project for a new library and she suggested \$12M because that is what former Mayor Petersen proposed. We have \$9M identified toward the \$12M but we still have \$3M left to come up with. As part of the \$9M, the City was already borrowing \$2M from the library fund to be paid back over 8 years. One option would be to borrow an additional \$2M as an interfund loan and it would be repaid from the library fund over 16 years. An additional \$1M could then come from private contributions and we could make up the difference from enterprise funds. But, we can't make the cost so expensive that it doesn't happen.

Chairman Jensen said other options would be to size down the library or do a two-phased project.

Mayor Daines said we can simply say all we have is \$12M and let's do the best possible project we can for that amount.

Chairman Jensen opened the meeting to a public hearing.

Keith Schnare commented the Council needs to look outside the box in regards to parking. He said Cache County doesn't seem to want to cooperate with the City and the County needs to make improvements to the Senior Citizen building. He feels if the City is going to build a good library/civic center it should also service the seniors and the County should help with the funding. His father paid for and had a room dedicated in his name at a college library in Iowa, he suggested we could do the same thing here.

Business owner Gene Needham and representing the Downtown Alliance addressed the Council. He said it was mentioned the Downtown Alliance is in favor of having a library in the downtown. Parking in the downtown is always a problem and he talked with Kent Craven with Design West and Mr. Craven feels there will be sufficient parking in the area of V-1. The West side of Logan High is complete and there is a transition that is being learned by the students to park in this new parking lot. He agreed with not overspending and suggested scaling down the project if needed.

Logan resident Jay Monson addressed the Council and said when he served on the Logan City Council the plan was to build the library on the corner where the hotel is being built now. There was a donor who was willing to donate \$1M if part of the library was named after his family. Then, we had a change of administration and that plan went away.

Mayor Daines commented it was her understanding there was a recession and the donor withdrew his offer.

Mr. Monson continued and said the donor didn't go away and is still a very wealthy man with ties to Logan. He said the City needs a library and they are used. The library we have now is an albatross and he feels the Emporium would be a perfect location for a new library and plenty of parking as well. In regards to the V-1 location he feels this is a problem area for parking and we already have the Emporium property. He asked the Council to reconsider the Emporium location again.

Logan resident Jane Monson commented the Mayor and Council are trying to put out three major fires that the previous administration did not think through. She feels a new library should have been built where the hotel is being built. She asked the Council to step back and reconsider the Emporium location where there is plenty of parking and is in the middle of downtown.

Logan resident Julie Needham commented the main reason she prefers the V-1 location is that it's a good location and in the middle of the arts district. People love Summerfest and she feels the proposed amphitheater would be well used and a great location for music festivals and will create a nightlife that we want in our community. She is frequently at Logan High School and feels that once all the parking areas are completed there will be plenty of parking for the students. She said there are a lot of people that attend performances at the Eccles Theatre and a lot of them have money and are the kind of visitors that we want. They come to the theatre and look across the street and see a weed patch. She feels building a library at the V-1 location is a great opportunity to create a beautiful space where people will come and enjoy their surroundings. She indicated that former Mayor Craig Petersen said there is a possibility of using RDA funding for the library to make up the difference and that is something that could be considered.

Mayor Daines clarified the \$9M identified includes \$3.7M from the RDA.

Logan resident Gail Yost commented that she has served on the Friends of the Logan Library Committee for six years and she is excited about the possibility of having the library at the V-1 location. She feels there could be shared parking at the V-1 location

with the property owner to the North. The library is the nerve center of the City, where people learn and she feels it should be located near the downtown.

Logan resident Paul Rogers asked what do we want our City to be and he feels a library is a central point of what we want to have. He doesn't feel that parking should drive the decision of where the library should go. If we want the library in a certain location we can find a way to get people to that location and make it work. A library should not be a matter of convenience but should be a destination and a place where people want to come and spend time.

Logan resident Jason Lambert said he is a fan of libraries and supports a new library. He is in favor of the V-1 location and feels it can be an anchor to the arts district and a great destination place. He said traffic moves quickly and people will drive by and not even see the library if it goes in the Emporium location. He also feels that people will linger and spend time with their family if it's located at the V-1 property.

Logan resident Bronwyn O'Hara said she feels the V-1 property has too many problems and she recommended the Council no longer pursue this option. The Planning Commission is considering proposals for Town Center changes and if those changes go through the Town Center 2 rezone will extend Town Center to 400 North. She feels the blighted area on 400 North, where the former Hastings building was located would be a great location for a library and there would be plenty of parking. She commented if the Needham Family is concerned about the weed problem by the Theatre and the V-1 property, they should clean up this area and make it look better.

There were no further comments and Chairman Jensen closed the public hearing.

Mr. Housley reminded the Council there is a deadline with the Option to Purchase of the V-1 property with Gene Needham Sr. which expires March 1.

Mayor Daines said Mr. Needham verbally agreed to extend the Option to Purchase until April 1.

Former Councilmember Gene Needham Sr. said he will extend the Option to Purchase the V-1 property until April 1. He commented that he still does not understand why we need a new library and he still feels the current library should be renovated. He also indicated the City could obtain additional parking on the City block by purchasing property on 300 North.

Mr. Housley said the Council should discuss whether the April 1 extension date is enough time to make a decision on the property purchase.

Mayor Daines said there have been a variety of things mentioned tonight for the Council to consider. She asked, does the Council need more time to gather additional information or are they ready to move forward and purchase V-1 or look at other options.

Vice Chair Simmonds said this process started four years ago with former Mayor Craig Petersen. She personally has walked and looked at 12-14 locations in downtown that are

potential library sites. She feels the V-1 location is the best for many reasons mostly because it would be a phenomenal building, showplace, there would be a park and we could honor the mill that is currently there. It could be a transition between the government, business and arts district and it would expand Logan in the direction going South. She also likes the area of Garff Garden but that is not meant to be. She agreed with the comments made by Paul Rogers that we need to think about what we want Logan to be and not, do we have enough parking spaces.

Councilmember Anderson said in attending the presentations made by the library consultants she heard a great deal of enthusiasm for the V-1 location. She is new to the process and one of the things she feels strongly about is the school district who has identified that we need to read to children 20 minutes per day. There is a certain population where access to visible books is still very important. She feels we have an obligation as a community to have a library that is usable, pleasant and is a draw for people. If she had to vote on this tonight she would say, let's see what we can do with the V-1 site.

Councilmember Bradfield said we do need a library and its critical to the democracy we live in. He does feel that parking is an issue and we do need to plan for the future and the world we live in. He receives a lot of emails regarding parking and people are very concerned about this issue either for more restrictions or having less parking restrictions. He still doesn't like the fact that a former council member owns the property we are considering purchasing. He doesn't feel that we have enough funding to move forward and we should not acquire more property unless we have the funding in place. He represents an area of Logan that is on the outskirts and people must drive into town. He said most of those who spoke tonight live in the Town Center and they are close to the library. He indicated that he doesn't have a site preference for the library.

Mayor Daines said the City has already paid for the library programming study and the goal is to keep the library building to 40,000 SF. There have already been things cut from the original plan but until we start the actual design, we won't know the exact costs.

Chairman Jensen proposed that the Council move forward to extend the Option to Purchase agreement with Gene Needham of the V-1 site, but doesn't feel that one month is enough time. He said the location on 200 North Main Street would have been a good location but the hotel is there now.

Mr. Housley agreed that April 1 is not enough time but we need to talk with Gene Needham on a timeline and Mr. Housley suggested August 1 is probably a more realistic date if Gene Needham will agree.

Mayor Daines said administration will move forward and work on bringing the Council more concrete information and costs of the library. We will not purchase any property immediately and she asked the Council to also be thinking of possible ideas of how to fund the project outside of a bond.

Mr. Housley said if Mr. Needham doesn't agree to an extension then we can also convert the agreement to a right of first refusal so that option goes away but if Mr. Needham receives another offer we will have an opportunity to match the offer.

Councilmember Anderson said the condition of the current library is not good and if we push a decision being made there are several issues that will need to be addressed so the library can be serviceable. We don't want to put a lot of money into a building that we don't intend to keep.

OTHER CONSIDERATIONS:

No further considerations were addressed by the Council.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:10 p.m.

Teresa Harris, City Recorder

Exhibit 7
(Logan Municipal Council Workshop Materials
– February 20, 2018)



MEMORANDUM TO MUNICIPAL COUNCIL

DATE: January 29, 2018
FROM: Mike DeSimone, Director
SUBJECT: Resolution 18-002 (Logan/Nibley Boundary Adjustment)

Logan and Nibley have been working to modify our common City boundary south of 2200nd South to a new line more manageable for both jurisdictions, one which correlates with the Highway. This proposed action involves 32 parcels.

Nibley is considering a similar Resolution on February 1st. Nibley held a public open house on this proposed boundary adjustment last July soliciting resident input. And, in response to Logan City's concerns over the implementation of the South Corridor Plan, Nibley has provided a response from their Mayor outlining their commitment to plan implementation and corridor preservation.

Attached is a proposed resolution and supporting documentation identifying the location of the action, the parcels affected by this action, and the anticipated new municipal boundary. If the Council agrees with the direction, we will then work with Nibley and the larger landowners to have a new legal description prepared as required. Excluded from this proposal is the area around 3200nd South as Nibley is not contiguous to that area. That area will be considered in a separate request once Nibley annexes property to the east.

Utah Municipal Code 10-2-419 governs the adjustment of common municipal boundaries. Procedurally, (1) each municipal shall adopt a resolution indicating their intent to adjust the common boundaries; (2) hold a hearing no less than 60 days after the adoption of the resolution; (3) publish a public notice for three weeks in the newspaper and on the Utah Public Notice Website; (4) hold a public hearing; (5) adopt an ordinance; and, (6) file with the County and the State.

Both Logan City and Nibley will notify each landowner affected by this proposal as part of the public notification process and following the adoption of a Resolution.

If you have any questions about this proposal, please let me know.

Attachments:

Ordinance 18-002 & attachments
Nibley Letter to Logan City
List of affected parcels

**CITY OF LOGAN
RESOLUTION NO. 18-002**

**A RESOLUTION INDICATING THE INTENT TO ADJUST THE
MUNICIPAL BOUNDARIES BETWEEN THE CITY OF LOGAN AND
THE CITY OF NIBLEY**

WHEREAS, the Municipal Council of the City of Logan finds that it is in the best interest of Logan to adjust the boundary between the City of Logan and the City of Nibley; and

WHEREAS, the boundary adjustment as set forth below will not materially injure the public in general or any person; and

WHEREAS, UCA 10-2-419 requires that the Municipal Council of each municipality so desiring to adjust their common boundary adopt a resolution indicating their intent.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN that it is their intent that the common boundaries between the City of Logan and the City of Nibley shall be adjusted in the property identified below and as shown in Exhibit A:

From Logan to Nibley

Tax ID	Name	Tax ID	Name
03-007-0009	Pitcher, Larry & Bette	03-007-0027	Thomas Edison Charter School
03-007-0010	Nielsen, Lynn & Bernice	03-009-0036	Tri H Farms, LLC
03-007-0011	Nielsen, Lynn & Bernice	03-012-0006	Hansen, Terry/Michelle
03-007-0013	Tialavea, Robyn	03-012-0026	Anderson, Todd & Dixie
03-007-0014	Leishman, Matt	03-012-0027	Anderson, Todd & Dixie
03-007-0015	Barker, Vernon & Karen	03-012-0028	Anderson, Todd & Dixie
03-007-0016	Carroll, John & Jan	03-012-0037	Hansen, Glen & Dixie
03-007-0017	Carroll, John & Jan	03-012-0039	Tri H Harms, LLC
03-007-0019	Wesley Nelson Farms Inc.	03-015-0001	Tri H Farms, LLC
03-007-0022	Nielsen, Cindy	03-015-0003	Tri H Farms, LLC
03-007-0023	Nielsen, Lynn & Bernice	03-015-0004	Tri H Farms, LLC

From Nibley to Logan

Tax ID	Name	Tax ID	Name
03-012-0033	B&N Properties, LLC	03-012-0034	B&N Properties, LLC
03-012-0038	B&N Properties, LLC	03-012-0041	Urban District Properties, LLC
03-012-0042	Urban District Properties, LLC	03-012-0043	Urban District Properties, LLC
03-012-0044	Urban District Properties, LLC	03-012-0045	Urban District Properties, LLC
03-012-0046	Urban District Properties, LLC	03-012-0047	Urban District Properties, LLC

The properties as described above will be relinquished from either the City of Logan jurisdiction and transferred to the jurisdictional authority of the City of Nibley, or will be relinquished from the City of Nibley jurisdiction and transferred to the jurisdictional authority of the City of Logan.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ____ DAY OF _____, 2018.

Tom Jensen, Chair

ATTEST:

Teresa Harris, City Recorder

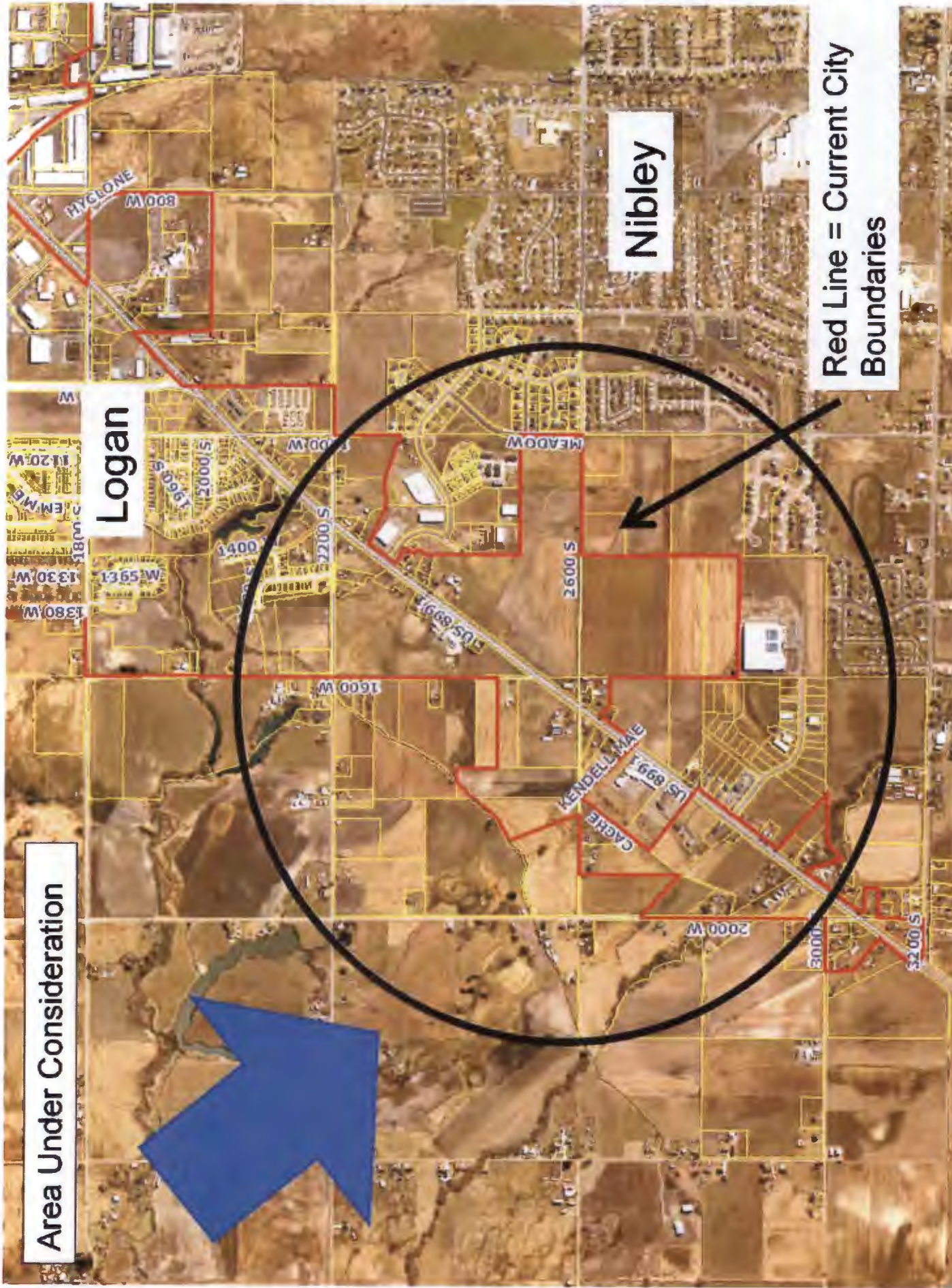
EXHIBIT A

Area Under Consideration

Logan

Nibley

Red Line = Current City
Boundaries

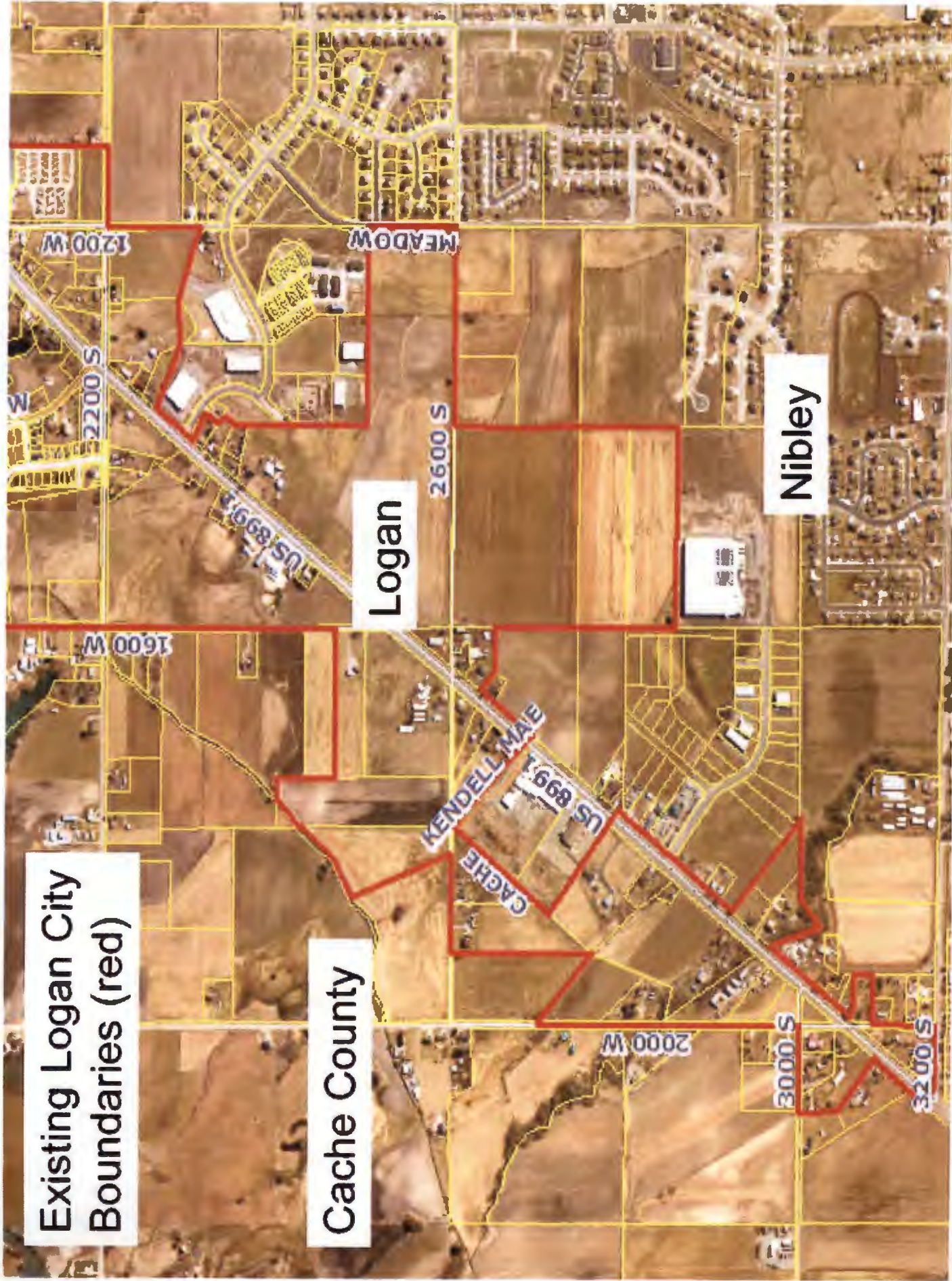


Existing Logan City
Boundaries (red)

Cache County

Logan

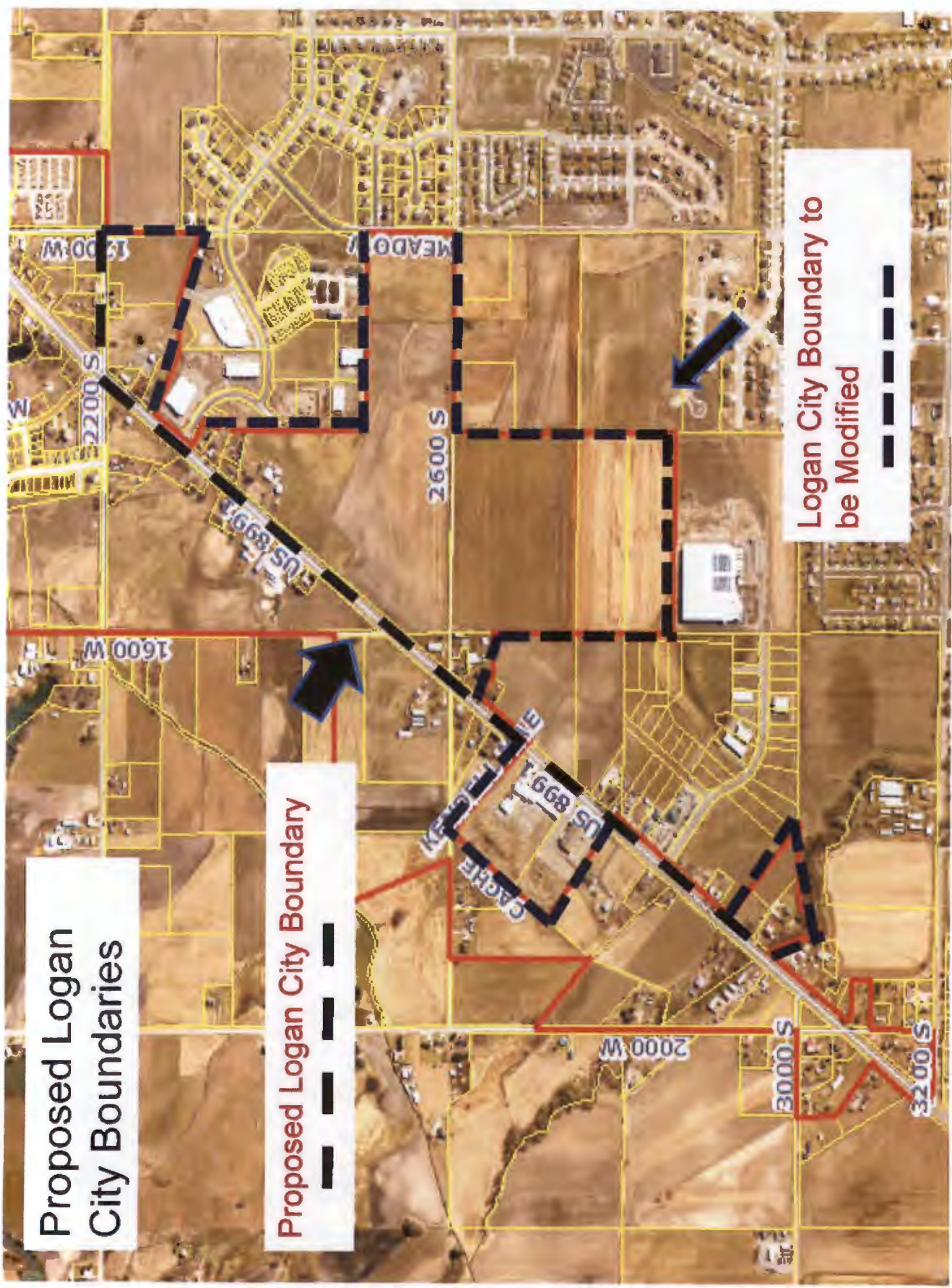
Nibley

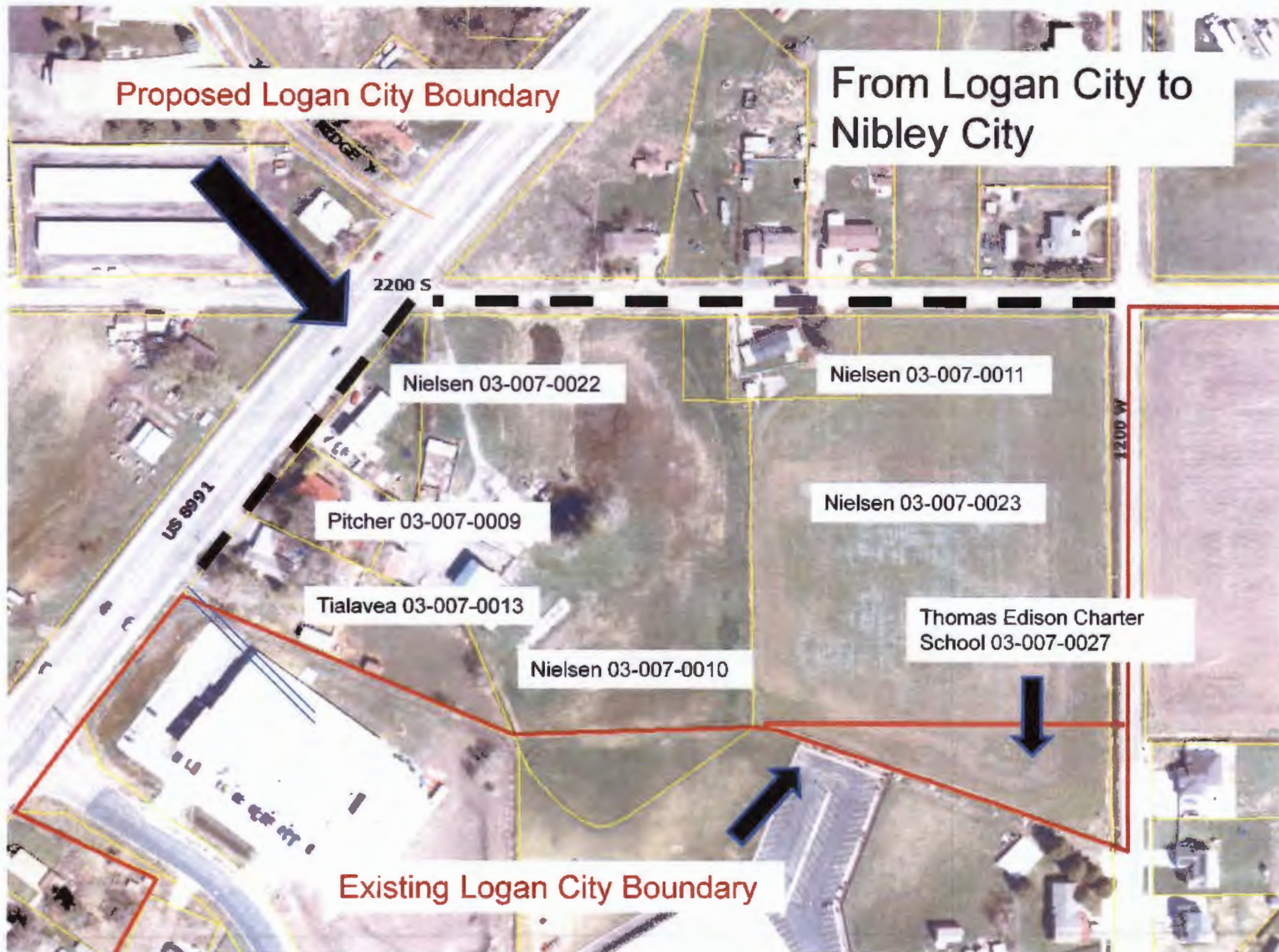


Proposed Logan
City Boundaries

Proposed Logan City Boundary

Logan City Boundary to
be Modified





Proposed Logan City Boundary

Existing Logan City Boundary

Wesley Nelson Farms, Inc. 03-007-0019

Barker 03-007-0015

Carroll 03-007-0016 & 0017

Leishman 03-007-0014

US 89

2600 S

MEADOW

Barker 03-007-0015

**Carroll 03-007-0016 &
0017**

Wesley Nelson Farms, Inc.
03-007-0019

Existing Logan City Boundary

**Proposed Logan City
Boundary**

**From Logan City to
Nibley City**

Tri H Farms, LLC 03-009-0036

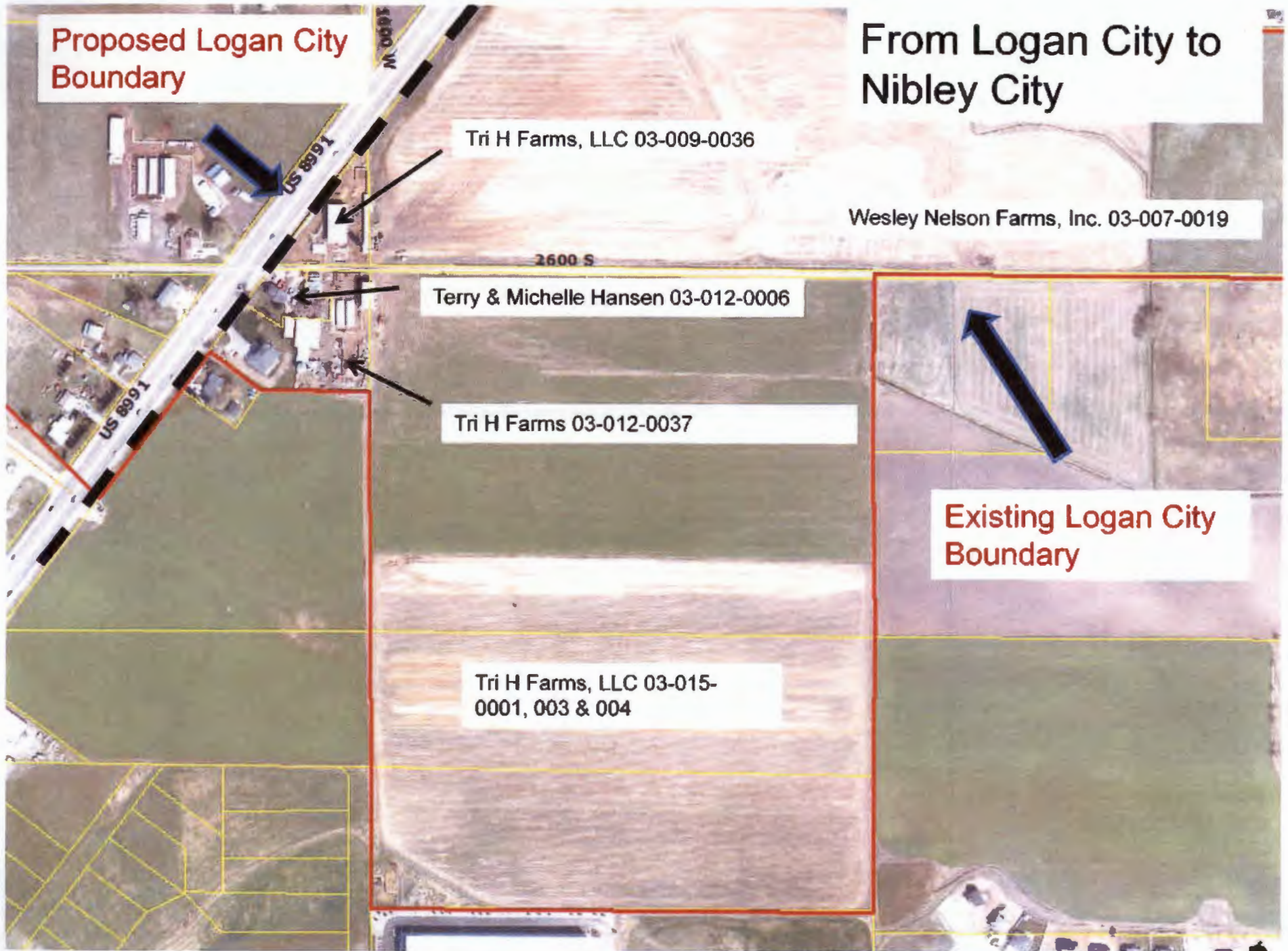
Wesley Nelson Farms, Inc. 03-007-0019

Terry & Michelle Hansen 03-012-0006

Tri H Farms 03-012-0037

Tri H Farms, LLC 03-015-
0001, 003 & 004

**Existing Logan City
Boundary**



From Nibley City to
Logan City

B&N Properties, LLC & Urban
District Properties, LLC 03-
012-0033, 0034, 0038 & 0041 -
0047

Existing Logan City
Boundary

Proposed Logan City
Boundary





Proposed Logan City
Boundary

From Logan City to
Nibley City

Existing Logan City
Boundary

Todd & Dixie Anderson
03-012-0026, 0027, & 0028

US 8991

Logan City & Nibley City Boundary Adjustment

From Logan to Nibley

Tax ID	Name	Acreage	Assessed Value
03-007-0009	Pitcher, Larry & Bette	0.41	146,200
03-007-0010	Nielsen, Lynn & Bernice	4.89	154,695
03-007-0011	Nielsen, Lynn & Bernice	0.50	130,600
03-007-0013	Tialavea, Robyn	1.10	150,050
03-007-0014	Leishman, Matt	0.52	120,220
03-007-0015	Barker, Vernon & Karen	1.20	142,700
03-007-0016	Carroll, John & Jan	0.42	155,100
03-007-0017	Carroll, John & Jan	0.72	123,320
03-007-0019	Wesley Nelson Farms Inc.	54.87	1,733,947
03-007-0022	Nielsen, Cindy	0.52	187,820
03-007-0023	Nielsen, Lynn & Bernice	5.74	175,770
03-007-0027	Thomas Edison Charter School	0.78 +/-	
03-009-0036	Tri H Farms, LLC	0.75	46,806
03-012-0006	Hansen, Terry & Michelle	0.50	145,000
03-012-0026	Anderson, Todd & Dixie	1.21	133,680
03-012-0027	Anderson, Todd & Dixie	2.01	36,180
03-012-0028	Anderson, Todd & Dixie	2.36	284,380
03-012-0037	Tri H Farms, LLC	0.82	311,600
03-012-0039	Tri H Farms, LLC	1.18	With 0037
03-015-0001	Tri H Farms, LLC	29.75	803,250
03-015-0003	Tri H Farms, LLC	10.94	295,380
03-015-0004	Tri H Farms, LLC	10.94	295,380
22 Parcels		132.13 Acres	5,572,078

From Nibley to Logan

Tax ID	Name	Acreage	Assessed Value
03-012-0033	Urban District Properties, LLC	6.86	2,947,790
03-012-0034	B&N Properties, LLC	2.57	2,224,083
03-012-0038 (Comm)	B&N Properties, LLC	3.40	Include with 0033
03-012-0041	Urban District Properties, LLC	Building	
03-012-0042	Urban District Properties, LLC	Building	
03-012-0043	Urban District Properties, LLC	Building	
03-012-0044	Urban District Properties, LLC	Building	
03-012-0045	Urban District Properties, LLC	Building	
03-012-0046	Urban District Properties, LLC	Building	
03-012-0047	Urban District Properties, LLC	Building	
10 Parcels		12.83 Acres +/-	5,171,873

Mayor
Shaun Dustin



Council Members
Kathryn Beus
Bryan Hansen
Tim Ramirez
Larry Jacobsen
Tom Bernhardt

18 July 2017

Logan City Council
Attn: Holly Daines, Council Chair

Dear Chairwoman Daines,

I would like to thank you, your council, your staff and Mayor Petersen for your collaboration and assistance on our mutual boundary line realignment initiative. I believe realigning our common boundary is in the best interest of both of our cities and that the realignment will result in improved service delivery, especially in relation to utility services and public safety.

It has come to my attention that your City Council discussed how this realignment might affect the priorities set forth in the Cache Valley South Corridor Development Plan. Although Nibley City never formally adopted the corridor plan, Nibley is supportive of many of the plans goals. Nibley supports the South Corridor's primary goals of creating an efficient transportation flow, managing future growth along the corridor, and directing new growth in a manner that is consistent with the principles of Envision Cache Valley. We have also implemented some of the plan's recommendations in our General Plan, Transportation Master Plan and Annexation Policy.

Nibley's General Plan supports the preservation of Nibley's rural look and feel and calls for Nibley to, "Work with UDOT to encourage specific improvements, both functional and aesthetic, to the Highway 89/91 corridor."

Nibley's Transportation Master Plan supports clustered nodal development along US 89/91 and also calls for a parallel frontage road to prevent strip development and access on the highway. Nibley's transportation plan also calls for coordination with UDOT and Logan City on the corridor agreements in relation to signalization at those nodes.

Nibley's Annexation Policy is based on the following guiding principles:

1. Logical, efficient and convenient delivery of services
2. Preservation and enhancement of visual corridors at entryways to City, including along Highway 89/91
3. Maintaining the rural character of Nibley

Nibley agrees with the goals of preserving the 89/91 right-of-way to support future UDOT uses and is supportive of efforts to preserve open space. However, Nibley feels the 300 and 500 foot setbacks called for in the South Corridor Plan are not economically feasible in all cases and could conflict with the nodal development plan. Setbacks should be negotiated in good faith with stakeholders, and with the long-term benefit of all of the valley in mind.

We look forward to continuing to work with you on this important project. Please let me know how we can be of further assistance.

With gratitude,



Shaun Dustin
Mayor

Nibley City
455 W. 3200 S., Nibley, UT 84321
Phone: (435) 752-0431 Fax: (435) 753-1510
www.nibleycity.com



JULY 20, 2017

BOUNDARY LINE OPEN HOUSE

Learn about discussions about modifying the shared boundary between Logan and Nibley Cities

Logan and Nibley have been discussing options to straighten out their common boundary along US 89/91. Come find out what this might mean for you and your property.

Topics to be addressed include:

- What does this mean for property taxes?
- What's going to happen with roads, especially Heritage Drive?
- How does this affect utilities?
- Would I have to connect to Nibley's utilities?
- What about other services, such as library cards, garbage etc.?
- What does this mean for future development?
- How will this affect my ability to use my land in the future?
- How will this affect traffic, access and signals on 89/91?

If you have any questions or if you are unable to attend and would like to schedule a different date to meet with Nibley City, please call City Manager David Zook at (435) 752-0431.



Time:

6:00-7:00 pm

Location:

**Thomas
Edison Charter
School**

**1275 West
2350 South,
Nibley**

Hosted by:

**Nibley Mayor
Shaun Dustin**



**Get your
questions
answered**

Exhibit 8

(Nibley City Economic Development Strategic Plan)

NIBLEY CITY



ECONOMIC DEVELOPMENT STRATEGIC PLAN

JANUARY 2013

PREPARED BY
LEWIS YOUNG ROBERTSON &
BURNINGHAM, INC.



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SECTION 1: EXECUTIVE SUMMARY

The following report contains the economic development strategic plan for Nibley City. This study is intended to be a tool to assist policy makers to form and communicate their economic vision and philosophy. This plan is realistic and is based on sound economic principles. This analysis studies several key objectives the City should focus on to promote economic growth and sustainability. These objectives are:

1. **Promote Business Attraction and Recruitment;**
2. **Increase Economic Development Capability;**
3. **Identify and Promote Economic Development Sites;**
4. **Develop Industrial and Business Sites; and**
5. **Develop Sustainable Government Services and Resources.**

PROMOTE BUSINESS ATTRACTION AND RECRUITMENT

1. Develop targeted industry marketing campaigns. Target industries may include personal services (i.e. salons and beauty shops, laundry and cleaning services, pet supplies and services, etc.), health services (i.e. doctors offices, nursing and personal care facilities, local medical clinics, home healthcare services, etc.), eating and drinking places (i.e. fast food establishments, sit-down dining, etc.), and food stores (i.e. grocery stores, bakeries, markets, etc.).
2. Develop appropriate transportation infrastructure by incorporating economic districts into future Transportation Master Plan. Promote new signalization on 89/91 at 3200 South.

INCREASE ECONOMIC DEVELOPMENT CAPABILITY

1. Explore EDCUtah Membership and utilize EDCUtah's existing online Data Analysis Tools.
2. Capitalize on existing data resources and promote training in the use of available tools.
3. Facilitate local partnering by creating stakeholder groups and economic development committees to discuss local resources, initiatives and opportunities.

IDENTIFY AND PROMOTE ECONOMIC DEVELOPMENT SITES

1. Develop a specific land use plan for a "town center" district. This area should focus on neighborhood-scale retail emphasizing personal services and meeting local demand.
2. Develop a specific land use plan for a potential "gateway district" at 89/91 and 3200 South. This economic district should be focused on providing a destination for commercial developments that will increase market capture and reduce retail leakage.
3. Identify additional commercial districts and ensure appropriate mixed-use zoning is contemplated.
4. Preserve the rural feel of the community.
5. Utilize existing local development tools to promote economic growth within districts.

DEVELOP INDUSTRIAL AND BUSINESS SITES

1. Update the existing land-use plan and future land use plan to identify key areas for industrial development.
2. Work with EDCUtah to market existing and future sites.
3. Utilize existing local development tools to promote economic growth within districts.

DEVELOP SUSTAINABLE GOVERNMENT SERVICES AND RESOURCES

1. Ensure Utility Funds are Sustainable and have appropriate planning documents in place to handle future growth. This ensures that the City will have "shovel" ready sites that are appropriately planned for continued economic and residential growth. This also ensures the City maintains its credit worthiness, with access to as many funding sources as possible to develop necessary capital infrastructure.
2. Establish performance metrics regarding personnel expenditures relative to the total general fund budget. This will ensure the City has staff necessary to appropriate plan and manage continued growth.



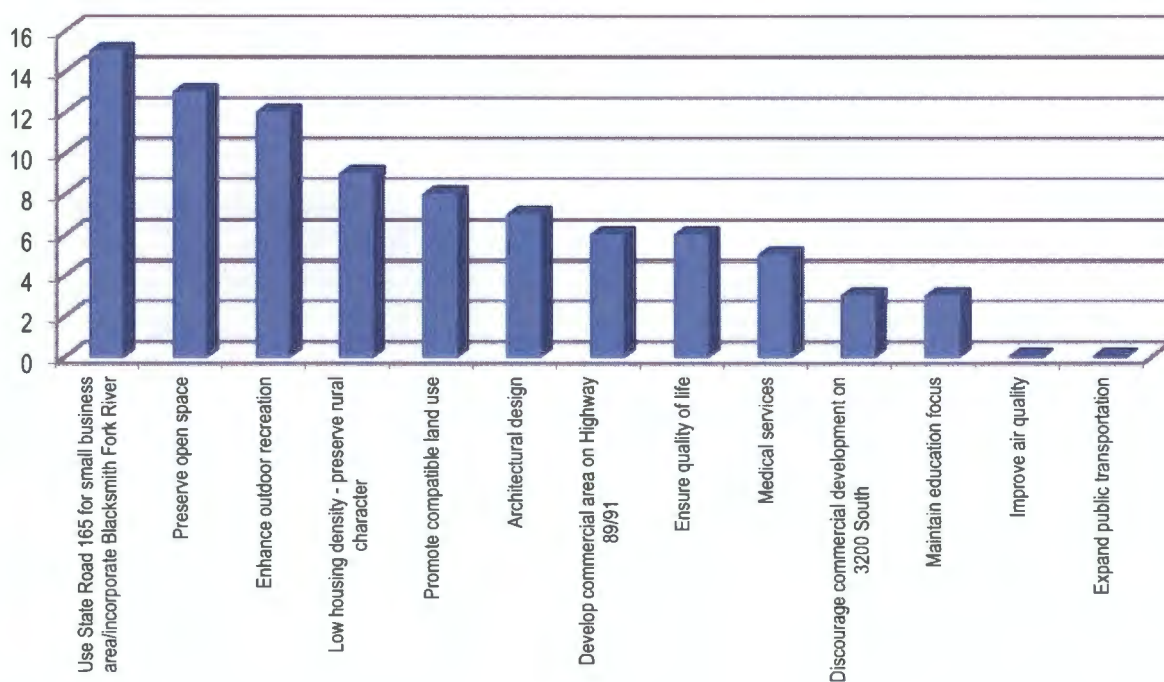
SECTION 2: COMMUNITY VISION

In July 2012 a visioning workshop was held with residents of Nibley City. During the workshop, priorities for the community were identified. These priorities are shown below in order of importance. The top two priorities for City residents are to promote development of small business activity along State Road 165 and to preserve open space and the rural character of the community.

TABLE 2.1: VISIONING WORKSHOP PRIORITIES

PRIORITIES IDENTIFIED BY RESIDENTS IN VISIONING WORKSHOP	
1	Use State Road 165 for small business area/incorporate Blacksmith Fork River
2	Preserve open space
3	Enhance outdoor recreation
4	Low housing density - preserve rural character
5	Promote compatible land use
6	Architectural design
7	Develop commercial area on Highway 89/91
8	Ensure quality of life
9	Medical services
10	Discourage commercial development on 3200 South
11	Maintain education focus
12	Improve air quality
13	Expand public transportation

FIGURE 2.1: VISIONING WORKSHOP PRIORITIES GRAPH



SECTION 3: OVERVIEW OF NIBLEY CITY

BACKGROUND

Nibley is a relatively small, but rapidly-growing community. Most households commute to work outside of the City, thus facilitating shopping near the workplace and outside of city boundaries. Currently, there are few retail choices and little commercial development in Nibley. However, with the rapid growth that is occurring in the area, as well as Nibley's strategic location in the center of Cache Valley, economic development opportunities are becoming more apparent, and should be a priority for the community in creating a sustainable economic base. Located between SR 91 and SR 165, the City is easily accessible and visible from all directions, and is well served by the transportation infrastructure in the Valley, thus providing some unique competitive advantages for development.

POPULATION GROWTH AND AGE DISTRIBUTION

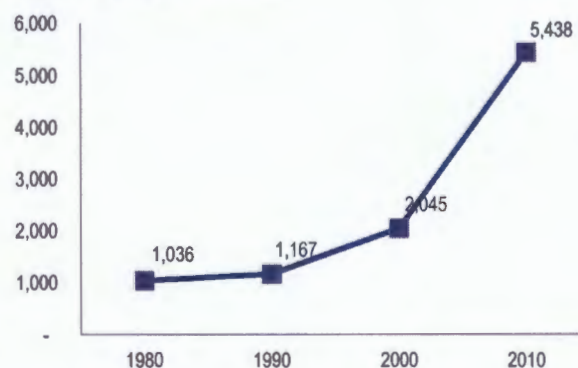
Table 3.1 and Figure 3.1 show the population growth for Nibley City. The City experienced significant growth from 2000 to 2010 growing from a population of 2,045 to a population of 5,438.

TABLE 3.1: CITY/COUNTY/STATE POPULATION DATA

YEAR	UTAH	CACHE COUNTY	NIBLEY	INCREASE
1930	507,847	27,424	na	
1940	550,310	29,797	na	0%
1950	688,862	33,536	304	0%
1960	890,627	35,788	333	10%
1970	1,059,273	42,331	367	10%
1980	1,461,037	57,176	1,036	182%
1990	1,722,850	70,183	1,167	13%
2000	2,233,169	91,391	2,045	75%
2010	2,763,885	112,656	5,438	166%

Source: U.S. Census Bureau, GOPB 2010 Census Brief, Cities and Counties of Utah (See p. 43)

FIGURE 3.1: NIBLEY POPULATION GROWTH



The population if Cache County is expected to continue to increase, reaching 139,227 by 2020 (a 23 percent increase).

TABLE 3.2: POPULATION GROWTH WITHIN CACHE COUNTY

	1990	2000	2010	2020	2030	2040	2050	2060
Cache County	70,550	91,873	113,273	139,227	168,137	196,559	232,468	273,817
% Change		30%	23%	23%	21%	17%	18%	18%

Source: Governor's Office of Planning and Budget, 2012 Estimates

According to the U.S. 2010 Census, the median age for Nibley City is approximately 24.8 years. This is slightly lower than the State's median age of 29.2 and much lower than the U.S. median age of 37.2. Table 3.3 shows the 2010 age distribution for Nibley City and Cache County. Approximately 39 percent of Nibley's population is under the age of 15, while only 27 percent of Cache County's population is under the age of 15.

TABLE 3.3: 2010 AGE DISTRIBUTION

AGE	NIBLEY	% OF TOTAL	CACHE COUNTY	% OF TOTAL
Total population	5,438	100.0%	112,656	100.0%
Under 5 years	738	13.6%	11,518	10.2%
5 to 9 years	801	14.7%	10,212	9.1%
10 to 14 years	568	10.4%	8,905	7.9%
15 to 19 years	381	7.0%	10,261	9.1%
20 to 24 years	239	4.4%	14,189	12.6%
25 to 29 years	457	8.4%	10,662	9.5%
30 to 34 years	577	10.6%	8,322	7.4%

AGE	NIBLEY	% OF TOTAL	CACHE COUNTY	% OF TOTAL
35 to 39 years	448	8.2%	6,221	5.5%
40 to 44 years	263	4.8%	5,180	4.6%
45 to 49 years	242	4.5%	5,228	4.6%
50 to 54 years	196	3.6%	5,195	4.6%
55 to 59 years	182	3.3%	4,634	4.1%
60 to 64 years	121	2.2%	3,435	3.0%
65 to 69 years	86	1.6%	2,594	2.3%
70 to 74 years	74	1.4%	2,094	1.9%
75 to 79 years	32	0.6%	1,576	1.4%
80 to 84 years	21	0.4%	1,239	1.1%
85 years and over	12	0.2%	1,191	1.1%

Source: Census 2010 DP-1, DP02 Tables

HOUSEHOLDS

As of the U.S. 2010 Census, Nibley City had a total of approximately 1,412 households, 63.9 percent of which had children under the age of 18. Of the 1,412 households, approximately 1,303 or 92 percent were owner-occupied while only 7.7 percent were renter-occupied.

TABLE 3.4: TOTAL HOUSEHOLDS

	NIBLEY	% OF TOTAL
Total households	1,412	100.0%
Family households (families) [7]	1,299	92.0%
With own children under 18 years	898	63.6%

Source: Census 2010 DP-1, DP02 Tables

TABLE 3.5: HOUSING TENURE

	NIBLEY	% OF TOTAL
Occupied housing units	1,412	100.0%
Owner-occupied housing units	1,303	92.3%
Population in owner-occupied housing units	5,051	
Renter-occupied housing units	109	7.7%
Population in renter-occupied housing units	387	

Source: Census 2010 DP-1, DP02 Tables

EDUCATIONAL ATTAINMENT

Approximately 94 percent of Nibley City's population 25 years and over have attained a high school degree or higher while nearly 37 percent have at least obtained a bachelor's degree. The educational attainment for Nibley City is slightly higher than that of Cache County.

TABLE 3.6: EDUCATIONAL ATTAINMENT

	NIBLEY	NIBLEY % OF TOTAL	CACHE COUNTY	CACHE COUNTY % OF TOTAL
Population 25 years and over	2,356	100.0%	58,088	100.0%
Less than 9th grade	60	2.5%	1,847	3.2%
9th to 12th grade, no diploma	82	3.5%	2,820	4.9%
High school graduate (includes equivalency)	455	19.3%	12,676	21.8%
Some college, no degree	661	28.1%	16,692	28.7%
Associate's degree	236	10.0%	5,001	8.6%
Bachelor's degree	582	24.7%	12,815	22.1%
Graduate or professional degree	280	11.9%	6,237	10.7%
Percent high school graduate or higher	94.0%			92.0%
Percent bachelor's degree or higher	36.6%			32.8%

Source: Census 2010 DP-1, DP02 Tables



EMPLOYMENT

Of the population 16 years and over and in the labor force in Nibley City, approximately 2.5 percent is unemployed. This is an impressive percent when compared to the percent unemployed for Cache County of 7.2 percent.

TABLE 3.7: EMPLOYMENT

	NIBLEY	% OF TOTAL	CACHE COUNTY	% OF TOTAL
Population 16 years and over	2,910	100.0%	81,288	100.0%
In labor force	2,184	75.1%	58,212	71.6%
Civilian labor force	2,184	75.1%	58,194	71.6%
Employed	2,129	73.2%	53,994	66.4%
Unemployed	55	1.9%	4,200	5.2%
Armed Forces	-	0.0%	18	0.0%
Not in labor force	726	24.9%	23,076	28.4%
Civilian labor force	2,184		58,194	
Percent Unemployed	2.5%		7.2%	

Source: Census 2010 DP-1, DP03 Table

INCOME CHARACTERISTICS

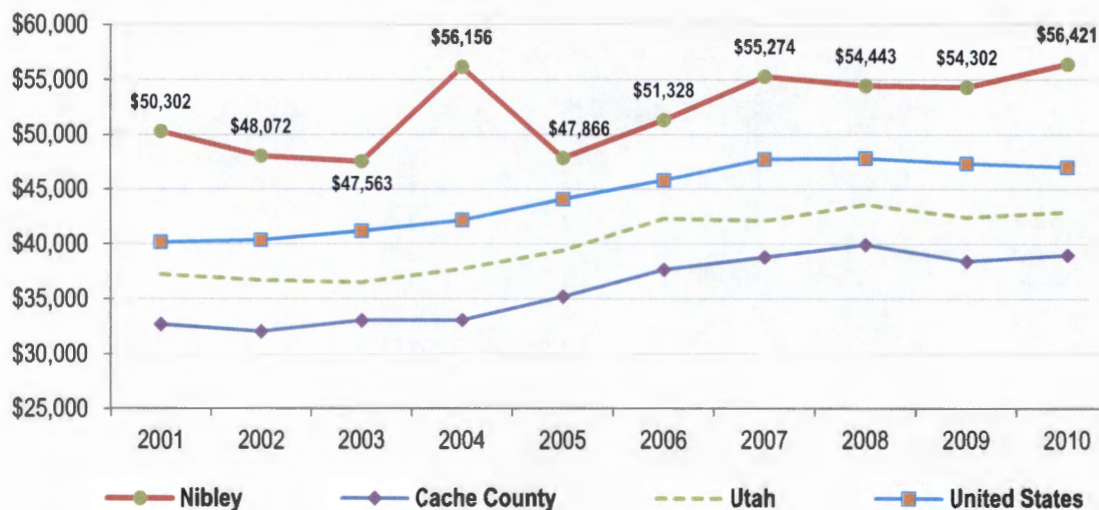
The household median adjusted gross income (MAGI) for Nibley City in 2010 was approximately \$56,421. This is much higher than the County's median of \$39,004 and also higher than the State and U.S. medians as shown in the table below. Figure 3.2 shows the fluctuation of MAGI for Nibley, Cache County, Utah, and the U.S. over a period of ten years.

TABLE 3.8: HOUSEHOLD MEDIAN ADJUSTED GROSS INCOME (MAGI)

YEAR	NIBLEY	CACHE COUNTY	UTAH	UNITED STATES
2001	\$50,302	\$32,672	\$37,221	\$40,148
2002	\$48,072	\$32,024	\$36,702	\$40,347
2003	\$47,563	\$33,025	\$36,506	\$41,185
2004	\$56,156	\$33,066	\$37,737	\$42,167
2005	\$47,866	\$35,200	\$39,418	\$44,082
2006	\$51,328	\$37,667	\$42,323	\$45,817
2007	\$55,274	\$38,805	\$42,124	\$47,752
2008	\$54,443	\$39,933	\$43,581	\$47,832
2009	\$54,302	\$38,436	\$42,430	\$47,361
2010	\$56,421	\$39,004	\$42,902	\$47,022

Source: U.S. Census Bureau (U.S. Data), Utah State Tax Commission (City, County, State)

FIGURE 3.2: HOUSEHOLD MEDIAN ADJUSTED GROSS INCOME





SECTION 4: GENERAL ECONOMIC ENVIRONMENT

NIBLEY'S ECONOMY

Economic development is important because the services cities provide rely heavily on tax revenue. A strong economy produces revenue to support services that would otherwise have to come directly from residents in the form of property taxes, utility taxes and fees. A strong economy also provides jobs and gives residents better access to goods and services.

Here are some numbers related to the current state of the economy in Nibley. In 2012, 158 business licenses were issued in Nibley – 136 were for home-based businesses and 22 were for commercial locations. In the past ten years, Nibley has experienced significant growth in both home-based and commercial businesses and the city anticipates continued growth as more people move into our wonderful city.

Those companies are important job creators too. They currently employ 259 employees, not counting the owners. Of those 259 employees, 146 are full-time and 113 are part-time. Also, of those employees, 226 are employed at commercial locations and 33 are employed by home-based businesses.

CACHE COUNTY'S ECONOMY

Despite the recession, Cache County has seen a significant amount of development. The following highlights some of the recent development as well as future development anticipated for the Valley.¹

- JBS USA Holdings Inc. will invest more the \$30 million in the development of a new expanded facility in Hyrum.
- FreeMotion Fitness has announced plans to relocate its corporate headquarters from Colorado Springs, Colorado to Logan, Utah.
- Thermo Fisher Scientific, Inc. constructed an \$11 million state-of-the art BioCenter manufacturing facility as the first of three phases to be completed in Logan.
- Schreiber Foods, a global leader in dairy products manufacturing, is expanding its facility near Smithfield.
- Wasatch Property Management's \$60 million Riverwoods project has entered its second phase of development. This project will help revitalize the city's southern end bring about additional development.
- The Bridgerland Applied Technology Campus now houses the Cache Business Resource Center, co-locating many of the common business services for small businesses and start-ups. The center provides temporary office space and mentoring to entrepreneurs.

Cache County has a low unemployment rate of five percent as of December 2010. The County is also a prime location for development due to the educational resources located in the area. The County is home to Utah State University (USU) and the Utah College of Applied Technology's Bridgerland Campus (BATC).

UTAH'S ECONOMY

In comparison to the national economy, Utah has fared relatively well during the recession. Utah was recently recognized by the Pew Center on the States as the "best managed state in the nation." Businesses yearn for a safe, stable, well managed and predictable place such as Utah to conduct business. While Utah has not been exempt from the impacts of the national economic recession, Utah's stable economy is evidenced by the fact that Utah has one of the lowest unemployment rates in the nation – 5.1 percent compared to 7.7 percent nationally.²

Average annual pay in Utah was \$39,811 in 2011; in comparison, average annual pay nationwide was \$50,606. A well-educated and young workforce, lower living costs, and lower annual pay are critical factors in making Utah an attractive place for companies to expand or locate. With a median age of 29.5 years, Utah has one of the youngest workforces in the nation. In fact, Utah has the youngest median age in the nation, largest household sizes, and has the fifth highest population growth rate in the United States.

¹ Economic Development Corporation of Utah (edcUTAH), Cache County, County Profile, 2012

² 2012 Economic Summary, Governor's Office of Management and Budget,
<http://www.governor.utah.gov/DEA/EconSummaries/EconomicSummary.pdf>



According to the Federal Housing Finance Agency (FHFA) House Price Appreciation Ranking, Utah's home prices were up 8.6 percent in the third quarter of 2012 from third quarter of 2011. This ranks Utah sixth in the nation. In many respects, such as home prices, and job losses, the impacts of the recession in Utah have been less severe than in other parts of the country.

NATIONAL ECONOMY

As of January 2013, economic indicators continue to reflect sustained moderate growth.³ Employment growth has continued at a steady pace above the long-term monthly average while the unemployment rate has remained at its lowest level in close to four years. Over the past year, inflation has been approximately 1.8 percent.

For new single-family homes, prices are up and close to the pre-recession peak, sales have risen, and inventory has continued to grow. Permits and starts have continued to climb, reaching four-year highs for both single-family and multifamily housing. Home mortgage rates have remained unchanged at 3.35 percent, the lowest monthly rate since record keeping began in 1971.

The apartment sector continues to be strong with vacancy rates dropping even further and rents climbing to all-time highs. Office and industrial space have continued to improve, although slowly, as vacancy rates have crept down and rents have crept up. Rents for retail space have continued to decline.

³Urban Land Institute: ULI Real Estate Business Barometer, January 2013



SECTION 5: NIBLEY CITY ECONOMIC SUSTAINABILITY

Developing a plan for sustainable economic development is an important process for communities. Sustainable communities are better prepared to survive the “ups” and “downs” of markets, recessions, inflationary periods, etc., because they have a solid and balanced tax base that is not overly reliant on one or two industries or revenue sources. Best practices include striving for a good balance of quality jobs, a variety of development types and industries, a strong property and sales tax base, up-to-date economic infrastructure (including transportation, communication and utilities), good education and skills training, and public amenities that create a vibrant community and quality of life for residents.

Economic development is conditioned upon several factors, many of which are outside the control of local governments (i.e. the timing of economic recessions or periods of high growth or the timing of residential development). However, change will occur and our population centers will continue to grow. Through proper planning, local governments can ensure that their communities remain vibrant and faithful to the vision of its residents. This analysis studies several key objectives the City should focus on to promote economic growth and sustainability. These objectives are:

1. **Promote Business Attraction and Recruitment;**
2. **Increase Economic Development Capability;**
3. **Identify and Promote Economic Development Sites;**
4. **Develop Industrial and Business Sites; and**
5. **Develop Sustainable Government Services and Resources.**

PROMOTE BUSINESS ATTRACTION AND RECRUITMENT

Business attraction and recruitment is necessary to increase the availability of jobs for new residents and to provide needed tax revenues to support infrastructure and services. Without a business plan, development and growth can occur haphazardly and result in unintended consequences. The following addresses the components of a business attraction and recruitment strategy that can be pursued by the City.

1. Develop Targeted Industry Marketing Campaigns.

The City should determine target industries and focus marketing efforts on attracting these types of businesses to the City. Target industries may include

- **Personal Services** (i.e. salons and beauty shops, laundry and cleaning services, pet supplies and services, etc.)
- **Health Services** (i.e. doctor's offices, nursing and personal care facilities, local medical clinics, home healthcare services, etc.)
- **Eating and Drinking Places** (i.e. fast food establishments, sit-down dining, etc.)
- **Food Stores** (i.e. grocery stores, bakeries, markets, etc.)

2. Develop Appropriate Transportation Infrastructure.

The City should update its Transportation Master Plan to consider economic districts and a town center overlay zone. The plan should promote new signalization on 89/91 at 3200 South. A key element of this plan and future land use plans should be centered on the development of a City “gateway” area at the intersection of 89/91 and 3200 South. This will create an identifiable destination for Nibley City and create an access point along the highway to capture traffic demand. Future transportation plans should identify and promote economic development sites

INCREASE ECONOMIC DEVELOPMENT CAPABILITY

The City's ability to promote sustainable economic development is related to its access to in-house resources and tools. As such, the City should focus on expanding existing staff capabilities and access to economic development resources. The City should also explore private and public partnerships that will meet the needs of the community. The following outlines several strategies to increase the City's economic development capabilities:

**1. Explore EDCUtah Membership and utilize EDCUtah's existing online Data Analysis Tools.**

EDCUtah has several online data analysis tools to assist in business relocation, expansion or consolidation.

2. Capitalize on existing data resources and promote training in the use of available tools.

A key to sustainable economic growth is the development of local resources. The City should develop staff resources through education or expansion of personnel to incorporate economic development functions. The City should also seek out local partnerships with adjacent communities and explore partnerships with private recruitment companies. The City should utilize existing data sets and resources to promote economic development (**See Appendix A**).

3. Facilitate local partnering.

Nibley should seek out and support partnerships within the community. Community support opportunities may include:

- Meeting with commercial realtors, developers, contractors, and land owners to establish economic development committees; and,
- The creation of stakeholder groups and economic development committees to discuss local resources, initiatives and opportunities.

DEVELOPING ECONOMIC RESOURCES

With limited resources, communities may need to get creative regarding the development of economic tools and resources, especially when it comes to hiring on new staff. North Ogden recently solicited proposals from qualified Economic Development firms to assist the City in performing market analysis, retail recruiting, redevelopment planning, developer recruiting and qualifying, financial feasibility, project funding, public/private partnership development, long-range city financial planning, strategic planning, grant writing, job recruiting, and facilitating a community visioning process.

The City's intent was to hire an independent contractor. This independent contractor would not receive employee benefits or compensation coverage from the City and no Internal Revenue Service withholding would be made from pay. The firm would provide an annual contractual amount of time to the City to assist in economic development projects. In this way, the City would avoid long-term operational obligations while increasing resources.

IDENTIFY AND PROMOTE ECONOMIC DEVELOPMENT SITES

Nibley currently has approximately 73 acres zoned for retail/office uses, but it is projected to be able to support 163 acres in the next 50 years according to recently published data as part of the Cache Corridor Study. Therefore, Nibley will need to identify more land for future commercial development – either in its existing boundaries or through future annexations. The City should update the existing land-use plan and future land use plan, focusing on the following elements:

1. Develop a specific land use plan for a Town Center district

Using the Town Center overlay zone, the City should develop a comprehensive land-use analysis and development plan for this area. This area should focus on neighborhood-scale retail focused on personal services and meeting local demand.

Table 5.1 shows the typical scale of retail development. A neighborhood retail center would be best suited to Nibley City due to its small population size.

TABLE 5.1: TYPICAL SCALE OF RETAIL DEVELOPMENT

TYPE OF CENTER	LEADING TENANT	TYPICAL GLA Sq Ft	GENERAL RANGE IN GLA	USUAL MIN. SIZE (ACRES)	APPROXIMATE MINIMUM POPULATION SUPPORT REQUIRED
Neighborhood	Supermarket	60,000	30,000 – 100,000	3-10	3,000-40,000
Community	Supermarket, drugstore/pharmacy, discount department store, mixed apparel	180,000	100,000-400,000	10-30	40,000-150,000
Regional	One or two full-line department stores	600,000	300,000-900,000	10-60	150,000 or more
Super Regional	Three or more full-line department stores	1,000,000	600,000-2,000,000	15-100 or more	300,000 or more

Urban Land Institute, Retail Development, 4th ed.

EXAMPLES OF NEIGHBORHOOD SCALE RETAIL

The following highlights a number of successful neighborhood scale retail.

SoDa Row

SoDa Row (South Daybreak Row) is a village retail center that currently supports a variety of specialty shops centered on providing personal services to the community. SoDa Row is designed to be within walking or biking distance from any home in Daybreak.

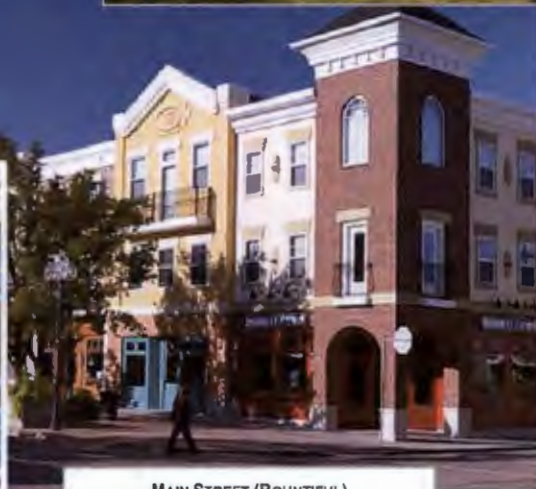
BOUNTIFUL MAIN STREET

A mixed-use development with neighborhood scale retail and residential development.

Development types:

- Dining
- Boutiques
- Office
- Clothing
- Personal Services

SODA ROW (DAYBREAK, SOUTH JORDAN)



MAIN STREET (BOUNTIFUL)

**KEY ELEMENTS OF A TOWN CENTER DEVELOPMENT****CENTER CORE**

Centers should feature a core area that acts as the central gathering place for the center and surrounding communities. The core can accommodate the most intensive retail, employment, civic, and pedestrian activity. The design of streets and buildings in the core area should emphasize pedestrian comfort and visual interest.

COMMERCIAL ACTIVITIES WITHIN NEIGHBORHOOD CENTERS

A limited amount of local-serving commercial activity may be located in neighborhood centers around their core. Ideal neighborhood center retail uses include, but are not limited to, small grocery stores, cafes, restaurants, and personal services. Ideal locations for retail uses include corners and the edges of parks and other community spaces.

CIVIC BUILDINGS

Civic buildings should anchor many centers and typically be located in the core area. Where feasible, these will feature distinctive building details, entry features, and varying setbacks to provide a unique identity, with entrances facing onto public rights-of-way and parks.

GATHERING SPACES

Squares, greens, and plazas are gathering places that may provide visual relief and passive recreation. The overall design of the town and neighborhood centers should link these features in a sequence or network. A square or green is intended to act as the central feature of neighborhood centers, and should be surrounded by civic buildings and/or commercial or mixed-use buildings located in the center. They should be accessible to all, and connected by transit facilities. All community residents should be within walking distance of a public community space or park.

LIVE-WORK UNITS

Buildings and portions of buildings that combine commercial and residential uses within single units are encouraged throughout town and neighborhood centers. Good locations for individual live-work units are on the ground floor of residential buildings along connector and local streets. In neighborhood centers, good locations for live-work units are in the core area.

SCALE AND DENSITY TRANSITIONS

Transitions in scale and density within residential areas should be gradual. Sharp distinctions in scale and density on different sides of a street typically should be avoided. Identifiable edges should be defined by natural features, transitions in development density, and/or changes in building style, scale, and massing. For example, a transition can be created through the placement of an open space or civic feature such as a park or small civic building. Most residential areas should achieve appropriate densities to support walkable communities that can support transit and other key infrastructure investments.

2. Develop a specific land use plan for a potential "gateway district" at 89/91 and 3200 South.

The City should promote **highway retail** as traffic demand and population continues to increase. This type of development is focused around larger-scale development, including big box, motor vehicle sales, capitalizing on trip counts. Business services may also benefit in this area due to ease of access from surrounding areas.

3. Identify additional commercial districts and ensure appropriate mixed use zoning is contemplated.

Promote smaller-scale retail along **SR 165**. According to the visioning process, SR 165 was identified as a key area for this type of development. In addition, as an important roadway connection for the south end of Cache Valley, this area will continue to experience increases in traffic counts and corresponding demand.



4. Preserve the rural feel of the community.

Throughout the planning process, the City should ensure the preservation of the rural feel of the community through appropriate planning guidelines and the promotion of a mix of uses. These should include business clustering and creating mixed-use zones.

CLUSTERING OF BUSINESSES

Vibrant, effective, and growing economic business areas are usually small in scale. Businesses and industries thrive when clustered together into districts or smaller economic areas. Infrastructure costs are reduced when commercial and industrial businesses are located together, which results in up-front and long term savings for businesses and local governments. Districts that contain a mix of business types, all focused on a common market sector, also do well. Examples of these include entertainment districts where people can dine, shop, and attend an event; or a downtown area where people can work, take clients to lunch, and ship packages or make copies.

MIXED-USE WITHIN CENTERS

Centers should provide for a mix of uses and block types to create local, walkable connections between jobs, housing, and retail. Block types may include: (1) Mixed-use blocks that make up the core of each center and combine retail with housing or office uses; (2) Commercial blocks that contain primarily office or retail uses; (3) Residential blocks that contain a range of housing opportunities, including multi-family buildings, townhomes, live/work lofts, and/or a variety of single-family opportunities (these blocks may contain incidental retail); or (4) Civic blocks that can contain a variety of public and civic buildings, including schools, churches, libraries, community centers, or parks.

5. Utilize existing local development tools to promote economic growth within districts.

The State currently has a tool to incentivize development through the Utah Community Development and Renewal Agencies Act (CDRA). The City should consider the establishment of one or more community development areas (CDAs) to promote the development of these areas (**See Appendix B**).

The development of economic districts will create areas for future development, conducive to the City's vision and objectives. An analysis of retail data shows the City is lagging in annual sales relative to its population. In 2011, Nibley City ranked 20th on a sales per capita basis. However, in 2012 the City rose to 16th as its sales per capita increased to \$85.79 (**See Appendix C**).

Economic districts should be focused on providing a destination for commercial developments that will increase market capture and reduce retail leakage. The City should continue to evaluate its market capture relative to its neighbors. This can be done through a sales leakage analysis.

RETAIL SALES LEAKAGE ANALYSIS

Sales gap or leakage data is the estimated amount of purchases made by residents outside of their community. The first step of a market or retail leakage analysis is to identify the primary market area – the area from which the store or shopping center draws most of its customers. The current and projected population, as well as employment base in the market area is then calculated.

Leakage demonstrates areas of opportunity – where communities can recapture some of their lost sales resulting from residents leaving the local area to make purchases. Sales leakage data is estimated by taking the actual purchases in a community and dividing by the number of households or population to determine the average spending per household and per capita. This represents purchases made within a community. This data is then compared with average per capita (or per household) purchases statewide. The difference is the leakage. Appendix C shows areas of estimated sales leakage per capita for Cache County.



A market share analysis can be conducted for individual store types or for retail centers. It shows the percentage of total sales in the larger market area that are being captured by a particular location or store. For example, if a community is only capturing ten percent of sales in a particular retail category, yet it represents 30 percent of the regional population, it may be able to capture additional sales.

DEVELOP INDUSTRIAL AND BUSINESS SITES

In addition to retail and commercial development, the City should identify and promote industrial sites within the Community. These generally serve as job centers and provide for income and the subsequent buy-in power of existing residents. To promote industrial development the City should focus on the following:

1. Update the existing land-use plan and future land use plan to identify key areas for industrial development.

Industrial sites often take large tracks of land. The City should work with land-owners and stakeholders to identify areas that can serve as job centers and industrial sites. The City should identify industrial/business districts and ensure appropriate zoning is contemplated.

2. Work with EDCUtah to market existing and future sites.

The City should work with EDCUtah to develop locations that may be suitable for the "sure site" database. **Utah SURE (Select Utah Real Estate) Sites** is a database of industrial, office building, and land sites designed to attract relocating and expanding businesses. The database is maintained by EDCUtah and includes some of the best site location opportunities in Utah.

3. Utilize existing local development tools to promote economic growth within districts.

The State currently has a tool to incentivize development through the Utah Community Development and Renewal Agencies Act (CDRA). The City should utilize economic development area (EDA) tools to promote existing and future job centers or industrial sites (**See Appendix B**). The City currently has an inactive industrial site that could be overlaid with an EDA. In addition, future development may benefit from these tools.

UTAH COMMUNITY DEVELOPMENT & RENEWAL AGENCIES ACT (CDRA)

Tax increment financing can be an attractive option to developers because it provides public assistance and funding for improvements, infrastructure, land write-downs, etc., in partnership with private investment in an area. The purpose is to encourage development to take place in areas that are deteriorating, to create jobs, or to assist with important community projects.

The main steps in establishing a tax increment area include:

- Formation of a Community Development and Renewal Agency (must only be created once by a community, not for each project)
- Creation of a project area plan and budget
- Approval of taxing entities

DEVELOP SUSTAINABLE GOVERNMENT SERVICES AND RESOURCES

A revenue analysis is one tool used to evaluate the economic sustainability of the City. It includes an analysis of general fund revenues to determine relative reliance on various revenue sources. Common revenue sources include property taxes, sales taxes, other taxes (such as energy, utilities, cable TV, etc.), building permits, other licenses and permits, intergovernmental revenue (i.e. Class C Road Funds, State Liquor Fund, etc.), charges for services, fines and forfeitures, and other miscellaneous revenues (i.e. interest earnings, rental of assets, etc.).

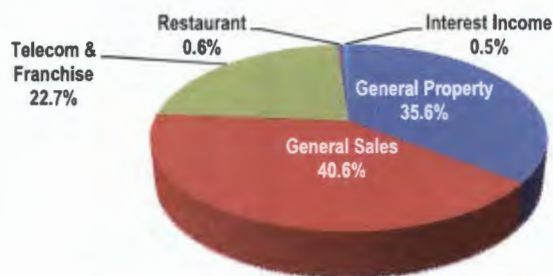
Table 5.2 shows Nibley City's General Fund Tax Revenues from 2005 to 2011. Figure 5.1 shows the make-up of the general fund tax revenues. The top three largest contributors to tax revenues are general sales, general property, and telecom & franchise taxes. This illustrates that the City does have a balance of revenue sources.

TABLE 5.2: GENERAL FUND TAX REVENUES

FISCAL YEAR	GENERAL PROPERTY	GENERAL SALES	TELECOM & FRANCHISE	RESTAURANT	INTEREST INCOME	TOTAL REVENUE
2005	\$174,779	\$188,477	\$133,406	\$2,489	\$34,892	\$534,043
2006	\$197,544	\$227,440	\$166,548	\$8,341	\$55,207	\$655,080
2007	\$233,962	\$319,129	\$163,902	\$41,517	\$52,967	\$811,477
2008	\$258,150	\$375,605	\$192,029	\$7,072	\$49,206	\$882,062
2009	\$336,018	\$389,270	\$197,454	\$0	\$41,837	\$964,579
2010*	\$344,780	\$1,023,561	\$197,894	\$6,576	\$4,296	\$1,577,107
2011	\$357,728	\$408,293	\$228,436	\$6,338	\$4,741	\$1,005,536

Source: Nibley City Audited Financial & Budget Statements

FIGURE 5.1: DISTRIBUTION OF 2011 GENERAL FUND TAX REVENUES



In 2011, total general fund revenues equaled approximately \$1.7 million. The distribution of this amount is shown in Figure 5.3. The majority of the total was from taxes, however, charges for services also made up a very large percentage of total revenue. Total revenue in 2011 was down from previous years due to a decrease in grants and contributions as well as a transfer of funds.

TABLE 5.3: GENERAL FUND

FISCAL YEAR	TAXES	CHARGES FOR SERVICES	GRANTS AND CONTRIBUTIONS	TRANSFERS IN	TOTAL REVENUE
2005	\$534,043	\$618,776	\$96,247	\$60,000	\$1,309,066
2006	\$655,080	\$656,249	\$115,807	\$96,000	\$1,523,136
2007	\$811,477	\$685,561	\$133,707	\$120,588	\$1,751,333
2008	\$882,062	\$667,583	\$371,536	-	\$1,921,181
2009	\$964,579	\$849,383	\$260,512	-	\$2,074,474
2010	\$1,577,107	\$1,104,452	\$329,776	\$85,000	\$3,096,335
2011	\$1,005,536	\$853,508	\$186,642	(\$350,000)	\$1,695,686

Source: Nibley City Audited Financial Statements

To ensure the City is providing sustainable government services, the City should focus on the following:

1. Ensure Utility Funds are Sustainable and have appropriate planning documents in place to handle future growth.

This ensures that the City will have "shovel" ready sites that are appropriately planned, for continued economic and residential growth. This also ensures the City maintains its credit worthiness, with access to as many funding sources as possible to develop necessary capital infrastructure. The City should complete comprehensive financial plans that evaluate the sustainability of all City utilities. These studies should be updated every five to ten years to ensure the City is appropriately planning for future growth.

2. Establish performance metrics regarding personnel expenditures relative to the total general fund budget.

This will ensure the City has necessary staff to appropriately plan and manage continued growth.

APPENDIX A: ECONOMIC DEVELOPMENT RESOURCES

The following table outlines resources that the City may access to develop a dataset for economic and development planning.

TABLE A.1: DATA RESOURCES

DATA RESOURCES	AGENCY	DESCRIPTION	USE	LINK/EXAMPLE
Land Use and Zoning Data	Cache County Planning Department	Land use and zoning data within the unincorporated County.	- Land use data is used to highlight areas where developed land exists within commercial centers - Identify shovel ready sites and supporting transportation infrastructure for marketing purposes	http://www.cachecounty.org/planning-zoning/ Example: Land use analysis within economic districts
Traffic Data Patterns and Average Daily Trips (ADTs)	Utah Department of Transportation (UDOT)	Traffic data patterns and ADTs along major roadways and intersections throughout the County.	- Evaluate traffic patterns to promote commercial development in high demand areas - Identify areas where transit adjacent development may be successful - Collect and analyze traffic data patterns, along with key demographic indicators like population and buying power, which will help the County market these areas	www.udot.utah.gov/ Example: Traffic patterns in rural community
Sales Tax Data	Utah State Tax Commission	Sales tax data for the State. Information is aggregated each year based on retail categories and can be collected by City, County or zip code.	- Used to analyze local spending patterns - Detailed sales leakage analysis can be performed at the municipal level or for the County - Used to illustrate market strengths and weakness - Allow for focused marketing strategies on retail categories that may be lacking in specific areas	http://tax.utah.gov/esu/ Example: Sales leakage analysis
Building Permit Data	Bureau of Economic and Business Research (BEBR)	Building permit data from all Cities and Counties within Utah. Includes number of permits by type and the associated value.	- Good source of updating current population figures when combined with estimates of household size - Helpful in understanding housing market demand	http://www.bebr.utah.edu/ Example: South Jordan Housing (South Jordan)
State-wide GIS Data	The Utah Automated Geographic Reference Center (AGRC)	Clearinghouse of GIS data including transportation, municipal boundaries, soils, utilities, hydrology, etc.	Will provide base data for further economic analysis	http://agrc.its.state.ut.us/
EDCUtah Data	The Economic Development Corporation of Utah (EDCUtah) periodically conducts updates of demographic data for counties throughout the state. These updates can be applied to local communities within their respective counties. EDCUtah also maintains a "Sure Site Database."			http://www.edcutah.org/



APPENDIX B: COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES

Under Utah Code 17C "Limited Purpose Local Government Entities – Community Development and Renewal Agencies Act" (the "Act"), Utah's local governments have the authority to conduct economic development activities within their communities through their Redevelopment Agencies ("Agencies") (or if created more recently their Community Development and Renewal Agencies". Under the Act, Agencies are allowed to create three types of project areas in order to address specific economic development needs within their community. These three project area types are 1) Urban Renewal Project Areas ("URAs"), 2) Economic Development Project Areas ("EDAs"), and 3) Community Development Project Areas ("CDAs"). Each project area type is envisioned to address specific sets of circumstances and thus have different nuances, purposes, and abilities which will be addressed below.

Generally, however, all project areas function under a few basic principals which will first be addressed after which each type of project area will be more fully described.

GENERAL PROVISIONS

All types of project areas provide an ongoing funding mechanism from property and sometimes sales taxes within a geographic area designated as a project area. The basic premise of the project area is that a base year value is established at the beginning of the project area. The taxing entities continue to receive their respective property tax collections from that base year value. Any additional taxable value and the associated property taxes generated from development within the project are then made available to Agencies to conduct economic development within the project area. Taxing entities may agree to give up to 100% of their respective tax increment to the Agency for varying lengths of time as determined.

A project area of any type is created utilizing a project area plan which describes the purpose of the Agency in conducting economic development activities including the effects of development upon the community, the use of tax increment, the estimated benefit to the community, the means of selecting developers, any specified planning elements, etc. Generally, each type of project area also adopts a project area budget which defines in more detail the projected level of participation from each taxing entity, the proposed use of funds, and a multi-year projection of tax increment sources and uses.

Uses of tax increment are defined in the Act. Some of these uses include providing funds to upgrade private and public facilities, funding infrastructure improvements, purchasing land, providing development incentives, pledging funds to repay or secure bonds, etc.

The first step of redevelopment is the creation of a Redevelopment Agency by a local governmental entity. After the Agency is created, there are three types of redevelopment areas that can be formed by the local entity: Urban Renewal Area (URA); Economic Development Area (EDA); and Community Development Area (CDA).

A URA is formed in an area that has deteriorating properties, high criminal activity, excessive vacancies or abandoned buildings, potential environmental or health issues, etc. **An EDA** is formed in an area for the purpose of attracting new jobs to the area and **a CDA** is formed to encourage a wide range of community development projects. No power of eminent domain is given to EDA or CDA areas. Project area plans and budgets should be created for each project area in accordance with the requirements of Utah Code Title 17C – the Community Development and Renewal Agencies Act.

URBAN RENEWAL PROJECT AREA (URA)

An Agency can create a URA for the purpose of eliminating blight in a specific area. The Agency must conduct a blight study and make specific findings of blight as outlined in the Act which are quite strict. Some of the general criteria for blight include dilapidated buildings, noncompliant land and building uses, high vacancy, criminal activity, etc. Property owners have the opportunity to comment on blight conditions at a blight hearing.



The project area budget for a URA must be approved by a taxing entity committee ("TEC") which is composed of various members who levy a tax within the project area. The TEC must approve participation for all entities by a 2/3rds vote. URAs also have the ability to use eminent domain.

ECONOMIC DEVELOPMENT PROJECT AREA (EDA)

An EDA is often used by a community when focusing on development related to job growth. Generally, tax increment is only remitted to the Agency from non-retail uses. Like the URA, the project area budget must be approved by the TEC. An EDA does not have the use of eminent domain. An EDA is often used to assist a large project to locate in a community such the Procter and Gamble development in Box Elder County.

COMMUNITY DEVELOPMENT PROJECT AREA (CDA)

The CDA project area provides a great amount of flexibility in regard to sources and uses of funds and participation levels by taxing entities. A CDA can be used for most types of projects including mixed-use, retail, commercial, office, industrial, etc. The Agency has the ability to capture and utilize both sales and property tax increment. Rather than using a TEC to secure funding to the Agency, an Agency secures funds from taxing entities through individual interlocal agreements between the Agency and each individual taxing entity. CDAs have been utilized extensively in Utah since their creation several years ago including communities such as North Salt Lake, Centerville, Woods Cross, West Bountiful, Perry City, Sandy City, Eagle Mountain City, and Brian Head Town as well as others.

FUNDING

Public funding for projects in the redevelopment areas comes from tax increment. What is tax increment? Some people mistakenly assume that this means higher taxes. But it doesn't. Rather, it is the additional tax monies that are generated in a redevelopment area as a result of increased value from development in that particular area. Increment value is determined by calculating the difference between a baseline property value, set when the project area is established, and the additional property value from development. Tax increment from a project area is available for a specific number of years as agreed upon by the taxing entities. Therefore, timing becomes especially important in the creation of project areas in order to maximize the amount of increment generated and returned to development within the project area boundaries.

Tax increment funds (TIF) can be monetized (i.e., you can borrow against the future tax increment revenue streams in order to provide up-front funds to build infrastructure). Because TIF revenues are more risky and unpredictable compared to other revenue sources they generally carry a higher interest rate than GO or revenue bonds. Also, lenders prefer multiple years of revenue history and generally allow only \$0.33 - \$0.50 on the dollar of the increment generated to be monetized (or borrowed against).

For example, if a TIF area generates \$100,000 in tax increment revenues per year, only \$33,000 to \$50,000 of those funds can be used for annual debt repayment because the lenders require more excess funds, known as the debt service coverage ratio, for tax increment bonds than for other types of bonds that investors consider to be relatively less risky.

However, a community can choose to use other revenue sources as a security pledge to acquire the bond, and then use tax increment funds as a repayment source. If TIF funds fall short of repayment amounts, other pledged revenue sources must be used to make up the difference.

The amount of public assistance provided in TIF areas is generally based on a percentage of the property tax increment generated by a specific development within the project area. Tax increment dollars are often returned to the developer in the form of infrastructure development, land cost write-down, or other appropriate means.

One method that has been used to overcome the market challenges posed by direct tax increment financing is to use a Special Assessment Area (SAA) in conjunction with the use of tax increment. Special Assessment Areas are discussed in a following section. This provides a means to leverage the potential tax increment at an earlier stage in the development process. Under this structure, a CDRA is created and the developer/landowner enters into an Agreement to Develop Land (ADL) with the local government wherein the developer negotiates receipt of a portion of



the tax increment to be generated. Then, SAA bonds are issued and assessments on the benefited property of the developer/landowner provide security to the bonds noting that the property then serves as the ultimate security for the debt, not projected increment receipts. If the developers proceed with development and building in a timely fashion, they can utilize the increment received to make the assessment payments, although they are not pledging this stream of revenues.

CONCERNS

Public concerns about redevelopment projects are centered on three main issues. Education is needed to resolve these concerns. When property owners understand the true nature of redevelopment areas, they are generally enthusiastic about the opportunities RDA's offer.

1. **Blight.** The Utah Code uses the term "blight" to refer to properties with various characteristics, such as physical dilapidation, lack of code enforcement, etc. Property owners need to be assured that while blight factors are used to establish a project area, no individual properties are recorded as blighted on any official county records. An evaluation of properties, in terms of blight, is used solely to determine if the area, as a whole, qualifies as a redevelopment area.
2. **Tax Increment.** There is a common misunderstanding that tax increment means that property owners will pay more taxes. This is simply not the case. Tax rates do not change because of the creation of a redevelopment area. Rather, more taxes are generated in the area because of the increased development that occurs. It is the taxes that flow from additional development and therefore increased taxable value that constitute tax increment.
3. **Eminent Domain.** Property owners are often concerned that they will be forced to sell their property if they are in a redevelopment area. Utah law has set very restrictive requirements regarding when the power of eminent domain can and cannot be used (see sidebar figure).



APPENDIX C: ILLUSTRATION OF TAXABLE SALES CAPTURE WITHIN CACHE COUNTY

TABLE C.1: ANNUAL SALES TAX DISTRIBUTION FOR 2011

2011		LOCAL POP	FINAL DISTRIBUTION	PER CAPITA	RANK
3000	Cache County	6,651	\$752,254	\$113.10	5
3001	Amalga	488	\$48,900	\$100.21	9
3014	Clarkston	666	\$56,571	\$84.94	18
3017	Cornish	288	\$26,220	\$91.04	11
3032	Hyde Park	3,833	\$442,028	\$115.32	3
3033	Hyrum	7,609	\$804,035	\$105.67	7
3036	Lewiston	1,766	\$179,837	\$101.83	8
3038	Logan	48,174	\$7,640,189	\$158.60	2
3041	Mendon	1,282	\$112,116	\$87.45	15
3044	Millville	1,829	\$166,219	\$90.88	12
3047	Newton	789	\$68,977	\$87.42	16
3049	North Logan	8,269	\$1,584,819	\$191.66	1
3053	Paradise	904	\$80,302	\$88.83	14
3056	Providence	7,075	\$806,686	\$114.02	4
3059	Richmond	2,470	\$236,197	\$95.63	10
3060	River Heights	1,734	\$145,738	\$84.05	19
3062	Smithfield	9,495	\$1,033,195	\$108.81	6
3076	Wellsville	3,432	\$304,927	\$88.85	13
3081	Trenton	464	\$39,417	\$84.95	17
3098	Nibley	5,438	\$454,963	\$83.66	20
	Total	112,656	\$14,983,591	\$133.00	

TABLE C.2: ANNUAL SALES TAX DISTRIBUTION FOR 2012

2012 (THROUGH NOV)		LOCAL POP	FINAL DISTRIBUTION	PER CAPITA	RANK
3000	Cache County	6,774	\$651,126	\$96.12	9
3001	Amalga	497	\$54,043	\$108.74	5
3014	Clarkston	678	\$55,827	\$82.34	19
3017	Cornish	293	\$26,309	\$89.79	11
3032	Hyde Park	3,904	\$453,466	\$116.15	3
3033	Hyrum	7,751	\$750,290	\$96.80	8
3036	Lewiston	1,798	\$177,087	\$98.49	7
3038	Logan	49,010	\$7,559,984	\$154.25	2
3041	Mendon	1,306	\$111,001	\$84.99	17
3044	Millville	1,863	\$161,458	\$86.67	14
3047	Newton	803	\$69,069	\$86.01	15
3049	North Logan	8,425	\$1,562,022	\$185.40	1
3053	Paradise	922	\$81,060	\$87.92	13
3056	Providence	7,207	\$787,491	\$109.27	4
3059	Richmond	2,517	\$241,513	\$95.95	10
3060	River Heights	1,767	\$145,798	\$82.51	18
3062	Smithfield	9,674	\$1,027,796	\$106.24	6
3076	Wellsville	3,498	\$310,736	\$88.83	12
3081	Trenton	472	\$38,736	\$82.07	20
3098	Nibley	5,540	\$475,304	\$85.79	16
	Total	114,899	\$14,740,115	\$128.51	



APENDIX D: OTHER ECONOMIC DEVELOPMENT TOOLS

REVOLVING LOAN FUNDS

A revolving loan fund (RLF) is a source of money from which loans are made for small business development projects. A loan is made to a business and as repayments are made, funds become available for new loans to other businesses. The major purpose is to provide a source of financing, which may not otherwise be available within the community, for local, expanding, or start-up businesses. Often they are used to fill a financing gap in a business development project. A gap occurs when the business lacks the funds to meet the equity requirements of bank financing or needs a lower interest rate.

The source of capitalization (the funds used to create the RLF) may have regulations governing program design. For example, RLF's which are capitalized with Community Development Block Grant (CDBG) funds must follow the rules and regulations established by the U.S. Department of Housing and Urban Development (HUD) and must show some benefit to low- and moderate-income households.

Revolving loan funds have been used successfully in many communities to encourage façade and building renovations in commercial areas. Capitalization could potentially be obtained through CDBG funds.

Revolving Loan Fund Example, Salt Lake County:

Salt Lake County's Economic Development Revolving Loan Fund (EDRLF) has successfully funded a number of traditional and technology-based companies. These companies have expanded their operations, created new jobs, and made capital investments in the county. Without this non-traditional type of funding, these companies could not have reached their potential. The loan amounts range from \$50,000 to \$250,000 and are usually paid off within a five-year period. The average cost per job from companies who utilize the loan fund is \$2,500. This is considerably lower than the traditional economic development tools.

Since 2005, the County's EDRLF has created over 500 jobs and has had zero loan losses. Companies that have taken advantage of the loan fund now create over \$17 million in annual revenues.

Another financing avenue is the Microenterprise Loan Fund which handles smaller loans up to \$35,000. The county has contributed over \$600,000 to the fund to help small businesses who cannot get traditional loans. This fund has an average loan size of \$16,843, and creates about five jobs per loan.

SPECIAL ASSESSMENT AREA

Special assessment areas (SAA) are a legal mechanism to raise funds to enhance the maintenance and management of a particular section of a city or town. They are guided by the philosophy that the value of property is not driven solely by the investment made in an individual property, but rather that a major portion of property value is derived from how investors, businesses and visitors view the entire area as a business, retail and cultural center.

The purpose of an SAA is to create a sustainable funding system that makes possible the creation of multiyear plans and budgets. In an SAA, property owners and businesses cooperate to share the costs of solving common problems or realizing economic opportunities. Common activities funded through an SAA include: removal of litter and graffiti, clean sidewalks, shovel snow, cut grass, trim trees, plant flowers, increase security presence (uniformed), hospitality personnel, festivals and events, coordinate sales promotions, signage, market research, marketing to investors, planning and advocacy for parking, management organization, development of urban design guidelines, lighting guidelines, façade and storefront improvement programs, homeless assistance, street lighting, street furniture and public space improvements.

GRANTS FOR ECONOMIC DEVELOPMENT AND FAÇADE RENOVATION

For years the Utah Main Street program was involved with providing matching grant funds to individual business owners for façade renovation that restored buildings to their historical integrity. Many of these business owners



reported markedly increased sales from improvements to their building facades. They also reported that they were willing to pay off the improvements within a relatively short period of time. While these funds are no longer available in Utah, other national resources for community and economic development projects are as follows:

- Funding Sources for Community and Economic Development 2005/2006: A Guide to Current Sources for Local Programs and Projects. Westport, CT: Oryx Press (an imprint of Greenwood Publishing), 2005.
- National Guide to Funding for Community Development. New York: The Foundation Center, 1998. UPDATE

COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)

CDBG funds are available to all portions of the County that fall within the CDBG Entitlement Area. As established by HUD, the purpose of the CDBG program is "To assist in developing viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income."⁴

The range of eligible activities for CDBG is very broad, but all projects must meet one of three national criteria:

1. Benefit low and moderate income residents
2. Elimination or prevention of slum and blight
3. Urgent health/welfare needs

CDBG funds could be a good source for establishing a revolving loan fund for neighborhood improvements in lower-income or blighted areas, assistance with job creation in low-income areas, and the development of infrastructure that benefits low-income households.

ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING (EDTIF)/HB 11

Approved in 2005, EDTIF is a relatively new state incentive program created through the Governor's Office of Economic Development (GOED) that allows local governments to create economic development zones (EDZ) in order to encourage job creation and capital investment. New or existing employers creating new jobs or significant capital investment within these zones may apply for a partial rebate of taxes paid to the state. Qualifying companies must create new jobs paying at least the county median wage. The typical incentive range is a 15 percent tax rebate over five years. GOED requires that local communities also participate, generally through tax increment funds, in order for EDTIF funds to be used for a project in their area.

INDUSTRIAL ASSISTANCE FUND (IAF)

Companies expanding or relocating in Utah may receive incentive grants from the IAF. Criteria for urban areas includes jobs that pay at least 125 percent of the county median wage; creation of at least 50 new jobs; or a focus on biomedical, finance, technology, aerospace or corporate headquarters.

CUSTOM FIT

Custom Fit provides specialized training for companies to train their employees. This incentive subsidizes up to \$500 per trainee, with a maximum subsidy of \$100,000 per company.

UTAH HISTORIC PRESERVATION TAX CREDIT

The Utah Historic Preservation Tax Credit is a 20 percent nonrefundable tax credit for the rehabilitation of historic buildings which are used as owner-occupied residences or residential rentals. Twenty percent of all qualified rehabilitation costs may be deducted from taxes owed on your Utah income or corporate franchise tax.

Eligible buildings are those buildings listed in the National Register of Historic Places, which, after rehabilitation, are used as a residence(s). The credit is not available for any property used for commercial purposes including hotels or bed-and-breakfasts. (If the historic B&B is also owner-occupied, this portion of the rehabilitation may qualify.) The building does not need to be listed in the National Register at the beginning of the project, but a complete National

⁴ U.S. Department of Housing and Urban Development



Register nomination must be submitted when the project is finished. The property must be listed in the National Register within three years of the approval of the completed project. Staff of the Historic Preservation Office can evaluate the eligibility of your building and provide instructions on nomination requirements.

OTHER FINANCING TOOLS

RENEWABLE ENERGY DEVELOPMENT INCENTIVE (REDI)

- Post performance tax rebate (up to 100% of new state tax revenues) for renewable energy projects

SPECIAL ASSESSMENT BONDS

- Fund publicly owned infrastructure for project development; secured by the underlying land

TAX INCREMENT REVENUE BONDS

- Bonds secured by tax increment to development infrastructure; usually issued by the RDA and can be enhanced by an additional pledged security of the City (Sales Tax, Franchise Tax)

INDUSTRIAL DEVELOPMENT BONDS

- Bonds issued to specifically allowed manufacturing facilities on a tax-exempt basis; City acts as a conduit issuer (example: US Steel)

WAIVING OF DEVELOPMENT FEES

- The City has discretion (should usually be defined by policy) to waive development fees such as impact fees, connection fees, business license fees, planning fees, etc

PUBLIC/PRIVATE PARTNERSHIPS

PRIVATE LEASE PROGRAMS

- Private entities build projects and the local government leases back all or a portion of the facilities

PUBLIC LEASE PROGRAMS

- City purchases land and ground leases the land to private entities at or below market rates

BUSINESS INCUBATOR PROGRAMS

- City helps provide reduced rent space, incentive programs, etc for start-up businesses in the City. The City may also set up a revolving loan fund to provide a source of money for small business development projects.

Exhibit 9

(Nibley City Concept Plan)

Exhibit 10

(Nibley City Annexation Policy Plan)

Nibley City Annexation Policy Plan



September 2018
Nibley City Corporation

Introduction

Utah law requires that all municipalities within the State adopt an Annexation Policy Plan (UCA10-2-4). In that Annexation Policy Plan, cities are required to develop an expansion area map and to plan for the future growth of the community for the next 20 years.

The Annexation Policy Plan is intended to guide decision-making regarding future annexations. It also helps the City plan for future expansion in conjunction with neighboring political entities. Open communication between the City and other political entities, particularly the County, is a priority in the process of developing the Annexation Policy Plan. As such, all neighboring communities, local districts, and the county are invited to participate in the drafting of this plan.

Nibley City's Core Values

The 2016 Nibley City General Plan outlines the character and core values of Nibley City as follows:

The residents of Nibley value their community as a great place to live and be a family. It is important to protect the pace of life and character of the City while providing appropriate facilities and services for its current and future residents.

Nibley's core values:

- *Pride in the City's history and heritage*
- *The rural character, scenic beauty, and natural resources of the area*
- *Nearby recreation opportunities*
- *Agricultural fields and open spaces*
- *A transportation system that promotes safe and efficient travel*
- *Recognizing and respecting private property rights*
- *Aesthetically pleasing design of development and public facilities*

(2016 Nibley City General Plan, pg. 6)

Consideration

In accordance with Utah Municipal Code 10-2-401.5, Nibley City considers the annexation of the unincorporated area using the following criteria:

1. The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on the Future Land Use Map).
2. The area proposed for annexation shall be evaluated using the following standards for review:
 - a. Consistency with the general plan and the overall character of Nibley City;
 - b. The need for municipal services in developed and undeveloped unincorporated areas:
 - i. Plans for extension/expansion of municipal services;
 - ii. Plans to finance extension/expansion of municipal services.
 - c. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
 - d. The interests of all affected entities
3. Nibley City is required to justify the exclusion of developed areas within 1/2 mile of Nibley City's boundary from the expansion area. In general, there are not developed areas within 1/2 mile of Nibley City's boundary that have been excluded from the expansion area. However, some areas, which are already included in the expansion area or incorporated area of other municipalities (i.e. Logan, Hyrum, or Millville), have been excluded.
4. The map of the expansion area was, and shall be when modified or proposed to be modified, developed using the following criteria:
 - a. Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
 - b. Consider population growth projections for Nibley City and adjoining areas for the next 20 years;
 - c. Consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - i. to facilitate the full development of the area within Nibley City; and
 - ii. to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area;
 - d. Consider, in conjunction with Nibley City's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development; and,

- e. Consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in Nibley City.

Municipal Services and Taxes

Nibley City has several master plans that address the future growth of City services. Anticipated municipal service needs and plans for expansion are provided in the: Water Master Plan; Parks, Trails, Recreation and Open Space Master Plan; Transportation Master Plan; Sewer Master Plan; Stormwater Master Plan; and Economic Development Plan. Planned and other expansion of municipal services will be financed primarily by impact fees and other negotiated development fees or exactions. The estimate of the tax consequences to residents, both currently within the municipal boundaries and in the expansion area, is a consideration of specific areas proposed for annexation and the proposed use. City staff have completed the analysis of property tax per acre and utility fee collection for specific types of development and will apply this when considering areas proposed for annexation. Nibley does not intend to raise taxes in order to support future annexations.

Population Growth

Nibley City is expecting strong population growth and increasing commercial demand within the City. Nibley City's 2016 General Plan projected that the City would grow by 300% by 2060, as shown by the graphic taken from the Nibley City's General Plan. This population growth will create opportunities for residential and commercial development. Nibley City's General Plan, Future Land Use Map, and Master Plans will guide this growth, future land use, and zoning.

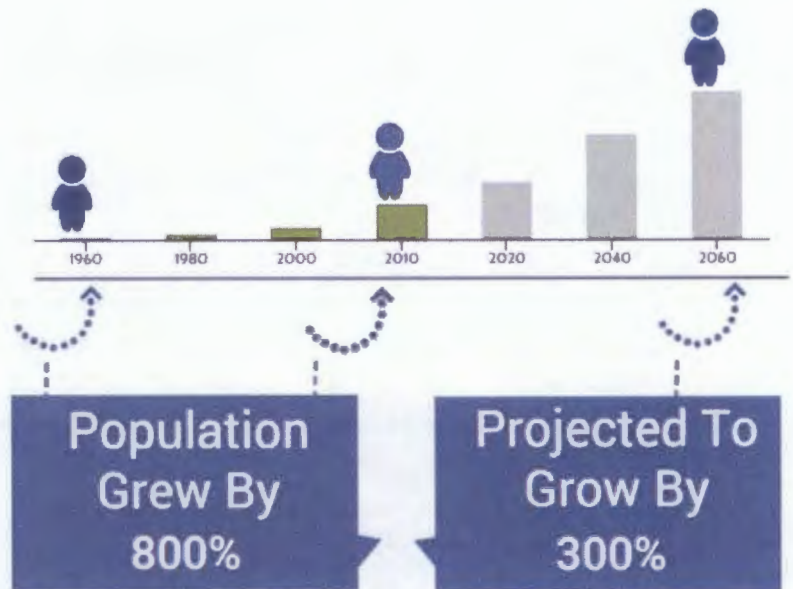


Table 2: Projected Population Growth

Census	Projections				
2010	2020	2030	2040	2050	2060
5,438	8,796	14,136	15,725	18,597	21,905

Source: Governor's Office of Planning & Budget, 2012 Baseline Projections

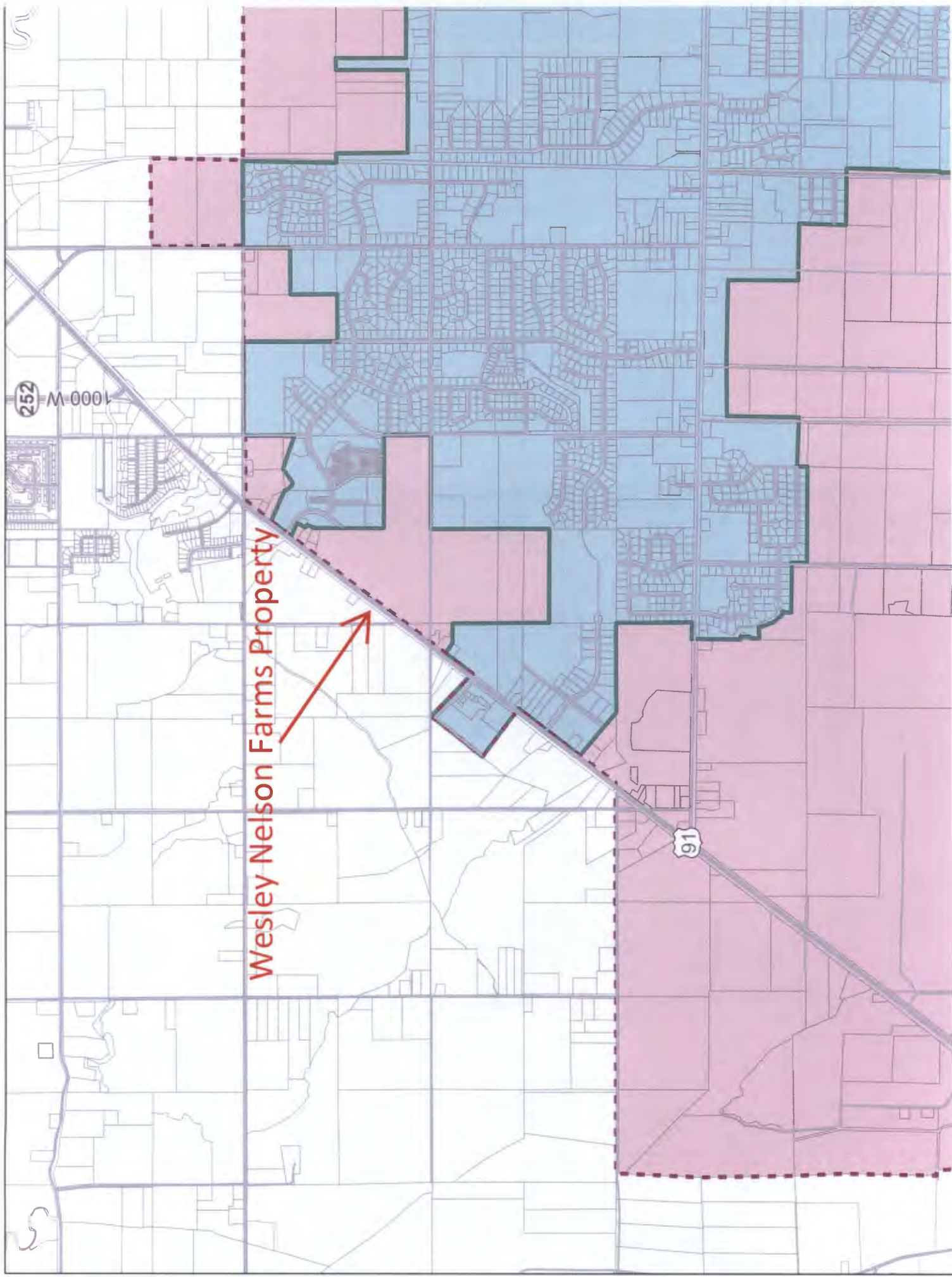
(2016 Nibley City General Plan, pg. 10)

Affected Entities Comments and Response

INVITED ORGANIZATIONS
MILLVILLE CITY
CACHE COUNTY
LOGAN CITY
HYRUM CITY
PROVIDENCE CITY HALL
WELLSVILLE CITY
NIBLEY-MILLEVILLE CEMETARY DISTRICT
CACHE COUNTY SCHOOL DISTRICT
LOGAN CITY SCHOOL DISTRICT

On July 26, 2018, a copy of the plan and an invitation was delivered to the organization listed to the left to give them an opportunity to provide feedback and attend the Planning Commission Meeting on August 8, 2018. This invite was to help the City to coordinate future growth in the area with other government organizations. Three of these entities sent comments to Nibley City in response to our invite. Below contains their comments and Nibley's response.

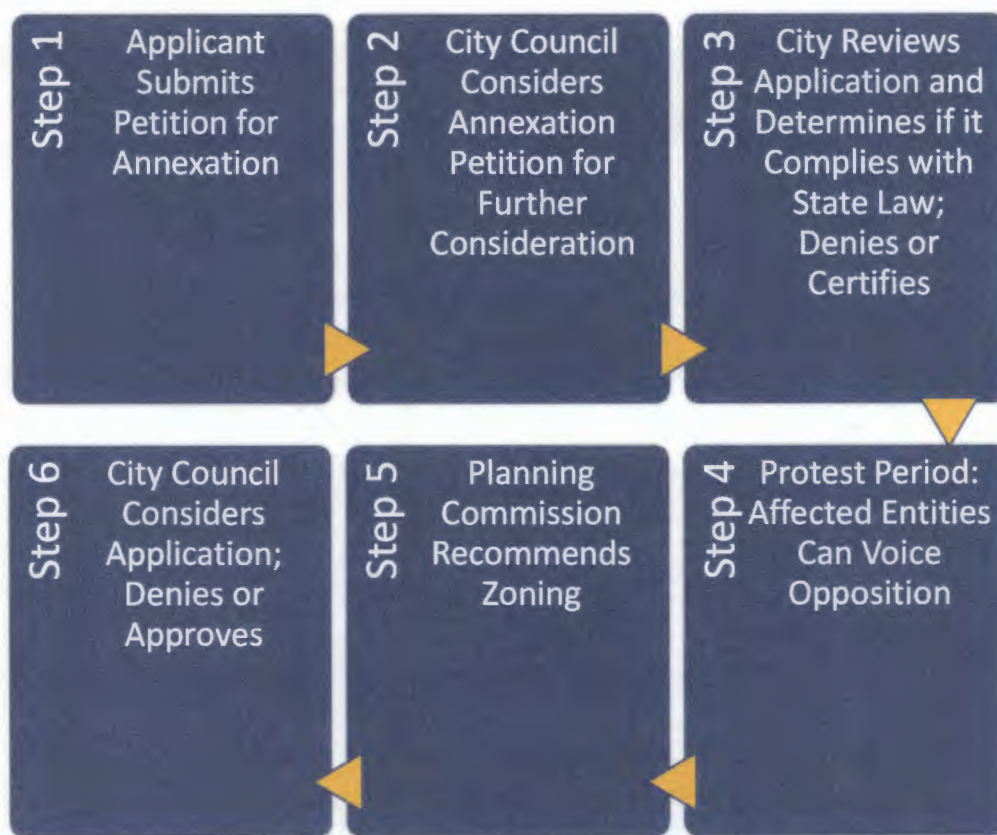
Entity	Entities' Comment	Nibley City Response
Logan City	"In regards to the parcels (03-001-0010 & 03-001-0013) located north of 2200nd South, we have identified those parcels as being within Logan City's Annexation Policy Plan since 2002 with plans to include those in Logan when they are ready for annexation. The inclusion of these parcels into Nibley's Annexation Policy Plan is contrary to UMC 10-2-401.5(4) which states that an annexation plan should avoid gaps or overlaps with other municipalities."	Nibley City has maintained those parcels within the Nibley City annexation area since the City could supply service to those property effecently. The City also wishes to maintain those parcels within the Nibley's annexation boundary since any future development there would have an impact on our two parks to the South, and the kids would attend schools within Nibley City.
Wellsville	"We do want to register concern that your proposed annexation plan overlaps the existing Wellsville City Annexation Policy Plan in the north of the city on both side of Highway 89/91."	Nibley City reaches out and requested a map from Wellsville to get more details. No change was made to our map.
Hyrum	Hyrum sent a map of a recent annexation into their City that was proposed on the Nibley City annexation area.	Made adjustments to the annexation map to remove the newly annexed parcels into Hyrum from Nibley's annexation area.



Wesley Nelson Farms Property

Annexation Petition Process

The following outlines the current steps for annexation as required by Utah Law as of July 2018. These steps are subject to change depending on state law. Nibley City's intention is to follow state law with each annexation it considers.



The area proposed for annexation must meet the following requirements (UCA 10-2-402):

1. The area proposed to be annexed must be a contiguous, unincorporated area that is contiguous to the municipality, see UCA 10-2-402(1)(a); and
 - a. Does not leave or create an unincorporated island or peninsula (except as provided by UCA 10-2-418(1)(b); or unless the county and the municipality have otherwise agreed, see UCA 10-2-402(1)(b)(iii), and;
 - b. Is located within the annexing municipality's proposed expansion area, see UCA 10-2-402(1)(b)(iv); and
2. The area to be annexed must include whole parcels only, unless the owner of a parcel of which only a part is desired to be annexed joins in the petition. See UCA 10-2-402(3).

3. An area cannot be annexed for the sole purpose of acquiring municipal revenue or to impede the capacity of another municipality to annex the same area unless the municipality has the ability and intent to benefit the annexed area by providing municipal services. See UCA 10-2-402 (4).

Petition Requirements (UCA 10-2-403)

1. Be filed with the city recorder. See UCA 10-2-403(3)(a).
2. Contain the signatures of:
 - a. Owners of a majority of the private land area located within the proposed annexation area (property must be equal to at least one-third (1/3) of the value of all private property located within the proposed annexation area, see UCA 10-2-403(3)(b)(ii)(A) & (iii);
 - b. Owners of 100% of rural real property within the area proposed for annexation, see UCA 10-2-403(3)(b)(ii)(B) and UCA 17B-2a-1107; and
 - c. Owners of 100% of the private land area within the proposed annexation area if the area is within an agricultural protection area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 17-41-101 *et seq.*, or a migratory bird production area, see UCA 10-2-403(3)(b)(ii)(C) and UCA 23-28-101 *et seq.*; or
 - d. The owner of all the publicly owned property if all property in the proposed annexation area is owned by a public entity other than the federal government. See UCA 10-2-403(3)(b).
3. Be accompanied by an accurate and recordable map, prepared by a licensed surveyor, of the proposed annexation area. See UCA 10-2-403(3)(c)(i).
4. Designate five (5) signers as sponsors, one of whom is designated as the contact sponsor and include mailing addresses of all sponsors. See UCA 10-2-403(3)(f).
5. If the proposed annexation area includes property from another county, the petition must also include a resolution from that county's county commission approving the proposed annexation. (as detailed above).
6. The proposed annexation area cannot include an area that was included in a previously filed petition that has not been denied, rejected, or granted by the City. See UCA 10-2-403(4).
7. In addition to delivery of the petition to the city recorder, on the date of filing, the petition sponsors must deliver or mail a copy of the petition to the clerk of the county in which the area proposed for annexation is located. See UCA 10-2-403(7).

City Council Review UCA 10-2-405

The City Council may deny or accept the petition for further consideration. See UCA 10-2-405(1)(a)(i). (Note: the petition is considered to have been accepted for further consideration if the city council does not act on the petition at the next regularly scheduled meeting of the city council that is at least fourteen (14) days after the date the petition was filed. See UCA 10-2-405(1)(a)(ii).)

DENIED – Mail written notice of denial within five (5) days after the denial to:

- a. The petition's contact sponsor;
- b. The clerk of the county in which the area proposed for annexation is located. See UCA 10-2-405(1)(b).

ACCEPTED FOR FURTHER CONSIDERATION – Within thirty (30) days of acceptance for further consideration, the city recorder shall:

- a. Obtain from the county assessor, clerk, surveyor, and recorder of the county in which the proposed annexation area is located the records the city recorder needs to determine whether the petition meets the petition requirements (as explained above), See UCA 10-2-405(2)(a); and
- b. With the assistance of the city attorney, determine whether the petition meets the petition requirements. See UCA 10-2-405(2)(b).

If the petition meets the petition requirements, the city recorder must:

- a. Certify the petition; and
- b. Mail or deliver written notice of certification to:
 - i. The city council body;
 - ii. The contact sponsor; and
 - iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

If the petition fails to meet the petition requirements, the city recorder must:

- a. Reject the petition; and
- b. Mail or deliver notice of rejection and the reasons the petition was rejected to:
 - i. The city council body;
 - ii. The contact sponsor; and
 - iii. The county legislative body. See UCA 10-2-405(2)(c)(i).

Publishing & Providing Notice of Certified Petition UCA 10-2-406

After receiving notice of certification of the petition from the city recorder, the City Council shall:

1. Public notice once at least once a week for three (3) successive weeks, beginning no later than ten (10) days after receiving notice of the certification in the newspaper of general circulation within:
 - a. The proposed annexation area; and
 - b. The unincorporated area within one-half (1/2) mile of the proposed annexation area; and

- c. In accordance with UCA 45-1-101, legal notice publication requirements for three (3) weeks, beginning no later than ten (10) days after receiving notice of the certification. See UCA 10-2-406(1)(a).
2. Within twenty (20) days of receiving notice of the certification of the petition, mail notice to each affected entity. See UCA 10-2-406(1)(b). “Affected entity” means:
 - a. County of the first or second class in whose unincorporated area the area proposed for annexation is located;
 - b. A county of the third, fourth, fifth, or sixth class in whose unincorporated area proposed for annexation is located, if the area included residents or commercial or industrial development;
 - c. A local district under Title 17B, Limited Purpose Local Government Entities – Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, whose boundary includes any part of an area proposed for annexation;
 - d. A school district whose boundary includes any part of an area proposed for annexation, if the boundary is proposed to be adjusted as a result of the annexation; and
 - e. A municipality whose boundaries are within 1/2 mile of an area proposed for annexation UCA 10-2-401(1)(a).

The published and mailed notices shall:

1. State that a petition has been filed proposing annexation;
2. Provide the date the city council received notification of the certified petition;
3. Describe the area proposed to be annexed;
4. State that the complete petition is available for inspection and copying at the city recorder’s office;
5. State that the city council may grant the petition unless, within thirty (30) days after the city council received notice of the certified petition, a written protest is filed with the commission and a copy of the written protest is delivered to the city recorder of the proposed annexing municipality;
6. Provide the address of the commission, or if one has not yet been created, the address of the county clerk, where a protest to the petition may be filed;
7. Provide the action date that is thirty (30) days after the notice is published by which written protests must be filed;
8. (if applicable) state that the proposed annexation area will be annexed to a local district providing emergency services if (a) the city lies entirely within a local district’s boundaries that provides emergency services and an election was not required to form the district, and (b) the area to be annexed does not already lie within the boundaries of a local district; and
9. (if applicable) state that the area will be automatically withdrawn from a local district providing emergency services if (a) the petition proposed annexation of an area that lies within a local district that provides emergency services in the creation of which an election

was not required to form the district, and (b) the city is not within the boundaries of the local district.

Planning Commission Review and Zoning Recommendation

The Nibley City Planning Commission's responsibility is to recommend zoning of the subject parcels if annexed. An annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The Planning Commission shall hold a public hearing and recommend zoning prior to the final review of the annexation petition.

Final Review by City Council UCA 10-2-407 and 408

DENIAL OF ANNEXATION – If the city council denies the annexation, it must provide written notice within five (5) days after denial to:

- a. The petition's contact sponsor;
- b. The commission; and
- c. Each entity that filed a protest. See UCA 10-2-407(3)(a)(ii).

APPROVAL OF ANNEXATION – No timely Protest

If no protest was timely filed, the city council may approve the petition after holding a public hearing for which written notice was provided for at least seven (7) days before the hearing in:

- f. A newspaper of general circulation within the municipality and the area proposed for annexation; or if there is no newspaper in those areas, posted in conspicuous places most likely to give notice; and
- g. Posted on the Utah Public Notice Website (<http://www.utah.gov/pmn/index.html>). See UCA 10-2-407(3)(b).

APPROVAL OF ANNEXATION – After receipt of the commission's decision

If the city council waits to take further action until after receipt of the commission's decision on a protest, upon receipt of the decision the city council may either:

- a. Deny the petition; or
- b. Approve the annexation consistent with the commission's decision. See UCA 10-2-408(1).

Zoning of the Subject Parcels by the City Council

In the case of zoning, an annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The City Council shall hold a public hearing and approve zoning of the subject parcels considering the recommendation of the Planning Commission. The City Council and Planning Commission intends to follow the General Plan and Future Land Use Map as the primary guide in zoning decision.

Exhibit 11

(Nibley City Utility Maps)

Storm Drain S Existing

Ponds



City



Private



Sump

4 Inch Line

6 Inch Line

8 Inch Line

10 Inch Line

12 Inch Line

14 Inch Line

15 Inch Line

16 Inch Line

18 Inch Line

21 Inch Line

24 Inch Line

30 Inch Line

Ditches

Subcatchments

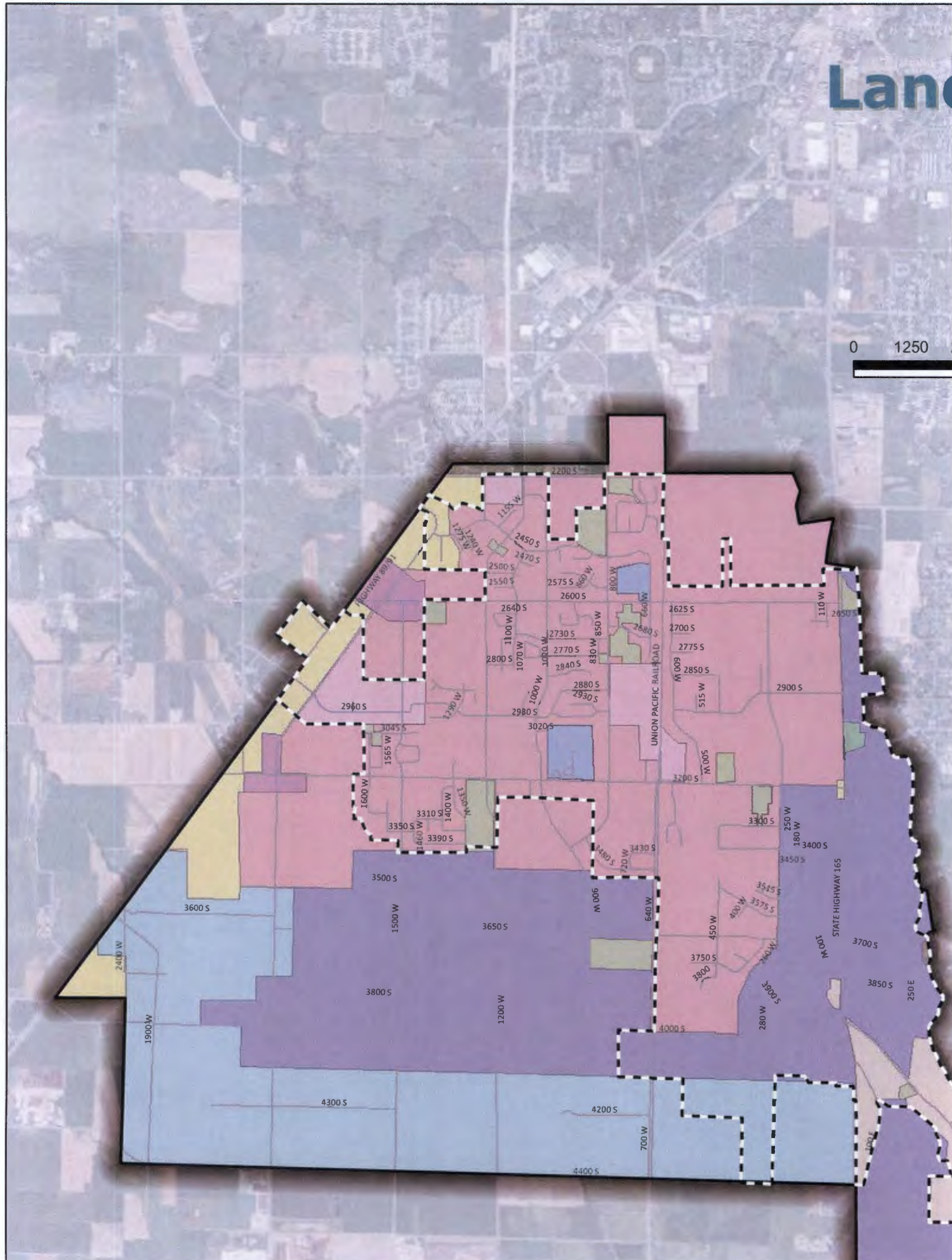
Study Area Boundary

Nibley City Limits

0 750



0 1250



0 750



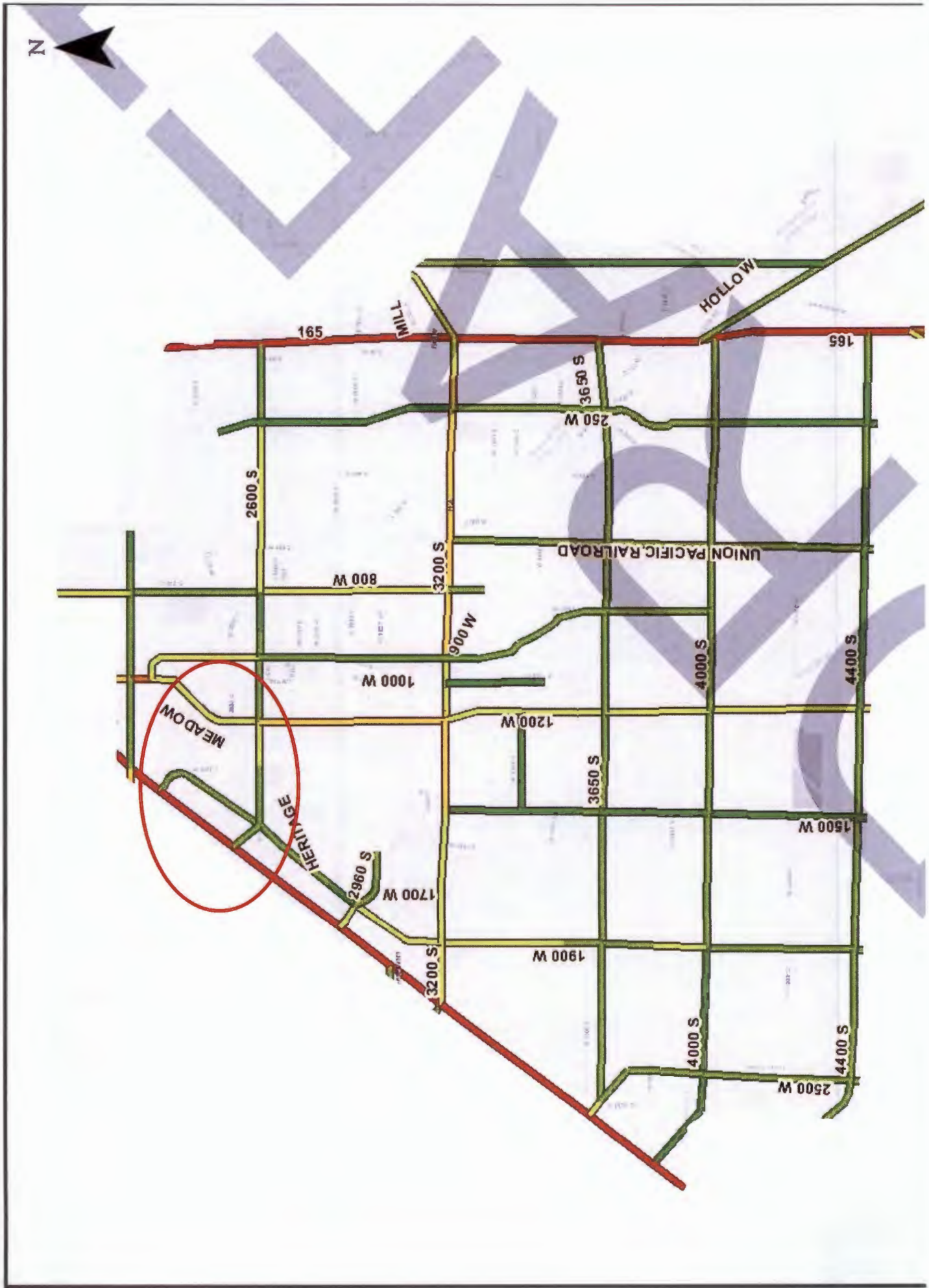


FIGURE 17: 2050 BUILD TRAVEL FORECASTS

Wesley Nelson Farms
Property



FIGURE 16: RECOMMENDED STREET NETWORK





FIGURE 1: RECOMMENDED STREET NETWORK

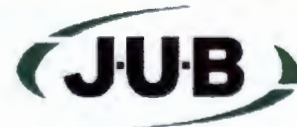
Sewer Collection System Master Plan Report

October 2015



Prepared For:

Nibley City Corporation.
455 West 3800 South
Nibley, UT 84321



Prepared By:

J-U-B ENGINEERS, Inc.
1047 South 100 West,
Suite 180
Logan, UT 84321

REPORT

1 INTRODUCTION

1.1 BACKGROUND

The Nibley City sanitary sewer system was constructed in 2003 and collects sewer flows from homes, and businesses within the current Nibley City limits. An overview of the collection system is shown in Figure 1: Existing System*. The collection system delivers the wastewater to a trunk line in the Logan City collection system at 1000 West 600 South and is then transported to the Logan City Wastewater Treatment Facility. Most of the collection system is made up of 8-inch diameter pipe lines with a few larger trunk lines that serve larger service areas. There is a 21-inch sewer line that runs in 2600 South from the east side of the City to the west side of the City. This line was sized to include some future flows from Millville City.

Nibley has grown significantly over the last few decades as shown in Table 1-1 below.

Table 1-1: Population Growth

Nibley City Growth		
Year	Population	Average Annual Growth Rate
1990	1220	6%
2000	2083	
2010	5438	10%
2013	6029	3.5%

Source: U.S. Census Bureau. The 2013 population is estimated based on 3.5% annual population growth since 2010 per City Planner.

* All of the report figures are found on fold-out pages in Appendix A

Table 2-1: Flow Meter Sites

FLOW METER SITES			
METER ID	LOCATION	PIPE DESCRIPTION	TYPE OF CONTRIBUTING FLOWS
*B9	APPROX. 1180 WEST 2200 SOUTH	10" PVC	Residential. A very small number of homes currently contribute to this site.
A3	IN VACANT LOT AT APPROX. 2400 SOUTH JUST WEST OF HERITAGE DRIVE. ABOUT 250 FEET SOUTH AND 60 FEET WEST OF HANSEN LIFT STATION	21" PVC	Mostly residential with a small amount of commercial and industrial area. 3 pump stations are located upstream.
C2	IN FIELD APPROX. 500 FEET SOUTH EAST OF THE CENTER OF HWY 89/91 AND APPROX. 600 FEET SOUTH OF THE CENTERLINE OF 2600 SOUTH STREET	12" PVC	Mostly residential with a small amount of commercial and industrial area. 2 pump stations are located upstream.

*Meter B9 was initially installed at manhole B8 (1241 West 2200 South). The meter was moved to manhole B9 on November 26th because there was too much silt in manhole B8. The silt was covering the meter probe preventing it from gathering velocity data.

The meter locations are identified using the same numbering system that the City uses for all of the manholes in the collection system. The areas that contribute flows to each of the three temporary flow meter sites are shown in Figure 2: Meter Collection Areas*. Portions of the contributing areas to meters C2 and A3 overlap.

The three meter locations were chosen to provide a representation of the flows throughout the collection system at the same time. This allows for a more accurate representation of actual flow conditions as flow peaks and volumes typically vary from day to day. Sites B9 and A3 were selected because the combined flow from these two sites goes through the permanent meter at the Hansen Lift Station and represents all of the flows in the collection system. The combined total flow from these two sites can be compared to the flows at the Hansen Lift Station permanent meter. Site C2 was selected because a lot of future development and associated flows will be added upstream and pass through the "C" trunk line. The data from Site C2 provides better understanding of the excess capacity available for future growth in that line.

* All of the report figures are found on fold-out pages in Appendix A

3 MASTER PLAN & RELIEF ALTERNATIVES

3.1 INTRODUCTION

The master planning portion of the study involves applying future growth projections in the model to identify the future collection system improvements needed as the City grows. This master plan specifically considers the scenarios listed in Table 3.1.

Table 3-1: Future Time Frames Analyzed

Future Time Frames Analyzed	
Title	Description
2019	Projected 2019 flows during summer irrigation months and during a 3 year storm event
2024	Projected 2024 flows during summer irrigation months and during a 3 year storm event
2046	Projected 2046 flows during summer irrigation months and during a 3 year storm event. 2046 is the estimated year when all of the areas within the existing city limits will be developed to the current planned densities
2064	Projected 2064 flows during summer irrigation months and during a 3 year storm event. 2064 is the estimated year when all of the areas within the study area boundary (Figure 1) will be developed to the current planned densities

The master plan study area covers the area within the current city limits and includes some future annexation areas to the north and to the south of the current city limits outside of the city boundaries.

The study area does not include any area west of Highway 89/91 except for areas that are currently within the City limits (Figure 1: Existing System*).

Build out within the city limits is defined as the future condition when all of the areas within the current city limits will be developed to the current planned densities (Figure 4: Land Use*). *Build out*, or *annexation build out* is defined as the future condition when all of the areas within the study boundary will be developed to the current planned densities.

The master plan models were utilized as tools for sizing future relief lines (lines that will be constructed to replace or supplement existing lines to relieve choke points) and future trunk lines (lines that will be

* All of the report figures are found on fold-out pages in Appendix A

Table 3-2: Lift Station Summary

LIFT STATION IMPROVEMENTS		
Lift Station Name	Approximate Location	Projected Upgrades*
Existing - Scott Farm	3480 S. 780 W.	No upgrades currently projected. This is based on the assumption that the undeveloped areas to the south will be served by future trunk lines going to the west. Plan to discontinue use of this lift station in the future and route flows west through future gravity lines.
Existing - Caine Dairy	3600 S. HWY 89	No upgrades currently projected.
Existing - Peterson	2690 S. HWY 89	No upgrades currently projected.
Existing - Hansen	Heritage Drive just east of HWY 89	An additional pump will need to be added to the available slot in the lift station around year 2030.
Future - Northeast Regional	2200 S. Union Pacific Rail Road	This new lift station will be needed to serve new development in the area between 2200 and 2500 South and Union Pacific Rail Road and Black Smith Fork River.
Future - Southwest Regional	3200 S HWY 89/91	This new lift station will be needed to serve new development in the area south and west of the current city limits.

*Upgrades based on model assumptions. Nibley City should regularly monitor the performance of each of the lift stations to identify capacity improvement needs before capacities are exceeded.

3.8 FUTURE CAPACITY IMPROVEMENT PROJECTS

No capacity improvements need to be made to the existing collection system in the next 10 years. However, a few improvements will need to be made before build out and new system pipes and lift stations will need to be added to the system over time to serve areas that will develop in the future. Some opinions of probable cost have been prepared to assist in sewer planning.

3.8.1 Future Improvements to Existing System

Table 3-3 gives a prioritized list of capital improvements, along with associated costs, that may need to be made to the existing system prior to build out. An estimated number of additional ERU's that can be added upstream of each project is given in the table. The City should begin

Exhibit 12
(Nibley City Resolution 18-10)

RESOLUTION 18-10

A RESOLUTION ESTABLISHING AN AMENDMENT TO THE NIBLEY CITY GENERAL PLAN: ADDING THE PROPOSED FUTURE LAND USE MAP

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, large areas of land around Nibley City are unincorporated and will likely develop in the future; and

WHEREAS, Nibley City wishes to accept annexation petitions in areas surrounding the City for the benefit of property owners and current and future Nibley residents; and

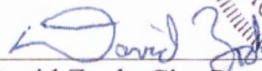
WHEREAS, Nibley City wishes to update the Future Land Use Map to help plan for uses within Nibley City boundaries and for future annexations and developments.

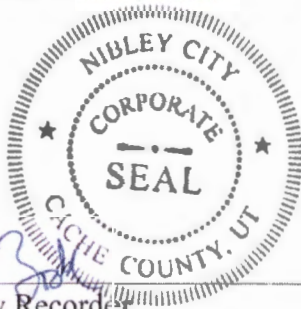
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NIBLEY CITY,
STATE OF UTAH, AS FOLLOWS:

1. That the attached Future Land Use Map is accepted and adopted by the Nibley City Council.
2. That the City Council accepts the attached Statement of Intent.
3. That the attached Statement of Intent and Future Land Use Map shall be attached as an appendix to the Nibley City General Plan and replace the previously adopted Future Land Use Map.

Dated this 4 day of October 2018

ATTEST


David Zook, City Recorder




Shaun Dustin, Mayor

FUTURE LAND USE MAP STATEMENT OF INTENT:

The Future Land Use Map is a plan to help guide Nibley City as it grows. The map encourages a variety of land use options throughout the City. The map is intended to help guide the City in assigning future zoning to newly annexed areas, reassigning zoning as needed, reviewing land use applications, and creating new zones and land use policy. The Future Land Use Map is a planning tool and does not represent or guarantee current or future zoning. The City will evaluate each land use application based on current adopted City Ordinances and best planning practices and information available at the time of application. The intent of the City Council in approving this map is not to limit uses to locations only described on the map, but to help guide the City on where land uses may be the most appropriate in the future. It is also intended to ensure future land use and zoning is coordinated across the City. This map does not dictate everywhere where open space, parks, agricultural land, neighborhood commercial, planned unit developments, or other land uses may occur. The City Council may evaluate the Future Land Use Map and make edits as needed from time to time.

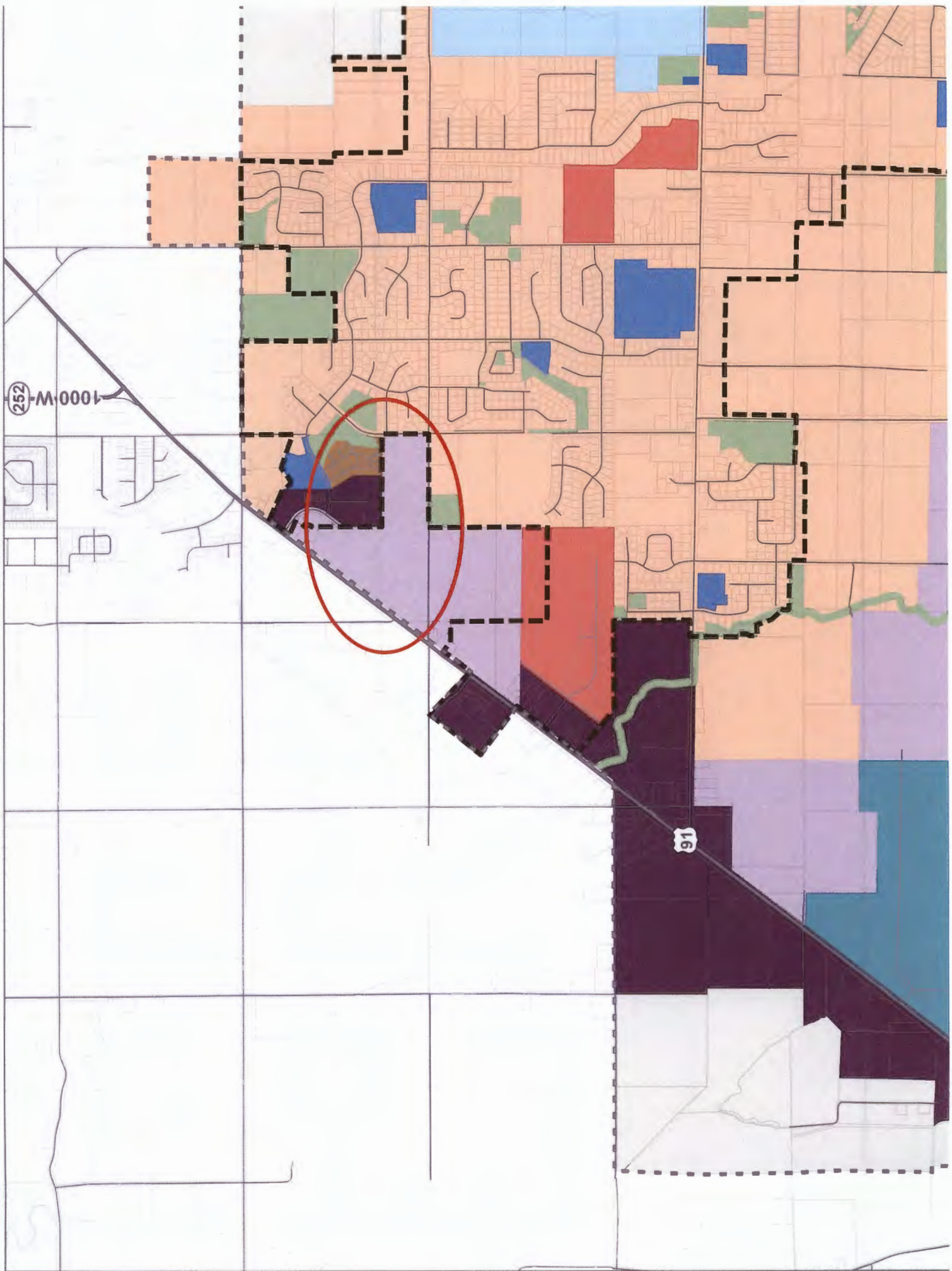


Exhibit 13

(Media Coverage)

https://www.hjnews.com/news/government/family-caught-in-the-middle-of-logan-nibley-boundary-dispute/article_9f02c68e-324c-5df5-b88c-1ef7e2321746.html

Family caught in the middle of Logan/Nibley boundary dispute

By Sean Dolan staff writer Sep 15, 2018



Al Bingham talks about his family's property that is on the Logan/Nibley boundary and the problems he is having developing it during an interview on Wednesday. **Buy Now**

Eli Lucero/Herald Journal

A family of nearly 20 cousins wants to develop 54 acres of Greenbelt land along Highway 89/91 after the death of their grandfather, but they are caught in the middle of a long simmering debate over the future of the largely undeveloped corridor and a boundary dispute between Logan and Nibley.

Al Bingham, president of Wesley Nelson Farms, said he's fed up with Logan. He said he's had several handshake agreements with city officials only to see them fall apart.

His family's land sits on the southeast side of the highway within Logan's zigzagging southern boundary, but the city doesn't have any utilities that far south. It would cost millions for Logan to bring in water and sewer lines to the property.

Last year, Bingham met with then-Mayor Craig Petersen, who decided the best course of action would be a municipal boundary adjustment to bring the property into Nibley. The much smaller, more rural town has utility lines running closer to the property, so they agreed it would make sense to simply move the boundary line and let Nibley provide water and sewer. That plan, however, came to halt at a February Logan Municipal Council meeting.

A pair of Municipal Council members, Jeannie Simmonds and Tom Jensen, were concerned that the proposed boundary adjustment would amount to a raw deal for their constituents. Logan would essentially give up to 132 acres of Greenbelt — with nearly a mile of prime highway frontage — for about 13 acres of developed Nibley land. The undeveloped Logan land, they said, would eventually bring in much more tax revenue than the developed Nibley land.

Since his agreement with Petersen broke down, Bingham has had a series of meetings with Mayor Holly Daines, the two Municipal Council members, the city attorney and city planner in recent months. He said they have continued to propose different solutions that would allow his family to develop, but none have come to pass.

"We've got five different mayors," Bingham said. "It's really hard to work with them. You have the mayor, Tom Jensen acts like a mayor, Jeannie Simmonds acts like a mayor, the attorney has his own voice in there. It's a mess."

Preserving the corridor

In interviews last week, both Simmonds and Jensen said the future taxable value of the land isn't their main concern. They have something more tangible in mind: the preservation of the southwestern entrance into Cache Valley.

Their biggest fear is the stretch of highway between Wellsville and Logan, now surrounded by farmland and dotted with century-old houses, is turning into the stretch of Main Street between Logan and Smithfield — clogged with businesses hugging the highway, each with its own access or driveway. Jensen said that northern corridor is unsafe and unsightly.

"The highway going north from Logan to Smithfield has been very poorly preserved and, in fact, ruined in my viewpoint," Jensen said.

In contrast, there's still a chance to preserve the open space on the south end. Jensen said the mouth of Sardine Canyon is often the first impression for tourists and visitors coming to Cache Valley from Salt Lake City. Preserving it is important to the overall value of the county, he said, and to let it develop like the north side would do generations a disservice.

"When people come to Cache Valley they have an image of Cache Valley as being agricultural," Jensen said. "I mean, we are the Aggies, you know, we have this brand of farming and dairy."

But putting that concept into action — with agreement from Logan, Wellsville and Nibley — is not that easy.

In 2011, a collection of south-end elected officials and planners commissioned the Cache Valley South Corridor Development Plan. The goal was to create an efficient transportation system while directing new growth in a manner that protects open space and the natural beauty of the valley. According to the plan, development would be limited to several "nodes" set back 300 or 500 feet from the highway, accessible only by a limited number of signalized intersections.

Although three cities were part of the planning effort, only Logan officially adopted the South Corridor Plan. Nibley Mayor Shaun Dustin said he agrees with some of the ideas, but it's too prescriptive.

Nibley and Logan both want open space along the highway and development limited to frontage roads. But a 300- or 500-foot setback throughout the entire corridor? Dustin said he's just not sure if that's the right solution. He said Nibley is more focused on protecting features, like preserving wetlands, ponds or tree stands.

"To say that the most important thing in Cache Valley is a 300-foot buffer on either side of Highway 89 — that I have a hard time getting on board with," Dustin said.

Even the Logan officials who were on the plan's steering committee agree that the 300- to 500-foot setbacks are too ambitious and impractical. Logan Mayor Holly Daines said the large setbacks "killed the plan."

"The setbacks seemed too large so we're trying to come up with an agreement with Nibley," Daines said last week.

That lack of agreement between Logan and Nibley is part of what's holding up Bingham and his family.

Agreements, proposals & negotiations

After the Municipal Council meeting in February, Bingham said the city has thrown around all sorts of offers and proposals that would allow his family to develop their property.

City officials said they could provide utilities in four years, then two years, he said. They told him Logan could bond for the utilities and raise property taxes for everyone in Logan, an idea he rejected. Then they offered to buy his land at \$60,000 an acre. Then they proposed a variety of setback

distances, first around 35 or 50, he said, and then the city came back with a drawing with a 150-foot setback.

Bingham said there's no precedent for that large of a setback. Other developments along the highway haven't been required to build 150 feet from the highway.

"We said, 'What the heck?'" Bingham said.

Simmonds said there are always two sides to a story, and Bingham has misinterpreted what city officials have been talking about. She said the city has just been trying to discuss and explore all of the possible solutions. Any official financial decisions have to pass a Municipal Council vote, and any land transactions are up to the mayor.

"We're just asking that we can preserve the corridor," Simmonds said, whether that means it purchases frontage or something else.

Jensen said the city did float the idea of a land purchase at \$60,000 an acre, but they expected Bingham to come back with a counter offer.

"If you've ever bought a car or done some bargaining, you make an offer and somebody else says, 'Well that's not good' ... they could have come back and said, 'Look, we'll do it for \$100,000 or \$150,000,'" Jensen said.

Simmonds said Logan made some proposals, but Bingham won't tell them what he wants. Both Jensen and Bingham told The Herald Journal they don't feel like either side is trying to engage in a fair negotiation.

"They've just basically tried to steamroll our family," Bingham said. "They didn't try to really get into any fair, straight negotiations. It's been, 'You take this or leave it.'"

'We're in the same boat now'

That claim from Bingham is reminiscent of statements Cache Humane Society Executive Director Stacey Frisk made in July, when the animal shelter abruptly pulled out of a long-standing impound relationship with the city's police department.

Once the contract between Cache Humane Society and the city expired in May, Frisk proposed a rate increase. Logan countered with a flat rate, partly in response to allegations of fraud the police chief said he received from CHS employees. The police chief said he expected them to come back with a counter offer — similar to the Bingham negotiation — but instead, the animal shelter just cancelled the arrangement with the city.

Simmonds said it's never Logan's intent to lowball anyone during negotiations. She said the flat impound rate that Logan proposed was not a lower dollar amount, it was just an alternative format.

"Logan is not trying to lowball, but a city can't pay an exorbitant price for something if they can do it less expensively otherwise because we have a responsibility to our citizens," Simmonds said.

In the ongoing boundary discussion, Bingham contacted Rep. Val Potter to help mediate. Potter said he has not participated in the negotiations but has observed from the sidelines. He, himself, has experience negotiating with Logan. Potter is a former mayor of North Logan.

"We had some border issues between Logan, and negotiating with Logan was always challenging, I'll put it that way," Potter said. "It was challenging. They do take the stance of, 'We've got a bigger staff, we've got the legal staff, we've got the developers and the planners and we've got a vision for the future.'"

He said smaller communities have sometimes taken offence to Logan's style.

Dustin, mayor of Nibley, said he's thought a lot about Logan's relationship with other cities over the past five years. He said there's a perception when Logan negotiates it's more of a presentation of "this is what we're going to do" and there's not a lot of discussion. He said it can make smaller cities feel "like a bug."

But he said it's not Logan's fault. The smaller cities and Cache County had the opportunity 30 years ago to create their own destiny — but they didn't. Logan stepped up to the plate, he said, and now provides wastewater and garbage collection for nearly the entire valley. Cache County has a budget of \$59 million while Logan's budget is \$146 million. Nibley, on the other hand, has a budget of \$11 million.

"We've created this situation for ourselves where we feel like we're being pushed around by Logan, but it's really a consequence of a choice we made," Dustin said.

He said the power discrepancy will always play an emotional role with smaller cities, but he's done complaining about Logan.

"If we want the self determination and we want the control, the mechanisms are there," Dustin said. "The question is, do we want to pay for it?"

There's also a history of philosophical and personality conflicts between Dustin and Simmonds, both of whom sit on the Cache Water District. In a June water meeting, Dustin made a speech decrying Simmonds, the chair of the board, for not holding an election for a chairperson in 2017, which violated the Cache Water District bylaws.

But now, both Dustin and Simmonds said it's water under the bridge and they get along just fine.

"We get along a lot better now that we've cleared the air," Dustin said.

He said he often thinks of a Martin Luther King Jr. quote — one that will help all parties move forward in the boundary discussion, negotiations with Bingham and preservation of the Highway 89/91 corridor: "We may have all come on different ships, but we're in the same boat now."

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Exhibit 14

(Petitioner's June 6, 2019, Letter to Logan City)

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DANIEL J. McDONALD
KYLE C. FIELDING

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June 6, 2019

Mayor Holly H. Daines
Logan City
290 North 100 West
Logan, UT 84321
Via Email: holly.daines@loganutah.org

Mayor Shaun Dustin
Nibley City
455 West 3200 South
Nibley, UT 84321
Via Email: shaun@nibleycity.com

RE: Disconnection and Annexation of Wesley Nelson Farms, Inc.
(Tax Parcel ID No. 03-007-0019)
Logan City Resolution 19-34 (Boundary Line Adjustment)

The Honorable Mayors Daines and Dustin:

This firm represents Wesley Nelson Farms, Inc., owner of the above-referenced property, which is situated immediately north of 2600 South and east of U.S. Highway 89/91 in Logan, City, Cache County, Utah (“**Property**”). Our client has been trying to work with Logan City for many years to develop the Property in a reasonable manner, but regrettably has been met with delay, red tape, bureaucracy, broken promises and what now amounts to an illegal and wholesale confiscation of a large portion of the Property through passage of road setbacks *via* Logan City Ordinance No. 19-008.

We have also been working with Nibley City to discuss the possible disconnection of the Property from Logan City and annexation of the Property into Nibley City. Indeed, we have been circulating drafts of a potential annexation agreement with Nibley City. We have also been monitoring the actions of Nibley City to, among other things, enact 100-foot setbacks along Highway 89/91 that could potentially impact the Property in the event of annexation or municipal boundary line adjustment.

Finally, we are fully aware of Logan City Proposed Resolution 19-34 and Logan City’s efforts to persuade Nibley City to agree to a municipal boundary line adjustment in exchange for Nibley City’s implementation of the South Corridor Plan, which would result in Nibley City applying the same unconstitutional setbacks to the Property as Logan City enacted through Ordinance No. 19-008 *if* the Property ended up falling within the municipal boundaries of Nibley City through a boundary line adjustment with Logan City.

Consequently, since a boundary line adjustment seems inevitable—either through municipal agreement or Wesley Nelson Farms’ petitions for disconnection and annexation—we are writing to make both cities aware of the consequences either city will face by trying to enforce (or adopt, as the case may be) the extreme, unprecedented, unreasonable and illegal setbacks embodied in Logan City Ordinance No. 19-008 and/or Logan City’s interpretation of the South Corridor Plan.

It is our hope that Logan City and Nibley City will move forward with the boundary line adjustment but that Logan City will cease and desist from its efforts to persuade Nibley City to impose the same unconstitutional and illegal setback requirements in Nibley City as Logan City has enacted as a condition of Logan City’s agreement to the boundary line adjustment. We view Logan City’s efforts to do so as an attempt on Logan City’s part to interfere with the Nelson family’s potential and ongoing contractual relations and negotiations with Nibley City. We also feel that Nibley City would be foolish to agree to Logan City’s requests for the same setbacks that Logan City has adopted because they are not only unreasonable but unconstitutional.

In this letter, we will first outline *some* of the legal claims Wesley Nelson Farms has against Logan City as a result of passage of Ordinance No. 19-008, and then we will outline why a boundary line adjustment or disconnection, coupled with an annexation agreement with Nibley City is the appropriate solution to resolve this difficult situation. We regret the need to be so candid with the legal claims we have against Logan City (and the claims we would have against Nibley City if it followed Logan City’s setback demands without our consent), but the fact of the matter is, the claims are real and have caused real harm, so they must be preserved and asserted if necessary. Also, in fairness to both cities, as the cities negotiate a potential boundary line adjustment between the two municipalities they should do so with their eyes wide open to all of the potential legal ramifications if (a) Logan City persists in trying to enforce its setbacks or (b) persuades Nibley City to enact the same setbacks in its newly-acquired territory.

I.

ORDINANCE NO. 19-008 WAS ENACTED IN VIOLATION OF LAW AND IS UNCONSTITUTIONAL

A. Logan City violated LUDMA.

Under the Utah Land Use Development and Management Act (“LUDMA”) the “adoption” or “any modification of a land use regulation”¹ requires a “public hearing” preceded by “notice of the date, time, and place of the first public hearing” to consider the adoption or modification. Utah Code Ann. § 10-9a-205(1)(a).

Among other things, Section 10-9a-205(2)(c) requires the notice to be “(i)(A) published in a newspaper of general circulation in the area at least 10 calendar days before the public hearing; and (B) published on the Utah Public Notice Website created in Section 63F-1-701, at

¹ A “land use regulation” under LUDMA “means a legislative decision enacted by ordinance, law, code, map, resolution, specification, fee, or rule that governs the use or development of land[.]” *Id.* § 10-9a-103(29)(a) (emphasis added). A “Zoning map” means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.” *Id.* § 10-9a-103(63).

least 10 calendar days before the public hearing; or (ii) mailed at least 10 days before the public hearing to ... each property owner whose land is directly affected by the land use ordinance change[.]” Utah Code Ann. § 10-9a-205(2)(c).

The “first public hearing” on Ordinance No. 19-008 was scheduled for the February 28, 2019, planning commission meeting. *See Exhibit 1*. That means notice was required to be published or mailed to each affected property owner by February 18, 2019. However, according to the Utah Public Notice Website, Logan City did not publish notice of this meeting until 4 p.m. on February 21, 2019. *See Exhibit 2*. It did not mail any notice to Wesley Nelson Farms.

The public hearing was continued to the March 14, 2019, planning commission meeting. *See Exhibit 3*. However, the March 14th notice of this continued meeting, *Exhibit 4*, wasn’t published on the Utah Public Notice Website until March 6th at 5:32 p.m., which is also less than the required 10 days. *See Ex. 2*.

Additionally, with regard to zoning map amendments, like those purportedly enacted by Ordinance No. 19-008, LUDMA provides, “A municipality *shall* send a courtesy notice to each owner of private real property whose property is located entirely or partially within a proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.” Utah Code Ann. § 10-9a-205(4)(a) (emphasis added). Logan City never sent this notice to Wesley Nelson Farms, Inc.

In short, Logan City failed to timely publish notice of the hearing on the Utah Public Notice Website as required by LUDMA. The city also never sent Wesley Nelson Farms, Inc. the alternative notice allowed by Utah Code Ann. § 10-9a-205(2)(c)(ii) and the mandatory notice required by Utah Code Ann. § 10-9a-205(4).

B. Logan City violated the Logan City Code.

“Amendments to the Official Zoning Map require separate notice and separate public hearings” before both the planning commission and the municipal council. Logan City Land Development Code (“City Code”) § 17.44.030.A. *See also id.* § 17.44.060.B.3. (requiring a separate public hearing before the municipal council). Section 17.44.030.C. of the City Code governs the required public notice for proposed changes to the official zoning map and provides:

Not less than ten days prior to the hearing date before the planning commission or municipal council, the Director shall send by first class mail a written notice to owners of real property as shown on the latest official County Assessor’s rolls within three hundred (300) feet of the perimeter boundaries of any proposed change to the official zoning map. This notice shall be in addition to any other requirements as specified by Utah law.

City Code § 17.44.030.C.

The municipal council’s public hearing on this matter was initially scheduled for and held on April 16, 2019. *See Exhibit 5*. However, the city never mailed Wesley Nelson Farms, Inc.

the notice required by City Code for either the planning commission or municipal council meeting even though the Property is directly within the expansion of the South Gateway Overlay from 2200 South to 3200 South. Additionally, public notice for the municipal council's public hearing was not published until April 11, 2019, at 3:42 p.m. See **Exhibit 6**.

C. Logan City's enactment of Ordinance No. 19-008 violated due process.

"In the context of participation in governmental affairs, due process guarantees voters the right to be notified of changes and developments in the laws of their community." *Bissland v. Bankhead*, 2007 UT 86, ¶ 14, 171 P.3d 430, 434 (citing *Citizens Awareness Now v. Marakis*, 873 P.2d 1117, 1123 (Utah 1994)). "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Tolman v. Salt Lake County*, 20 Utah 2d 310, 317-18, 437 P.2d 442, 448 (1968) (quoting *Mullane v. Central Hanover Bank*, 339 U.S. 306, 70 S. Ct. 652, 94 L.Ed. 865 (1950)).

As demonstrated above, the notice required by LUDMA and the Logan City Code, as well as the Utah Constitution and the United States Constitution was not provided. Consequently, the ordinance is invalid and "must be initiated anew with a new application" if Logan City intends to once again pursue this legislative course of action. *Id.* at 318. In short, Ordinance No. 19-008 is void *ab initio*. See, e.g., *Call v. City of West Jordan*, 727 P.2d 180 (Utah 1986); *Call v. City of West Jordan*, 788 P.2d 1049, 1051 (Utah Ct. App. 1990) ("the City[] ... had the burden of proving compliance with notice and hearing requirements set forth in [LUDMA]" and when "the City had failed to carry this burden of proof[] ... the ordinance was, accordingly, void *ab initio*").

Wesley Nelson Farms also has a cause of action for damages against Logan City for deprivation of due process under 42 U.S.C. § 1983.

II.

ORDINANCE NO. 19-008 CONSTITUTES AN UNCONSTITUTIONAL TAKING OF PROPERTY

Both the Utah Constitution and the United States Constitution provide protection against a government taking of private property. Article I, section 22 of the Utah Constitution provides that "[p]rivate property shall not be taken or damaged for public use without just compensation." The Fifth Amendment to the United States Constitution provides that private property shall not "be taken for public use, without just compensation." U.S. Const., amend. V.

"[B]ecause the Utah Constitution bounds the ability of the government not only to 'take[],' but also to 'damage[],' private property, [the Utah Supreme Court has] characterized this state constitutional provision as being broader than its federal counterpart." *Bingham v. Roosevelt City Corp.*, 2010 UT 37, ¶13, 235 P.3d 730, 734 (citing *Bagford v. Ephraim City*, 904 P.2d 1095, 1097 (Utah 1995) ("This provision is broader in its language than the similar provision in the Fifth Amendment of the United States Constitution.")).

“When determining whether government action has violated article I, section 22 of the Utah Constitution, we inquire whether there has been “any substantial interference with private property which destroys or materially lessens its value, or by which the owner’s right to its use and enjoyment is in any substantial degree abridged or destroyed.”” *Id.* (quoting *Colman v. Utah State Land Bd.*, 795 P.2d 622, 626 (Utah 1990) (quoting *State ex rel. State Road Comm’n v. Dist. Court, Fourth Judicial Dist.*, 94 Utah 384, 78 P.2d 502, 506 (1937))).

“Beyond this, the jurisprudence of the United States Supreme Court has also established that government regulation that goes ‘too far’ will also constitute a taking of the regulated land.” *Id.* at ¶ 15 (quoting *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1014-15, 112 S.Ct. 2886, 120 L.Ed.2d 798 (1992) (quoting *Pa. Coal Co. v. Mahon*, 260 U.S. 393, 415, 43 S.Ct. 158, 67 L.Ed. 322 (1922))). “Even short of a deprivation of all economic value, landowners who suffer a substantial deprivation as a result of government regulation of their property may be entitled to compensation under the Fifth Amendment.” *Id.* (citing *Penn Cent. Transp. Co. v. New York City*, 438 U.S. 104, 123-24, 98 S.Ct. 2646, 57 L.Ed.2d 631 (1978) (determining that whether “justice and fairness require that economic injuries caused by public action be compensated by the government” depends upon the “particular circumstances” of a given case (citations and internal quotation marks omitted))).

It is our opinion that Section 17.21.060.B.1 of the Logan City Code, imposing either a 100-foot or 150-foot setback from the Highway 89/91 right of way goes “too far” under the United States Constitution and “damages” Wesley Nelson Farms under the Utah Constitution.

Such extreme setbacks are unprecedented and, to our knowledge, have never been required with previous projects in Logan City. Moreover, the setback requirement is tantamount to a physical occupation of the land because, like the South Carolina law that barred any structures in the so-called South Carolina “coastal zone,” Section 17.21.060.B.1 bars any structures in the so-called “South Gateway” setback zones. *See Lucas*, 505 U.S. at 1007. To justify such a new and massive encroachment on existing property rights, Logan City (or Nibley City) “must identify background principles of nuisance and property law that prohibit the uses [Wesley Nelson Farms] now intends”—*i.e.* development of the property. *Id.* at 1031-32. “Only on this showing can [the government] fairly claim that, in proscribing all such beneficial uses, the [government] is taking nothing.” *Id.* at 1032.

This, of course, will be impossible for Logan City to defend because there are no such principals of Utah nuisance or property law that would have prohibited Wesley Nelson Farms from development or erection of structures within the extended area of the 100- or 150-foot setbacks. This is what the United States Supreme Court has said about such “confiscatory regulations, *i.e.*, regulations that prohibit all economically beneficial use of land: any limitation so severe cannot be newly legislated or decreed (without compensation), but must inhere in the title itself, in the restrictions that background principles of the State’s law of property and nuisance already place upon land ownership.” *Id.* at 1029. There are no such principals to justify Logan City’s confiscation of Wesley Nelson Farm’s property in this manner.

Even if Section 17.21.060.B.1 does not deprive Wesley Nelson Farms of *all* economically viable use of the property confiscated by the setbacks, the interference is so great

that a virtual taking has nonetheless occurred. In other words, the regulation goes “too far.” *See id.* at 1015. “The economic impact of the regulation on [Wesley Nelson Farms] and, particularly, the extent to which the regulation has interfered with distinct investment-backed expectations ... [and] the character of the governmental action” in this case is so extreme, pointed, and arbitrary that a taking has occurred. *Penn Cent.*, 438 U.S. at 124.

We realize that in takings cases nothing is clear cut. There is plenty that is uncertain, and there is obvious room for disagreement. Also, “[d]eterminations of liability in regulatory takings cases, particularly under *Penn Central*, require ‘complex factual assessments of the purposes and economic effects of government actions,’ *Yee v. City of Escondido*, 503 U.S. 519, 523, 112 S.Ct. 1522, 118 L.Ed.2d 153 (1992), making summary judgment generally inappropriate.” *Arnell v. Salt Lake County Bd. of Adjustment*, 2005 UT App 165, ¶ 36, 112 P.3d 1214, 1225.

In other words, if either city presses for these extreme setbacks they will entangle the cities in complex and expensive litigation with Wesley Nelson Farms and other affected landowners that could last for months, perhaps years, considering the parties’ appeal rights.

III.

WESLEY NELSON FARMS IS PREPARED TO LITIGATE THE ISSUE OF DISCONNECTION

For a number of reasons, Wesley Nelson Farms has determined that the parties’ respective interests will be best served if the Property is disconnected from Logan City pursuant to Utah Code Ann. § 10-2-501 *et seq* or, if the cities can agree, through a municipal boundary line adjustment. We have already retained experts, who are working in the background to initiate a formal disconnection from Logan City and annexation into Nibley City if Logan City and Nibley City cannot come to an agreement.

Should disconnection ultimately need to be litigated in front of a judge, we believe Wesley Nelson Farms more than satisfies the statutory criteria for disconnection, which generally fall into three categories, at least as far as is relevant between Wesley Nelson Farms and Logan City (*see* Utah Code Ann§ 10-2-502.7(3)):

1. The existence or non-existence of utilizes and services to the area (statutorily framed as “the viability of the disconnection”);
2. The isolation of the area from the rest of the city; and
3. The demands of justice and equity under the unique circumstances.

First, the Property currently lacks suitable access to key infrastructure, utilities, and services, including sewer, water and power. Wesley Nelson Farms has been informed that to obtain access to sewer, water, and power, will require extraordinary expense and a delay of between two and four years. Logan City currently provides no utilities or services of any kind to the Property. To extend city utilities to the Property would, if possible at all, require lengthy and extraordinarily expensive line extensions. City officials and staff have recognized the fact that

extending these utilities to the Property is probably cost-prohibitive and not economically feasible, even if theoretically possible. Nibley City is much more naturally suited to extend its infrastructure and services into the Property, at much lower expense and in a much quicker time frame.

Second, the Property does not fall within any natural contours or city boundaries. The Property would actually fit much more naturally within the existing boundaries of Nibley City. The Property is isolated and distant from the rest of Logan City as far as utilities and services, which explains why it is so difficult and expensive for Logan City to run utilities and provide services to the Property. Highway 89/91 acts as a physical separation of this Property from the rest of the city. This would cause increased burden and expense for providing services, such as garbage, snow removal, etc. Nibley City, on the other hand, lies on the same side of Highway 89/91 and can much more easily provide services and utilities. The disconnection of the Property would not create any islands or peninsulas prohibited by statute, but instead would create a much more natural boundary line between Logan City and Nibley City.

And third, equity and justice tilt strongly in favor of Wesley Nelson Farms. It is not necessary to rehash in detail the tumultuous history of communications between our client and Logan City, but it is important to highlight that many assurances were made by Logan City that were later ignored or treated as if they had never happened. Our client changed its position and incurred expenses based on those assurances, only to later be denied adequate development approvals on the Property. Our preference would be to simply move on and not have to bring to light the many instances where that occurred. But please be aware, if we need to, we will bring to light the full history of Logan City's unreasonable and inequitable misconduct.

Finally, we note that disconnection of the property would not create any additional burden on Logan City, because the Property is a relatively small percentage of the overall acreage in Logan City, there is no population currently residing on the Property, and there is no economic impact to the city because there is no real taxable value on the Property other than the land itself.

IV.

A BOUNDARY LINE ADJUSTMENT OR DISCONNECTION WITHOUT SUCH UNPRECEDENTED AND EXTREME SETBACKS IS NEEDED

As mentioned, our hope is that Logan City and Nibley City will move forward with the boundary line adjustment. However, Logan City should cease and desist from its efforts to persuade Nibley City, as a condition of Logan City's agreement to the boundary line adjustment, to impose the same unconstitutional and illegal setback requirements in Nibley City as Logan City has already attempted to enact. Logan City is hereby placed on notice that such conduct on its part will constitute unlawful interference with Wesley Nelson Farms' potential and ongoing contractual relations and negotiations with Nibley City. Also, Wesley Nelson Farms reserves any and all claims that it has against Logan City if Logan City does not consent to the boundary line adjustment or disconnection, as the case may be.

We also feel that it would be unwise for Nibley City to force these extreme and unreasonable setbacks upon landowners such as Wesley Nelson Farms, particularly without their input, by agreeing to Logan City's requests for the same setbacks that Logan City has adopted. As Logan City has all but admitted in the legislative and administrative record, a boundary line adjustment or disconnection *is* needed. However, these extreme setbacks are *not* needed and are unwise. The better course would be for Nibley City to finish its negotiations with Wesley Nelson Farms and reach a written agreement with Wesley Nelson Farms as to the applicable setbacks with such agreement being conditioned upon either attainment of a voluntary boundary line adjustment with Logan City or the disconnection of the Property from Logan City and annexation into Nibley City.

To that end, we would request that Nibley City finish its negotiations with Wesley Nelson Farms to reach such an agreement. We have appreciated the cooperative and level-headed manner in which Nibley City has approached the issue thus far and hope that this will continue. Nibley City or its legal counsel should contact me as soon as possible to discuss revisions to the current agreement being circulated between Nibley City and Wesley Nelson Farms. We would also request that Logan City accept the inevitable and not resist or interfere with Wesley Nelson Farms' setback and land use negotiations with Nibley City. If Logan City was wise it would stop seeking to leverage its will upon Nibley City and Wesley Nelson Farms and cooperate with the inevitable adjustment of these municipal boundaries.

Sincerely,

MCDONALD FIELDING



Daniel J. McDonald

Enclosures

C: Wesley Nelson Farms



PLANNING COMMISSION

Meeting of February 28, 2019

City Hall Municipal Council Chambers * 290 North 100 West * Logan, UT 84321 * www.loganutah.org

AGENDA

4:30 p.m. Bus Tour of Agenda Sites: The Planning Commission will travel in a city bus to drive by each of the agenda sites for which hearings are scheduled. No decisions are made during the tour. The bus leaves from City Hall and the public is invited.

5:30 p.m.

I. WELCOME

II. APPROVAL OF MINUTES from the meeting of February 14, 2019

III. **PUBLIC HEARING** *The following items are scheduled for a public hearing before the Commission.*

The order of the meeting is for the Chair to read the agenda item. Staff will summarize its report to the Commission. The proponent of the project can make a presentation. Public comment is encouraged. The Commission will close the public hearing and deliberate prior to making a decision.

PC 19-001 Logan Gateway Office Building – continued from January 10, 2019

[Zone Change, Design Review & Conditional Use Permit] Gary Blazzard/Craig Adams, authorized agent/owner, are requesting a zone change from Mixed-Use (MU) to Commercial (COM) and Mixed Residential Medium (MR-20) of ~7.8 acres (COM east of the new 100 West Street and MR-20 west of the new 100 West Street; a Design Review and Conditional Use Permit for a 68,000 SF office building, parking and site improvements located at 701 South Main Street; TIN 02-063-0013;-0016;-0012;-0010;-0011. (Woodruff Neighborhood)

PC 19-005 LDC Amendment & Zone Change – Chapter 17.21 (South Gateway Overlay)

requesting continuance to March 14, 2019 – Logan City requests to amend the Land Development Code, Chapter 17.21 to modify the South Gateway Overlay Zone as follows: increase the extent of the overlay boundaries from the railroad tracks to 3200 South; increase the setback from Hwy 89/91 to 100' and 150'; create three (3) commercial nodes at 1000 West, 2600 West and 3200 West, with associated setbacks from Hwy 89/91 at 50' and 75'; and modify the format of the chapter.

IV. WORKSHOP ITEMS for March 14, 2019

- ✓ PC 19-006 Schaefer Bed & Breakfast (Conditional Use Permit)
- ✓ PC 19-007 Essex Vintage Cars (Conditional Use Permit)
- ✓ PC 19-008 600 West Railroad Spur Rezone

V. ADJOURN

* * * * *

The Logan City Planning Commission is a quasi-judicial body established for purposes of reviewing applications for development as required by the Land Development Code. The Planning Commission is charged to carry out the growth and development policies of the Municipal Council as expressed in the General Plan and to implement the programs of the plan. The Commission functions as the approval body for certain planning and zoning matters, and reviews and recommends on legislative matters related to planning and zoning, in conformance with Utah law.

As a quasi-judicial body, the decisions made by this body pertain only to matters proposed on the published agenda, upon consideration of facts, reports and testimony provided in evidence of a project. The Commission must rely on substantial evidence in determining whether a project complies with the law. Emotional pleas or personal opinions are not substantive evidence.

Meetings are conducted at the discretion of the Commission, and we ask for your cooperation in maintaining the following:

- a) Consideration of items will occur as indicated on the printed agenda, although the Commission reserves the right to alter the order if the need arises.*
- b) Those speaking are asked to keep comments relevant to the matter being considered.*
- c) Outbursts, including cheers, jeers, and applause are not appropriate as they may discourage those with opposing views from speaking.*
- d) Items involving a large number of people wishing to make comments, a time limit may be imposed.*
- e) Once the public comment portion for a particular item has been closed, no additional public comments are allowed, unless requested by the Commission.*
- f) Anyone wishing to speak is asked to sign in at the podium.*
- g) All public comment and questions will be made into the microphone at the podium to allow for recording of the proceeding.*
- h) The meeting is managed by the Chair. All questions/comments will be directed to the Commission.*



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Notice	Event Date	Status	Attachments
Meeting	05/09/2019	Scheduled	PC 19-016 UT1-Larry Verizon Cell Tower.pdf Public Information Handout Added: 2019/05/02 08:31 AM PC 19-015 LDC Minor Code Amendments.pdf Public Information Handout Added: 2019/05/02 08:31 AM PC Agenda 05-09-19.pdf Other Added: 2019/05/02 08:30 AM PC 19-014 Municipal Pool Truck Rental.pdf Public Information Handout Added: 2019/04/22 08:22 AM PC 19-015 LDC - Minor Code Amendments.pdf Public Information Handout Added: 2019/04/22 08:22 AM PC 19-012 L59.pdf Public Information Handout Added: 2019/04/22 08:22 AM PC Agenda 04-25-19.pdf Other Added: 2019/04/22 08:22 AM PC Minutes 04-11-19.pdf Meeting Minutes Added: 2019/04/26 10:11 AM PC 19-011 LW's Car Wash.pdf Public Information Handout Added: 2019/03/29 03:34 PM 2019 Moderate Income Housing Plan.pdf Public Information Handout Added: 2019/03/29 03:34 PM PC 19-010 Culver's.pdf Public Information Handout Added: 2019/03/29 03:34 PM PC Agenda 04-11-19.pdf Other Added: 2019/03/29 03:34 PM PC Minutes 03-14-19.pdf Meeting Minutes Added: 2019/04/15 08:14 AM PC 19-007 Essex Vintage Cars.pdf Public Information Handout Added: 2019/03/06 03:42 PM PC 19-005 South Gateway Overlay Amendment.pdf Public Information Handout Added: 2019/03/06 03:41 PM PC 19-008 600 W Railroad Spur Rezone.pdf Public Information Handout Added: 2019/03/06 03:42 PM PC 19-006 Schaefer Bed & Breakfast.pdf Public Information Handout Added: 2019/03/06 03:41 PM Corrected PC Agenda 03-14-19.pdf Other Added: 2019/03/06 05:32 PM PC Minutes 02-28-19.pdf Meeting Minutes Added: 2019/03/15 10:10 AM PC 19-001 Logan Gateway Office Building.pdf Public Information Handout Added: 2019/02/21 04:00 PM PC Agenda 02-28-19.pdf Other Added: 2019/02/21 04:00 PM PC Minutes 02-14-19.pdf Meeting Minutes Added: 2019/03/01 08:36 AM PC 19-003 Peard Daycare Corrected.pdf Public Information Handout Added: 2019/02/12 11:10 AM PC 19-004 Meadow Creek Subdivision.pdf Public Information Handout Added: 2019/02/06 03:31 PM PC Agenda 02-14-19.pdf Other Added: 2019/02/06 03:30 PM PC Minutes 01-24-19.pdf Meeting Minutes Added: 2019/02/15 01:28 PM 18-045 UPDATED LDC Amendment 17.34 TC Density Bonuses 1 24.pdf Public Information Handout Added: 2019/01/28 11:11 AM PC Minutes 01-10-19.pdf Meeting Minutes Added: 2019/01/28 11:09 AM PC 18-045 TC Density-Height Bonuses.pdf Public Information Handout Added: 2019/01/03 04:46 PM PC 19-002 The Riverwalk at the Riverwoods.pdf Public Information Handout Added: 2019/01/03 04:46 PM PC Agenda 01-10-19.pdf Other Added: 2019/01/03 04:45 PM PC 18-043 The Logan Silos.pdf Public Information Handout Added: 2018/12/14 08:18 AM PC 18-045 LDC Amendment - TC Bonuses.pdf Public Information Handout Added: 2018/12/14 08:18 AM PC 18-042 Westfields Development Phase 1.pdf Public Information Handout Added: 2018/12/14 08:17 AM PC Agenda 12-13-18.pdf Other Added: 2018/12/14 08:17 AM



PLANNING COMMISSION MINUTES

Meeting of February 28, 2019

Logan City Council Chambers (290 North 100 West Logan, UT 84321)
www.loganutah.org

Minutes of the meeting for the Logan City Planning Commission convened in regular session on Thursday, February 28, 2019. Chairman Butterfield called the meeting to order at 5:30 p.m.

Commissioners Present: David Butterfield, Roylan Croshaw, Regina Dickinson, Sandi Goodlander, Tony Nielson, Eduardo Ortiz

Commissioners Excused: Dave Newman

Staff Present: Mike DeSimone, Russ Holley, Aaron Smith, Debbie Zilles, Kymber Housley, Bill Young, Paul Taylor, Kirk Jensen, Jeannie Simmonds (Council liaison)

Minutes from the February 14, 2019 meeting were reviewed. Commissioner Croshaw moved that the minutes be approved as submitted. Motion seconded by Commissioner Ortiz. Approved unanimously.

PUBLIC HEARING

PC 19-001 Logan Gateway Office Building – *continued from January 10, 2019*

[Zone Change, Design Review & Conditional Use Permit] Gary Blazzard/Craig Adams, authorized agent/owner, are requesting a zone change from Mixed-Use (MU) to Commercial (COM) and Mixed Residential Medium (MR-20) of ~7.8 acres (COM east of the new 100 West Street and MR-20 west of the new 100 West Street and a Design Review and Conditional Use Permit for a 68,000 SF office building, parking and site improvements located at 701 South Main Street; TIN 02-063-0013;-0016;-0012;-0010;-0011. (Woodruff Neighborhood)

STAFF: Mr. Holley reviewed the request to construct a new 4-story glass and steel office building along the new 100 West corridor. The request includes a Conditional Use Permit to allow a limited front-yard parking lot. The approximately 68,000 SF office building is proposed with surrounding surface parking lots with landscaping and sidewalks in perimeter areas. Three potential future development "pad sites" are being proposed along the Main Street frontage with one main driveway approach aligning with 700 South across the street. The rectangular office building has mirrored facades on the west and east sides, creating a "double-front" appearance. The Logan River creates the northern border with a trail conceptually shown along the river's southern bank. The nearly 7.8-acre site currently consists of five (5) properties including the Ellis Equipment business, a residential home and a single-story restaurant building. The generally flat site is triangular shaped and currently has very little vegetation and trees. The anticipated 100 West street expansion project would bisect the site and create a larger main project area of approximately 5.50 acres and a smaller remaining eastern area of approximately 1.5 acres.

The applicant is requesting a rezone from Mixed-Use (MU) to Commercial (COM) for the main project site located between Main Street and 100 West. Final alignments for 100 West have yet to be completed, but after street alignments and dedication, the main project site should be approximately 5.5 acres. The remainder smaller property that will be created east of the future 100 West street is proposed to be rezoned from Mixed Use (MU) to Mixed-Residential (MR-20). This remainder property should be approximately 1.5 acres after street alignments and dedications.

The Future Land Use Plan (FLUP) designates the entire project site as Mixed-Use Center (MUC). The MUC land use designation is described as having high concentrations of commercial and residential uses mixed together into compact urban and walkable development patterns. When creating compact development footprints, growth is encouraged inwards and upwards to relieve development pressures on surrounding rural areas. This development pattern is contrary to the current status-quo, sprawling, automobile-oriented development patterns typically built over the last several decades. The Commercial (COM) land use designation is designed for a wide-range of commercial uses and services intended to serve local and regional populations. Residential development is possible but not mandatory in the COM zoning district. The Mixed Residential (MR) land use designation is described as areas providing a wide-range of housing options for all stages of life and levels of income.

The Land Development Code (LDC) describes the Mixed-Use (MU) zoning district as areas providing a mix of both commercial and residential developments in either "horizontal" or "vertical" patterns. In urban areas, the "vertical" pattern is encouraged to provide more compact and walkable environments. A range of commercial uses is permitted, including, but not limited to, office, restaurant and retail. Residential uses are permitted at 30 dwelling units per acre. The LDC describes the Commercial (COM) zoning district as areas providing city-wide and regional commercial services. A wide-range of commercial land uses and services, including but not limited to office, restaurant and retail are permitted. Residential uses are only allowed in buildings that provide ground floor commercial. No freestanding residential is permitted. The LDC describes the Mixed Residential (MR-20) zoning district as a residential district providing a range of multi-family housing types and styles with density limited to 20 units per acre.

Generally, the MU zone requires residential components and a much more compact urban development pattern. The COM zone allows for a more horizontal suburban pattern and does not require residential uses. The commercial uses allowed in the MU and COM zones are similar to one another and should not be the determining factor in this rezone request. The MR-20 zoning district would be 10 fewer units per acre, compared to MU residential development. The 1.5-acre area along the river is better suited and provides a unique opportunity for residential development.

A new project, in accordance with the LDC, will provide the City with a visually better and more efficient use of this land. Additional employment opportunities and housing options within proximity to core areas of Logan will decrease automobile transportation impacts, improve utility distribution services and provide additional vibrancy to a changing and redeveloping area. Trail connections to the south will provide amenities, natural beauty and recreational opportunities to offset the typical harsh urban environment that buildings and parking lots create.

The maximum height of the main building, the equipment screen walls on top of the roof extending to 66' in height, and the compatibility and consistency of the proposed front yard parking lot to the adjacent and adjoining business will warrant special consideration.

PROPOSER: Craig Adams believes this is a good location for this project and fits well with the Wasatch Properties project across the street. The river is a great amenity. They are working with the City regarding the future development of 100 West. There is not a lot of pedestrian traffic along Main Street, however, there are pedestrian pathways from the building to the retail pads included in the landscaping design plan. Access (exiting) to Main Street will be a right-turn only, per UDOT requirement, therefore there will be a need to have traffic exit onto the existing 100 West for better connectivity. The mechanical equipment (HVAC) will be placed on top of the building, it will be recessed toward the center of the roof and screened to be more aesthetically pleasing, which may result in more than 10% of the rooftop area.

Gary Blazzard, from HKS Architects, explained that pedestrian walkways are required by ADA regulations. The intent is for the retail spaces to be constructed and occupied within a year of construction. The strip along Main Street will be developed and is set back 15' beyond the sidewalk. The area will not be left unsightly, there will be temporary landscaping put in if necessary. The amenities along the river provide a great opportunity for a residential component, which is why that part of the property is being requested to be rezoned to Mixed Residential rather than Commercial.

PUBLIC: LaDonna Connors, lives on 400 West between 100-200 South, had questions about the future development of 100 West including the location, purchase of property and the anticipated speed limit.

COMMISSION: Chairman Butterfield disclosed that the property owner, Craig Adams, has had some minor business dealings with the Credit Union where he is employed, however, he has no personal financial gain with this project and therefore feels there is no conflict of interest.

Mr. Housley, the City Attorney, explained that funding for the planning and design of 100 West is being considered and there have been some properties purchased.

Mr. Holley explained that mechanical equipment is required to be screened. Having the equipment set back to the center area of the roof and upper parapet walls help with this requirement. The Land Development Code allows limited non-habitable height exceptions, such as spires, domes, belfries, etc. on no more than 10% of the roof area. Chairman Butterfield said 10% seems impractical for the HVAC equipment and recommended that it be screened in similar features to the building. Mr. Housley said it is a reasonable interpretation to consider that mechanical equipment is not part of the building and should be applied consistently to all projects.

Mr. Adams clarified for Commissioner Goodlander that the equipment will likely be ~14' in height, depending on the size of the equipment that is needed.

Commissioner Croshaw questioned whether there is any intent to connect the trail across Main Street. Mr. Housley said the goal is to eventually connect them, however, the challenge is finding the funding.

Bill Young, the City Engineer, advised that a consultant was hired in 2016 to complete an environmental assessment for the 100 West expansion. Multiple options have been considered including having the road run along the east side of the LDS church located at 94 West 600 South. The City has purchased two properties in the area. During the corridor study with UDOT and the City, the idea of one-way couplets utilizing 100 West has been considered, and within that option, the road was designed to be able to handle 40 mph if necessary, however the speed limit has not been determined.

Commissioner Dickinson questioned who would be responsible for enforcing the landscaping. Mr. Holley said the initial installation would be handled by the Planning staff and be tied to the Certificate of Occupancy. The maintenance/upkeep would be managed through the Code Enforcement division. Commissioner Dickinson asked if the provision for a voluntary easement of the trail system (as contained in condition 9) is a written agreement. Mr. Housley explained that the City cannot require a trail because it is prohibited in State statute, however, as part of the incentive agreement for redevelopment funds, it will have to comply with the condition.

Mr. Holley pointed out the possibility of increasing the building height, which would allow outer parapet walls to help screen the mechanical equipment. Chairman Butterfield said that may be a cost-prohibitive alternative, but could be an option for the applicant to consider.

Commissioner Ortiz asked why the Mixed-Residential (MR-20) is being considered rather than a Mixed-Use zone. Mr. Holley said MR-20 is the request of the applicant; staff feels this area would be good for residential use. The main difference is Mixed-Use requires a commercial component and Mixed Residential does not. Commissioner Dickinson said this seems to be piecemeal zoning based on a specific project rather than consideration for the overall area. Mr. Housley explained that from a legal standpoint, the Commission needs to consider whether the request is consistent with the General Plan and the Future Land Use Plan (FLUP). The FLUP designates this area as Mixed-Use and because this project contains both commercial and residential (horizontal mixed-use pattern) it meets the objective. This is similar to the design of the Riverwoods project with commercial along Main Street and residential located behind. Commissioner Goodlander said it makes sense to have residential along the river because there is housing located on the other side.

MOTION: Commissioner Nielson moved to remove the condition "~~The equipment screen walls, considered to be "similar features" in the building area extensions, as per LDC 17.12.050, may extend above the roofline, but shall be limited to 10% of the roof area and positioned near the center of the building~~" and change condition 16 to "Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street ~~er~~ **and** screened from view from the street". Commissioner Goodlander seconded the motion.

Moved: T. Nielson **Seconded:** S. Goodlander **Approved:** 6-0

Yea: Butterfield, Croshaw, Dickinson, Goodlander, Nielson, Ortiz **Nay:** **Abstain:**

MOTION: Commissioner Goodlander moved to **forward a recommendation for approval** to the Municipal Council for a zone change from Mixed-Use (MU) to Commercial (COM) and Mixed Residential Medium (MR-20) of ~7.8 acres (COM east of the new 100 West Street and MR-20 west of the new 100 West Street) as outlined in PC 19-001 with the findings for approval as listed below. Commissioner Nielson seconded the motion.

FINDINGS FOR APPROVAL FOR THE REZONE

1. The location is suitable for commercial developments because it is compatible with commercial areas to the south.
2. The property can fulfill the purpose of the General Plan and LDC by providing commercial services to citywide populations because of its location and ease of access.
3. The property is in an area surrounded by streets and infrastructure that can handle and appropriately serve commercial developments.
4. The Commercial zoning designation has sufficient open space, parking, walkable layout and landscaping will ensure neighborhood compatibility.
5. The proposed MR-20 zoning is less intensive and lower densities than that of the Mixed-Use zoning district and can still provide quality and unique housing options along the river corridor.

Moved: S. Goodlander **Seconded:** T. Nielson **Approved:** 5-1

Yea: Butterfield, Croshaw, Goodlander, Nielson, Ortiz **Nay:** Dickinson **Abstain:**

MOTION: Commissioner Nielson moved to **conditionally approve** a Design Review and Conditional Use Permit as outlined in PC 19-001 with the amended conditions and findings for approval as listed below. Commissioner Goodlander seconded the motion.

CONDITIONS OF APPROVAL

1. All standard conditions of approval are recorded and available in the Community Development Department.
2. The Planning Commission allows the main building height at 56'-11.5", as it is within the 10% discretionary adjustment allowance in LDC 17.43.080.

3. The Planning Commission allows for front yard parking as proposed along 100 West because it is less than 50% of the total parking requirement and the surrounding properties and character of the area currently include some front yard parking lots.
4. Enhanced vertical landscaping that matches "Type B" in LDC 17.32.070 shall be placed in the areas between the street and the front-yard parking lot along 100 West.
5. Enhanced pedestrian walkways shall be provided through the front yard parking lot connecting the building to 100 West.
6. In the interim, temporary landscaping shall be provided in "pad site" areas. No weeds, gravel, cobble or bare dirt will be permitted ground treatments.
7. Pedestrian sidewalks and delineated painted crossings through the parking lots shall provide convenient and complete connections from the building to 100 West and Main Street.
8. A trail easement is voluntarily provided that will allow the City to extend the trails network along the river corridor.
9. The project shall provide a minimum of 216 parking stalls for the proposed office building.
10. 10% open space and an additional 10% outdoor space shall be provided prior to building permits. If the "pad site" areas are slightly adjusted, open space shall be adjusted proportionately so that "pad sites" and the office building provide either collectively or individually 10% open space and 10 % outdoor space.
11. A performance landscaping plan, prepared in accordance with LDC §17.32, shall be submitted for approval to the Community Development Department prior to the issuance of the building permit. The plan shall include the following:
 - a. Street trees along all adjacent streets provided every 30' on center unless otherwise noted by the City Forrester.
 - b. Open and useable outdoor areas shall total a minimum of 20% of the project site.
 - c. A total number 20 trees per acre and 50 shrubs/perennials per acre of the final project site shall be provided.
12. Decorative street lights along South Main Street to be completed as per Logan City Light & Power plans and specifications.
13. All dumpsters shall be placed outside of front setbacks and visually screened or buffered from public streets by using fencing, walls and landscaping.
14. Storm water retention/detention surface ponds or basins shall be positioned outside of the front setback and screened with dense vegetation from adjacent public street views.
15. All streets adjacent to, or within, the development shall be improved to current City standards and specifications.
16. Rooftop mechanical and/or building wall mechanical equipment shall be placed out of view from the street and screened from view from the street.
17. Exterior private property lighting shall be concealed source, down-cast and shall not illuminate or cast light onto adjacent properties.
18. No signs are approved with this Design Review Permit. All signage shall be approved and permitted by staff in accordance with the Land Development Code.
19. No fences are approved with this Design Review Permit. All fences shall be approved and permitted by staff in accordance with the Land Development Code.
20. Prior to issuance of a building permit, the Director of Community Development shall receive a written memorandum from each of the following departments or agencies indicating that their requirements have been satisfied:
 - a. Environmental
 - i. Dumpsters must be screened from the nearest public roads.
 - ii. A minimum 60' straight on access is required to all dumpsters. Parking lot driveways work well for this.
 - iii. No parking is allowed in front of, and immediately adjacent to, the dumpsters.
 - iv. Minimum inside measurement of a single dumpster enclosure is 12' wide and 10' deep. The minimum inside measurement on a double enclosure without gates, is 22'.

- v. If the enclosure will have gates, the minimum inside measurement is 24' wide and 10' deep. Gates must be designed to fully open and then be held in the open position during the collection process.
 - vi. Place bollards on the front corners and in the back of the enclosure to help protect the walls.
- b. Water
- i. The building's water main needs to have its own RP (ASSE1013) installed and tested on the water main as it enters the building, before any branch offs or connections. Landscape irrigation connected to Logan City water must have a high-hazard backflow assembly installed and tested. All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.
 - ii. Fire suppression systems connected to Logan City water must have a minimum DC (ASSE1015) installed and tested. Fire risers and B/F assemblies must be installed as per Logan City standards.
 - iii. All points of use of water must comply with the 2015 IPC and State of Utah Amendments, during and after construction.
- c. Engineering
- i. Provide storm water detention/retention per Logan City Storm Water Design Standards. This shall include the retention of the 90% storm event onsite utilizing Low Impact Design practices near buildings and in parking areas for the retention of the 90% storm event.
 - ii. Provide water shares or an in-leu of fee for increased demand for new development. Shares required shall be based on Utah Administrative Code R309-510-7 for both indoor and outdoor demands.
 - iii. Dedicate road right-of-way for 100 West. City is proposing to extend the existing north right-of-way width of 99' at 600 South through this development (recognizing it may need to purchase 19' of right-of-way). At a minimum, the City will require a dedication of 80' of right-of-way. A dedication of a roadway easement of 10' on each side of the required 80' road right-of-way. Road alignment shall be designed for 40 miles per hour. City has developed an alignment for each width which will need to be adhered to.
 - iv. Construct 100 West to a full road section of 80'. Sidewalk and park strip on west side of 100 West are not required to be constructed with this development.
 - v. Road design shall require a geotechnical study to determine the subgrade California Bearing Ratio. If less than 5, a geotechnical report shall be required. Pavement design shall support 15,000 vehicles per day. In no case shall the pavement section be less than 5" asphalt, 4" untreated base course, 12" granular borrow. This applies to 100 West only, not private roads in development site.
 - vi. Extend water line, sewer line and storm drain piping in 100 West to a point south of future bridge as agreed to by the City during design. Water line shall be 12" minimum size.
 - vii. Provide City with data to determine sewer flows from development. The City will run a sewer model to determine if there is a capacity issue in existing sewer mains for increased flows. If issues are found, development may be delayed until existing sewer main capacity issues are resolved.
 - viii. Dedicate right-of-way on parcels 02-063-0011 and 02-063-0010 per dedication descriptions provided by the City for the South Main Sidewalk project. Right-of-way for this dedication shall be to UDOT standards.
 - ix. Construct all curb, gutter and sidewalk, park strip and landscaping required by the current South Main Sidewalk project and this design review permit. City will work with developer if minor changes are needed to support new development.
 - x. Perform a Property Line Adjustment for combining existing lots, or modifying property lines, to support new development. This can also be done with subdivision plat.
 - xi. Any existing water and sewer service connections to the existing City utility mains shall be capped at the City utility main line(s).
 - xii. Attend CAMP for UDOT approval, Traffic Impact Study of intersection at 700 South may be required by UDOT.

d. Fire

- i. Provide fire access site plan including aerial apparatus access.
- ii. Fire sprinklers and alarms are required. Fire hydrant within 100' of FDC required.

e. Forrester

- i. Columnar Oaks were planted across the street from this location; it may be a good choice for this park strip as well.

FINDINGS FOR APPROVAL FOR THE DESIGN REVIEW & CONDITIONAL USE PERMIT

1. The project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the conditioned building design, site layout, materials, landscaping, building orientation, heights and setbacks.
2. The project conforms to the requirements of Title 17 of the Logan Municipal Code.
3. The project provides adequate open and useable outdoor space in conformance with Title 17.
4. The project provides off-street parking in compliance with the LDC.
5. The front yard parking allowance does not compromise neighborhood character in the area and is done in accordance to LDC standards.
6. The project complies with maximum height, density and building design standards and is in conformance with Title 17.
7. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
8. The surrounding streets provide access, utilities and are adequate in size and design to sufficiently handle all traffic modes and infrastructure related to the land use.

Moved: T. Nielson **Seconded:** S. Goodlander **Approved:** 6-0

Yea: Butterfield, Croshaw, Dickinson, Goodlander, Nielson, Ortiz **Nay:** **Abstain:**

PC 19-005 LDC Amendment & Zone Change – Chapter 17.21 (South Gateway Overlay)
requesting continuance to March 14, 2019

MOTION: Commissioner Dickinson moved to **continue** PC 19-005 to the March 14, 2019 meeting.
Commissioner Ortiz seconded the motion.

Moved: R. Dickinson **Seconded:** E. Ortiz **Approved:** 6-0

Yea: Butterfield, Croshaw, Dickinson, Goodlander, Nielson, Ortiz **Nay:** **Abstain:**

WORKSHOP ITEMS for March 14, 2019

- ✓ PC 19-006 Schaefer Bed & Breakfast (Conditional Use Permit)
- ✓ PC 19-007 Essex Vintage Cars (Conditional Use Permit)
- ✓ PC 19-008 600 West Railroad Spur Rezone

OTHER BUSINESS

Mr. Housley explained that there is a constant movement in the legislature to continue to limit municipalities ability to make discretionary decisions. There is some discussion about eliminating Planning Commissions altogether, however, there is the argument that Commissions should be able to consider certain "gray areas". Budgetary decisions must be made by the City Council; the Planning Commission can forward recommendations but cannot pass motions that appropriate funds. Development, by its very nature, is choppy; improvements are made as development goes in. The Commission's focus is on aesthetics, functionality and ensuring that the project meets all Code requirements.

Commissioner Dickinson said developers should be aware of the standards and present clean projects. Mr. Housley agreed, however, there are certain situations that are unique. Before projects are presented to the Commission they have gone through pre-development meetings.

Mr. Housley said it is always a balance to simplify the process; the City is constantly trying to balance the concerns of competing interests.

Mr. DeSimone said many times a project has gone through several meetings and reviews before it comes before the Commission. He encouraged the Commission not to worry about the number of conditions placed on the project as a benchmark, it is the nature of the oversight of projects.

Commissioner Goodlander asked what the Commission's purview is with regards to requiring a developer to clean up a project and/or make changes before a decision is made. Mr. DeSimone pointed out that the Commission should feel comfortable making a decision and if a project does not seem complete enough, the Commission can direct the applicant to make changes before a decision is rendered. There are various styles of presentation and everyone has a different perspective, however, the information does need to be clear. If a project changes substantially for any reason, it will have to be reviewed and approved by the Commission. He reminded the Commission that there are some technical items outside of the Commission's jurisdiction.

Commissioner Ortiz said there are technical issues (i.e. traffic) that are beyond the scope of the Commission, however, have bearing on the project. Even if a project complies with the Code, it is important to understand all the information. Mr. DeSimone said the challenge is many of those issues are outside the Commission's purview and are governed by specific standards and requirements. Decisions cannot be made based on the public's perspective (i.e. too much traffic will result from a specific development). Mr. Housley said a property owner is allowed certain rights and if a development meets the requirements of the zone, it cannot be denied. The Commission can forward recommendations for zoning decisions that will be made by the City Council. Mr. DeSimone said it is important to rely on the decisions made by the professionals of specific areas.

MEETING ADJOURNED: 7:15 pm



PLANNING COMMISSION

Meeting of March 14, 2019

City Hall Municipal Council Chambers * 290 North 100 West * Logan, UT 84321 * www.loganutah.org

AGENDA

4:30 p.m. Bus Tour of Agenda Sites: NO BUS TOUR

5:30 p.m.

I. WELCOME

II. APPROVAL OF MINUTES from the meeting of February 28, 2019

- III. PUBLIC HEARING** *The following items are scheduled for a public hearing before the Commission. The order of the meeting is for the Chair to read the agenda item. Staff will summarize its report to the Commission. The proponent of the project can make a presentation. Public comment is encouraged. The Commission will close the public hearing and deliberate prior to making a decision.*

PC 19-005 LDC Amendment & Zone Change – Chapter 17.21 (South Gateway Overlay)

continued from February 28, 2019 – Logan City requests to amend the existing South Gateway Overlay standards to better align the South Gateway with the Cache Valley South Corridor Development Plan ("South Corridor Plan") by identifying specific commercial nodes, instituting a greater building setback from the highway, limiting the range of uses adjacent to the highway by directing commercial activity towards the commercial nodes, and collaborating with neighboring jurisdictions to implement the South Corridor Plan uniformly. This action also is considered a rezone or zoning amendment as it proposed to expand the overlay zone beyond its current boundaries. It doesn't change the actual zoning underneath it; rather, it applies additional zoning or land use regulations on top of the existing zoning.

PC 19-006 Schaefer Bed & Breakfast [Conditional Use Permit] Mike Schaefer, authorized owner/agent, requests a permit to operate a bed & breakfast located at 206 North 200 East, in the Mixed Residential (MR-20) zone; TIN 06-063-0010. (Adams Neighborhood)

PC 19-007 Essex Vintage Cars [Conditional Use Permit] Edward Jarvis/Gibbon Family Investment Properties LLC, authorized agent/owner, request a permit for a used car dealership, specializing in vintage sports cars. The dealership will be an indoor sales showroom that can hold approximately 5 cars and advertising/selling will be primarily online located at 1125 West 400 North #170 in the Commercial (COM) zone; TIN 05-093-0108. (Ellis Neighborhood)

PC 19-008 600 West Railroad Spur Rezone [Zone Change] Logan City requests to rezone ~3 acres of residual railroad spur property, located at 600 West 400 North, from Commercial (COM) to Mixed Use (MU) subsequent to the dedication of the new section of 400 North between 600 West and 800 West; TIN 05-062-0035;-0037. (Ellis Neighborhood)

IV. WORKSHOP ITEMS for March 28, 2019

V. ADJOURN

* * * * *

The Logan City Planning Commission is a quasi-judicial body established for purposes of reviewing applications for development as required by the Land Development Code. The Planning Commission is charged to carry out the growth and development policies of the Municipal Council as expressed in the General Plan and to implement the programs of the plan. The Commission functions as the approval body for certain planning and zoning matters, and reviews and recommends on legislative matters related to planning and zoning, in conformance with Utah law.

As a quasi-judicial body, the decisions made by this body pertain only to matters proposed on the published agenda, upon consideration of facts, reports and testimony provided in evidence of a project. The Commission must rely on substantial evidence in determining whether a project complies with the law. Emotional pleas or personal opinions are not substantive evidence.

Meetings are conducted at the discretion of the Commission, and we ask for your cooperation in maintaining the following:

- a) Consideration of items will occur as indicated on the printed agenda, although the Commission reserves the right to alter the order if the need arises.*
- b) Those speaking are asked to keep comments relevant to the matter being considered.*
- c) Outbursts, including cheers, jeers, and applause are not appropriate as they may discourage those with opposing views from speaking.*
- d) Items involving a large number of people wishing to make comments, a time limit may be imposed.*
- e) Once the public comment portion for a particular item has been closed, no additional public comments are allowed, unless requested by the Commission.*
- f) Anyone wishing to speak is asked to sign in at the podium.*
- g) All public comment and questions will be made into the microphone at the podium to allow for recording of the proceeding.*
- h) The meeting is managed by the Chair. All questions/comments will be directed to the Commission.*



LOGAN MUNICIPAL COUNCIL AGENDA

April 16, 2019

*Notice is hereby given that the Logan Municipal Council will hold its regular meeting beginning at **5:30 p.m. on Tuesday, April 16, 2019**, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah.*

5:30 p.m.

REGULAR MEETING AGENDA

1. Call to Order – Chair Jeannie F. Simmonds
2. Opening Ceremony – Pastor Ron Flessner
3. Acceptance of Minutes; Approval of Agenda
4. 2019 regular meeting schedule, 1st & 3rd Tuesdays, 5:30 p.m.: Next meeting: May 7, 2019
5. **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:** Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

ESTIMATED time
of consideration

6. MAYOR/STAFF REPORTS:

- A. Proclamation: National Day of Prayer – Pastor Ron Flessner
- B. Great Shakeout, April 18 – Fire Chief Brad Hannig
- C. Board Appointments (Water/Wastewater and Storm Water Advisory Board) – Mayor Daines
- D. Discussion/Report on Mixed-Use Zones – Mike DeSimone, Community Development Director

7. COUNCIL BUSINESS:

- A. Planning Commission Update – Chair Simmonds
- B. **Council Budget Workshop Dates:** Tuesday, May 14 beginning at 5:30 p.m. and Tuesday, May 21 immediately following the Regular Council meeting beginning at approximately 7:00 p.m.
- C. NuScale Report – Chair Simmonds and Vice Chair Anderson

6:15

8. ACTION ITEMS:

- A. UDOT Options for 3200 South
- B. **PUBLIC HEARING - CODE AMENDMENT/ZONE CHANGE** – Consideration of a proposed code amendment. Logan City requests to amend the Land Development Code, Chapter 17.21 to amend the existing South Gateway standards to better align the South Gateway with the Cache Valley South Corridor Development Plan (“South Corridor Plan”) by identifying specific commercial nodes, instituting a greater building setback from the highway, limiting the range of uses adjacent to the highway by directing commercial activity towards the commercial nodes, and collaborating with neighboring jurisdictions to implement the South Corridor Plan uniformly. This action also is considered a zone change as follows: increase the extent of the overall boundaries from the railroad tracks to 3200 South; increase the setback from Hwy 89/91 to 100’ and 150’; create three (3) commercial nodes at 1000 West, 2600 West and 3200 West, with associated setbacks from Hwy 89/91 at 50’ and 75’; and modify the format of the Chapter – **Ordinance 19-08**

AGENDA CONTINUED



C. (Continued from April 2, 2019) - Consideration of proposed resolution to approve an increase in fees at the Logan City Cemetery – **Resolution 19-18**

D. Consideration of a proposed resolution appointing temporary Justice Court Judges for the Logan Municipal Justice Court - **Resolution 19-19**

6:45

9. **WORKSHOP ITEMS:**

A. Main Street (from 200-400 North) – **Mayor Daines and Darin Fristrup, UDOT**

B. Consideration of a proposed resolution to approve the CDBG 2019-2023 Consolidated Plan and PY2019 Annual Action Plan - **Resolution 19-22** – **Debbie Zilles, CDBG Coordinator**

C. **REZONE** – Consideration of a proposed rezone. Logan City requests to rezone 3 acres of residual railroad spur property, located at 600 West 400 North, from Commercial (COM) to Mixed Use (MU) subsequent to the dedication of the new section of 400 North between 600 West and 800 West (Ellis Neighborhood) – **Ordinance 19-09** – **Aaron Smith, Planner**

D. **Budget Adjustment FY 2018-2019 appropriating:** \$4,000 donated funds for the Police Department Annual Banquet; \$286,400 for the Main Street Lighting Project - **Resolution 19-20** – **Richard Anderson, Finance Director**

10. **OTHER CONSIDERATIONS:**

7:15

11. **ADJOURN to meeting of the Logan Redevelopment Agency**

AGENDA - LOGAN REDEVELOPMENT AGENCY

290 North 100 West, Logan UT 84321 - Tuesday, April 16, 2019

7:15 p.m. (**ESTIMATED** Time of Consideration)

Welcome – Chair Jeannie F. Simmonds

WORKSHOP ITEM:

A. **Budget Adjustment FY 2018-2019 appropriating:** \$286,400 for the Main Street Lighting Project – **Resolution 19-21 RDA**
– **Richard Anderson, Finance Director**

ADJOURN

On Friday, April 12th, 2019 at 5:00 p.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of Logan City Hall, Logan, Utah. A copy was also posted on the Logan City website at loganutah.org and the State Public Meeting Notice website at <http://pmn.utah.gov>.

DATED THIS 12th day of APRIL 2019

Teresa Harris, City Recorder

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speakerphone. The speakerphone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions. In compliance with the American with Disabilities Act, individuals needing special accommodations or assistance during this meeting shall notify Teresa Harris, City Recorder, at 435-716-9002, at least 24 hours prior to the meeting. Logan Municipal Council Meetings are televised live as a public service on Channel 17 or the Logan City Website and loganutah.org.

Holly H. Daines, Mayor

Jeannie F. Simmonds, Chair

Amy Z. Anderson, Vice Chair

Herm Olsen, Councilmember

Jess W. Bradfield, Councilmember

Thomas C. Jensen, Councilmember





Public Notice Website

Exhibit 6

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Notice	Event Date	Status	Attachments
Regular Meeting - Logan Municipal Council Agenda and Packet	04/16/2019	Scheduled	DRAFT Minutes 19April2.pdf Meeting Minutes Added: 2019/04/11 03:42 PM 19April16.pdf Meeting Minutes Added: 2019/05/08 09:21 AM 19-21 RDA Budget Adjustment - WORKSHOP.pdf Other Added: 2019/04/11 03:42 PM Ord 19-09 Rezone 600 West Railroad Spur - WORKSHOP.pdf Other Added: 2019/04/11 03:43 PM Res 19-22 CDBG Annual Action Plan - WORKSHOP.pdf Other Added: 2019/04/11 03:43 PM Res 19-19 Temporary Justice Court Judge Appointment - ACTION.pdf Other Added: 2019/04/11 03:43 PM AGENDA 2019April16.pdf Other Added: 2019/04/11 03:42 PM Proclamation National Day of Prayer.pdf Other Added: 2019/04/11 03:43 PM UDOT 3200 South Options.pdf Other Added: 2019/04/11 03:43 PM Ord 19-08 South Gateway Overlay - ACTION.pdf Other Added: 2019/04/11 03:42 PM Res 19-20 Budget Adjustment - WORKSHOP.pdf Other Added: 2019/04/11 03:43 PM Board Appointments.pdf Other Added: 2019/04/11 03:42 PM Res 19-18 Cemetery Fees - ACTION.pdf Other Added: 2019/04/11 03:43 PM
Election Notice - 2019 Summary of an Ordinance(s)	04/12/2019	Scheduled	Election Notice Newspaper.pdf Other Added: 2019/04/08 10:33 AM
Sale and Transfer of Real Property owned by Logan City	04/05/2019	Scheduled	Summary Ord 19-07.pdf Other Added: 2019/04/03 10:35 AM
Budget Adjustment(s)	04/02/2019	Scheduled	Public Hearing Notice of Disposition of Property at 400 North 600 West.doc Other Added: 2019/03/06 12:24 PM
Regular Meeting - Logan Municipal Council Agenda and Packet	04/02/2019	Scheduled	Public Hearing budget adjustment 2019April2.pdf Other Added: 2019/03/20 09:13 AM 19April2.pdf Meeting Minutes Added: 2019/04/18 02:26 PM DRAFT Minutes 19March19.pdf Meeting Minutes Added: 2019/03/29 10:33 AM AGENDA 2019April2.pdf Other Added: 2019/03/29 10:33 AM Res 19-16 RDA Logan Gateway Office, LLC - ACTION.pdf Other Added: 2019/03/29 10:34 AM Ord 19-08 South Gateway Overlay - WORKSHOP.pdf Other Added: 2019/03/29 10:34 AM Res 19-17 Budget Adjustments - ACTION.pdf Other Added: 2019/03/29 10:34 AM Ord 19-09 Rezone 600 West Railroad Spur - WORKSHOP.pdf Other Added: 2019/03/29 10:34 AM Ord 19-07 Logan Gateway Office Rezone - ACTION.pdf Other Added: 2019/03/29 10:33 AM Res 19-18 Cemetery Fees - ACTION.pdf Other Added: 2019/03/29 10:34 AM
Budget Adjustment(s)	03/19/2019	Scheduled	Public Hearing budget adjustment 2019March19.pdf Other Added: 2019/03/06 12:19 PM

Exhibit 15

(Notice of Request for Disconnection)

NOTICE OF REQUEST FOR DISCONNECTION

Pursuant to Utah Code Ann. § 10-2-501(3), please take notice that Wesley Nelson Farms, Inc. (“**Petitioner**”), owner of the following described real property, which has a property address of 2352 South Highway 89-91, Logan City, Utah (“**Property**”) filed a request for disconnection of the Property from Logan City with the City’s municipal council on September 3, 2019:

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

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

thence North 89°47'28" West 2654.13 feet along the South line and to the Southwest Corner of Section 17.

thence North 00°29'19" West 344.68 feet along the West line of said Section 17, to the East line of US Highway 89-91;

thence North 36°37'09" East 1619.16 feet along said East line of US Highway 89-91;

thence South 74°36'16" East 387.97 feet to a point on the West line of Sierra Commercial Park;

thence South 00°15'51" East 879.23 feet along the West line and to the Southwest Corner of said Sierra Commercial Park;

thence South 89°54'07" East 1307.74 feet along the South line of Sierra Commercial Park, to and along the South line and to the Southeast Corner of Spring Creek Crossing Phase 2, said Southeast Corner of Spring Creek Crossing Phase 2 being the Center-South-South 1/64 Corner said Section 17;

thence South 00°27'41" East 669.46 feet along the Quarter Section line of said Section 17, to the point of beginning.

Parcel ID: 03-007-0019 (Contains 2,439,026 square feet or 55.992 acres).

This notice shall be published once each week for three consecutive weeks. No sooner than seven calendar days after, and no later than 30 calendar days after, the last day on which the Petitioner publishes the last notice required under Utah Code Ann. § 10-2-501(3)(a), the legislative body of the Logan City shall hold a public hearing on the petition. A copy of the petition for disconnection is available from Logan City or the undersigned legal counsel for Petitioner.

DATED this 3rd day of September, 2019.



Daniel J. McDonald, Esq.

dan@mcdonaldfielding.com

MCDONALD FIELDING, PLLC

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Alpine, Utah 84004

Telephone: (801) 610-0010

Attorneys for Petitioner

