



Nibley City
Planning Commission Meeting
Thursday, November 21, 2019
455 W. 3200 S.
Nibley, UT

6:00 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

1. Discussion and Consideration of a recommendation of Nibley Farms Phase 1 Final Plat, located at 1500 W and 3410 S. (Applicant 7 Point Royal, LLC)
2. Workshop: Rural Preservation Subdivision and Open Space in Nibley City
3. Workshop: Dark Sky Ordinance
4. Workshop: Future of Commercial, Neighborhood Commercial Zoning, and Commercial Standards within Nibley City
5. Staff Report and Action Items

*Planning Commission agenda items may be tabled if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

*IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE
ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST.
FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.*



**Nibley City Planning Commission
Agenda Report for
Nov 21, 2019**

Agenda Item #1

Description	Discussion and Consideration of a recommendation of Nibley Farms Phase 1 Final Plat, located at 1500 W and 3410 S. (Applicant 7 Point Royal, LLC)
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Recommendation to the City Council
Findings	Listed at the end of the report
Recommendation	Review Plat, accept the findings and make a recommendation to the City Council based on those findings.
Reviewed By	City Planner, City Engineer, and Public Works Director

Background



7 Point Royal, LLC, has applied for final approval for Nibley Farms Phase 1 Subdivision. Nibley Farms Subdivision is a Rural Preservation Subdivision. Phase 1 contains a total of 10 lots and 1.5 acres of open space that will be dedicated over to Nibley City. The plat for lot layout and roadways complies with the approved preliminary plat that was approved by the City Council on October 10, 2019. However, there are a few items that need to be

addressed before the final plat can be accepted. At the end of this report you can find a list of “Recommended Findings” from staff. The applicant has been sent the list of findings and is in the process of making the needed corrections.

Zoning

Nibley Farms Phase 1	
Total Gross Acres	4.302
Total Open Space Land	1.5
Open Space Percentage for the Phase	35%
Total Lots	10

Staff finds that the plat meets the zoning requirements for the total number of lots, lot sizes, and the proportion of proposed open space. The minimum frontage requirement for the Open Space Ratio for the full subdivision is 80', which the plat complies. There is an error with one of the setback notes. Setbacks for side yards that are adjacent to streets is 25', not 20' as listed on the plat (See NCC 19.22).

Utility Lines and Easements

Public Utility Easements will need to be added on to the plat in front of each lot and on the side of lots 1 and 6 adjacent to 1500 W. A powerline easement needs to be shown along the north boundary.

Construction Drawings

Staff has reviewed the construction drawings and have sent comments back to the applicant for their review and update.

Canals

The Developer has reached out to the canal company and is getting their final approval for canal improvements. The main canal on the property is within the 1500 W right-of-way, and the applicant is planning on piping the canal.

Roads

The Developer shows the proper dedication for 3410 S, but the cross-section within the construction documents do not meet our standards and will need to be updated. 1500 W is already a dedicated 66' wide right-of-way, and the right-of-way does not need to be expanded. However, the developer will be responsible for bringing the east half of the road up to Nibley City Standards. The Developer has provided insufficient information about these improvements and needs to provide additional information.

Street Tree Plan

The developer will need to turn in an updated street tree plan for the final approval for phase 1 of the subdivision. No street tree plan has been turned into the City at this time for this plat.

Open Space and Maintenance Plan

The open space meets the general layout and placement of the approved preliminary plat. All open space property is proposed to be dedicated to Nibley City as requested by the City Council.

OPEN SPACE PH1 A:

Open Space PH1 A is located on the north end of the development. When last reviewed by the Planning Commission, this parcel was located on the south end of the property. However, the applicant in the preliminary stages moved it to the north end to make the stormwater basin work, provide a buffer between the neighborhood to the north, and allow for better access to the power lines that run on the north end of the property. The primary use of the property will be for a stormwater pond. The pond and surrounding area will be landscaped with 50 trees to meet Nibley City landscaping requirements. However, the landscaping plan needs more details about other vegetation and irrigation as required in NCC 21.10.020(I)(7):

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

The applicant has also recommended to the City that the remainder of the property could be used for grazing land or additional park space.

OPEN SPACE PH1 B

Open Space Ph1 B is planned to be a walking trail along the south end of the property. This trail allows for pedestrian and canal company access. The current proposed plan shows that the walkway will be a paved 6' trail; however, Nibley City Trail Standards require an 8' path as displayed on the attached map from our Trail Master Plan. The applicant has also not provided any landscape plan for the proposed trail.

Recommended Findings:

Staff recommends the Planning Commission finds the following

1. The name and address of the property owner are not listed on the plat
2. Side Yard Street setbacks are 25', not 20'.

3. Mayor's Approval Box needs a place for the City Recorder to sign.
4. Landscape plan has been turned in for trees planting in stormwater pound area, but do not have any landscaping design other vegetation in PH 1 A or for PH 1 B trail space.
5. The trail in Open Space PH1 B should be 8' wide and paved with concrete or asphalt
6. No updated street tree plan as required in NCC 21.12.170
7. Draw public utility easements on the plat as well as reference in the note. Also included easement for powerlines and canals.
8. Need to update construction documents and roadway cross-section to comply with Nibley City Subdivision and Design Standards

Final Maintenance Plan for Open Space

Nibley Farms

Introduction

This Final Maintenance Plan for Open Space is for the proposed Nibley Farms Phase 1 subdivision containing 10 lots and approximately 4.3 acres. The proposed open space layout is shown on the attached Preliminary Plat and Phase 1 landscape plan.

Applicable Code Section:

21.10.020 Rural Preservation Subdivision

M.3. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed Rural Preservation Subdivision application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:

- a) **Ownership agreements** for Open Space Land;
- b) A **description of the use** of the Open Space Land and how that use complies with this section;
- c) The establishment of necessary regular and periodic **operation and maintenance** responsibilities for the various kinds of Open Space Land (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.);
- d) The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the **maintenance of the Open Space Land**, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
- e) The **landscaping plans** for parcels that will be owned by an owners association or by the City.
- f) Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.

General

Nibley City Council has requested that all open space be dedicated to the city. That dedication is shown on the Phase 1 plat.

Ownership Agreement

Since all open space property will be dedicated to the city by platted phase, an ownership agreement is not applicable.

Use

The property as proposed, provides use as a walkable route along the canal, grazing or farming opportunities and landscaping in the detention pond area.

Accomplishes:

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

Maintenance

Maintenance would follow the ownership of the open space property. Requirements for the trail include crack sealing of the asphalt surface, usually every couple of years. A seal coat would also typically be applied every few years as needed. These would typically be done in conjunction with regular city maintenance of other asphalt surfaces in the city. The areas directly adjacent to the hard surface trail would typically be cut two or three times per year. Other open space areas may be leased for agricultural use with costs covered by the lessee.

Landscaping Plan

The Landscaping plan for Phase 1 is in accordance with the overall approved plan. It has been submitted to the city as part of the Phase 1 Final Plat application.

Protection

The open space parcels will be protected via City ownership.



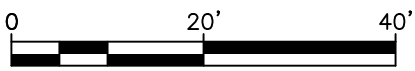
STREET TREE LEGEND

- MALUS 'SPRING SNOW'– SPRING SNOW CRABAPPLE 1.5" CAL.
- AMELANCHIER X GRANDIFLORA– AUTUMN BRILLIANCE SERVICEBERRY 1.5" CAL.
- PRUNUS SUBHIRTELLA– HIGAN CHERRY 1.5" CAL.
- STREET TREES WILL BE INSTALLED AT THE TIME HOMES ARE BUILT

POND TREE LEGEND

- ACER GRANDIDENTATUM– BIGTOOTH MAPLE
- POPULUS TREMULOIDES– QUAKING ASPEN
- PICEA PUNGENS– COLORADO SPRUCE

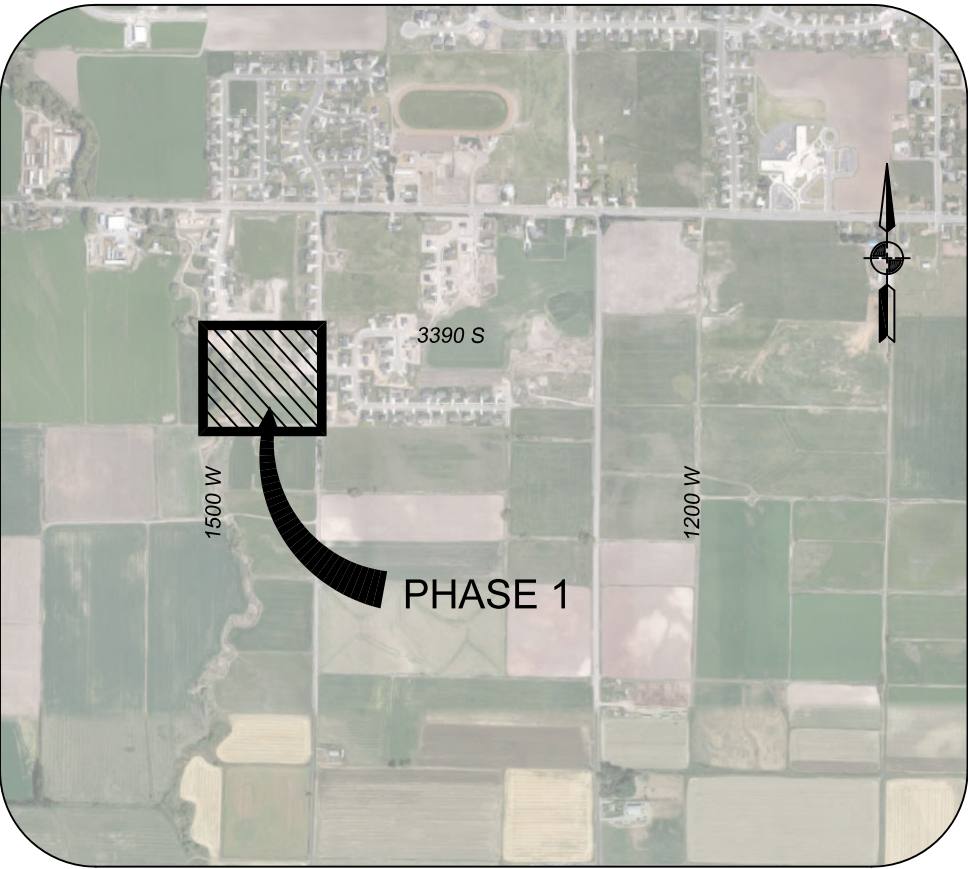
POND 1– 14,956.64 SF./300 = 49.85 TREES
50 TREES PROVIDED



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BLUE STAKES OF UTAH
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KEY PLAN

N.T.S.



Summit Engineering Group Inc.
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55 WEST CENTER • P.O. BOX 176
SALT LAKE CITY, UTAH 84103
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REVISIONS	DATE	BY
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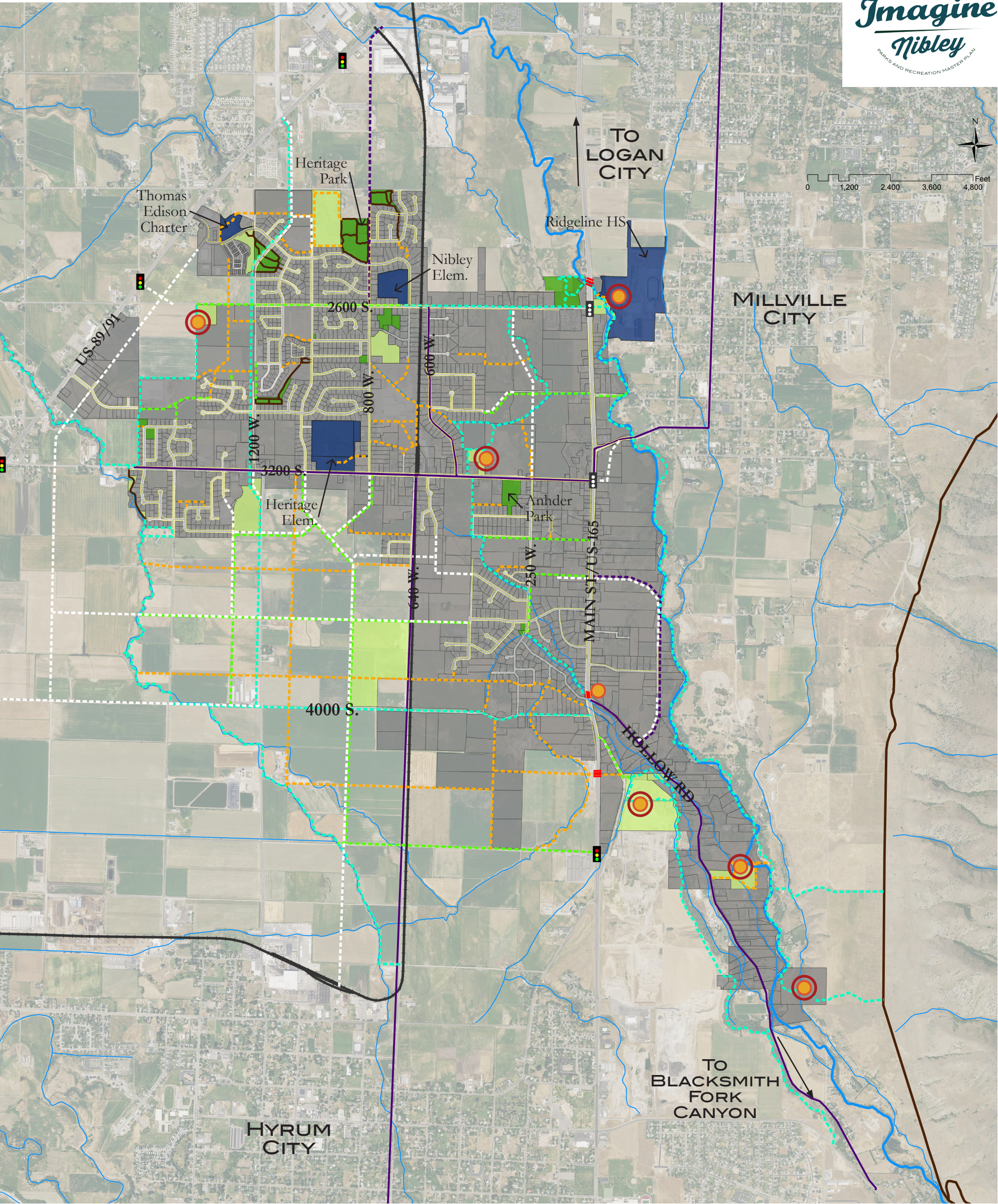
DESIGN ENGINEER _____ DATE _____

PROJECT ENGINEER: BMB
PROJECT MANAGER: BMB
DRAWN BY: ZST
ISSUE DATE: 10/29/2019

PROJECT: NIBLEY FARMS PHASE 1
SHEET TITLE: LANDSCAPE PLAN

PROJECT: C19-025
SHEET: L101

TRAILS MAP



LEGEND

<u>Future Major Trail - 12'</u>	Future Trailhead	Future Park
<u>Future Roadside Trail - 10'</u>	Existing Trailhead	Existing Park
<u>Future Connecting Trail - 8'</u>	Existing Park Pathway	School
<u>Main St. Future Tunnel/Bridge</u>	Existing Sidewalks	Parcel
<u>Future Road</u>	Bonneville Shoreline Trail	
<u>Existing Shared-Use Roadway</u>	Blacksmith Fork River	
	Canal / Stream	



Agenda Item #2

Description	Workshop: Rural Preservation Subdivision/Open Space Subdivision
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner

Background

At the last meeting, the Planning Commission discussed the following items for the Rural Preservation Subdivision:

1. A new name for a subdivision
2. How to control the development of open space
3. Buffering along collector and arterial roadways

Staff received direction to review and update the Rural Preservation Subdivision Open Space Standards and to keep the Rural Preservation Subdivision as an administrative ordinance. A draft of some of those changes is attached to this report, but staff plans on making more changes before the meeting and then presenting those changes to the Planning Commission.

Staff is also looking into the idea of allowing the Developer to buy additional density from the City so that the City could use the money to pay or develop other open spaces.

Below, is the report issued for the November 7 meeting:

A New Name

Many of the past comments were directed at changing the name of the subdivision from Rural Preservation to Open Space Subdivision. However, the name of the subdivision ordinance should reflect the overall goals of the development and community produced under the code. Staff would recommend that the Planning Commission come up with the new regulations and then consider a new name.

How to Control Open Space

There are a few ways the City could control the development of open space; each has pros and cons. Below are the three main ways.

- The code could require the City own all open space
 - This would allow the City to decide how the property would be used for open space.
 - The City would be more limited to what improvements it could require. The law looks at the City owning the property as an exaction, which means property owners are protected from developing beyond their impact. This could mean we could require a more substantial part to be dedicated to the City, but we might not be able to require full development of the parcel. The City could then trade for a smaller, but fully developed plot. It would be all about the impact of the development.
 - The City could still allow the creation of farmland, but the City would be overall responsible for the maintenance of the property, but likely, the City would lease the property for agricultural use.
- Administrative Requirements
 - The current code is set up as administrative approval. The ordinance would need to create standards that a developer would need to meet before approval.
 - The most substantial reason for an administrative ordinance is to allow a more sure and straightforward approval process for a developer. If the process is too complicated or not sure if they will gain approval, a developer may hesitate to use the process at all and choose a standard subdivision.
 - The City and public have limited input in what a development looks like after the code is approved. It is nearly impossible to write code for every situation that may arise or that a developer may bring forward.
- Legislative Requirement
 - This would give the City far more discretion in how open space and a subdivision is laid out. The City would not even need to specify standards in the code but could provide general goals for a developer to fulfill. The Developer would not have the right to develop under this code; it would need to be given to the developer by the City.

- A legislative code could make developers nervous, and some might not use it unless there were proper incentives within the ordinance, typically being higher density.
- The City could also require more because the applicant would be voluntarily seeking the zoning change and would be willing to sign off on an agreement.

Buffering

Buffering along major roadways was something that was discussed during the last meeting, and the Planning Commission wanted to continue to discuss it during this meeting. Below, please see some examples of buffering that we could consider requiring.



Agenda Item #3

Description	Workshop: Dark Sky Ordinance
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner

Background

Nibley City staff is proposing that the Planning Commission consider a recommendation to the City Council about adopting a new lighting ordinance that would address light pollution. Light pollution can be defined as the following:

The inappropriate or excessive use of artificial light...[and] can have serious environmental consequences for humans, wildlife, and our climate. Components of light pollution include:

Glare – excessive brightness that causes visual discomfort

Skyglow – brightening of the night sky over inhabited areas

Light trespass – light falling where it is not intended or needed

Clutter – bright, confusing and excessive groupings of light sources

(IDA, n.d.)

Light pollution is a significant problem across the United States and has a negative impact on humans and wildlife alike. Some of the main reasons Nibley City staff recommends consideration of the proposed ordinance is for the following:

1. Help protect the health of Nibley City Residents
2. Protect wildlife, particularly the fireflies located in firefly park and other parts of the community.
3. To help protect the rural feeling within Nibley City.
4. Set a precedent for other communities in Cache County.

5. Help light fixtures become more efficient



Firefly Park Buffer Area

Fireflies are incredibly vulnerable to light pollution. During the mating season, fireflies will use bioluminescence to attract mates. When light pollution is present, this can cause fireflies to fly towards the artificial light instead of another firefly. Because of these reasons, the proposed code would create a 500' buffer area around Firefly Park. The City is also considering offering some incentive to residents around Firefly Park to voluntarily switch out their lights for dark sky compliant lighting. The proposed ordinance would give residents within the buffer area until January 1, 2024.

More about Dark Sky Policy

Learn more about light pollution and the Dark Sky Movement at the following links:

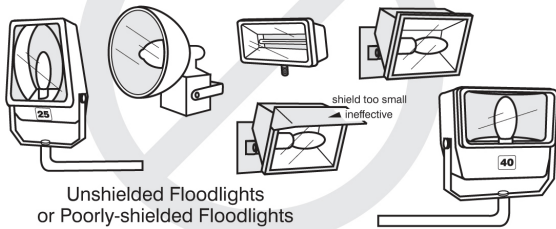
[*Why We Are Losing the Night Sky: By It's Okay to Be Smart*](#)

[The International Dark Sky Alliance](#)

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

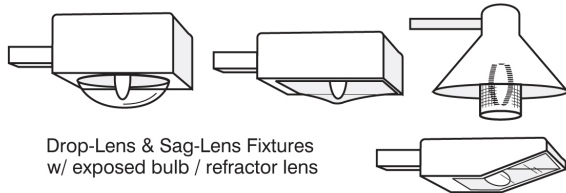
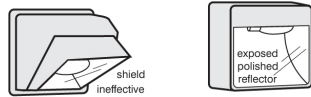
Fixtures that produce glare and light trespass



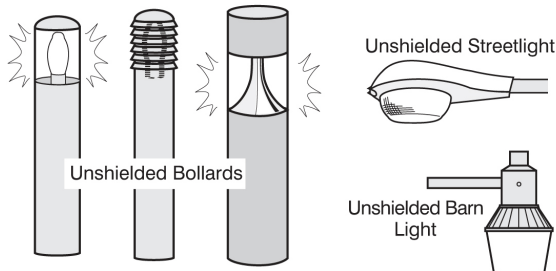
Unshielded Floodlights
or Poorly-shielded Floodlights



Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures



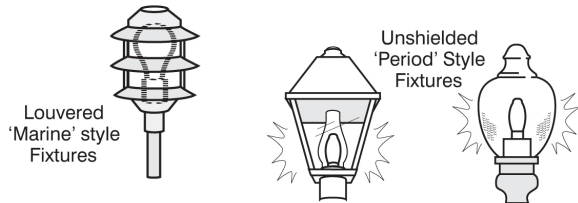
Drop-Lens & Sag-Lens Fixtures
w/ exposed bulb / refractor lens



Unshielded Bollards

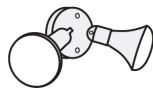
Unshielded Streetlight

Unshielded Barn
Light

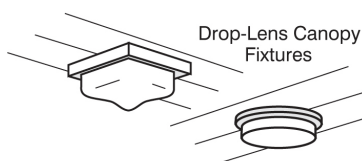


Louvered
'Marine' style
Fixtures

Unshielded
'Period' Style
Fixtures



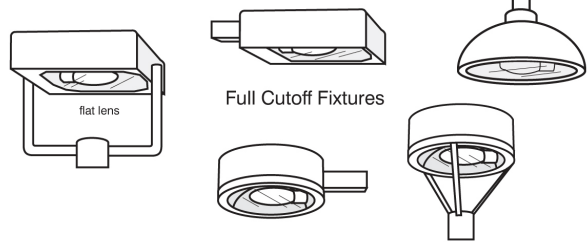
Unshielded PAR
Floodlights



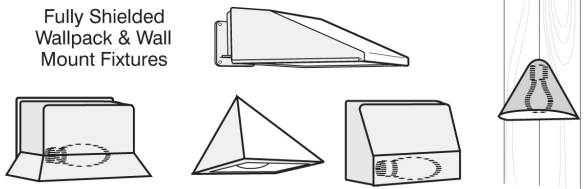
Drop-Lens Canopy
Fixtures

Acceptable

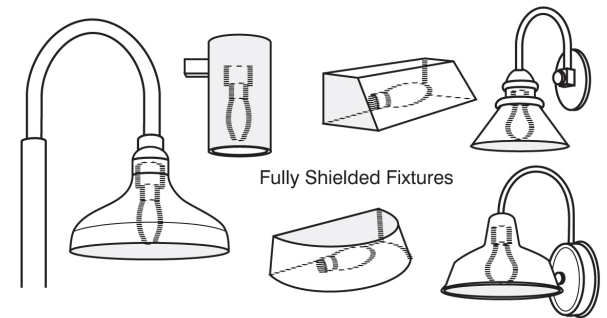
Fixtures that shield the light source to minimize glare and light trespass
and to facilitate better vision at night



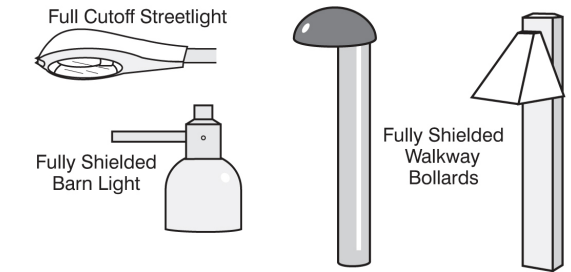
Full Cutoff Fixtures



Fully Shielded
Wallpack & Wall
Mount Fixtures



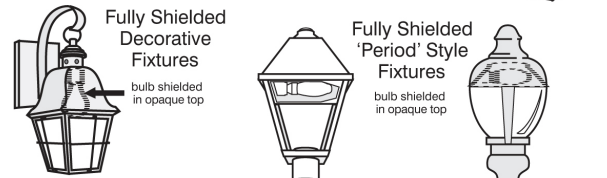
Fully Shielded Fixtures



Full Cutoff Streetlight

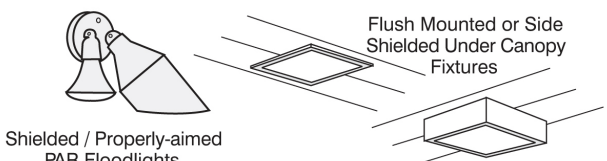
Fully Shielded
Barn Light

Fully Shielded
Walkway
Bollards



Fully Shielded
Decorative
Fixtures

Fully Shielded
'Period' Style
Fixtures



Shielded / Properly-aimed
PAR Floodlights

Flush Mounted or Side
Shielded Under Canopy
Fixtures

Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

NIBLEY CITY LIGHTING ORDINANCE (draft)

10-12-14 LIGHTING

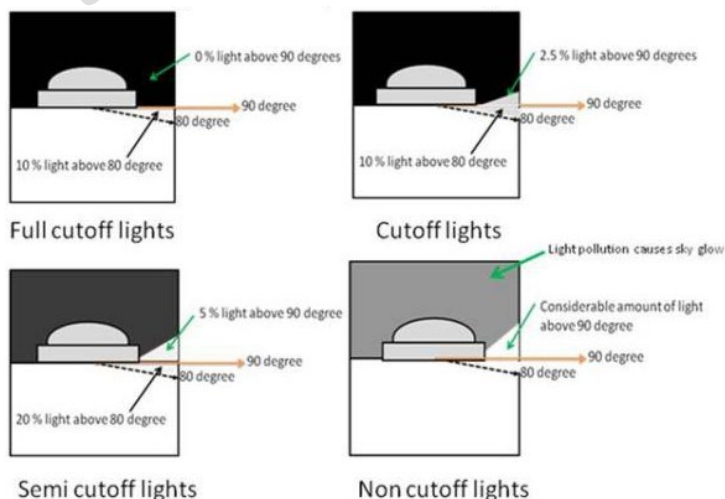
A. PURPOSE: The purposes of this chapter are to:

1. Encourage outdoor lighting practices that will minimize light pollution, glare, light trespass and sky glow in order to preserve the natural dark of the night sky and to prevent lighting nuisances on properties.
2. Promote energy conservation.
3. Maintain nighttime safety, utility and security.
4. Prevent unnecessary or inappropriate outdoor lighting.
5. Maintain the rural atmosphere and character of the city.
6. Protect the fragile ecosystem in and around Firefly Park.

B. DEFINITIONS: For the purpose of this chapter, certain words, phrases and terms used herein shall have the meanings assigned to them by this section:

1. ACCENT OR ARCHITECTURAL LIGHTING: Lighting of building surfaces, landscape features, statues and similar items for the purpose of decoration or ornamentation; or lighting that does not contribute to the safety or security of residents, guests, employees or customers on a property.
2. CORRELATED COLOR TEMPERATURE (CCT): A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees kelvin (K).
3. DIRECT ILLUMINATION: Illumination resulting from light emitted directly from a lamp, luminary or reflector. This does not include light reflected from other surfaces, such as the ground or building faces.
4. FLOODLIGHT: A fixture or lamp designed to "flood" an area with light. A specific form of lamp or fixture designed to direct its output in a specific direction. Such lamps are often designated by the manufacturer and are commonly used in residential outdoor lighting.

5. FULL CUTOFF FIXTURE: An outdoor light fixture designed so that the installed fixture emits no light above the horizontal plane. Full cutoff light fixtures must be shielded in and of themselves. Surrounding



structures, like canopies, are not to be considered when determining if the fixture is full cutoff. Full cutoff fixtures must be appropriately mounted so that the shielding prevents light from escaping above the horizontal and all light is directed downward.

6. **INTERNALLY ILLUMINATED:** As it relates to signs, any sign which has a light source entirely enclosed within the sign and not directly visible to the eye.
7. **LIGHT POLLUTION:** Any adverse effect of manmade light. Often used to denote "sky glow" from cities, but also includes glare, light trespass, visual clutter and other adverse effects of lighting.
8. **LIGHT SOURCE:** The part of a lighting fixture that produces light, e.g., the bulb.
9. **LIGHT TRESPASS:** Light falling where it is not wanted or needed. Spill light falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.
10. **MANUFACTURER'S CATALOG CUTS:** A publication or other printed material of a lamp or lighting manufacturer offering visual and technical information about a lighting fixture or lamp.
11. **OUTDOOR LIGHT FIXTURE:** An outdoor electrically powered illuminating lamp or similar device used for lighting structures, parking lots, pathways, service canopies, recreational areas, signs or other similar outdoor lighting uses.
12. **RECREATIONAL LIGHTING:** Lighting used to illuminate sports fields, ball courts, playgrounds or similar outdoor recreational facilities.
13. **SECURITY LIGHTS:** Lighting designed to illuminate a property or grounds for the purpose of visual security.
14. **SPOTLIGHT:** A fixture or lamp designed to light a small area very brightly. See definition of Floodlight.
15. **TOWER:** Any monopole, antenna or the like that exceeds eighteen feet (18') in height.
16. **UNSHIELDED FIXTURE:** A fixture that allows light to be emitted above the horizontal either directly from the lamp or indirectly from the fixture or reflector. Any fixture not full cutoff.

C. SCOPE AND APPLICABILITY:

1. Compliance: All exterior outdoor lighting of properties within the Firefly Park 500ft buffer zone (See Annex 1) need to be in compliance before January 1, 2024. All exterior outdoor lighting installed after the effective date hereof in all zones in the city shall conform to the requirements established by this chapter. This chapter does not apply to indoor lighting. However, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited.
2. Nonconforming Uses: All existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use. The city will encourage property owners to voluntarily bring nonconforming exterior lighting into compliance with this chapter. Where appropriate, the city may also provide assistance and expertise to homeowners in bringing their exterior lighting fixtures into compliance with this chapter.
3. Modifications; Compliance Through Building Permit Process: The city may require exterior lighting fixtures to be brought into compliance, through the building permit process, if substantial modifications are made to the exterior of the building or if the footprint of the structure is enlarged.
4. Change Of Ownership: Properties that change ownership, whether residential or commercial, must bring exterior lighting into compliance with this chapter.
 5. Conflicts: Should this chapter be found to conflict with other ordinances of the city, the more restrictive shall apply.

D. APPLICATION AND REVIEW PROCEDURE:

1. Lighting Plans Required: All sign permit applications, building permit applications and design development review applications shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources will comply with this chapter and shall include the following:
2. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
3. Illustrations, such as contained in a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this chapter.
4. A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, temperature (Kelvin), and lamp type.
5. Approval Procedure:
 - a. The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.

- b. A certificate of occupancy shall not be issued until such time as the property is subject to a postinstallation nighttime inspection by the building inspector.

E. FULL CUTOFF FIXTURE REQUIREMENTS:

1. Required: Unless specifically exempted by this chapter, all outdoor lighting shall use full cutoff fixtures that are designed and constructed so that no light is emitted from the top or sides of the fixture. Lighting must be placed at a location, angle or height to prevent direct illumination outside the property boundaries where the light fixtures are located.
2. Characteristics: In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as full cutoff.
3. Restrictions On Total Amount Of Unshielded Lighting: Outdoor lighting that is not subject to the shielding requirement in subsection 10-12-14 C of this chapter shall not exceed five thousand (5000) lumens per net acre for commercial properties, and one thousand (1000) lumens per net acre for residential properties.
4. Exemptions To Full Cutoff Fixture Requirements:
 - a. Fixtures having a total light output less than one thousand (1000) lumens (approximately equal to a 60 watt incandescent bulb or a 15 watt compact fluorescent) are exempted from the full cutoff requirement provided:
 - b. The fixture has a top that is completely opaque such that no light is directed upward.
 - c. The fixture has sides that completely cover the light source and are made of opaque or semi opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semi opaque material, such as dark tinted glass or translucent plastic, may be used if the light source is not discernable behind the material. Completely transparent materials, such as clear glass, are not allowed.
 - d. The light source (light bulb or filament) must not be visible from any point outside the property on which the fixture is located.
 - e. Spotlights controlled by motion sensors having a light output less than one thousand (1000) lumens per lamp (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempt from the full cutoff requirement, provided:
 - f. The fixture is a spotlight or other type of directed light that shall be directed at a forty five degree (45°) angle or less, where the zero angle is pointing straight down.
 - g. The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located.

- h. The fixture must be hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.
- i. Pathway lights less than eighteen inches (18") in height are exempted from the full cutoff fixture requirement, if the total light output from each pathway light is less than three hundred (300) lumens and the lights have opaque caps that direct light downward.
- j. Architectural lights, water feature illumination and sign illumination are all exempted from the full cutoff fixture requirement, provided such illumination meets all other applicable standards of this chapter.

F. CONDITIONS AND STANDARDS GENERALLY:

- 1. Minimum Necessary: Outdoor lighting should be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application should be used.
- 2. Maximum Color Temperature Of All Lighting Fixtures: The correlated color temperature of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3000°K).
- 3. Maximum Lighting Allowed: The total amount of outdoor lighting, whether shielded or unshielded, shall not exceed twenty five thousand (25 000) lumens per net acre for commercial properties and five thousand (5000) lumens per acre for residential properties.
- 4. Allowable Applications: Outdoor lighting shall only be allowed in the following applications:
 - a. To illuminate the entrances to buildings (including garage entrances).
 - b. To illuminate pathways and walkways.
 - c. To illuminate parking areas and parking area access lanes.
 - d. To illuminate outdoor gathering areas, such as patios, pool and hot tub areas, outdoor dining areas and recreation areas.
 - e. For security purposes, provided all the following conditions are met:
 - f. The lighting is activated by motion sensors and shuts off fifteen (15) minutes after each disturbance or when the activity involved is completed.
 - g. The lighting is placed and directed such that no direct illumination falls outside the property boundaries where the security lighting is placed.
 - h. To illuminate signage.
 - i. For architectural lighting, provided all of the following conditions are met:
 - j. The property where the architectural lighting is placed is on a property designated as commercial by the city.
 - k. The architectural lighting is compatible with the purposes of this chapter as determined by the planning commission.
 - l. All architectural lighting is mounted on and directed onto the front of a commercial building facing the street.

- m. The architectural lighting is sufficiently shielded such that the light source is not visible beyond the property boundaries.
- n. The architectural lighting is directed such that all light falls on the front of the building, and not on the adjacent ground or into the night sky.
- o. The architectural lighting uses low wattage light sources.
- p. The architectural lighting is not used to illuminate landscape, statues or other similar features.
- q. To illuminate outdoor water features, provided all of the following conditions are met:
 - i. The lighting is angled below the horizontal plane.
 - ii. The lighting is placed underneath or behind the water such that the water diffuses the light from all points where the light is visible.
 - iii. Each light source has a total light output of one thousand (1000) lumens or less and the total lighting is not greater than necessary to achieve the desired artistic effect.
- r. Light Curfews:
 - i. Commercial establishments shall turn off all outdoor lighting, except that listed below, by one hour after closing. (For the purposes of this section, motels and hotels are considered open around the clock when they are open for the season.)
 - ii. Lighting to illuminate the entrance to the commercial establishment.
 - iii. Parking lot and pathway lighting required for the safety of guests.
 - iv. Recreational lighting (residential and commercial) shall be turned off by ten o'clock (10:00) P.M., except to conclude a community approved sporting event that is underway.

G. SPECIALIZED OUTDOOR LIGHTING:

- 1. Gas Station Canopies: Gas station canopies may be illuminated, provided all light fixtures are mounted on the undersurface of the canopy, all light fixtures are full cutoff and diffusers are not visible from locations off the property. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.
- 2. Roadway/Streetlights: Streetlights are allowable as recommended by the city engineer or city council. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting.
- 3. Parking Lots:
 - a. Spot or flood lighting of parking lots from a building or other structure is prohibited.

- b. The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed fourteen feet (14'). All post mounted parking lot lights shall be set back from property lines a distance that is determined appropriate by the planning commission.
 - c. The overall height of any light post used to illuminate parking lots in residential zones shall not exceed six feet (6').
 - d. All parking lot lighting shall use full cutoff fixtures.
4. Recreational Lighting:
- a. The planning commission shall review all requests for new recreational lighting fixtures for fields or courts. The planning commission shall approve such requests only after finding:
 - b. The recreational lighting has provisions for minimizing glare, spill light and up-light using louvers, hoods or shielding.
 - c. The recreational lighting does not exceed illumination levels for class IV sports lighting set by the Illuminating Engineering Society of North America.
 - d. The recreational lighting will only illuminate the field or court area and shall be shielded to prevent illumination falling outside of those areas.
 - e. The light source for the recreational light will not be visible from adjacent properties.
 - f. Pole mounted recreational lighting shall be limited to eighteen feet (18') in height. Pole mounted recreational lighting must be set back an appropriate distance from neighboring properties as determined in consultation with the planning commission.
 - g. The lighting for non-field and non-court areas shall conform to all provisions of this chapter.
5. Amphitheater Lighting: Outdoor amphitheaters may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:
- 6. Lighting used to illuminate the performance area must be either directed spotlighting or full cutoff lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.
 - 7. Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.
 - 8. Lighting used to illuminate the seating areas, pathways and other areas of the amphitheater must meet all standards of this chapter.

9. Signs: Signs may be unlighted, lighted externally, lighted internally or backlit. All sign lighting must be designed, directed and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting. (Note: For additional information on sign lighting standards, please refer to the city sign ordinance, chapter 3 of this title.)
10. Standards for Externally Illuminated Signs:
 - a. Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.
 - b. Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a building mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.
11. Standards for Internally Illuminated Signs - Lighting Is Visible On Both Sides Of Sign:
 - a. Only sign copy areas and logos may be illuminated on an internally illuminated sign.
 - b. Internally illuminated signs shall use semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non-copy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.
12. Standards for Backlit Signs - Only One Side Of Sign Is Lit:
 - a. Backlit signs shall be designed such that the light source is not visible.
 - b. Backlit signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example, signs that create a "halo" effect around sign copy are allowed.
 - c. Backlit signs shall use low wattage light sources.
13. Illuminated Window Signage: Illuminated window signs positioned to be primarily visible outside the business structure are allowed only if there are no more than two (2) signs per business space and each sign measures less than three and one-half (3 1/2) square feet in area. Such signs must not be illuminated when the business is closed.

H. HILLSIDES, RIDGELINES AND SPECIAL CASES:

1. In certain cases (such as, but not limited to, properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process performed by the planning commission prior to approval of any business or residence.

I. TOWERS:

1. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.
2. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.
3. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter.

J. EXEMPTIONS: The Follow shall have exceptiong to this chapter

1. Holiday lighting from November 15 to January 15 providing it does not create a hazard or nuisance to surrounding businesses or residences.
2. Traffic control signals and devices.
3. Temporary emergency lighting in use by law enforcement or government agencies, or at their direction.
4. The lighting of federal or state flags; provided, that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time fulfilling the purposes of this chapter.
5. Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and have caps that direct the light downward.
6. The planning commission, as part of its review as outlined in this chapter, may approve lighting that does not conform to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the requested lighting. The planning commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this chapter.

K. PROHIBITED LIGHTING:

1. The following are prohibited:
 - a. Up-lighting to illuminate buildings and other structures, or vegetation, except as allowed by other provisions in this chapter.
 - b. Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
 - c. Floodlights or spotlights affixed to buildings for lighting parking lots or sales display lot areas.
 - d. Searchlights, laser source lights or any similar high intensity light.

- e. Except when used in window signage pursuant to subsection 9-4-7F4 of this chapter, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries.

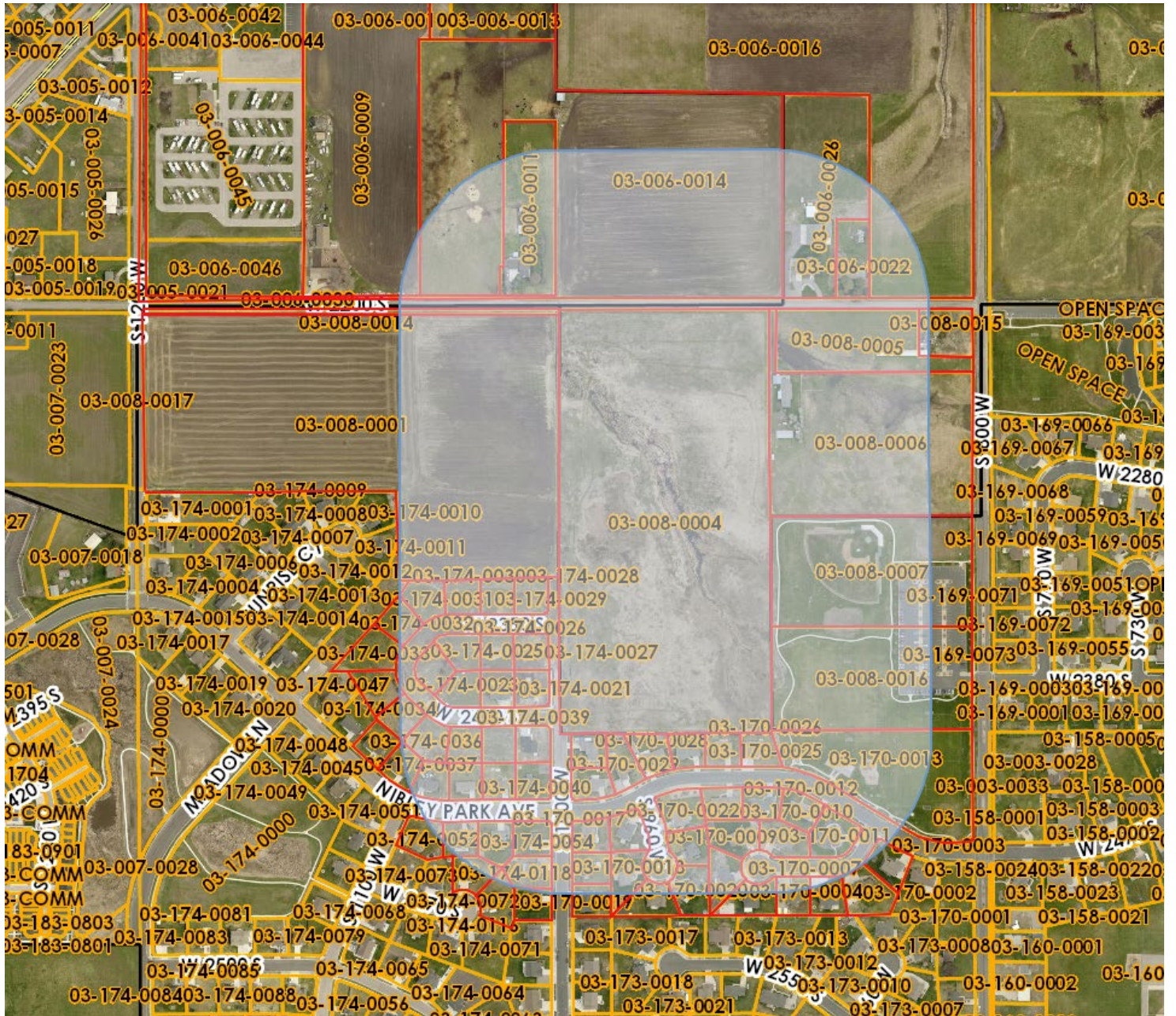
L. VIOLATIONS:

1. The following constitute violations of this chapter:
 - a. The installation, maintenance or operation of any lighting fixture not in compliance with the provisions of this chapter if such fixture is installed after this chapter is formally adopted.
 - b. The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this chapter.
 - c. Failure to shield, correct or remove lighting that is installed, operated, maintained or altered in violation of this chapter.

M. PENALTIES:

1. Violations and Legal actions. If, after investigation, the planning director finds that any provision of this chapter is being violated, the planning director or designee shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The planning department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the 30-day period, the planning director or designee may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter and to collect penalties for such violations.
2. Penalties. A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of \$75.00 per day, and each day of violation after the expiration of the 30-day period shall constitute a separate offense for the purpose of calculating the civil penalty.

1. 500 foot buffer zone around Firefly Park with accompanying mailing list for properties touched by buffer.

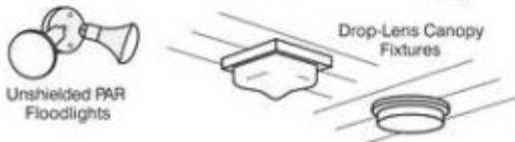
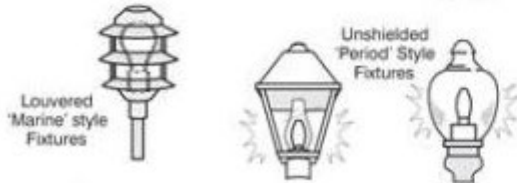
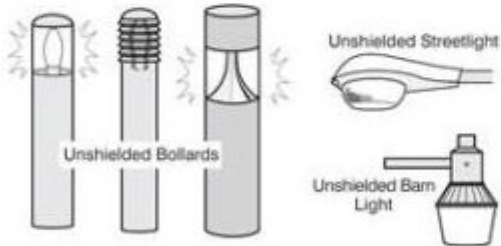
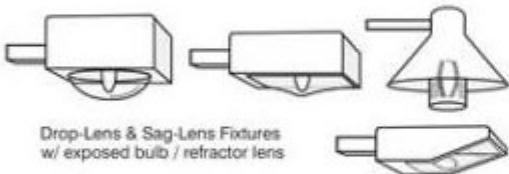
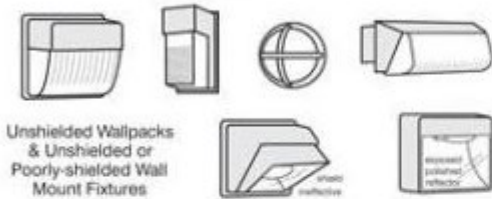


2. Illustrative examples for purposes of compliance

Examples of Acceptable / Unacceptable Lighting Fixtures

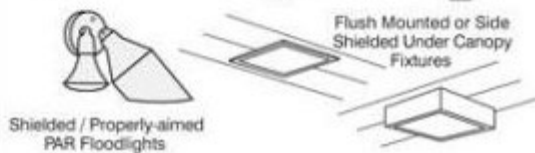
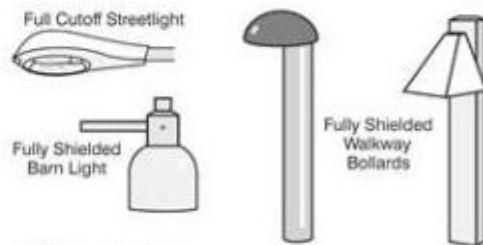
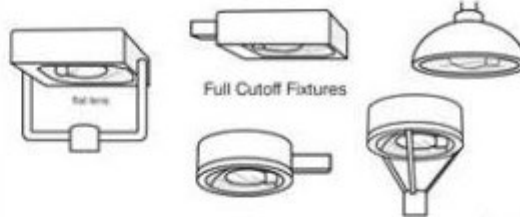
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Description	Workshop: Future of Commercial and Neighborhood Commercial Zoning within Nibley City
Department	Planning
Presenter	Stephen Nelson, City Planner
Action Type	Workshop
Findings	N/A
Recommendation	Review concepts and make general recommendations
Reviewed By	City Planner

Background

Nibley City Mayor and a couple of members of the City Council have recommended to staff that the Planning Commission review if the City review several items about our commercial zoning as follows:



- Neighborhood commercial 2-5 acres zoning requirements
- Expansion of commercial zoning along Highway 165 and 3200 S
- Commercial standards
- Town Center Commercial standards

Staff will present a few options for commercial development within Nibley City. Nibley City had a study within the last two years that showed that Nibley could support further commercial development (see attached). It is also important to note that Nibley City is currently conducting a study and an update to help evaluate what type of commercial growth Nibley City should support or even recruit into Nibley City.

Staff has produced a couple of draft zoning maps, and the Planning Commission will be asked for further input into other areas that could be zoned for commercial use.

21.10.20 Rural Preservation Subdivision

- A. Purpose: The purpose of this section is to provide for subdivision development within Nibley City in a manner that:
1. Helps preserve the rural feeling of Nibley City as outlined in the General Plan;
 2. Provides Open Space Land with a specific purpose that provides visual and physical access to the public.
 3. Supports adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resources and agricultural lands as set forth in the General Plan;
 4. Protects constrained and sensitive lands, including, but not limited to, those areas containing sensitive features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
 5. Provides Open Space Land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, waterway, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
 6. Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
 7. Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
 8. Provides incentives for the creation of greenway systems and Open Space Land within the City for the benefit of present and future residents.
 9. Creates neighborhoods with direct visual and/or physical access to Open Space Land;
 10. Maintains and creates scenic views and elements of the City's rural and scenic character and minimizes perceived density by maintaining views of new development from existing roads.
- B. Definitions: For the purpose of this section, the following words shall have the meanings set forth herein:
1. OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on a Rural Preservation Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or

runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.

2. **CONSTRAINED AND SENSITIVE LAND:** Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limit to Federal, State, or municipally designated wetlands, floodplains, slopes greater than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance or permits from government authorities to allow development. This land may be used as Open Space Land if it complies fully with conditions within this ordinance for qualification of Open Space.
3. **WATERWAY:** Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.
4. **TREE STAND:** A group or cluster of trees within a geographic location that are occurring naturally or artificially.
5. **MEADOWS:** Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.
6. **PASTURE:** A fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principle food source for the livestock confined therein.
7. **NET DEVELOPABLE LAND:** Net Developable Land shall include the total area of the proposed development minus land that is required by Nibley City ordinance to be dedicated to the City including, but not limited to:
 8. Public access rights-of-way
 9. Land required to be dedicated along waterways
10. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
11. Constrained and Sensitive Land as defined herein
12. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without access to the public shall be included as Net Developable Land.
13. Net Developable Land may be calculated for the purposes of concept review and preliminary plat approval based on either rule of thumb as outlined in the Lot Standards chart for the underlying zone of the proposed subdivision or based on actual measurements derived from the proposed plat. Calculation of Net Developable Land for final plat approval shall use actual measured Net Developable Land area. The proponent shall demonstrate compliance with this provision by calculation based on values demonstrably derived from the

proposed final plat.

C. Applicability:

1. The election to develop the property as a Rural Preservation Subdivision is voluntary and provided to developers as an alternative to the standard subdivision process codified in NCC 19 and NCC 21. The intent of this section and the rural preservation subdivision options is to encourage the creation and development of flexible designed Open Space Land and variety in lot size and conformation. Rural Preservation Subdivisions may be developed within applicable residential zones of the City. Rural Preservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this section and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this section.
2. In cases of conflict with other Nibley City ordinances, the terms of this section shall govern.

Development Options: In R-1, R-1A, and R-2 zones in Nibley City, developers may elect to develop a Rural Preservation Subdivision. R-2A zones may also be developed under the terms of this ordinance; in such cases, the R-2A zoned property shall be treated as R-2 for the purposes of calculating underlying base density, number of lots, bonus density, lot sizes, and all other provisions outlined in this ordinance. If the zone is not listed above, it does not qualify for a Rural Preservation Subdivision.
3. Developers desiring to develop the property as Rural Preservation Subdivision are subject to the development standards, conditions procedures and regulations of this section.

D. Application Process:

1. Applications for a Rural Preservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this section, including, but not limited to, submission of a sensitive area designation plan and maintenance plan.
2. Pre-application Meeting: Applicants for a Rural Preservation Subdivision shall have a pre- application meeting with the Development Committee as established in NCC 21.06.030to review the application and answer questions provided by the applicant. Prior to this meeting, the developer shall submit the draft plan of the proposed subdivision and shall include the following:
 - a. Zoning and parcel location
 - b. Total gross acres
 - c. Estimated right-of-way dedication

- d. Estimated Constrained and Sensitive Land
 - e. Estimated Net Developable Land
 - f. Estimated Open Space Dedication and proposed uses.
 - g. Total number of lots based on density bonus
 - h. Estimated lot sizes and subdivision layout.
3. Sensitive Area Designation Plan Map: All applications for a Rural Preservation Subdivision shall include a sensitive area designation plan map prepared in accordance with the provisions set forth herein and submitted with the preliminary plat. The sensitive areas designation plan map shall identify all constrained and sensitive lands within the property boundaries as set forth in this section. The sensitive area designation plan map shall also clearly identify all-natural or cultural resources present on the property, including, but not limited to those defined in this ordinance (geographic features, meadows, tree stands, streams, stream corridors, floodwalls, berms, waterways, canals, irrigation ditches, farmland, pastures, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space). Applicants are solely responsible for the accuracy and designation of constrained and sensitive lands as defined in this ordinance, and natural and cultural resources as defined by the United States, State of Utah, Cache County, and Nibley City on the sensitive area designation plan map for their project and applicable adjacent property. The applicant shall include all sensitive areas within four hundred feet(400') of the developments property boundaries as noted in City, County, State, and Federal records.
- Maintenance Plan for preserved Open Space Land: The developer must submit a Preliminary Maintenance Plan in accordance with subsection M,2 of this section and with the preliminary plat. For final plat application, the developer must submit a Final Maintenance Plan in accordance with subsection M,3 of this section. The Final Maintenance Plan shall be attached to the Development Agreement required by NCC 21 and recorded with the Final for the property.

E. Dimensional Standards:

1. The lot standards within a Rural Preservation Subdivision shall be determined in accordance with the Lot Standards Chart. Lot Standards Chart.

Lot Standards Chart					
Zone	Open Space Ratio ^{NOTE 1} (OSR)	Incentive Multiplier	Average Residential Lot Size	Minimum Residential Lot Size	Frontage ^{NOTE 2}
R-1	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 18,700 \text{ ft}^2$	$\geq 17,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 16,700 \text{ ft}^2$	$\geq 15,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 14,700 \text{ ft}^2$	$\geq 13,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 12,700 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
R-1A	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 14,000 \text{ ft}^2$	$\geq 12,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 13,000 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 12,000 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 11,000 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
R-2 and R-2A	$0.25 \leq \text{OSR} < 0.30$	1.20	$\geq 13,200 \text{ ft}^2$	$\geq 11,500 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.25	$\geq 12,200 \text{ ft}^2$	$\geq 10,500 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.30	$\geq 10,200 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.35	$\geq 9,200 \text{ ft}^2$	$\geq 7,800 \text{ ft}^2$	$\geq 80 \text{ ft}$
Notes:					
1. The OSR is the ratio of the area of the Open Space Land divided by the area of the Net Developable Land.					
2. Frontage is determined at the front setback line.					

2. Procedure for Calculating Allowed Number of Lots: The Allowed Number of Lots including the density bonus for a Rural Preservation Subdivision shall be determined as follows using the appropriate Incentive Multiplier from the Lot Standards Chart. The developer shall follow the process outlined below to determine allowable properties of the proposed subdivision and use these properties in developing the preliminary and final plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the plat applications:
 - a. The subdivision must be in one of the approved zones as listed within the Rural Preservation Subdivision requirements, and all calculation will be based on the parcel's current zone at the time of application and the associated Lot Standards Chart with the exception of R-2A zones: R-2A zones shall be treated as R-2 zones for the purposes of this ordinance.
 - b. Provide to the City the total area contained within the subdivision plat.
 - c. Provide to the City the total area being dedicated to rights-of-way.
 - d. Provide to the City the total acres of Constrained and Sensitive Land.
 - e. Provide the City the total Net Developable Land area as defined within this section.
 - f. State the area of proposed Open Space Land.

- g. Calculate Open Space Ratio.
- h. Calculate the Base Number of Lots per zone:
 - (1) Base Number of Lots R-1 = Net Developable Land / 1 acre
Base Number of Lots R-1A = Net Developable Land / .75 acres
 - (2) Base Number of Lots R-2 and R-2A = Net Developable Land / 0.5 acres
- i. Determine Incentive Multiplier
 - (1) Determine Incentive Multiplier based on the Lot Standards Chart, the applicable zone, and the Open Space Ratio.
- j. Calculate total allowed
 - (1) Total allowed lots = Base number of lots multiplied by the Incentive Multiplier

F. Lot Area, Frontages, and Zoning Regulations:

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

G. Conservancy Lots:

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

H. Use Regulation: Use of the land in a Rural Preservation Subdivision that is not Open Space Land is subject to any restrictions set forth in NCC 19, unless otherwise specified within this section, for the zone in which the land is located. Use of Open Space Land within a Rural Preservation Subdivisions is subject to the following:

1. Permitted Uses on Open Space Land: The following uses are permitted in Open Space Land areas:

a. Street rights-of-way may traverse Open Space Land if permitted under City ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart.

Utility rights-of-way or easements, including above ground and underground utilities, may traverse Open Space Land if permitted by City ordinance; areas encumbered by such facilities and/or rights-of-way may be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart so long as the rights-of-way and easements otherwise meet the requirements of this ordinance for Open Space Land.

b. Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.

c. Conservation of open land in its natural state; e.g., meadows, tree stands, wetlands, forestland.

d. Waterways along with dedicated public access rights-of-way or easements along one or both sides.

e. Underground utility easements for drainage, access, sewer or water lines, electric lines or other public purposes.

f. Active noncommercial recreation areas, such as trails, playing fields, playgrounds, courts, and multipurpose trails. These parcels shall be maintained by the City or an owners' association and shall be open to the public if maintained by the City, or residents within the Rural Preservation Subdivision if maintained by a functional owners association.

g. Agricultural uses excluding livestock operations involving swine, poultry, and mink. Open Space Land of less than one-half (0.5) acre may be used as landscaped buffers for roadways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities that meet standards and uses listed herein.

h. Fencing that is rural in character. All fencing must be transparent, such as rail fences, post fences, or wire fences and architecturally appropriate

to the use as determined by the City Planner. Chain link fences are not permitted on Open Space Land. All applicants must receive a fence permit from the City before construction of any proposed fence.

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

support a permitted use.

- f. Any dumping or storing of ashes, trash, garbage, vehicles, trailers, recreational vehicles or other equipment except for equipment needed to maintain the land.
 - g. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property.
 - h. Any residential, commercial or industrial activity except as specifically permitted in this ordinance.
 - i. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
 - j. Changing the topography of the property by placing on it any soil, dredging spoils, landfill, or other materials, except as necessary to conduct specifically permitted purposes.
 - k. Hunting or trapping for any purpose other than predatory or problem animal control.
 - l. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property.
 - m. The division, subdivision or de facto subdivision of the property.
 - n. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles.
 - o. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of this section.
3. Constrained and Sensitive Lands: Except for passive recreational activities, no development or residential uses shall be permitted within Constrained and Sensitive Lands
4. Open Space Land Coordination: Open Space Land shall be coordinated and located to maximize the continued use of the space. To create larger areas of Open Space Land and to combine Open Space Land from a variety of developments, Open Space Land shall be coordinated either with existing adjacent Open Space Land or with planned future Open Space Land. If no adjacent parcels of land are planned for development, Open Space Land shall be planned to provide the greatest likelihood of adjoining future developments' Open Space Land.
5. Pedestrian Access: If an open space parcel does not have have 25% of its boarder adjacent to a public right-of-way or park, the developer shall provide pedestrian access to Open Space Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
- a. Trails within open space land shall be a minimum of eight-foot-wide

(8') with two-foot buffer (2) on each side. Trails shall comply with trail master plan. All trails shall be paved.

b.

6.

7. Open Space Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the Open Space Land within a rural preservation Subdivision shall be complied with as provided herein.

l. Open Space Land Types: Open Space Land shall be located and designed within the Rural Preservation Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of Open Space Land. Designated Open Space Land within a Rural Preservation Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet one (1) or more of the following standards:

1. Significant Areas and Natural Landscape:

- a. Open Space Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres.
- b. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature.
- c. Significant Area and Natural Landscape may also contain historic buildings and/or sites, archeological sites, and cultural features.
- d. The maintenance plan shall outline how the property will be preserved and maintained. The maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.

2. Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.

- a. Agricultural Land shall be fenced with transparent fencing appropriate to the use of the land. Fencing types include post and rail, hog wire, woven wire, etc. All applicants must receive a fence permit from the City before construction of any proposed fence.
- b. The developer shall install irrigation to each piece of agricultural open space within the development.
- c. Types of permitted Agricultural Use:

(1) Agricultural and horticultural uses, including raising crops

wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance. Raising industrial hemp or cannabis is prohibited.

- (2) Pasture for sheep, goats, cows, horses or other animals approved by Nibley City code. Pasture and animal density must conform with Nibley City Animal Land Use Regulations and be enclosed with appropriate fencing.
- (3) Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.

2. Buffering:

- a. **Buffering** Open Space Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails.
- b. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, six (6) trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards for City parks current at the time of approval of Final Plat. Open Space buffer areas shall be under single ownership.

3.

4. Recreation Space:

- a. Open Space Land maybe designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other recreation and park amenities. These recreation spaces are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the maintenance plan can be given. Publicly and owners' association owned open spaces shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the development agreement;

until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.

5. Trail Space:

- a. Trails shall comply with Trail Master Plan and other standards listed within Nibley City Code.
- b. Buffer space around trails shall be landscaped with trees and sod or other approved xirezeroscaped property.

6. Stormwater Basin:

- a. These facilities must be built to Nibley City Design Standards and Specifications,
- b. A these facilities must contain a tree for every 300 square feet and planted and clustered around the perimeter basin area; an irrigation system must be installed, and be planted with grass, natural vegetation and shrubs. The stormwater basin can be a local or regional basin and must be owned and maintained by Nibley City.

(1) Trees may be planted in other location if it is not possible to plant all required trees within the Stormwater Basin

B. Permanent Protections of Open Space Land:

- 1. Conservation Easement: All Open Space Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the Open Space Land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the rural preservation subdivision. All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Rural Preservation Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the Rural preservation subdivision.
- 2. Terms and Conditions: All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Rural Preservation Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:
 - a. Legal description of the easement;
 - b. Description of the current use and condition of the property;
 - c. Permanent duration of easement;
 - d. Permitted and conditional uses;
 - e. Prohibited development and/or uses;

- f. Maintenance responsibilities and duties; and
 - g. Enforcement rights and procedures.
3. Marking of Open Space Land: Open space land shall be marked at each corner and property line intersection with a minimum 4" diameter x 3' deep concrete monument provided with an aluminum or brass cap cast or epoxied into the monument. Caps shall be stamped "Nibley Conservation Marker, Do Not Remove", and an arrow stamped into the cap perpendicular to the Open Space boundary line and pointing into the Open Space. Monuments shall be placed such that the top 6" of the monument is above finished grade at the monument location.

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

C. Ownership of Open Space Land:

- 1. Undivided Ownership: Unless otherwise approved by the City Council and subject to the provisions set forth in this section, the underlying fee Ownership of the Open Space Land shall remain in single Ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.
- 2. Property Not Subject to Subdivision: Property subject to a conservation easement, or another acceptable method of protection and preservation, shall not be subdivided.
- 3. Nibley City may at its sole discretion opt to take ownership of Open Space Land at the subdivision approval stage. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.
- 4. Owners' Association: Open Space Land may be held in common ownership by a Home Owners' or other acceptable Owners' Association, subject to all the provisions for Owners' Associations set forth in state law, the City Code, and the following:
 - a. A description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for Open Space Land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.

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

D. Maintenance of Open Space Lands:

- 1. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining Open Space Land shall be borne by the owner of the underlying fee of the Open Space Land.
- 2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:
 - a. The proposed Ownership of the Open Space Land;
 - b. The party that will be responsible for maintenance of the Open Space Land;

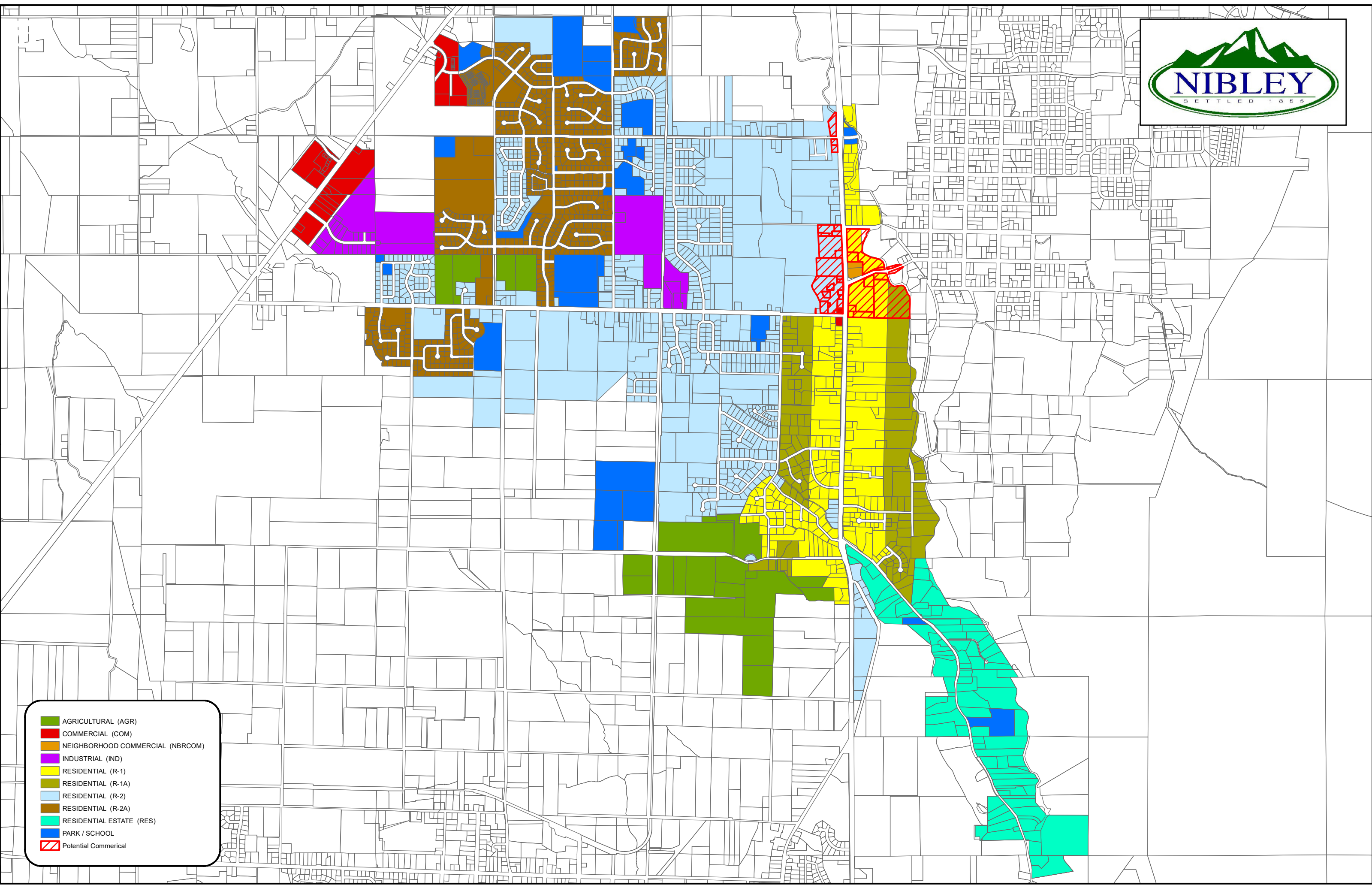
- c. The proposed use of the Open Space Land and how each parcel of Open Space Land meets the standards listed within this section;
 - d. The size of each Open Space Land parcel; and
 - e. The proposed concept plan for landscaping of the Open Space Land.
3. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed Rural Preservation Subdivision application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:
- a. Ownership agreements for Open Space Land;
 - b. A description of the use of the Open Space Land and how that use complies with this section;
 - c. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of Open Space Land (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.);
 - d. The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space Land, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
 - e. The landscaping plans for parcels that will be owned by an owners association or by the City.
 - f. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.

The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements and must complete all proposed open space improvements within the first three years of approval. If a designated open space parcel is planned to be maintained by a single property owner, the developer shall maintain that property until title is transferred to a new property owner.

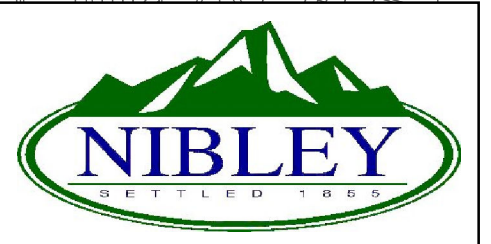
4. Failure to Maintain: For all open space designated under the terms of this Ordinance, including privately held Open Space Lands, the responsible party

for the maintenance of the Open Space Land in accordance with the terms of this ordinance, the approved maintenance agreement, any conditional use permits, business licenses or any other agreements between the City and the responsible party, or the operation of any common facilities located thereon fails to maintain all or any portion of the Open Space Land or common facilities in accordance with the aforementioned agreements and ordinances, the City may assume responsibility for the maintenance and operation of the Open Space Land. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. The owner shall not impede the City in their efforts to maintain the open space.

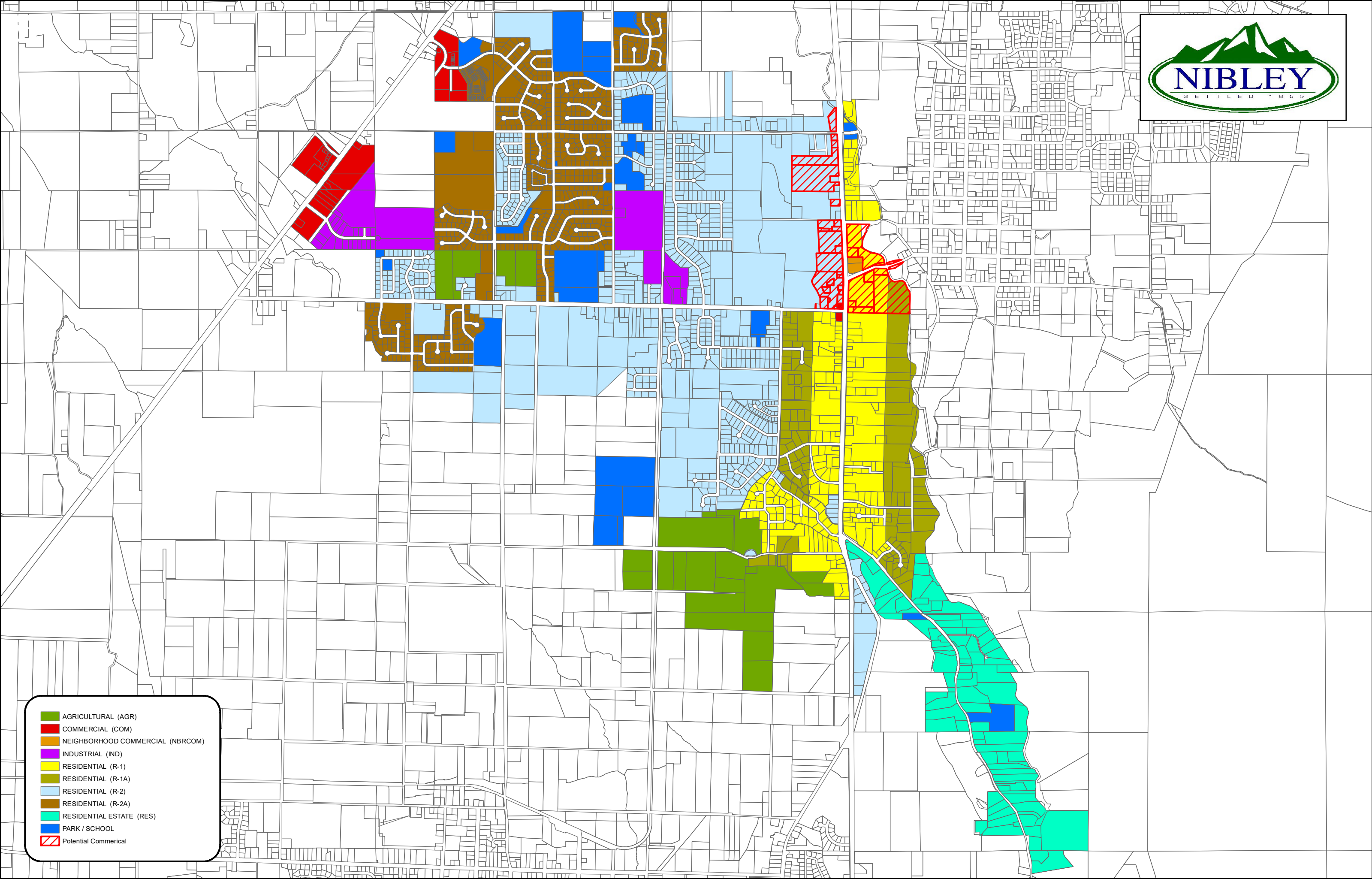
5. **Corrective Action:** The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property Owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice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



- | | |
|---|----------------------------------|
|  | AGRICULTURAL (AGR) |
|  | COMMERCIAL (COM) |
|  | NEIGHBORHOOD COMMERCIAL (NBRCOM) |
|  | INDUSTRIAL (IND) |
|  | RESIDENTIAL (R-1) |
|  | RESIDENTIAL (R-1A) |
|  | RESIDENTIAL (R-2) |
|  | RESIDENTIAL (R-2A) |
|  | RESIDENTIAL ESTATE (RES) |
|  | PARK / SCHOOL |
|  | Potential Commercial |



- AGRICULTURAL (AGR)
- COMMERCIAL (COM)
- NEIGHBORHOOD COMMERCIAL (NBRCOM)
- INDUSTRIAL (IND)
- RESIDENTIAL (R-1)
- RESIDENTIAL (R-1A)
- RESIDENTIAL (R-2)
- RESIDENTIAL (R-2A)
- RESIDENTIAL ESTATE (RES)
- PARK / SCHOOL
- Potential Commerical





Retail Leakage and Surplus Analysis

The Retail Leakage and Surplus Analysis examines the quantitative aspect of the community's retail opportunities. It is a guide to understanding retail opportunities but it is not an analysis that indicates unconditional opportunities. The analysis is sometimes called "a gap analysis" or "a supply and demand analysis" and can aid in the following:

- Indicating how well the retail needs of local residents are being met
- Uncovering unmet demand and possible opportunities
- Understanding the strengths and weaknesses of the local retail sector
- Measuring the difference between estimated and potential retail sales

Understanding Retail Leakage

Retail leakage means that residents are spending more for products than local businesses capture. Retail sales leakage suggests that there is unmet demand in the trade area and that the community can support additional store space for that type of business.

However, retail leakage does not necessarily translate into opportunity. For example, there could be a strong competitor in a neighboring community that dominates the market for that type of product or store.

Understanding Retail Surplus

A retail surplus means that the community's trade area is capturing the local market plus attracting non-local shoppers. A retail surplus does not necessarily mean that the community cannot support additional business. Many communities have developed strong clusters of stores that have broad geographic appeal. Examples of these types of retailers include: sporting goods stores, home furnishing stores, restaurants, and other specialty operations that become destination retailers and draw customers from outside the trade area.

Examining the quantitative aspects (Leakage/Surplus) is only part of the evaluation of community's retail opportunities. Before any conclusions can be drawn about potential business expansion or recruitment opportunities, qualitative considerations such as trade area psychographics and buying habits must be analyzed in context of other market factors.

Interpreting Leakage Index

1.0 = equilibrium, meaning that demand and sales in the area being analyzed are in balance.
.80 = demand exceeds sales by 20%, meaning that consumers are leaving the area being analyzed.
1.2 = sales exceed demand by 20%, meaning that consumers are coming from outside the area being analyzed.

Leakage/Surplus Index by Major Store Type

The quantitative comparison of retail leakage and surplus in the twelve major store types shown in the chart and table below provides an initial measure of market opportunities. Combining this analysis with the knowledge of the local retail situation will take the process of identifying retail possibilities one step further.

Figure 1 provides the leakage/surplus indices and following is the sales potential and estimated sales for major store types.

Figure 1. Leakage/Surplus Index and Estimated and Potential Sales by Major Store Types



Store Type	Potential	Estimated Sales	Surplus/Leakage
Motor Vehicle Parts & Dealers	18,687,277	7,353,009	0.4
Furniture & Home Furnishing Stores	1,537,164	0	0.0
Electronics & Appliance Stores	2,207,935	480,396	0.2
Building Material & Garden Equipment & Supply Dealers	3,607,027	2,254,667	0.6
Food & Beverage Stores	9,448,932	0	0.0
Health & Personal Care Stores	4,712,458	0	0.0
Clothing & Clothing Accessories Stores	3,235,747	1,123,533	0.3
Sporting Goods, Hobby, Book, & Music Stores	3,448,476	4,335,385	1.3
General Merchandise Stores	10,358,687	0	0.0
Miscellaneous Store Retailers	1,595,531	2,492,045	1.6
Foodservice & Drinking Places	6,944,819	0	0.0
Total	65,784,053	18,039,035	0.3

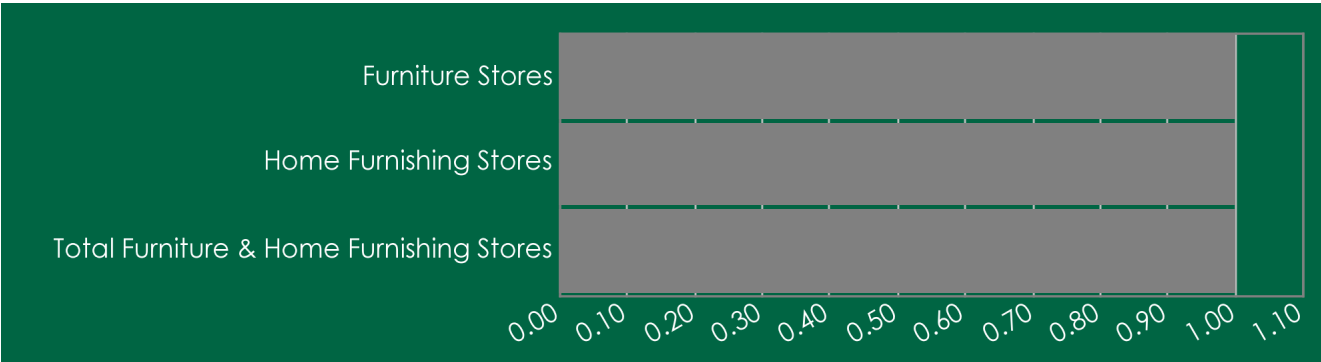
All estimates, projections or forecasts in this model are subject to errors, including statistical error, error due to the subjective nature of some data, error due to changes in demographics, error based on lagging competitor information or growth data, and error due to factors that are not included in the model. The user assumes all risk of reliance on this information.

Sub-Categories of Motor Vehicle Parts & Dealers



Store Type	Potential	Estimated Sales	Surplus/Leakage
Automotive Dealers	14,540,966	0	0.0
Other Motor Vehicle Dealers	2,755,546	7,353,009	2.7
Automotive Parts, Accessories, & Tire Stores	1,390,765	0	0.0
Total Motor Vehicle Parts & Dealers	18,687,277	7,353,009	0.4

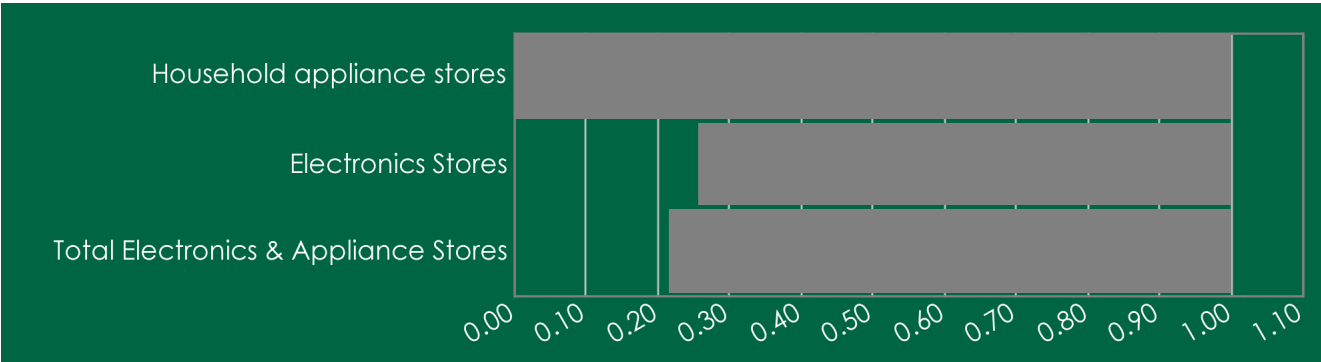
Sub-Categories of Furniture & Home Furnishing Stores



Store Type	Potential	Estimated Sales	Surplus/Leakage
Furniture Stores	902,917	0	0.0
Home Furnishing Stores	634,247	0	0.0
Total Furniture & Home Furnishing Stores	1,537,164	0	0.0

All estimates, projections or forecasts in this model are subject to errors, including statistical error, error due to the subjective nature of some data, error due to changes in demographics, error based on lagging competitor information or growth data, and error due to factors that are not included in the model. The user assumes all risk of reliance on this information.

Sub-Categories of Electronics & Appliance Stores



Store Type	Potential	Estimated Sales	Surplus/Leakage
Household appliance stores	353,347	0	0.0
Electronics Stores	1,854,588	480,396	0.3
Total Electronics & Appliance Stores	2,207,935	480,396	0.2

All estimates, projections or forecasts in this model are subject to errors, including statistical error, error due to the subjective nature of some data, error due to changes in demographics, error based on lagging competitor information or growth data, and error due to factors that are not included in the model. The user assumes all risk of reliance on this information.

Sub-Categories of Building Material & Garden Equipment & Supply Dealers



Store Type	Potential	Estimated Sales	Surplus/Leakage
Home Centers	1,833,539	0	0.0
Paint and Wallpaper Stores	79,106	0	0.0
Hardware Stores	320,627	51,231	0.2
Other Building Material Dealers	778,013	1,299,252	1.7
Outdoor Power Equipment Stores	95,905	192,843	2.0
Nursery, garden center, & farm supply stores	499,837	711,341	1.4
Total Building Material & Garden Equipment & Supply Dealers	3,607,027	2,254,667	0.6

Sub-Categories of Food & Beverage Stores



Store Type	Potential	Estimated Sales	Surplus/Leakage
Supermarkets and Other Grocery (except Convenience) Stores	8,132,013	0	0.0
Convenience Stores	315,724	0	0.0
Specialty Food Stores	332,283	0	0.0
Beer, Wine, & Liquor Stores	668,912	0	0.0
Total Food & Beverage Stores	9,448,932	0	0.0

All estimates, projections or forecasts in this model are subject to errors, including statistical error, error due to the subjective nature of some data, error due to changes in demographics, error based on lagging competitor information or growth data, and error due to factors that are not included in the model. The user assumes all risk of reliance on this information.

Sub-Categories of Health & Personal Care Stores

Store Type	Potential	Estimated Sales	Surplus/Leakage
Pharmacies and Drug Stores	3,907,413	0	0.0
Cosmetics, Beauty Supplies and Perfume Stores	290,140	0	0.0
Optical Goods Stores	195,183	0	0.0
Other Health and Personal Care Stores	319,722	0	0.0
Total Health & Personal Care Stores	4,712,458	0	0.0

Sub-Categories of Clothing & Clothing Accessories Stores



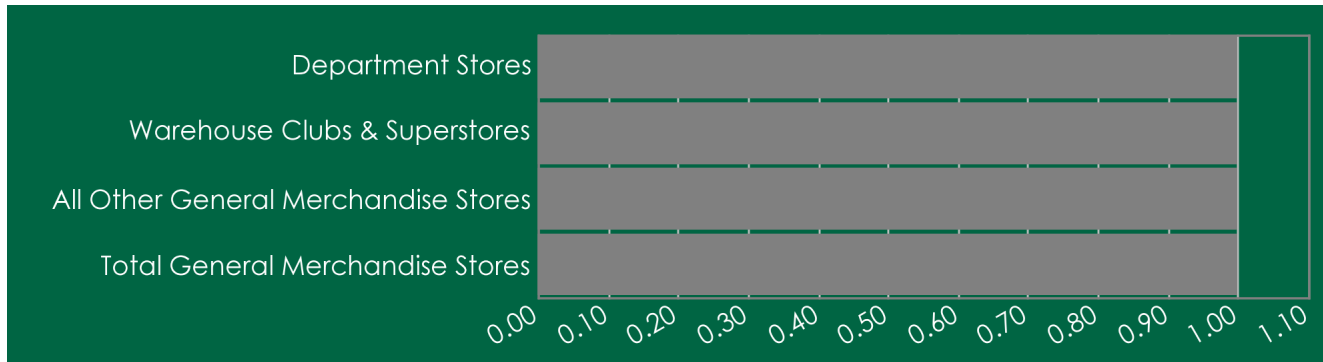
Store Type	Potential	Estimated Sales	Surplus/Leakage
Mens Clothing Stores	126,202	182,040	1.4
Womens Clothing Stores	486,783	0	0.0
Childrens and Infants Clothing Stores	181,512	941,493	5.2
Family Clothing Stores	1,309,863	0	0.0
Clothing Accessories Stores	103,271	0	0.0
Other Clothing Stores	150,651	0	0.0
Shoe Stores	541,959	0	0.0
Jewelry Stores	292,558	0	0.0
Luggage & Leather Goods Stores	42,948	0	0.0
Total Clothing & Clothing Accessories Stores	3,235,747	1,123,533	0.3

All estimates, projections or forecasts in this model are subject to errors, including statistical error, error due to the subjective nature of some data, error due to changes in demographics, error based on lagging competitor information or growth data, and error due to factors that are not included in the model. The user assumes all risk of reliance on this information.

Sub-Categories of Sporting Goods, Hobby, Book, & Music Stores



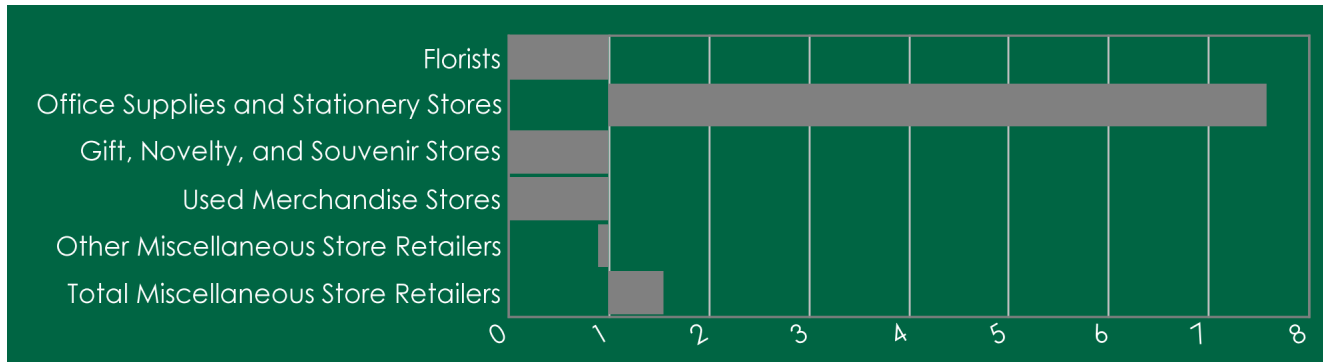
Store Type	Potential	Estimated Sales	Surplus/Leakage
Sporting Goods Stores	2,784,235	4,335,385	1.6
Hobby, Toy, and Game Stores	334,953	0	0.0
Sewing, Needlework, and Piece Goods Stores	40,227	0	0.0
Musical Instrument and Supplies Stores	64,349	0	0.0
Book Stores	171,576	0	0.0
News Dealers and Newsstands	53,136	0	0.0
Total Sporting Goods, Hobby, Book, & Music Stores	3,448,476	4,335,385	1.3

Sub-Categories of General Merchandise Stores

Store Type	Potential	Estimated Sales	Surplus/Leakage
Department Stores	2,590,438	0	0.0
Warehouse Clubs & Superstores	6,763,941	0	0.0
All Other General Merchandise Stores	1,004,308	0	0.0
Total General Merchandise Stores	10,358,687	0	0.0

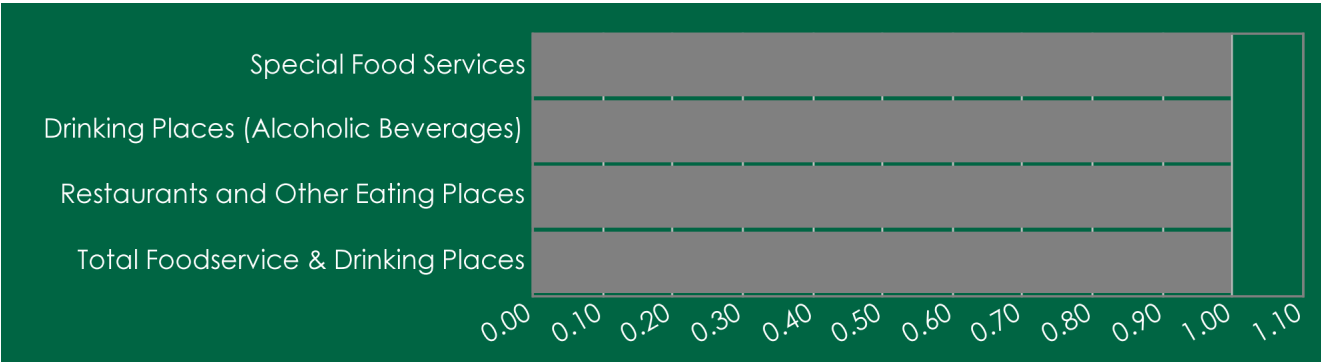
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Sub-Categories of Miscellaneous Store Retailers



Store Type	Potential	Estimated Sales	Surplus/Leakage
Florists	74,829	0	0.0
Office Supplies and Stationery Stores	243,804	1,849,463	7.6
Gift, Novelty, and Souvenir Stores	287,796	0	0.0
Used Merchandise Stores	276,723	0	0.0
Other Miscellaneous Store Retailers	712,379	642,582	0.9
Total Miscellaneous Store Retailers	1,595,531	2,492,045	1.6

Sub-Categories of Foodservice & Drinking Places



Store Type	Potential	Estimated Sales	Surplus/Leakage
Special Food Services	789,244	0	0.0
Drinking Places (Alcoholic Beverages)	321,774	0	0.0
Restaurants and Other Eating Places	5,833,801	0	0.0
Total Foodservice & Drinking Places	6,944,819	0	0.0

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Sources and Methodology

The primary data sources used in the construction of the database include:

- Current Year CAPE (Census Area Projections & Estimates) Consumer Expenditure Estimates
- Census of Retail Trade, Merchandise Line Sales
- Census Bureau Monthly Retail Trade

The Census of Retail Trade presents a table known as the Merchandise Line summary, which relates approximately 120 merchandise lines (e.g. hardware) to each of the store types. For each merchandise line, the distribution of sales by store type can be computed, yielding a conversion table which apportions merchandise line sales by store type.

The CAPE (Census Area Projections & Estimates) Consumer Expenditure database was re-computed to these merchandise lines by aggregating both whole and partial categories, yielding, at the block group level, a series of merchandise line estimates which are consistent with the CAPE Consumer Expenditure database.

These two components were then combined in order to derive estimated potential by store type. The results were then compared to current retail trade statistics to ensure consistency and completeness.



MEMORANDUM

To: Nibley City
From: Lewis Young Robertson & Burningham, Inc.
Date: April 13, 2018
Re: Supportable Commercial Zoning Analysis

SUMMARY

Nibley City (the "City") engaged Lewis Young Robertson and Burningham, Inc. ("LYRB") to determine the appropriate amount of commercial zoning within the City. Important demographics to help evaluate this objective include income, population growth, historic taxable sales, and estimated new growth. This analysis utilizes two methodologies to determine supportable commercial zoning. Based on estimated retail related per capita spending and State spending statistics, the total supportable commercial zoning is estimated at approximately 164 acres to 216 acres. The second methodology produces a larger range of commercial zoning with a low of 45 acres to a high of 2,000 acres based on a comparison of zoned commercial land per capita from other communities. Based on this analysis the supportable zoning is likely to be in the range of 150 to 300 acres at buildout. Commercial growth will develop around neighborhood scale retail, which provides personal services, food services, gas and lodging and general retail purchases.

CURRENT POPULATION

An analysis of absolute population growth shows that the State of Utah increased by approximately 280,000 persons from 2010 through 2016. Nibley increased by approximately 1,300 persons.

HISTORIC POPULATION

	April 1, 2010		Population Estimates as of July 1						
	Census	Base	2010	2011	2012	2013	2014	2015	2016
Nibley	5,438	5,469	5,568	5,759	5,869	5,995	6,195	6,444	6,747
State of Utah	2,763,885	2,763,889	2,775,260	2,815,430	2,854,222	2,899,961	2,938,671	2,984,917	3,044,321
Nibley as % of State	0.20%	0.20%	0.20%	0.20%	0.21%	0.21%	0.21%	0.22%	0.22%

Source: US Census

INCOME

In the last six years, the median household income in the City grew at an average annual growth rate (AAGR) of 2.1 percent, from \$50,302 in 2001 to \$64,029 in 2016. It is important to note that while Nibley's household income is higher than the State, the per capita income is slightly lower, with Nibley at \$20,777 compared to the State at \$25,600.

MEDIAN HOUSEHOLD INCOME

	2010	2011	2012	2013	2014	2015	2016	6.00
Nibley	\$56,421	\$55,739	\$58,193	\$60,667	\$61,483	\$63,374	\$64,029	2.1%
Cache County	\$39,004	\$39,276	\$40,434	\$41,130	\$42,259	\$43,011	\$44,518	2.2%
State of Utah	\$42,902	\$43,706	\$45,454	\$46,811	\$48,672	\$50,123	\$51,184	3.0%

Source: Utah Tax Commission

SALES GAP ANALYSIS

A sales gap (aka "leakage") analysis is conducted in order to identify economic development opportunities for a community by evaluating the total purchases made by residents inside and outside the community (hence, the term "leakage" for sales lost outside the community). This type of analysis first identifies sales within the State of Utah for each major North American Industry Classification System (NAICS) code category and then calculates the average sales per capita in each category. Per capita sales



in the community are compared to average per capita sales statewide in order to estimate what portion of resident purchases are being made within the community, and what amount is leaving the community. Communities with a lower per capita sales figure compared to the State average are experiencing “leakage”, whereas communities with a higher ratio are “capturing” higher taxable sales. A comparison of annual taxable sales data illustrates Nibley is one of the lowest within Cache Valley on a per capita basis. Based on current commercial development and population, it is likely the City experiences general leakage in all retail categories.

COMPARABLE TAXABLE SALES DATA

CITY	CY2014	CY2015	CY2016	% OF TOTAL	POPULATION	PER CAPITA
North Logan	\$214,359,484	\$225,835,392	\$233,837,983	13.6%	10,590	\$22,081
Logan	\$967,576,081	\$1,043,444,247	\$1,103,869,432	64.2%	50,676	\$21,783
Hyde Park	\$46,637,582	\$55,682,797	\$59,011,027	3.4%	4,513	\$13,076
Providence	\$53,547,471	\$54,642,881	\$57,655,995	3.4%	7,270	\$7,931
Smithfield	\$73,050,562	\$76,209,947	\$82,507,497	4.8%	11,146	\$7,402
Amalga	\$3,793,652	\$4,211,853	\$3,754,770	0.2%	516	\$7,277
Hyrum	\$43,806,348	\$55,376,761	\$52,908,395	3.1%	8,027	\$6,591
Lewiston	\$10,167,979	\$9,190,422	\$10,908,714	0.6%	1,806	\$6,040
Richmond	\$12,492,481	\$12,478,335	\$14,797,168	0.9%	2,600	\$5,691
Cache County (Unincorporated)	\$35,824,558	\$36,534,657	\$36,830,378	2.1%	6,565	\$5,610
River Heights	\$3,429,949	\$4,621,572	\$9,967,453	0.6%	1,962	\$5,080
Wellsville	\$10,257,101	\$11,016,650	\$14,672,643	0.9%	3,678	\$3,989
Paradise	\$2,799,899	\$2,593,204	\$2,945,599	0.2%	950	\$3,101
Millville	\$5,242,349	\$5,945,098	\$6,125,488	0.4%	1,986	\$3,084
Nibley	\$16,558,965	\$20,226,210	\$20,696,200	1.2%	6,747	\$3,067
Newton	\$1,737,663	\$1,706,688	\$2,038,292	0.1%	797	\$2,557
Mendon	\$3,353,878	\$3,758,661	\$3,355,905	0.2%	1,386	\$2,421
Cornish	\$749,941	\$560,898	\$722,189	0.0%	315	\$2,293
Trenton	\$777,120	\$988,299	\$892,678	0.1%	512	\$1,744
Clarkston	\$993,845	\$1,022,695	\$1,141,223	0.1%	711	\$1,605
Total	\$1,507,156,908	\$1,626,047,267	\$1,718,639,029	100.0%	\$122,753	\$14,001

Source: Utah State Tax Commission, LYRB

NIBLEY CITY RETAIL LEAKAGE/SURPLUS INDEX BY MAJOR STORE TYPE

While the table above provides an overview of Nibley City sales leakage as well as a comparison to surrounding communities, a more detailed analysis was recently completed by Buxton Company for Nibley and Hyrum Cities. The following table provides the leakage/surplus indices as well as sales potential and estimated sales for twelve major store types.

NIBLEY LEAKAGE/SURPLUS INDEX

STORE TYPE	POTENTIAL	ESTIMATED SALES	SURPLUS/LEAKAGE
Motor Vehicle Parts & Dealers	18,687,277	7,353,009	0.4
Furniture & home Furnishing Stores	1,537,164	0	0.0
Electronics & Appliance Stores	2,207,935	480,396	0.2
Building Material & Garden Equipment & Supply Dealers	3,607,027	2,254,667	0.6
Food & Beverage Stores	9,448,932	0	0.0
Health & Personal Care Stores	4,712,458	0	0.0
Clothing & Clothing Accessories Stores	3,235,747	1,123,533	0.3
Sporting Goods, Hobby, Book, & Music Stores	3,448,476	4,335,385	1.3
General Merchandise Stores	10,358,687	0	0.0
Miscellaneous Store Retailers	1,595,531	2,492,045	1.6
Food Service & Drinking Places	6,944,819	0	0.0
Total	65,784,053	18,039,035	0.3

The indices can be interpreted as follows:

1.0 = equilibrium, meaning that demand and sales in the area being analyzed are in balance.

.80 = demand exceeds sales by 20%, meaning that consumers are leaving the area being analyzed.

1.2 = sales exceed demand by 20%, meaning that consumers are coming from outside the area being analyzed.



HYRUM CITY RETAIL LEAKAGE/SURPLUS INDEX BY MAJOR STORE TYPE

The following table provides the leakage/surplus indices as well as sales potential and estimated sales for twelve major store types in Hyrum City.

HYRUM LEAKAGE/SURPLUS INDEX

STORE TYPE	POTENTIAL	ESTIMATED SALES	SURPLUS/LEAKAGE
Motor Vehicle Parts & Dealers	24,143,446	17,138	0.0
Furniture & home Furnishing Stores	2,016,146	857,919	0.4
Electronics & Appliance Stores	2,672,232	565,773	0.2
Building Material & Garden Equipment & Supply Dealers	5,383,063	26,198,025	4.9
Food & Beverage Stores	13,111,383	28,762,620	2.2
Health & Personal Care Stores	6,833,747	7,453,214	1.1
Clothing & Clothing Accessories Stores	4,197,570	501,783	0.1
Sporting Goods, Hobby, Book, & Music Stores	3,444,725	22,613	0.0
General Merchandise Stores	13,589,416	3,121,764	0.2
Miscellaneous Store Retailers	2,197,100	0	0.0
Food Service & Drinking Places	9,716,552	4,008,992	0.4
Total	87,305,380	71,509,841	0.8

The indices can be interpreted as follows:

1.0 = equilibrium, meaning that demand and sales in the area being analyzed are in balance.

.80 = demand exceeds sales by 20%, meaning that consumers are leaving the area being analyzed.

1.2 = sales exceed demand by 20%, meaning that consumers are coming from outside the area being analyzed.

As shown above, Nibley City's capture rate is well below the "equilibrium" with demand exceeding sales by 70 percent.

SUPPORTABLE COMMERCIAL ZONING

To determine the supportable commercial zoning within the City, this analysis evaluates future taxable sales growth, per capita spending by sector, and general commercial zoning ratios from other communities. Using two different methodologies, this analysis provides an estimate of supportable acreage by the following categories: general retail, industry, services, and total commercial acreage.

The first methodology employed in this analysis utilizes estimated retail related per capita spending and State spending statistics adjusted for the lower per capita incomes witnessed in the City. The State income adjusted per capita spending in 2016 for general retail, industry, and services was \$15,063. Assuming a total buildout population of 26,565 (based on 6,900 housing units estimated at buildout and an average household size of 3.85 according to the 2010 US Census) and a capture rate of 60 percent of local spending, the total supportable commercial zoning is estimated at approximately 164 acres. This assumes a median sales volume of \$168 per square foot of gross leasable area (GLA) and a floor area ratio (FAR) of 0.2. A capture rate of 60 percent is used based on the capture rate of two Utah communities of similar size (population of approximately 30,000).

SUPPORTABLE COMMERCIAL ZONING BASED ON AVERAGE PER CAPITA SPENDING

Analysis Based on State Per Capita Spending	General Retail	Industry	Services	Other	Total
Per Capita Spending (State Income Adjusted)	\$9,014	\$2,226	\$3,134	\$689	\$15,063
Capture Rate	60%	60%	60%	60%	60%
Captured Spending	\$5,408	\$1,336	\$1,880	\$414	\$9,038
Total Population at Buildout	26,565	26,565	26,565	26,565	26,565
Total Spending at Buildout	\$143,673,091	\$35,482,820	\$49,948,841	\$10,988,890	\$240,093,642
Median Sales Volume Per Sq.Ft. of GLA	\$168	\$168	\$168	\$168	\$168
Supportable SF	854,993	211,157	297,244	65,394	1,428,789
General Commercial Floor to Area Ratio	0.20	0.20	0.20	0.20	0.20
Acres Supportable (Based on State per Capita Spending)	98.14	24.24	34.12	7.51	164.00
Nibley Currently Developed Commercial/Industrial					109.97
Nibley Total Zoned Commercial/Industrial					179.93

Per Capita Spending (State Income Adjusted) is based on 2016 per Capita Taxable Sales for the State of Utah, assuming a Statewide population of 3,044,321, with per capita income of \$25,000. Nibley's per capita income is \$20,777, or 81.2 percent of the State total. General Retail includes building materials, clothing, food & beverage, furniture, health and personal, misc. retail, sporting goods, etc. Industry includes construction, information, manufacturing, transportation & warehousing and utilities. Services includes accommodation, admin, arts and entertainments, education, finance and insurance, public administration, etc.



A median sales volume of \$168 is used based on national data from the Dollars & Cents Shopping Center database. A comparison of retail establishments with in Utah illustrates an average of \$112 to \$368 per square foot.

COMPARABLE SALES PER SQUARE FEET

Comparable Retail Spending per SF	Retail 1	Retail 2	Retail 3	Retail 4	Average
Retail Median Sales Volume Per Sq.Ft.	\$98	\$126	\$182	\$41	\$112
Big Box Sales Volume per Sq. Ft.					\$368
Big Box sales volume is based on 15 retail tenants ranging in size from 6,500 square feet to 50,000 square feet.					

While the tables above illustrate an estimate of supportable acreage based on averages, it is important to note that the assumptions related to FAR and median sales volume will vary by development type. For example, general retail may support an FAR of 0.15, compared to industrial which typically is higher at 0.30. In addition, retail sales is typically lower for industrial uses. The table below illustrates the supportable square footage based on adjustments, which consider land use type.

SUPPORTABLE COMMERCIAL ZONING BASED ON ADJUSTED ASSUMPTIONS

Analysis Based on State Per Capita Spending	General Retail	Industry	Services	Other	Total
Per Capita Spending (State Income Adjusted)	\$9,014	\$2,226	\$3,134	\$689	\$15,063
Capture Rate	60%	60%	60%	60%	60%
Captured Spending	\$5,408	\$1,336	\$1,880	\$414	\$9,038
Total Population at Buildout	26,565	26,565	26,565	26,565	26,565
Total Spending at Buildout	\$143,673,091	\$35,482,820	\$49,948,841	\$10,988,890	\$240,093,642
Median Sales Volume Per Sq.Ft. of GLA	\$168	\$84	\$168	\$168	
Supportable SF	854,993	422,314	297,244	65,394	1,639,946
General Commercial Floor to Area Ratio	0.15	0.30	0.15	0.20	0.17
Acres Supportable (Based on State per Capita Spending)	130.85	32.32	45.49	7.51	216.17
Nibley Currently Developed Commercial/Industrial					109.97
Nibley Total Zoned Commercial/Industrial					179.93

SUPPORTABLE ZONING BY CAPTURE RATE

Capture Rate	Supportable SF	Supportable SF Based on FAR and Sale Adjustments
10%	27.33	36.03
20%	54.67	72.06
30%	82.00	108.08
40%	109.33	144.11
50%	136.67	180.14
60%	164.00	216.17
70%	191.34	252.20
80%	218.67	288.22
90%	246.00	324.25
100%	273.34	360.28

Using an alternative capture rate also will produce different results, with a 100 percent capture rate supporting a total of nearly 275 to 360 acres of commercial space. It is important to note that this methodology may not account for the full industrial space that could be supported within a community, as this type of land development is not necessarily tied to taxable sales statistics. Industrial development can be stimulated by economic incentives, access to key workforce demographics, availability of land and access to key infrastructure and/or natural resources. In addition, total office space may not be captured in the industry, services and other category.

Employing an alternative methodology yields similar results, but may also show the impacts of industrial and office space. A

comparison of zoned commercial land per capita for other communities produces a range of commercial zoning from a low of 45 acres to a high of 2,000 acres. The extreme highs in the table below are based on a comparison of two communities that have a large amount of industrial development. It is unlikely that Nibley will have the scale of this type of development. Therefore, the estimate based on data from Eagle Mountain, Bountiful and Saratoga Springs may be more appropriate, which is more in line with the data from the first methodology.

COMPARISON OF COMMERCIAL ACRES PER CAPITA

	NIBLEY	EAGLE MOUNTAIN	BRIGHAM CITY	NORTH SALT LAKE	BOUNTIFUL	SARATOGA SPRINGS
Population	6,747	29,202	18,975	20,301	44,078	26,887
Commercial Acres per Capita	0.027	0.002	0.044	0.075	0.011	0.005

	NIBLEY	EAGLE MOUNTAIN	BRIGHAM CITY	NORTH SALT LAKE	BOUNTIFUL	SARATOGA SPRINGS
Total Commercial Acres Supportable In Nibley Based on Comparable	179.93	45.48	1,165.92	2,001.65	304.55	132.00

The scenarios above show supportable acres ranging from 45 acres to 300 acres, compared to the current total commercial/industrial zoned land for Nibley of 179.93. It is likely that commercial growth will develop around neighborhood scale retail, which provides personal services, food services, gas and lodging and general retail purchases.

Nibley's proximity to regional retail in Logan, limited access and rural population will make it challenging to support a higher amount of commercial acreage. Lower population levels or continued sales leakage will result in less commercial acreage within the community. However, if the City allows for greater densities, resulting in an increase in buying power and capture rates, the area could see higher levels of commercial development. Methods to promote increased commercial development include:

- ☞ Allow for more residential development and population growth;
- ☞ Provide development incentives;
- ☞ Promote niche markets that will capture sales from surrounding communities; and
- ☞ Promote other types of commercial development (industrial, tech, office, etc.).