



NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, December 12, 2019 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Jacobsen)
2. Call to Order and Roll Call (Chair)
3. Approval of the November 14, 2019 Meeting Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. Department Report: Snow and Winter Preparations
7. Discussion and Consideration of Acceptance of an Annexation Petition for 55.992 acres, Contained Within Parcel Tax ID:03-007-0019, or Wesley Nelson Farms, Inc., located North of 2600 South and East of Highway 89/91.
8. Discussion and Consideration of Nibley Farms Phase 1 Final Plat and Development Agreement, located at 1500 West and 3410 South (Applicant: 7 Point Royal, LLC)
9. Discussion and Consideration of Ordinance 19-17: An Ordinance Adopting an Impact Fee Analysis and Adjusting and Implementing Impact Fees for Transportation (Second Reading)
10. Discussions and Consideration of Resolution 19-13: A Resolution of the Nibley City Council Adopting the Survey Recorded as 2019-0083, Establishing the Right-of-Way on 640 West from 3200 South to 4000 South (Second Reading)
11. Council and Staff Reports

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

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



**Nibley City Council
Agenda Report for
December 12, 2019**

Agenda Item #6

Description	Department Report: Snow and Winter Preparations
Department	Public Works
Presenter	Justin Maughan, Nibley City Public Works Director
Recommendation	Receive the Presentation
Reviewed By	City Manager

Background

The Public Works Director will provide a presentation regarding the public works department winter preparations, standard winter maintenance practices, and snow removal.

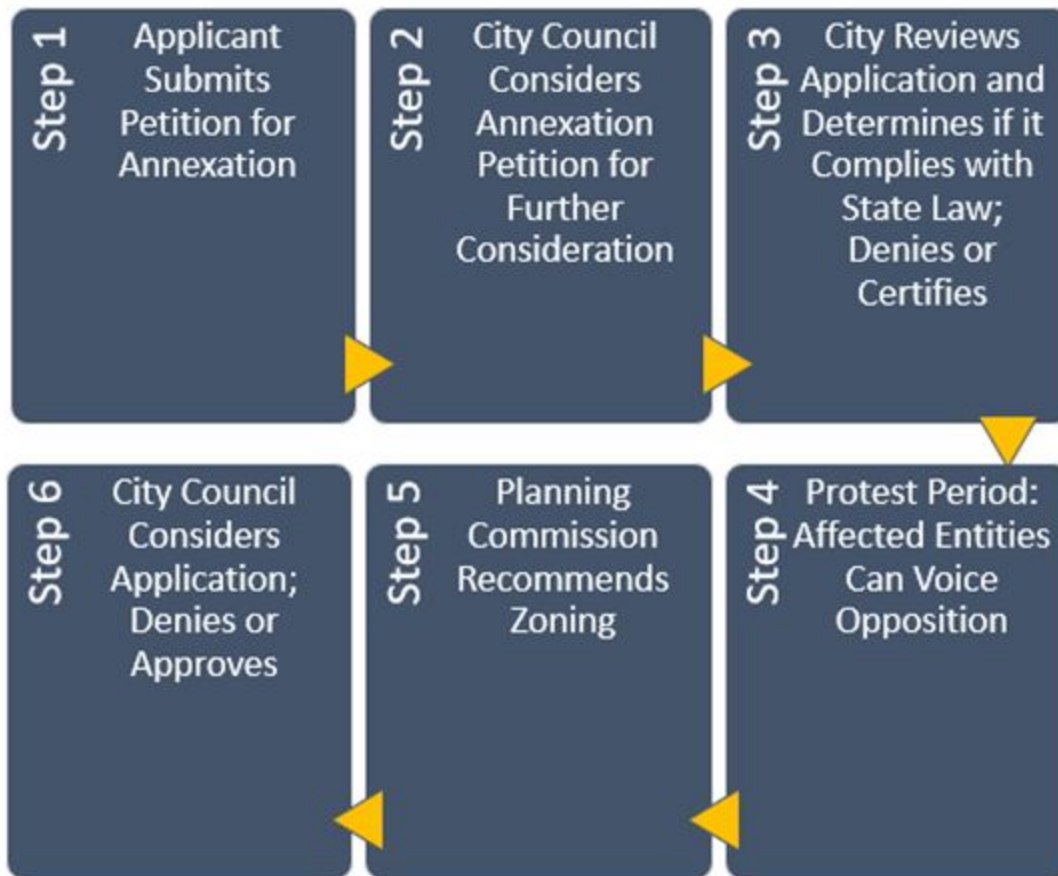
Agenda Item #7

Description	Discussion and Considerations of Acceptance of an Annexation Petition for 55.992 acres, Contained within Parcel Tax ID: 03-007-0019, or Wesley Nelson Farms, Inc., located North of 2600 South and East of Highway 89/91
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Move to Consider Acceptance of an Annexation Petition for 55.992 acres, Contained within Parcel Tax ID: 03-007-0019, or Wesley Nelson Farms, Inc., located North of 2600 South and East of Highway 89/91
Reviewed By	Mayor, City Manager, City Planner, and City Attorney

Background:

Wesley Nelson Farms, Inc., located North of 2600 South and East of Highway 89/91, has filed for annexation into Nibley City. The property has been part of Logan City. The property owner filed this application after the property owner, Logan City, Nibley City, and Cache County discussed options related to the Nibley City and Logan City Boundary along Highway 89/91 over the past few years. The property owner, seeking to develop the property, had asked Logan to provide utility services. Logan City was not able to provide utility services and the property owner petitioned Logan City for disconnection so they could petition Nibley City for annexation. On November 19, 2019, Logan City voted to allow the disconnection of the parcel owned by Wesley Nelson Farms, Inc from Logan City. The property owner has now petitioned Nibley City for annexation.

The graphic below outlines Nibley's annexation process, as approved in Nibley City's Annexation Policy Plan.



The City must first either accept or deny the petition for further consideration. The following are items to consider whether the City should accept or deny the petition, each of which is addressed in more detail after this list:

1. The area is within the boundaries of an approved expansion area map (i.e. the Annexation Declaration Boundary as shown on the Future Land Use Map).
2. Consistency with the general plan and the overall character of Nibley City;
3. The need for municipal services in developed and undeveloped unincorporated areas:
 - a. Plans for extension/expansion of municipal services;
 - b. Plans to finance extension/expansion of municipal services.
4. An estimate of the tax consequences to residents both currently within the municipal boundaries and in the area proposed for annexation.
5. The interests of all affected entities

Why Annex?

The primary reason why the applicant has requested disconnection from Logan City and annexation into Nibley City is because of utility services. Since the applicant wishes to develop in the near future, they need a connection to services such as water, sewer, and power. Logan City is unable to provide these services to this parcel without constructing a major extension of service lines. Nibley City has water and sewer adjacent to the property, and even within the property.



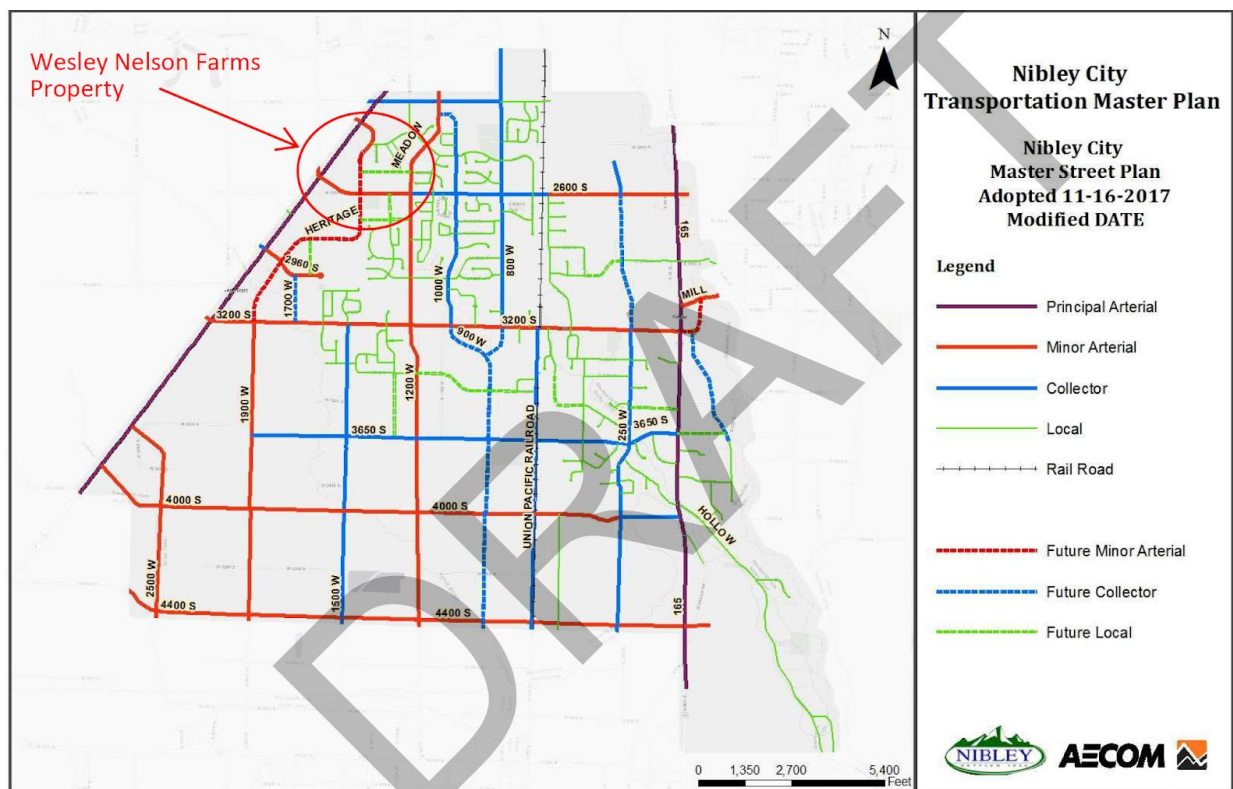
Nibley City Sewer Lines around the property

- *Nearby recreation opportunities*
- *Agricultural fields and open spaces*
- *A transportation system that promotes safe and efficient travel*
- *Recognizing and respecting private property rights*
- *Aesthetically pleasing design of development and public facilities*

(2016 Nibley City General Plan, pg. 6)

Municipal Service and Impact on Community

One of the primary reasons why property owners seek to annex into a community is to be able to connect to the City's utilities to be able to develop the property. These developments would follow City subdivision rules and each building would pay impact fees, utility bills and property taxes to pay for the increased demand on City infrastructure.



Nibley City has services in the area so that the City would be able to support the annexation and future development of this property as shown above. This area has been included in Nibley

City's master plans, even though the area has been part of Logan City. The City included this area in the plans in anticipation of the future annexation of these properties.

Nibley City has also planned a few major roadways in the area as shown above. These roadways would be built when the property is developed.

The Interest of other Affected Entities

This property is unique in the fact that it is currently part of Logan City and is going through the disconnection process. Since Logan voted to disconnect the property, Nibley is not anticipating any protest from Logan regarding the annexation petition. Cache County's position has been to support the annexation as long as both Logan City and Nibley City do not have any objections. The school districts have been sent the annexation petition and have had the opportunity to comment on Nibley's Annexation Plan and Future Land Use Map

Future Tax Consequences

The property owner is requesting that the west side of the parcel next to Highway 89/91 be zoned for commercial use, and the east side be zoned for residential use. This is in compliance with the guidelines of Nibley's Future Land Use Map, which shows the property labeled as Commercial and Medium- to High-Density Residential. These developments would need to follow Nibley City subdivision standards in order to develop and would be required to pay for and make improvements according to their anticipated impact. The future commercial area may provide a significant opportunity for future commercial development within Nibley City and could increase Nibley City's overall tax base. The applicant also desires to create an R-PUD development for the residential portion of their property, in which the higher density usually supplies a better tax base for the City than would single-family homes.

McDONALD FIELDING PLLC

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

DANIEL J. McDONALD
KYLE C. FIELDING

E-MAIL: dan@mcdonaldfielding.com
E-MAIL: kyle@mcdonaldfielding.com

October 10, 2019

David Zook
Nibley City Recorder
455 West 3200 South
Nibley, Utah 84321
Via Email: David@nibleycity.com

Cheryl Bodily
Nibley City Deputy Recorder
455 West 3200 South
Via Email: cheryl@nibleycity.com

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

The Honorable Mr. Zook and/or Ms. Bodily:

This firm represents Wesley Nelson Farms, Inc. (“**Petitioner**”), owner of the above-referenced property, which is situated immediately north of 2600 South and east of U.S. Highway 89/91 in Logan, City, Cache County, Utah (“**Property**”). We hereby file with you this petition for annexation of the Property into Nibley City pursuant to Utah Code Ann. § 10-2-403(3)(a), conditioned upon the Property first being disconnected from Logan City.

The following subsections demonstrate the Petitioner’s compliance with the relevant portions of the Utah Code:

I.
COMPLIANCE WITH UTAH CODE ANN. § 10-2-403

Utah Code Ann. § 10-2-403(3)(b)

Pursuant to Utah Code Ann. § 10-2-403(3)(b), the signatures of 100% of the private real property owners within the area proposed for annexation are affixed below. The Property is 100% owned by Wesley Nelson Farms.

Utah Code Ann. § 10-2-403(3)(c)

Pursuant to Utah Code Ann. § 10-2-403(3)(c)(i), an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation is attached as **Exhibit 1**. We can submit a full-sized original to the City upon request.

Pursuant to Utah Code Ann. § 10-2-403(3)(c)(ii), a copy of the notice sent to affected entities is attached as **Exhibit 2**. The notice was mailed to the following affected entities on September 3, 2019:

Cache County
c/o Clerk/Auditor Office
179 North Main St. Suite 102
Logan UT, 84321

Cache County School District
84 East 2400 North
North Logan, UT 84341

Logan City
c/o Teresa Harris, City Recorder
290 North 100 West
Logan, UT 84321.

Utah Code Ann. § 10-2-403(3)(f)

Pursuant to Utah Code Ann. § 10-2-403(3)(f), the sponsor and contact sponsor for this petition for annexation is Al Bingham, whose mailing address is c/o of the undersigned counsel at the address listed above.

Utah Code Ann. § 10-2-403(6)(a)

To the Petitioner's knowledge there are no local districts and special service districts for sewer, water, and other services that will be affected by the annexation. These services will be provided by Nibley City. Nibley City has long planned to have the Property become part of Nibley City. For example, its January 2013 Economic Development Strategic Plan, attached as **Exhibit 3**, identified development of commercial areas along SR 89/91 as a priority and part of its community vision. (See Ex.3 at p. 4.) Nibley's Economic Development Strategic Plan stated, "Nibley will need to identify more land for future commercial development—either in its existing boundaries or through future annexations." (*Id.* at p. 11.) The Petitioner plans to develop the portions of the Property immediately adjacent to SR 89/91 into commercial uses, as shown in **Exhibit 4**, with higher density residential uses immediately adjacent to the commercial development and lower density residential uses immediately adjacent to the higher density residential uses.

As shown in **Exhibit 5**, the Property is part of the Nibley City Annexation Policy Plan and is depicted on the Nibley City Annexation Declaration Boundary map. (Ex. 5 at p.6.) As shown in **Exhibit 6**, Nibley City has existing infrastructure immediately adjacent to the Property and has included the Property in its future land use planning. Indeed, on October 4, 2018, Nibley City passed Resolution 18-10, attached as **Exhibit 7**, creating a Future Land Use map that includes the Property, assigning it a commercial and medium to high density residential zoning designation.

All of the projected streets, public ways, water services, sewer mains, etc. for the Property have been planned and projected by Nibley City, as shown in Exhibits 6 and 7. The Petitioner is unaware of any corresponding plans of Logan City or Cache County that would be substantially disrupted or affected by disconnection.

The Petitioner's development experts, engineers and Nibley City Manager David Zook would all testify that development of the Property in Nibley City is much more feasible than remaining in Logan City because, among other things, there are Nibley City utility lines right on the edge of the Property whereas Logan City has no nearby utilities it could extend to service the Property. In short, development of the Property in Logan City is not viable but development of the Property in Nibley City is viable and would not interfere with the provision of services and utilities.

To the Petitioner's knowledge, the annexation will not affect the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries. The Petitioner is not aware of any other taxing entities that could be affected by the annexation.

Utah Code Ann. § 10-2-403(6)(b)

As Nibley City's Annexation Declaration Boundary (Ex. 5 at p. 6) so aptly shows, the Property is really an isolated peninsula of Logan City jutting into Nibley City. Consequently, disconnection will resolve or reduce this isolated peninsula for Logan City and fill in a gap for Nibley City.

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

Utah Code Ann. § 10-2-403(6)(c)

The Petitioner is unaware of any overlapping functions of local government that would be affected by this petition.

Utah Code Ann. § 10-2-403(6)(d)

Annexation would promote the efficient delivery of services because services are already impaired from Logan City due to the geographical isolation of Logan City properties east of SR 89/91 and bounded by Nibley City. Logan City provides no services. In contrast, Nibley City has long planned to have the Property become part of its city, and Nibley City can, in a cost-effective manner and without materially increasing its costs of providing municipal services, provide services for the Property. Again, Nibley City has existing infrastructure immediately adjacent to the Property and has included the Property in its future land use planning.

Utah Code Ann. § 10-2-403(6)(e)

To the Petitioner's knowledge, annexation into Nibley would have no impact upon the equitable distribution of community resources and obligations.

Utah Code Ann. § 10-2-403(7)

Petitioner hereby certifies that contemporaneously herewith it has delivered and/or mailed a copy of this petition to the clerk of the county in which the area proposed for annexation is located.

II.

COMPLIANCE WITH UTAH CODE ANN. § 10-2-402

Utah Code Ann. § 10-2-402(1)(a), and -(b)(i)-(ii)

The Property is a contiguous area as Exhibit 1 shows. The Property is contiguous to Nibley City, and it will temporarily become unincorporated area upon disconnection from Logan City. This petition is made upon the express condition that the Property first be disconnected from Logan City. As the City is aware, the Petitioner has already applied for disconnection from Logan City. The Petitioner requests that annexation be granted, conditioned upon disconnection from Logan City in the event that the Petitioner's disconnection from Logan City has not been completed at the time of consideration by Nibley City.

Utah Code Ann. § 10-2-402(b)(iii)

Annexation of the Property will not leave or create an unincorporated island or unincorporated peninsula.

Utah Code Ann. § 10-2-402(b)(iv)

The Property is within Nibley City's planned expansion area.

Utah Code Ann. § 10-2-402(3)

The Property does not include part of a parcel of real property and exclude part of that same parcel. The Property consists of a single parcel number.

Utah Code Ann. § 10-2-402(4)

This annexation is not undertaken for the sole purpose of acquiring municipal revenue or to retard the capacity of another municipality to annex the same or a related area. Additionally, as explained above, Nibley City has the ability and intent to benefit the annexed area by providing municipal services to the annexed area.

Utah Code Ann. § 10-2-402(6)

Logan City, Nibley City and the Property are all located in a single county, Cache County.

**III.
CONCLUSION**

Based upon the foregoing, the Petitioner respectfully requests that Nibley City accept this petition and annex the Property into Nibley City. If you have questions or need additional information, please contact me.

Sincerely,

MCDONALD FIELDING



Daniel J. McDonald

SIGNATURE OF PETITIONER/100% PROPERTY OWNER:

WESLEY NELSON FARMS, INC.

By: Al Bingham

Its: President

Enclosures (Exs. 1-7)

C: Wesley Nelson Farms, Cache County Clerk/Recorder

Utah Code Ann. § 10-2-402(6)

Logan City, Nibley City and the Property are all located in a single county, Cache County.

**III.
CONCLUSION**

Based upon the foregoing, the Petitioner respectfully requests that Nibley City accept this petition and annex the Property into Nibley City. If you have questions or need additional information, please contact me.

Sincerely,

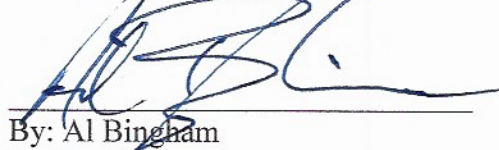
MCDONALD FIELDING



Daniel J. McDonald

SIGNATURE OF PETITIONER/100% PROPERTY OWNER:

WESLEY NELSON FARMS, INC.



By: Al Bingham
Its: President

Enclosures (Exs. 1-7)

C: Wesley Nelson Farms, Cache County Clerk/Recorder

Exhibit 1

(Local Entity Plat)

WESLEY NELSON FARMS NIBLEY CITY - LOCAL ENTITY PLAT

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

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

SURVEYOR'S CERTIFICATE

I, MICHAEL B. HERBST do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 5046930 in the State of Utah. I further certify that by authority of the Owners, a Local Entity plat was made under my direction of the tract of land shown on this plat and described below. I hereby state that this plat is a true representation of the land to be annexed into Nibley City, Cache County, Utah.

SURVEYORS NARRATIVE

THIS SURVEY WAS REQUESTED BY AL BINGHAM, PRESIDENT OF WESLEY NELSON FARMS INC. TO DEFINE THE OVERALL BOUNDARY, SET PROPERTY CORNERS, AND TO ANNEX THIS PROPERTY FROM LOGAN CITY TO NIBLEY CITY PRIOR TO DEVELOPING THE LAND.

THE BASIS OF BEARING FOR THIS SURVEY WAS NORTH 89°47'28" WEST 2654.13 FEET MEASURED ALONG THE SOUTH LINE OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN BETWEEN TWO CACHE COUNTY ALUMINUM CAP MONUMENTS BEING THE SOUTH QUARTER CORNER AND THE SOUTHWEST CORNER OF SAID SECTION 17, FOUND FLUSH WITH THE GROUND.

RECORD DOCUMENTS REFERENCED DURING THE PREPARATION OF THIS SURVEY WERE:
SECTION CORNER MONUMENT SHEETS FOR THE SW, SQ, N AND W CORNERS OF SECTION 17,
SUBDIVISION PLATS FOR:

- o GLEN HANSEN LOT SPLIT SUBDIVISION
- o SIERRA COMMERCIAL PARK SUBDIVISION PHASE 1
- o SIERRA PARK PHASE 1
- o SPRING CREEK CROSSING PHASE 2
- o SUNRISE MEADOWS PHASE 3
- o MEADOW VIEW ESTATES PHASE 1

RECORD OF SURVEY(S):

- o ROS PREPARED BY CACHÉ LANDMARK FILED AS SURVEY NO. 2005-0038
- o ROS PREPARED BY CACHÉ LANDMARK FILED AS SURVEY NO. 2005-0128
- o ROS PREPARED BY FORESIGHT SURVEYING FILED AS SURVEY NO. 2008-0139
- o ROS PREPARED BY CACHÉ LANDMARK FILED AS SURVEY NO. 2000-0091

BOUNDARY DESCRIPTION

WESLEY NELSON FARMS PROPERTY - AS-SURVEYED LEGAL DESCRIPTION

A PARCEL OF LAND, SITUATE IN THE SOUTHWEST QUARTER OF SAID SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL ALSO LOCATED IN LOGAN UT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING:

THENCE NORTH 89°47'28" WEST 2654.13 FEET ALONG THE SOUTH LINE AND TO THE SOUTHWEST CORNER OF SECTION 11;

THENCE NORTH 00°29'19" WEST 344.68 FEET ALONG THE WEST LINE OF SAID SECTION 17, TO THE EAST LINE OF US HIGHWAY 89-91;

THENCE NORTH 36°37'09" EAST 1619.16 FEET ALONG SAID EAST LINE OF US HIGHWAY 89-91 TO THE SOUTH 74°36'16" EAST 387.97 FEET TO A POINT ON THE WEST LINE OF SIERRA COMMERCIAL PARK;

THENCE SOUTH 00°15'51" EAST 879.23 FEET ALONG THE WEST LINE AND TO THE SOUTHWEST CORNER OF SAID SIERRA COMMERCIAL PARK;

THENCE SOUTH 89°54'07" EAST 1307.74 FEET ALONG THE SOUTH LINE OF SIERRA COMMERCIAL PARK, AND TO ALONG THE SOUTH LINE AND TO THE SOUTHEAST CORNER OF SPRING CREEK CROSSING PARK;

THENCE SOUTHEAST CORNER OF SPRING CREEK CROSSING PARK BEING THE CENTER-SOUTH CORNER 1164 CORNER SAID SECTION 17, TO THE CENTER-SOUTH CORNER 1164 CORNER SAID SECTION 17;

THENCE SOUTH 00°27'41" EAST 669.46 FEET ALONG THE QUARTER SECTION LINE OF SAID SECTION 17, TO THE POINT OF BEGINNING.

CONTAINS 2,439.026 SQUARE FEET OR 55.992 ACRES



08/22/2019
DATE:

MICHAEL B. HERBST, P.L.S.
LICENSE NO. 5046930

NIBLEY CITY APPROVAL

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

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2019

APPROVED: _____ MAYOR

RECORDED

**WESLEY NELSON FARMS NIBLEY
CITY - LOCAL ENTITY PLAT**

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

CACHE COUNTY RECORDER

ENTRY NO. _____ FEE _____
PAID _____ FILED FOR RECORD AND
RECORDED THIS _____ DAY OF _____, 20_____
AT _____ IN BOOK _____ OF OFFICIAL RECORD:
PAGE _____

CACHE COUNTY RECORDER

BY _____
DEPUTY RECORDER

CACHE COUNTY DEPUTY SURVEYOR

I CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND FOUND IT TO MEET THE REQUIREMENTS OF A FINAL LOCAL ENTITY PLAT.
SIGNED THIS _____ DAY OF _____, 2019

CACHÉ COUNTY DEPUTY SURVEYOR

SHEET 1 OF 1

PROJECT NUMBER : 919
MANAGER : M HERBST

DRAWN BY : A.SHELBY

DATE : 8/22/19



LAYTON
1485 W. Hillfield Rd. Ste 204
Layton UT 84041
Phone: 801.547.1100
Fax: 801.593.6315

WWW.ENSIGNENG.COM

TOOELE
Phone: 435.843.3590

CEDAR CITY
Phone: 435.865.1453

RICHFIELD
Phone: 435.896.2983

SEA

Exhibit 2

(Notice of Intent to File Petition for Annexation)

NOTICE OF INTENT TO FILE PETITION FOR ANNEXATION

Attention: Your property may be affected by a proposed annexation (described below).

Records show that you own property within an area that is intended to be included in a proposed annexation to Nibley City or that is within 300 feet of that area. If your property is within the area proposed for annexation, you may be asked to sign a petition supporting the annexation. You may choose whether to sign the petition. By signing the petition, you indicate your support of the proposed annexation. If you sign the petition but later change your mind about supporting the annexation, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of Nibley City within 30 days after Nibley City receives notice that the petition has been certified.

There will be no public election on the proposed annexation because Utah law does not provide for an annexation to be approved by voters at a public election. Signing or not signing the annexation petition is the method under Utah law for the owners of property within the area proposed for annexation to demonstrate their support of or opposition to the proposed annexation.

You may obtain more information on the proposed annexation by contacting Nibley City Planner Stephen Nelson, 455 West 3200 South, Nibley, Utah, 84321, 435-752-0431, stephen@nibleycity.com; Cache County Development Services, Attn: Chris Harrild, 179 North Main Suite 305, Logan UT, 84321, 435-755-1640, chris.harrild@cachecounty.org; or the undersigned Daniel J. McDonald, attorney for the Petitioner, who filed the notice of intent under Subsection (2)(a)(i)(A). Once filed, the annexation petition will be available for inspection and copying at the office of Nibley City located at Nibley City, 455 West 3200 South, Nibley, UT, 84321.

Pursuant to Utah Code Ann. §§ 10-2-403(2)(a)(ii) and -403(2)(b)(iii)(B) **the area that is proposed to be annexed into Nibley City is shown in the map attached hereto as Exhibit 1.**

DATED this 3rd day of September, 2019.



Daniel J. McDonald, Esq.
dan@mcdonaldfielding.com
MCDONALD FIELDING, PLLC
The Mill at Dry Creek
175 W. Canyon Crest Road, Suite 204
Alpine, Utah 84004
Telephone: (801) 610-0010
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify, pursuant to Utah Code Ann. § 10-2-403(2)(a)(i)(B), that on this 3rd day of September, 2019, I sent a true and correct copy of this NOTICE OF INTENT TO FILE PETITION FOR ANNEXATION via United States mail to each “affected entity” listed below:

Cache County
c/o Clerk/Auditor Office
179 North Main St. Suite 102
Logan UT, 84321

Cache County School District
84 East 2400 North
North Logan, UT 84341

Logan City
c/o Teresa Harris, City Recorder
290 North 100 West
Logan, UT 84321



Daniel J. McDonald, Esq.

Exhibit 1
(Proposed Annexation Plat Map)

WESLEY NELSON FARMS NIBLEY CITY - LOCAL ENTITY PLAT

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

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

8
17
8

SURVEYOR'S CERTIFICATE

I, **MICHAEL B. HERBST** do hereby certify that I am a Professional Land Surveyor, and that I hold License No. **5046930** in the State of Utah. I further certify that by authority of the Owners, a Local Entity plat was made under my direction of the tract of land shown on this plat and described below. I hereby state that this plat is a true representation of the land to be annexed into Nibley City, Cache County, Utah.

SURVEYORS NARRATIVE

THIS SURVEY WAS REQUESTED BY AL BINGHAM, PRESIDENT OF WESLEY NELSON FARMS INC. TO DEFINE THE OVERALL BOUNDARY, SET PROPERTY CORNERS, AND TO ANNEX THIS PROPERTY FROM LOGAN CITY TO NIBLEY CITY PRIOR TO DEVELOPING THE LAND.

THE BASIS OF BEARING FOR THIS SURVEY WAS NORTH 89°47'28" WEST 2654.13 FEET MEASURED ALONG THE SOUTH LINE OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN BETWEEN TWO CACHE COUNTY ALUMINUM CAP MONUMENTS BEING THE SOUTH QUARTER CORNER AND THE SOUTHWEST CORNER OF SAID SECTION 17, FOUND FLUSH WITH THE GROUND.

RECORD DOCUMENTS REFERENCED DURING THE PREPARATION OF THIS SURVEY WERE:
SECTION CORNER MONUMENT TIE SHEETS FOR THE SW, SQ, N AND W CORNERS OF SECTION 17.
SUBDIVISION PLATS FOR:
O GLEN HANSEN "LOT SPLIT" SUBDIVISION
O SIERRA COMMERCIAL PARK SUBDIVISION PHASE 1
O SIERRA PARK PHASE 1
O SPRING CREEK CROSSING PHASE 2
O SUNRISE MEADOWS PHASE 3
O MEADOW VIEW ESTATES PHASE 1
RECORD OF SURVEY(S):
O ROS PREPARED BY CACHE LANDMARK FILED AS SURVEY NO. 2005-0038
O ROS PREPARED BY CACHE LANDMARK FILED AS SURVEY NO. 2005-0126
O ROS PREPARED BY FORESIGHT SURVEYING FILED AS SURVEY NO. 2008-0139
O ROS PREPARED BY CACHE LANDMARK FILED AS SURVEY NO. 2000-0091

BOUNDARY DESCRIPTION

WESLEY NELSON FARMS PROPERTY - AS SURVEYED LEGAL DESCRIPTION

A PARCEL OF LAND, SITUATE IN THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL ALSO LOCATED IN LOGAN, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 17, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING:
THENCE NORTH 89°47'28" WEST 2654.13 FEET ALONG THE SOUTH LINE AND TO THE SOUTHWEST CORNER OF SECTION 17.
THENCE NORTH 00°29'19" WEST 344.68 FEET ALONG THE WEST LINE OF SAID SECTION 17, TO THE EAST LINE OF US HIGHWAY 89-91.
THENCE NORTH 36°37'09" EAST 1619.16 FEET ALONG SAID EAST LINE OF US HIGHWAY 89-91;
THENCE SOUTH 74°36'16" EAST 387.97 FEET TO A POINT ON THE WEST LINE OF SIERRA COMMERCIAL PARK;
THENCE SOUTH 00°15'51" EAST 879.23 FEET ALONG THE WEST LINE AND TO THE SOUTHWEST CORNER OF SAID SIERRA COMMERCIAL PARK;
THENCE SOUTH 89°54'07" EAST 1307.74 FEET ALONG THE SOUTH LINE OF SIERRA COMMERCIAL PARK, TO AND ALONG THE SOUTH LINE AND TO THE SOUTHEAST CORNER OF SPRING CREEK CROSSING PHASE 2, SAID SOUTHEAST CORNER OF SPRING CREEK CROSSING PHASE 2 BEING THE CENTER SOUTH-SOUTH 1/64 CORNER SAID SECTION 17;
THENCE SOUTH 00°27'41" EAST 669.46 FEET ALONG THE QUARTER SECTION LINE OF SAID SECTION 17, TO THE POINT OF BEGINNING.

CONTAINS 2,439,026 SQUARE FEET OR 55.992 ACRES.



08/22/2019
DATE:

MICHAEL B. HERBST, P.L.S.
LICENSE NO. 5046930

NIBLEY CITY APPROVAL

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

WITNESS MY HAD AND OFFICIAL SEAL THIS _____ DAY OF _____, 2019

APPROVED: _____ MAYOR

RECORDED

WESLEY NELSON FARMS NIBLEY CITY - LOCAL ENTITY PLAT

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

CACHE COUNTY RECORDER

ENTRY NO. _____ FEE
PAID _____ FILED FOR RECORD AND
RECORDED THIS _____ DAY OF _____, 20____
AT _____ IN BOOK _____ OF OFFICIAL RECORDS
PAGE _____

SHEET 1 OF 1

PROJECT NUMBER : 9196

MANAGER : M.HERBST

DRAWN BY : A.SHELBY

CHECKED BY : M.HERBST

DATE : 8/22/19

CACHE COUNTY RECORDER

DEPUTY RECORDER

CACHE COUNTY DEPUTY SURVEYOR

I CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND FOUND IT TO MEET THE REQUIREMENTS OF A FINAL LOCAL ENTITY PLAT.
SIGNED THIS _____ DAY OF _____, 2019

CACHE COUNTY DEPUTY SURVEYOR

SEAL



LAYTON
1485 W. Hillfield Rd. Ste 204
Layton UT 84041
Phone: 801.547.1100
Fax: 801.593.6315
www.ENSIGNENG.COM

SALT LAKE CITY
Phone: 801.253.0259
TOOELE
Phone: 435.843.3360
CEDAR CITY
Phone: 435.862.1453
RICHFIELD
Phone: 435.892.2983

WESLEY NELSON FARMS INC.
03-007-0019

PROPERTY TO BE ANNEXED
TO NIBLEY CITY
2,439,026 sq.ft.
55.992 acres

TRI H FARMS LLC
03-015-0001

NIBLEY CITY CORP.
03-015-0040

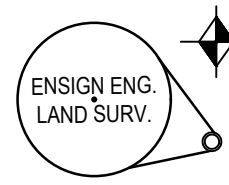
NIBLEY CITY CORP.
03-015-0002

CATHOLIC DIOCESE
OF SALT LAKE CITY
REAL ESTATE COR
03-015-0039

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

VICINITY MAP
NO SCALE
LOGAN, CACHE COUNTY, UTAH

LEGEND



SECTION CORNER
SET 5/8" REBAR WITH YELLOW PLASTIC
CAP, OR NAIL STAMPED "ENSIGN ENG. &
LAND SURV."
BOUNDARY LINE
SECTION LINE
CENTER LINE
EXISTING NIBLEY CITY LIMITS
EXISTING LOGAN CITY LIMITS

US HIGHWAY 89-91
N 28°37'09" E 1619.16'

2600 SOUTH STREET

Exhibit 3

(Economic Development Strategic Plan)



NIBLEY CITY

ECONOMIC DEVELOPMENT STRATEGIC PLAN

JANUARY 2013

PREPARED BY
LEWIS YOUNG ROBERTSON &
BURNINGHAM, INC.



TABLE OF CONTENTS

SECTION 1: EXECUTIVE SUMMARY	3
SECTION 2: COMMUNITY VISION.....	4
SECTION 3: OVERVIEW OF NIBLEY CITY	5
BACKGROUND	5
POPULATION GROWTH AND AGE DISTRIBUTION	5
EDUCATIONAL ATTAINMENT	6
EMPLOYMENT	7
INCOME CHARACTERISTICS.....	7
SECTION 4: GENERAL ECONOMIC ENVIRONMENT	8
SECTION 5: NIBLEY CITY ECONOMIC SUSTAINABILITY	10
PROMOTE BUSINESS ATTRACTION AND RECRUITMENT.....	10
INCREASE ECONOMIC DEVELOPMENT CAPABILITY	10
IDENTIFY AND PROMOTE ECONOMIC DEVELOPMENT SITES	11
DEVELOPING ECONOMIC RESOURCES.....	11
DEVELOP INDUSTRIAL AND BUSINESS SITES.....	15
DEVELOP SUSTAINABLE GOVERNMENT SERVICES AND RESOURCES	15
APPENDIX A: ECONOMIC DEVELOPMENT RESOURCES.....	17
APPENDIX B: COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES.....	18
APPENDIX C: ILLUSTRATION OF TAXABLE SALES CAPTURE WITHIN CACHE COUNTY	21
APPENDIX D: OTHER ECONOMIC DEVELOPMENT TOOLS.....	22



SECTION 1: EXECUTIVE SUMMARY

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

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

PROMOTE BUSINESS ATTRACTION AND RECRUITMENT

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

INCREASE ECONOMIC DEVELOPMENT CAPABILITY

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

IDENTIFY AND PROMOTE ECONOMIC DEVELOPMENT SITES

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

DEVELOP INDUSTRIAL AND BUSINESS SITES

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

DEVELOP SUSTAINABLE GOVERNMENT SERVICES AND RESOURCES

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



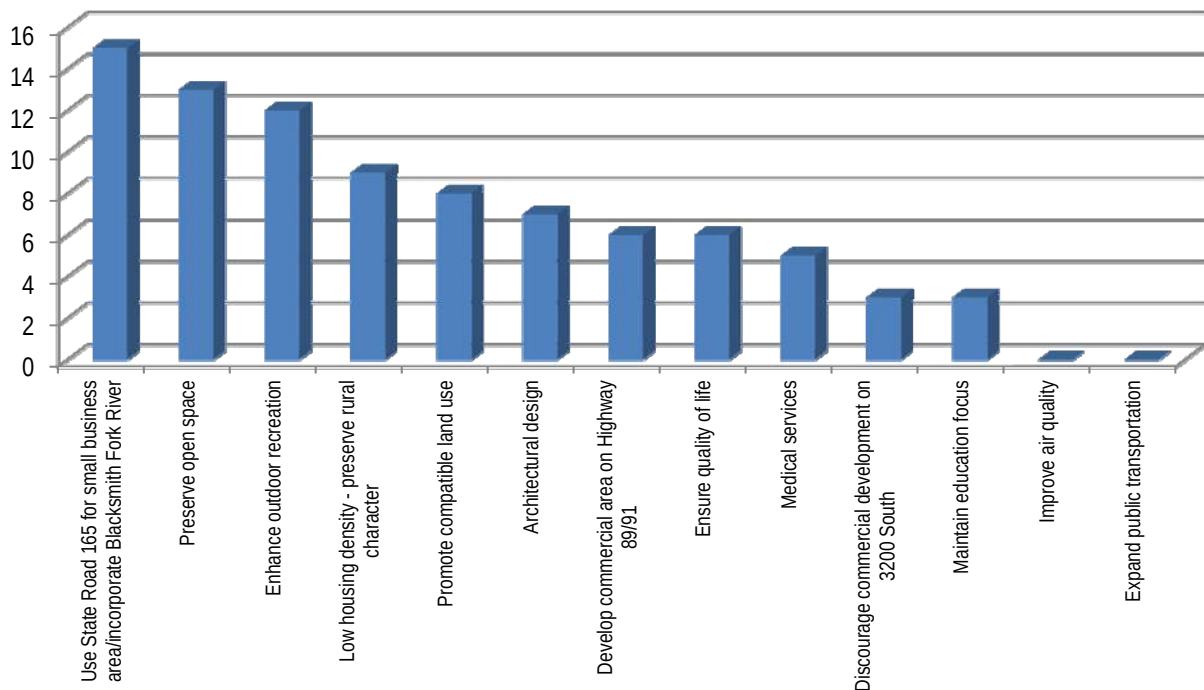
SECTION 2: COMMUNITY VISION

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

TABLE 2.1: VISIONING WORKSHOP PRIORITIES

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

FIGURE 2.1: VISIONING WORKSHOP PRIORITIES GRAPH





SECTION 3: OVERVIEW OF NIBLEY CITY

BACKGROUND

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

POPULATION GROWTH AND AGE DISTRIBUTION

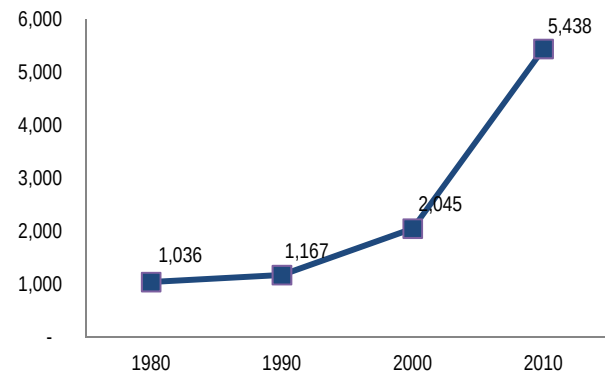
Table 3.1 and Figure 3.1 show the population growth for Nibley City. The City experienced significant growth from 2000 to 2010 growing from a population of 2,045 to a population of 5,438.

TABLE 3.1: CITY/COUNTY/STATE POPULATION DATA

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

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

FIGURE 3.1: NIBLEY POPULATION GROWTH



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

TABLE 3.2: POPULATION GROWTH WITHIN CACHE COUNTY

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

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

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

TABLE 3.3: 2010 AGE DISTRIBUTION

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



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

Source: Census 2010 DP-1, DP02 Tables

HOUSEHOLDS

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

TABLE 3.4: TOTAL HOUSEHOLDS

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

Source: Census 2010 DP-1, DP02 Tables

TABLE 3.5: HOUSING TENURE

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

Source: Census 2010 DP-1, DP02 Tables

EDUCATIONAL ATTAINMENT

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

TABLE 3.6: EDUCATIONAL ATTAINMENT

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

Source: Census 2010 DP-1, DP02 Tables



EMPLOYMENT

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

TABLE 3.7: EMPLOYMENT

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

Source: Census 2010 DP-1, DP03 Table

INCOME CHARACTERISTICS

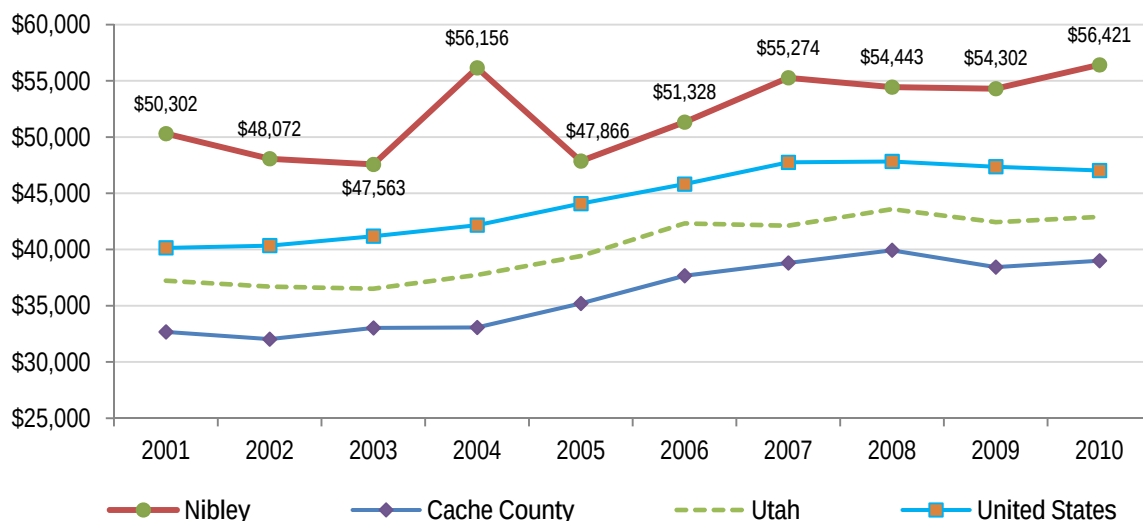
The household median adjusted gross income (MAGI) for Nibley City in 2010 was approximately \$56,421. This is much higher than the County's median of \$39,004 and also higher than the State and U.S. medians as shown in the table below. Figure 3.2 shows the fluctuation of MAGI for Nibley, Cache County,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

TABLE 3.8: HOUSEHOLD MEDIAN ADJUSTED GROSS INCOME (MAGI)

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

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

FIGURE 3.2: HOUSEHOLD MEDIAN ADJUSTED GROSS INCOME





SECTION 4: GENERAL ECONOMIC ENVIRONMENT

NIBLEY'S ECONOMY

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

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

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

CACHE COUNTY'S ECONOMY

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

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

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

UTAH'S ECONOMY

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

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

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

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



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

NATIONAL ECONOMY

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

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

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

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



SECTION 5: NIBLEY CITY ECONOMIC SUSTAINABILITY

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

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

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

PROMOTE BUSINESS ATTRACTION AND RECRUITMENT

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

1. Develop Targeted Industry Marketing Campaigns.

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

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

2. Develop Appropriate Transportation Infrastructure.

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

INCREASE ECONOMIC DEVELOPMENT CAPABILITY

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



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

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

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

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

3. Facilitate local partnering.

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

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

DEVELOPING ECONOMIC RESOURCES

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

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

IDENTIFY AND PROMOTE ECONOMIC DEVELOPMENT SITES

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

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

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

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



TABLE 5.1: TYPICAL SCALE OF RETAIL DEVELOPMENT

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

Urban Land Institute, Retail Development, 4th ed.

EXAMPLES OF NEIGHBORHOOD SCALE RETAIL

The following highlights a number of successful neighborhood scale retail.

SoDA ROW

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

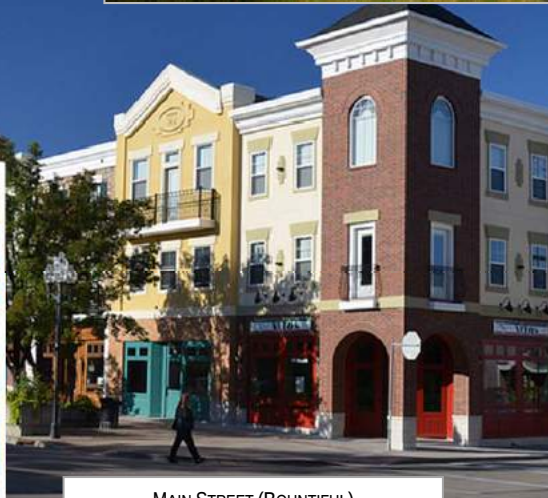
BOUNTIFUL MAIN STREET

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

Development types:

-  Dining
-  Boutiques
-  Office
-  Clothing
-  Personal Services

SODA ROW (DAYBREAK, SOUTH JORDAN)



MAIN STREET (BOUNTIFUL)



KEY ELEMENTS OF A TOWN CENTER DEVELOPMENT

CENTER CORE

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

COMMERCIAL ACTIVITIES WITHIN NEIGHBORHOOD CENTERS

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

CIVIC BUILDINGS

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

GATHERING SPACES

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

LIVE-WORK UNITS

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

SCALE AND DENSITY TRANSITIONS

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

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

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

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

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



4. Preserve the rural feel of the community.

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

CLUSTERING OF BUSINESSES

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

MIXED-USE WITHIN CENTERS

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

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

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

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

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

RETAIL SALES LEAKAGE ANALYSIS

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

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



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

DEVELOP INDUSTRIAL AND BUSINESS SITES

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

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

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

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

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

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

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

UTAH COMMUNITY DEVELOPMENT & RENEWAL AGENCIES ACT (CDRA)

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

The main steps in establishing a tax increment area include:

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

DEVELOP SUSTAINABLE GOVERNMENT SERVICES AND RESOURCES

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



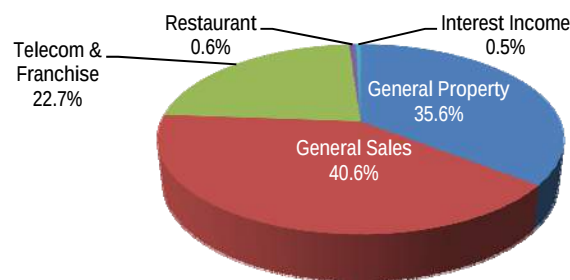
Table 5.2 shows Nibley City's General Fund Tax Revenues from 2005 to 2011. Figure 5.1 shows the make-up of the general fund tax revenues. The top three largest contributors to tax revenues are general sales, general property, and telecom & franchise taxes. This illustrates that the City does have a balance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

TABLE 5.2: GENERAL FUND TAX REVENUES

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

Source: Nibley City Audited Financial & Budget Statements

FIGURE 5.1: DISTRIBUTION OF 2011 GENERAL FUND TAX REVENUES



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

TABLE 5.3: GENERAL FUND

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

Source: Nibley City Audited Financial Statements

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

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

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

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

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



APPENDIX A: ECONOMIC DEVELOPMENT RESOURCES

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

TABLE A.1: DATA RESOURCES

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



APPENDIX B: COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES

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

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

GENERAL PROVISIONS

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

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

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

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

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

URBAN RENEWAL PROJECT AREA (URA)

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



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

ECONOMIC DEVELOPMENT PROJECT AREA (EDA)

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

COMMUNITY DEVELOPMENT PROJECT AREA (CDA)

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

FUNDING

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

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

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

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

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

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



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

CONCERNS

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

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



APPENDIX C: ILLUSTRATION OF TAXABLE SALES CAPTURE WITHIN CACHE COUNTY

TABLE C.1: ANNUAL SALES TAX DISTRIBUTION FOR 2011

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

TABLE C.2: ANNUAL SALES TAX DISTRIBUTION FOR 2012

2012 (THROUGH NOV)		LOCAL POP	FINAL DISTRIBUTION	PER CAPITA	RANK
3000	Cache County	6,774	\$651,126	\$96.12	9
3001	Amalga	497	\$54,043	\$108.74	5
3014	Clarkston	678	\$55,827	\$82.34	19
3017	Cornish	293	\$26,309	\$89.79	11
3032	Hyde Park	3,904	\$453,466	\$116.15	3
3033	Hyrum	7,751	\$750,290	\$96.80	8
3036	Lewiston	1,798	\$177,087	\$98.49	7
3038	Logan	49,010	\$7,559,984	\$154.25	2
3041	Mendon	1,306	\$111,001	\$84.99	17
3044	Millville	1,863	\$161,458	\$86.67	14
3047	Newton	803	\$69,069	\$86.01	15
3049	North Logan	8,425	\$1,562,022	\$185.40	1
3053	Paradise	922	\$81,060	\$87.92	13
3056	Providence	7,207	\$787,491	\$109.27	4
3059	Richmond	2,517	\$241,513	\$95.95	10
3060	River Heights	1,767	\$145,798	\$82.51	18
3062	Smithfield	9,674	\$1,027,796	\$106.24	6
3076	Wellsville	3,498	\$310,736	\$88.83	12
3081	Trenton	472	\$38,736	\$82.07	20
3098	Nibley	5,540	\$475,304	\$85.79	16
	Total	114,699	\$14,740,115	\$128.51	



APENDIX D: OTHER ECONOMIC DEVELOPMENT TOOLS

REVOLVING LOAN FUNDS

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

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

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

Revolving Loan Fund Example, Salt Lake County:

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

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

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

SPECIAL ASSESSMENT AREA

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

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

GRANTS FOR ECONOMIC DEVELOPMENT AND FAÇADE RENOVATION

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



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

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

COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)

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

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

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

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

ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING (EDTIF)/HB 11

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

INDUSTRIAL ASSISTANCE FUND (IAF)

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

CUSTOM FIT

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

UTAH HISTORIC PRESERVATION TAX CREDIT

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

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

⁴ U.S. Department of Housing and Urban Development



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

OTHER FINANCING TOOLS

RENEWABLE ENERGY DEVELOPMENT INCENTIVE (REDI)

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

SPECIAL ASSESSMENT BONDS

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

TAX INCREMENT REVENUE BONDS

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

INDUSTRIAL DEVELOPMENT BONDS

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

WAIVING OF DEVELOPMENT FEES

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

PUBLIC/PRIVATE PARTNERSHIPS

PRIVATE LEASE PROGRAMS

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

PUBLIC LEASE PROGRAMS

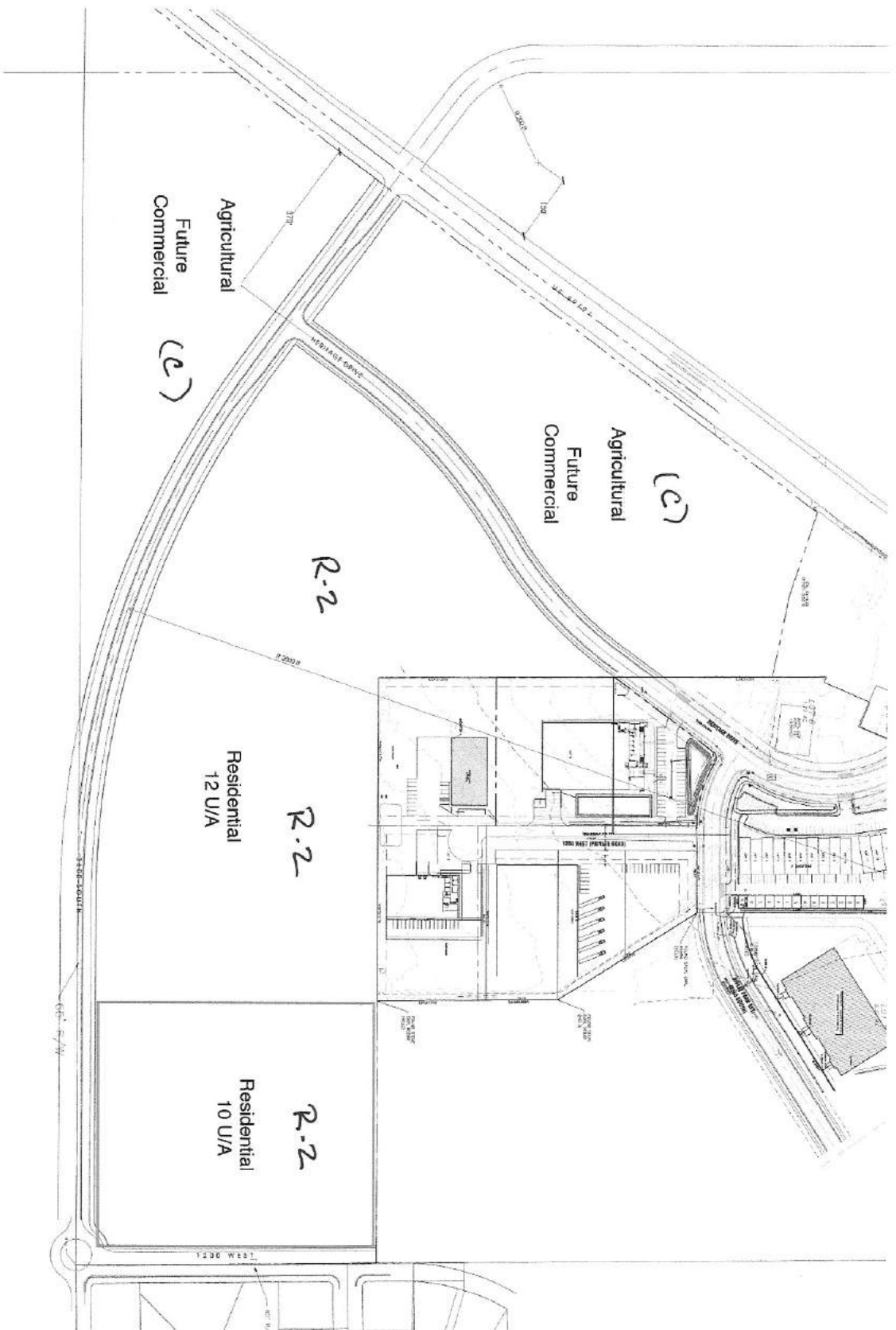
- City purchases land and ground leases the land to private entities at or below market rates

BUSINESS INCUBATOR PROGRAMS

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

Exhibit 4

(Concept Plan)



NIBLEY PROPERTY

Logan, Utah



R. MICHAEL KELLY
CONSULTANTS
1000 N. KANAB - KANAB, UT 84901
435-712-2811



PREPARED BY: R. MICHAEL KELLY
DATE: 2/20/2018
CONTRACT: 1000

Exhibit 5

(Annexation Policy Plan)

Nibley City Annexation Policy Plan



September 2018

Nibley City Corporation

Introduction

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

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

Nibley City's Core Values

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

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

Nibley's core values:

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

(2016 Nibley City General Plan, pg. 6)

Consideration

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

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

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

Municipal Services and Taxes

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

Population Growth

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



Table 2: Projected Population Growth

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

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

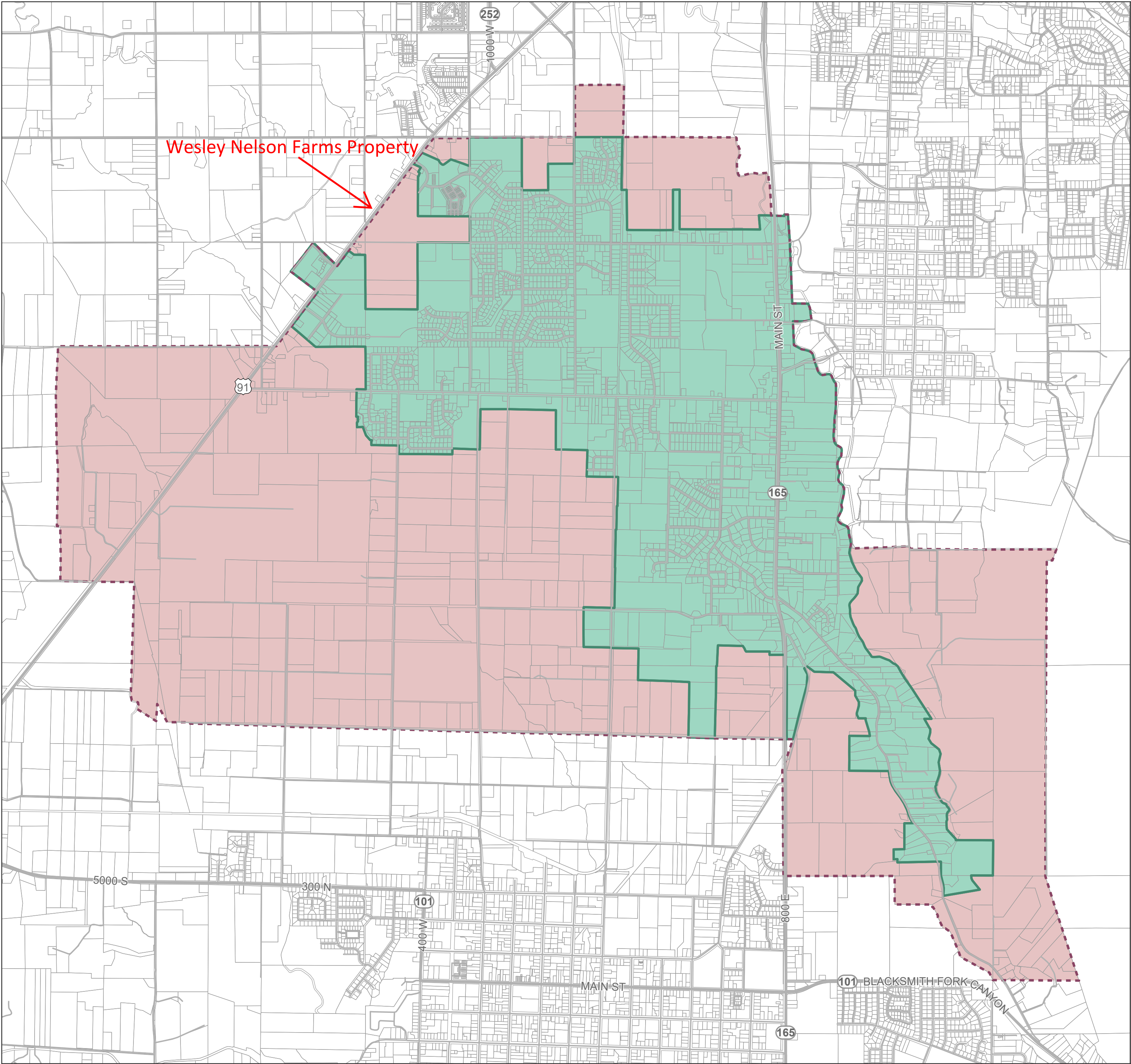
(2016 Nibley City General Plan, pg. 10)

Affected Entities Comments and Response

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

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

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



Nibley City

Annexation Declaration Boundary

8/22/2018

-  Nibley City Boundary
-  Annexation Declaration Boundary

This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of J-U-B Engineers, Inc., and is not to be used, in whole or part, for any other project without the express written authorization of J-U-B Engineers, Inc.

0 0.5 1 Miles

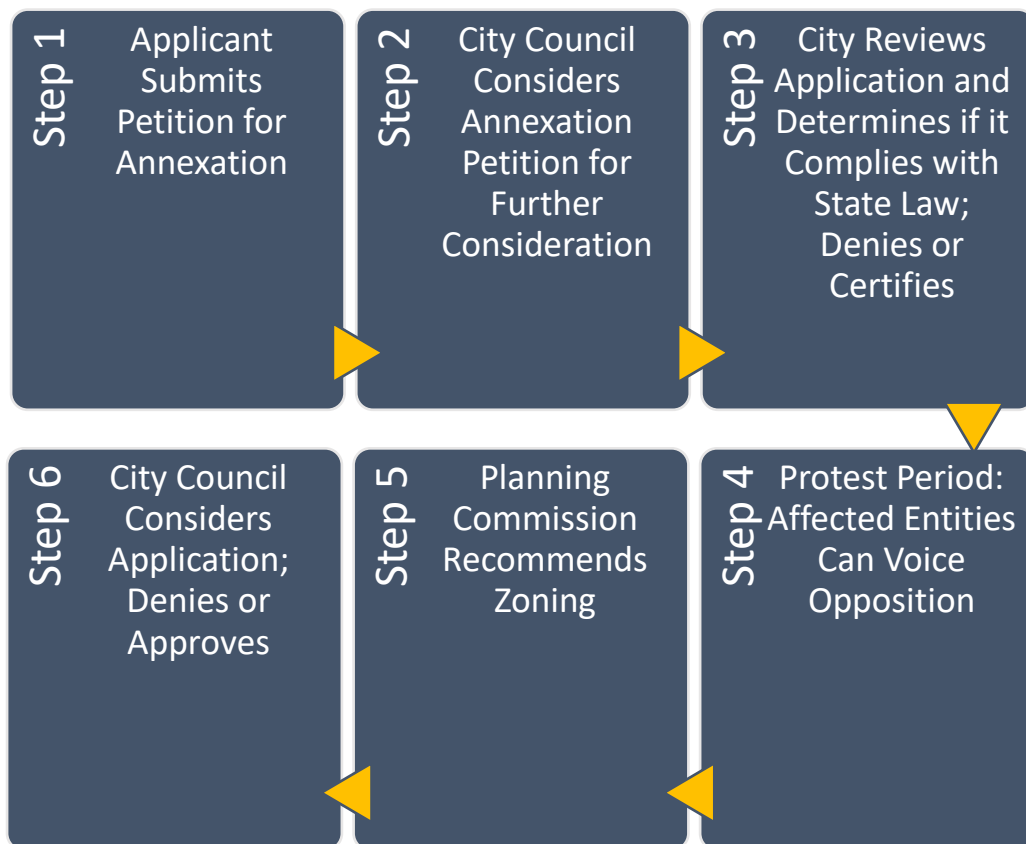


J-U-B ENGINEERS, INC.

OTHER J-U-B COMPANIES

Annexation Petition Process

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



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

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

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

Petition Requirements (UCA 10-2-403)

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

City Council Review UCA 10-2-405

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

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

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

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

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

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

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

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

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

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

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

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

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

The published and mailed notices shall:

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

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

Planning Commission Review and Zoning Recommendation

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

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

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

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

APPROVAL OF ANNEXATION – No timely Protest

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

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

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

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

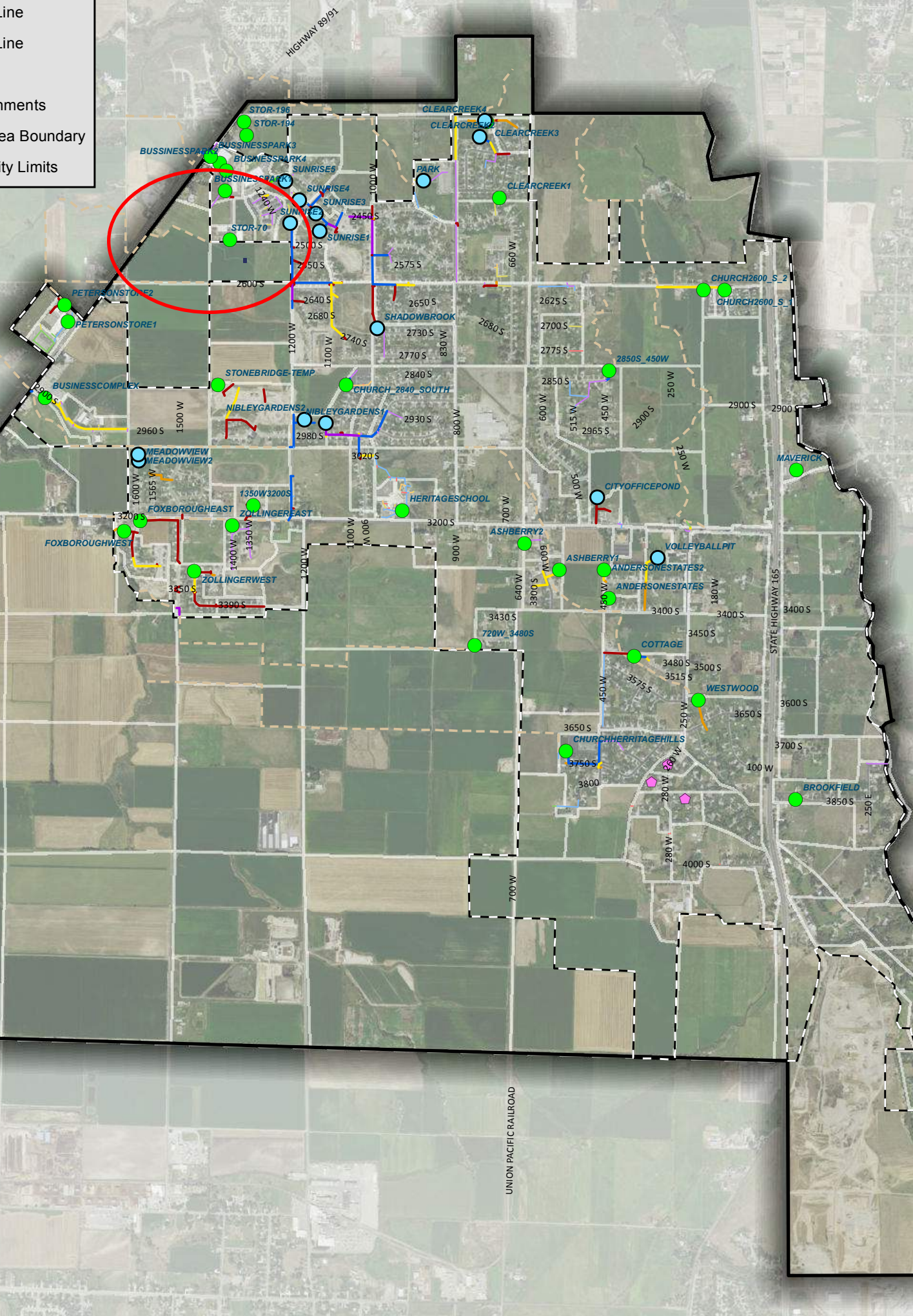
- a. Deny the petition; or
- b. Approve the annexation consistent with the commission's decision. See UCA 10-2-408(1).

Zoning of the Subject Parcels by the City Council

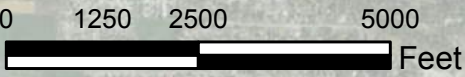
In the case of zoning, an annexation petition shall be treated the same as a petition for zone change; a public hearing shall be scheduled and notice provided as specified in the Nibley Municipal Code. The City Council shall hold a public hearing and approve zoning of the subject parcels considering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

Exhibit 6

(Maps - Infrastructure)



Land Use



Future Land Use

Agriculture Preservation

Commercial

Industrial

Institutional and Public Lands

Low Density Residential

Medium Density Residential

Neighborhood Center - Mixed Use

Neighborhood Commercial

Park and Open Space

Rural Residential

Nibley City Limits

Study Boundary

Nibley Streets

Storm Drain System Buildout

Buildout Projects

Planned Detention Ponds

Temporary Ponds

Existing Ponds

Future City Ponds

Future Developer Ponds

Planned Pipe Sizes

15 Inch Line

16 Inch Line

18 Inch Line

21 Inch Line

24 Inch Line

27 Inch Line

30 Inch Line

36 Inch Line

42 Inch Line

48 Inch Line

60 Inch Line

Subcatchments

Existing System

Ditches

Nibley City Limits

Study Area Boundary

STORMWATER MASTER PLAN

FIGURE 3

FIGURE 2: STUDY AREA

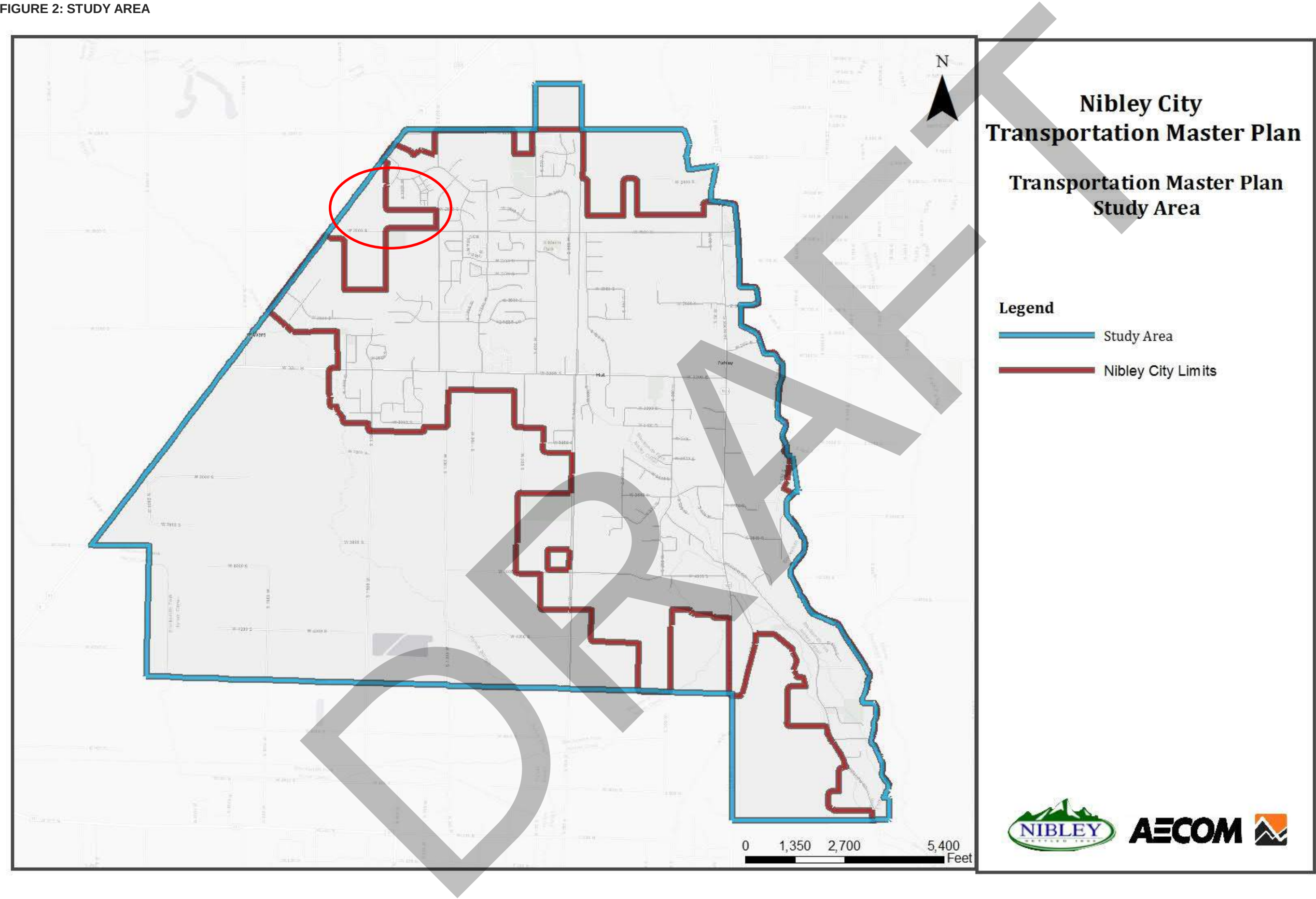


FIGURE 17: 2050 BUILD TRAVEL FORECASTS

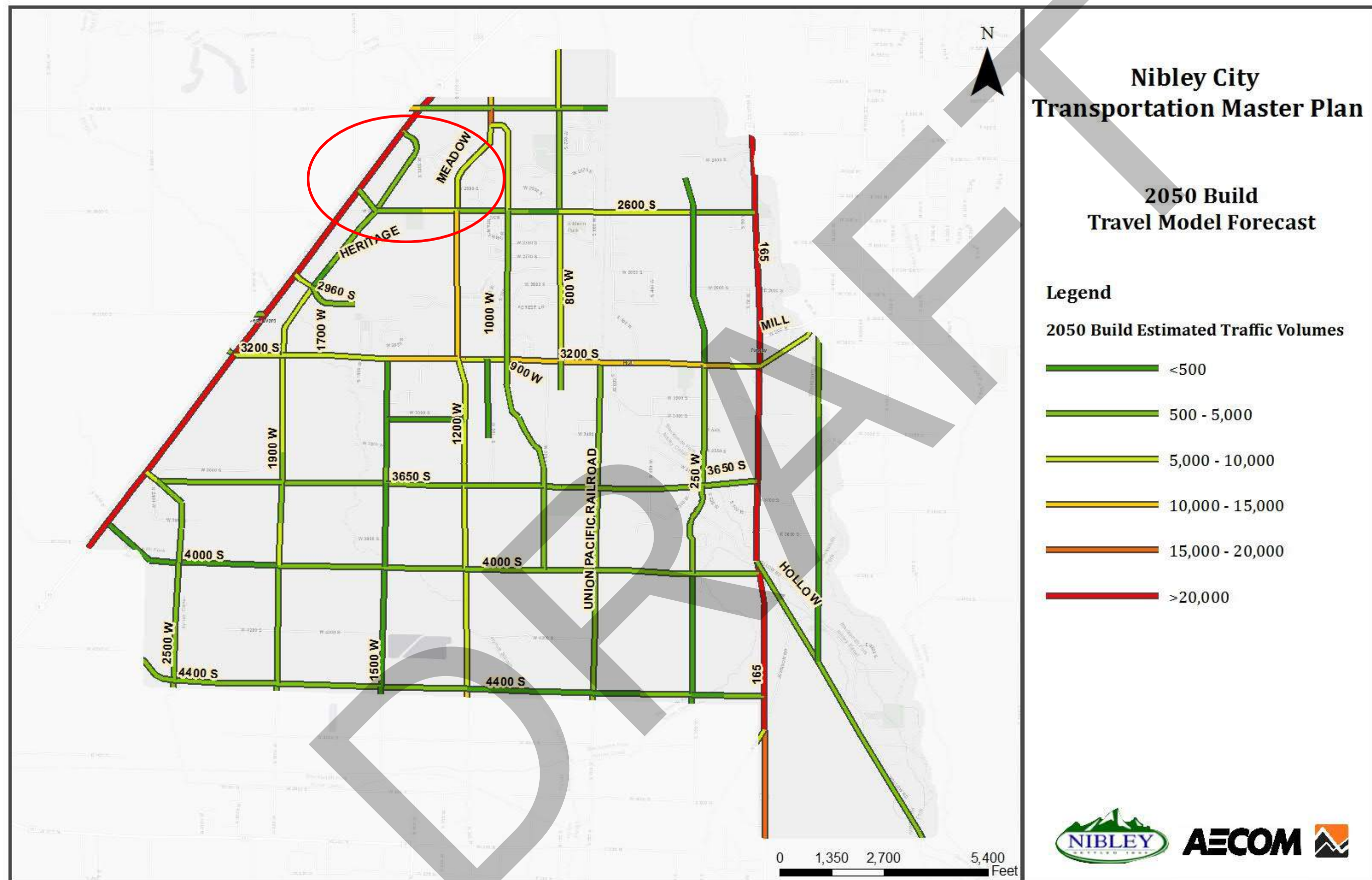


FIGURE 20: NIBLEY CITY MASTER STREET PLAN

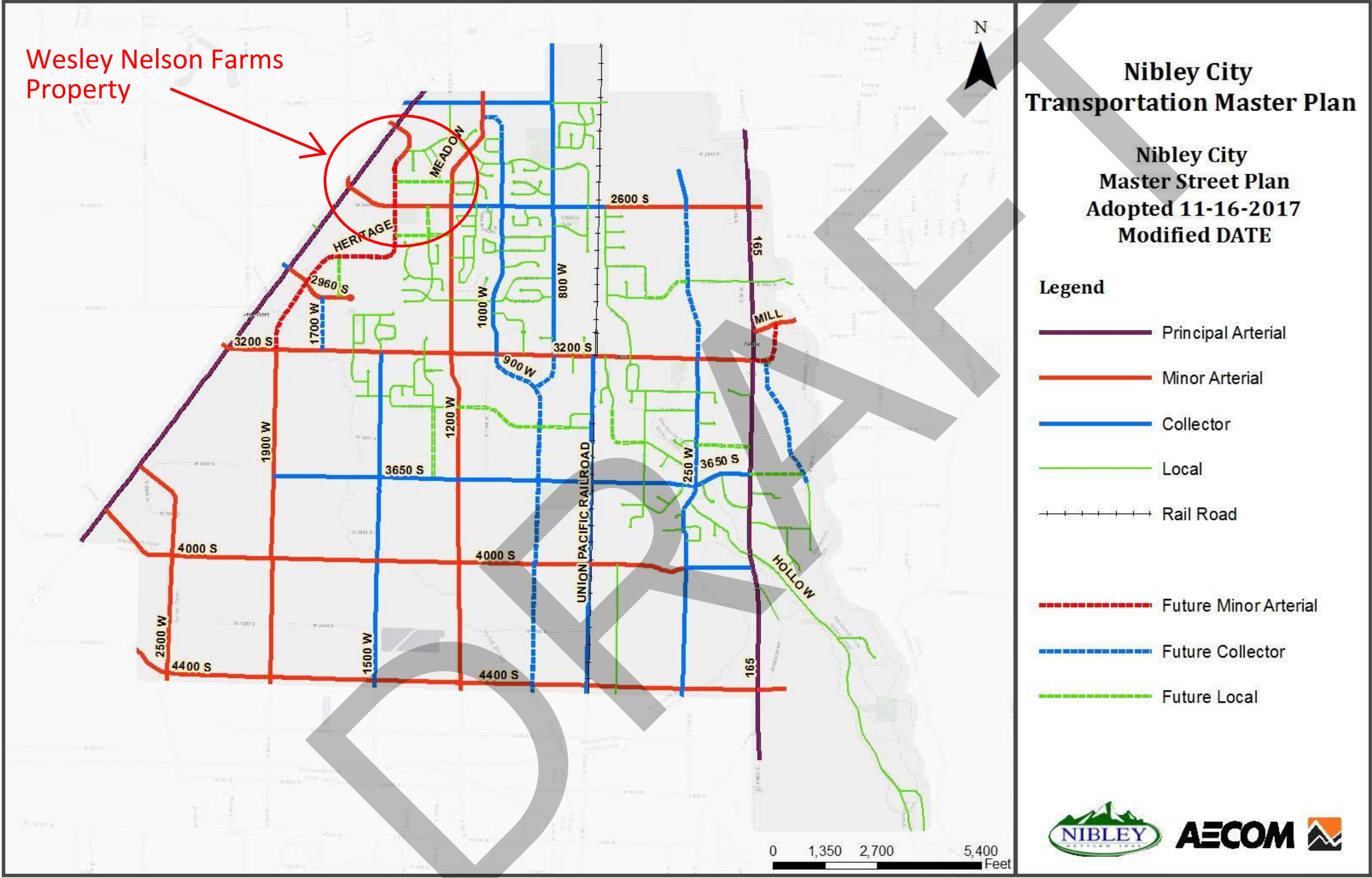


FIGURE 16: RECOMMENDED STREET NETWORK

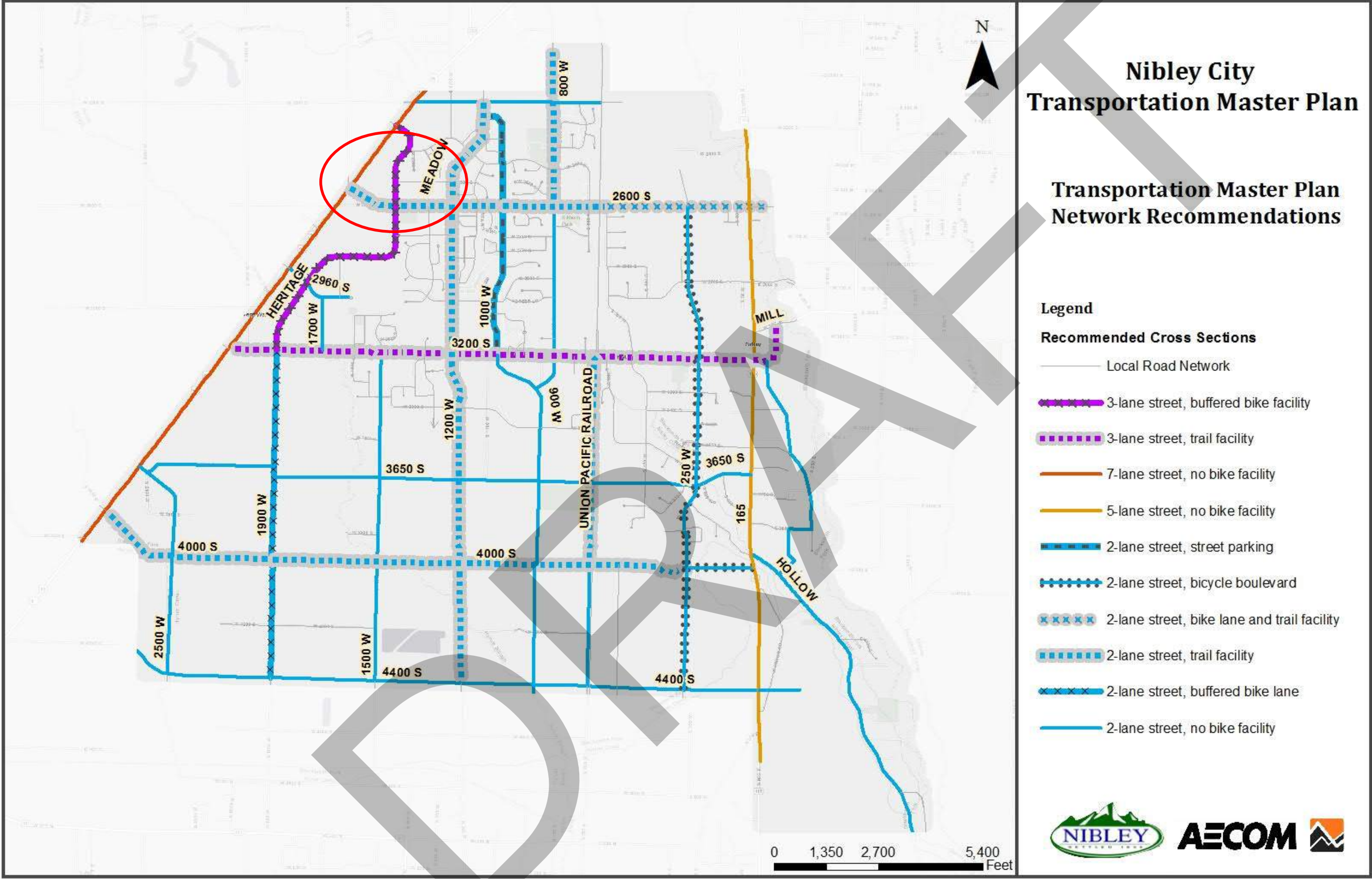
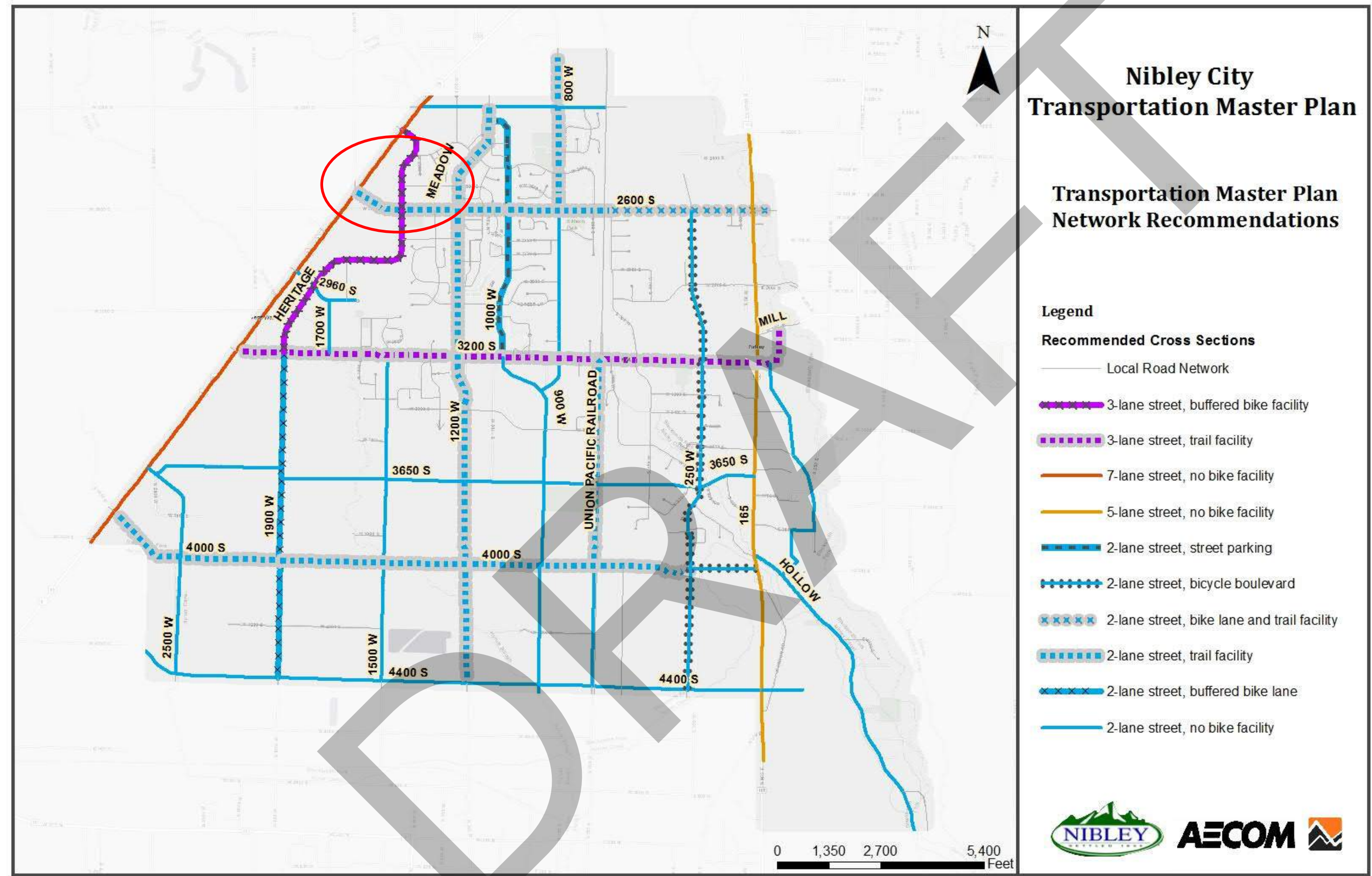


FIGURE 1: RECOMMENDED STREET NETWORK



Sewer Collection System Master Plan Report

October 2015



Prepared For:

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



Prepared By:

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

REPORT

1 INTRODUCTION

1.1 BACKGROUND

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

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

Table 1-1: Population Growth

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

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

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

Table 2-1: Flow Meter Sites

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

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

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

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

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

3 MASTER PLAN & RELIEF ALTERNATIVES

3.1 INTRODUCTION

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

Table 3-1: Future Time Frames Analyzed

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

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

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

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

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

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

Table 3-2: Lift Station Summary

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

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

3.8 FUTURE CAPACITY IMPROVEMENT PROJECTS

No capacity improvements need to be made to the existing collection system in the next 10 years.

However, a few improvements will need to be made before build out and new system pipes and lift stations will need to be added to the system over time to serve areas that will develop in the future. Some opinions of probable cost have been prepared to assist in sewer planning.

3.8.1 Future Improvements to Existing System

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

Exhibit 7

(Resolution 18-10)

RESOLUTION 18-10

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

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

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

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

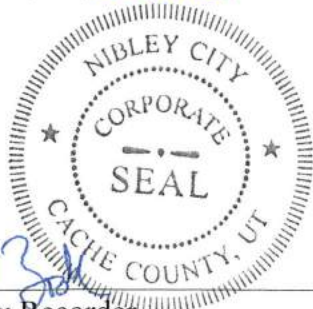
WHEREAS, Nibley City wishes to accept annexation petitions in areas surrounding the City for the benefit of property owners and current and future Nibley residents; and

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

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

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

Dated this 4 day of October 2018



ATTEST


David Zook, City Recorder


Shaun Dustin, Mayor

FUTURE LAND USE MAP STATEMENT OF INTENT:

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

Nibley City

Future Land Use

10/16/2018

 Nibley City Boundary

 Annexation Declaration
 Boundary

-  Parks, Open Space, and Trails
-  Agriculture
-  Open Space, Agriculture, and Low Density Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Commercial and Medium to High Density Residential
-  Commercial
-  Industrial
-  Municipal, Schools, and Churches
-  Town Center

This document and the ideas and designs incorporated herein, as an instrument of professional service, is the property of J-U-B Engineers, Inc., and is not to be used, in whole or part, for any other project without the express written authorization of J-U-B Engineers, Inc.

0 0.5 1 Miles



OTHER J-U-B COMPANIES

Agenda Item #8

Description	Discussion and Consideration of Nibley Farms Phase 1 Final Plat and Development Agreement, located at 1500 West and 3410 South (Applicant: 7 Point Royal, LLC)
Department	Planning
Presenter	Stephen Nelson, Nibley City Planner
Recommendation	Move to approve the Final Plat and Development Agreement of Nibley Farms Phase 1, located at 1500 West and 3410 South (Applicant: 7 Point Royal, LLC)
Reviewed By	City Planner, Planning Commission, City Engineer, City Attorney

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 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. The plat has also received a positive recommendation from the Planning Commission. 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', with which the plat complies. The plat also meets the standards for a final plat as required in NCC 21.

Utility Lines and Easements

Utility easements are placed on the plat including the Public Utility Easement (PUE) along the rights-of-way. There has been added a PUE for the power lines on the northside of Open Space PH1 A. On the east side of lot 5, a PUE has been added next to the 8' open space trail section for a stormwater water line.

Construction Drawings

Staff has reviewed the construction drawings and have sent comments back to the applicant for their review and update. The applicant has responded to those comments and the updates are currently under review by City staff.

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. There is a canal just south of the property line and the

applicant has provided a trail space along the south end of the property adjacent to and north of the canal.

Roads

The Developer shows the proper dedication for 3410 S, and the cross-section within the construction drawings meets Nibley City standards. 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 the half street cross-section in lines with Nibley City Cross Section TS-7 as shown below. The transportation master plan recommends that 1500 W be built as a TS-9, shown below, which has two 11' travel lanes, then curb, gutter, 13.5' park strip, and five-foot sidewalk. The applicant's plan is to build the roadway to the TS-7, which is the default cross-section for collector roadways and matches the roadway to the north. Nibley City design standards state the following:

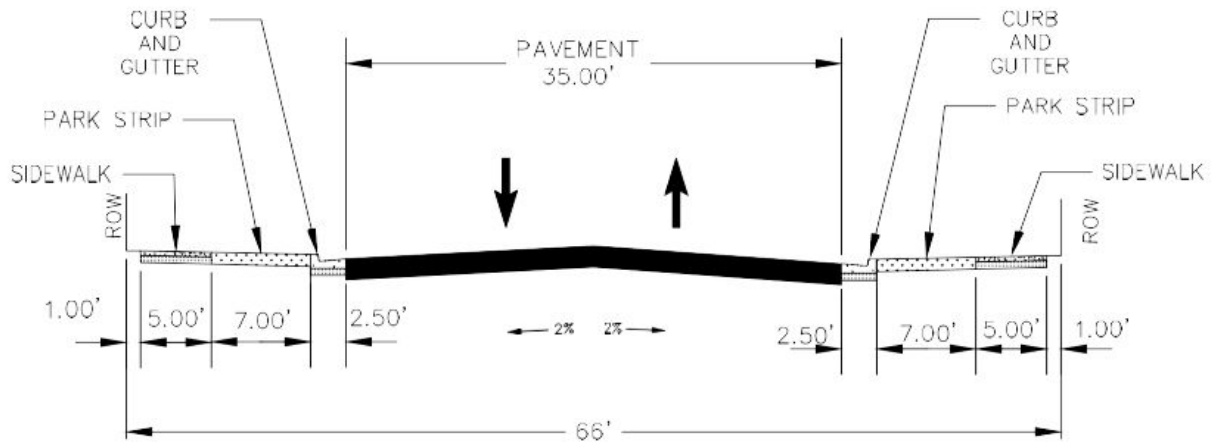
8.3 Standard Street Cross Section

C. Local Collector roads are roads labeled within the Master Street Plan Map as local roads. These roads shall be built to 66 right-of-way width. TS-7 shall be the default cross-section. The Public Works director may allow other cross-section for local collectors based on 8.3 (D)

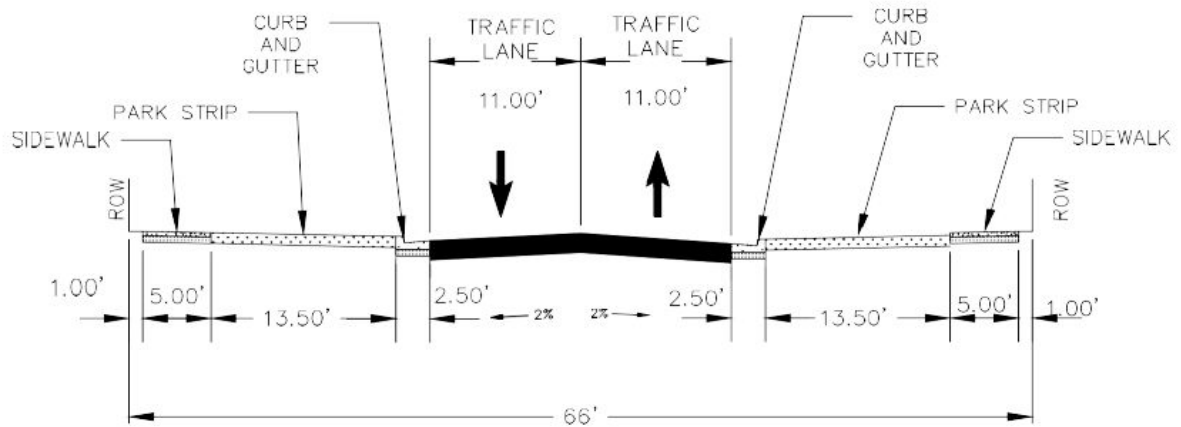
D. The City Public Works Director may adjust the layout of the above listed cross sections for Low Impact Development, increase safety, or to achieve other goals that are contained in the General Plan, Transportation Master Plan, Trails Master Plan, or the master/development plan of a subdivision.

1. Examples of reasons why a cross-section would be altered include some of the following: increase width of sidewalks or bike lanes, increase width of proposed swales, eliminating street parking where sufficient parking will be located in parking court or lot or to allow for bicycle or pedestrian facilities, etc.

Staff is currently reviewing the options and will provide a recommendation.



**TS-7: COLLECTOR: 2-LANE STREET, ON-STREET PARKING PERMITTED, 66' ROW
N.T.S.**



TS-9: COLLECTOR: 2-LANE STREET, NO BIKE FACILITY, 66' ROW

Street Tree Plan

The developer has submitted a Tree Planting Plan that is currently under review by Nibley City and the City Arborist. The applicant is wanting to handle the planting of the trees themselves and is proposing to do so either before occupancy or within 180 days if the home is completed in the winter.

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. 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.

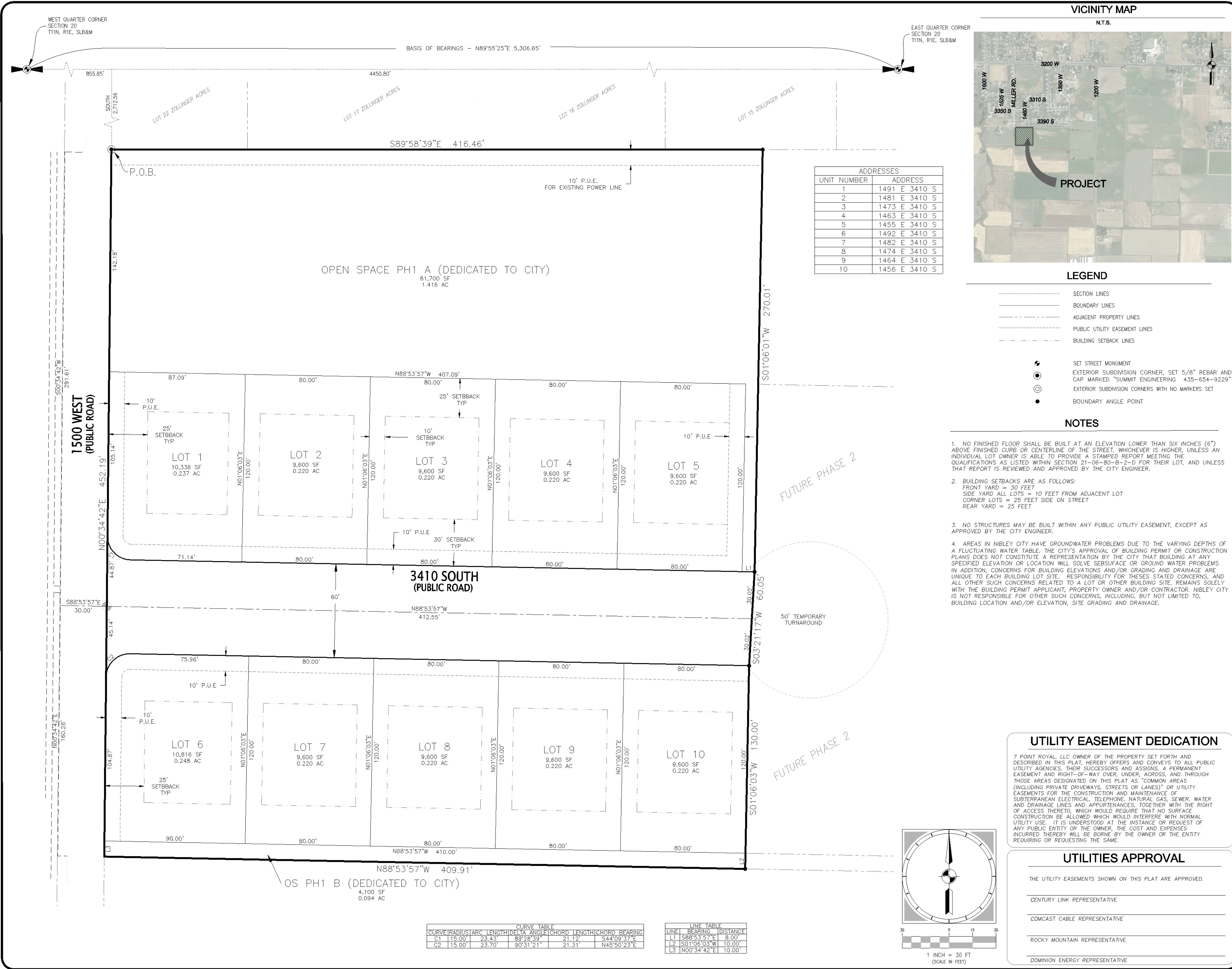
OPEN SPACE PH1 B

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 an eight-foot path as displayed on the attached map from the Nibley City's Trail Master Plan. The trail will be paved with asphalt. Because the open space is 10' wide with natural vegetation growing along the canal, the applicant is not proposing any additional landscaping.

Recommended Findings:

Staff recommends the City Council finds the following

1. The Nibley Farms Phase 1 Plat meets Nibley City Standards
2. The landscape plan has been submitted for tree planting in the stormwater pond area, but does not have any landscaping design other vegetation in PH 1 A.
3. The applicant needs to update construction documents and roadway cross-section to comply with Nibley City Subdivision and Design Standards as directed by Nibley City staff.



BOUNDARY DESCRIPTION

BEGINNING NORTH 89°55'25" EAST 855.85' FEET ALONG THE SECTION LINE AND SOUTH 2,712.56 FEET FROM THE CACHE COUNTY SURVEY MONUMENT FOR THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,

AND RUNNING THENCE S89°58'39"E 416.46 FEET;
THENCE S01°06'01"W 270.01 FEET;
THENCE S03°21'17"W 60.05 FEET;
THENCE S01°06'03"W 130.00 FEET;
THENCE N88°53'57"W 409.91 FEET;
THENCE N00°34'42"E 452.19 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 4.330 ACRES, OR 188,603 SQUARE FEET.

BASIS OF BEARINGS

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

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9g-603 OF THE UTAH CODE, I, BRIAN BALLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 334532-2201 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

OWNER'S DEDICATION

(I/WE) THE UNDERSIGNED OWNER(S) OF THE TRACT(S) OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREFTER KNOWN AS THE NIBLEY FARMS PHASE 1 SUBDIVISION, DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2019.

FEE OWNER (OR AGENT)

FEE OWNER (OR AGENT)

ACKNOWLEDGMENT

STATE OF _____ S.S.
COUNTY OF _____

ON THIS _____ DAY OF _____, 2019, PERSONALLY APPEARED BEFORE ME, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY.

NOTARY PUBLIC

PLANNING COMMISSION APPROVAL

PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION THIS _____ DAY OF _____, A.D. _____ AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

CHAIRMAN, PLANNING COMMISSION

CITY COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 20____, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR DATE

CLERK-RECORDER DATE

CITY ATTORNEY

APPROVED AS TO FORM THIS _____ DAY OF _____

CITY ATTORNEY DATE

NIBLEY CITY ENGINEER APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCEPTANCE WITH INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE

APPROVED AS TO FORM THIS _____ DAY OF _____

CITY ENGINEER DATE

CACHE COUNTY RECORDER

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF _____

DATE _____ TIME _____ FEE _____

ENTRY _____

INDEX _____ COUNTY RECORDER _____

FILED IN: FILE OF PLATS

NIBLEY CITY DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (“Agreement”), entered into this ____ day of _____, 20____, between _____, hereinafter referred to as “Developer” and Nibley City, here in after referred to as “City”, and

WHEREAS, Nibley Farms Phase 1, hereinafter referred to as “the Development” has been approved for construction; and

WHEREAS, plans for the Development are on file with Nibley City and are incorporated by reference herein; and

WHEREAS, it is necessary for the interest of the public welfare that improvements made be constructed in accordance with the specifications set forth in said plans and as provided by Nibley City ordinances and Design Standards; and

WHEREAS, Developer desires to record a final plat of the Development in order to obtain building permits and construct structures after the necessary infrastructure is installed, approved and accepted; and

WHEREAS, in accordance with said Nibley City ordinances, including Chapter 21.14 of the Nibley City Code, the Developer is required to furnish security for the completion of all improvements or complete all improvements prior to recording a final plat.

NOW THEREFORE, to induce Nibley City to approve said plans and allow use of city-owned utilities and access and/or other improvements, the Developer does hereby unconditionally promise and agree with Nibley City as follows:

1. Developer hereby acknowledges receipt of a copy of the Nibley City Subdivision Ordinance. Developer hereby acknowledges that Developer has read the Subdivision Ordinance (or that an agent of Developer has), and that Developer understands the provisions of the Subdivision Ordinance and that Developer will fully and completely comply with the provisions and requirements therein contained.

2. In accordance with Nibley City Code 21.14, Developer shall tender to Nibley City an Improvement Completion Assurance in the amount of \$_____. In the event that Developer shall fail or neglect to fulfill the obligations under this Agreement, Nibley City shall have the right to foreclose on the Improvement Completion Assurance and to construct or cause to be constructed said streets and other improvements as shown on said plans as required by Nibley City ordinances and Design Standards. Upon completion of said improvements Developer shall be liable to pay to, and indemnify Nibley City for, the final total cost incurred by Nibley City in

foreclosing on the Improvement Completion Assurance and completing all required improvements, including but not limited to, engineering, legal and contingent costs, together with any damages which Nibley City may sustain on account of the failure of Developer to carry out and execute all of the provisions of this Agreement, which said sums are secured by the Improvement Bond. Developer's liability shall in no way be limited to the amount of the Improvement Completion Assurance,

3. The Developer shall complete all improvements contained within the approved construction drawings, landscape and maintenance plan, and final plat.

4. Developer shall pay the City \$450.00 for each sewer manhole collar and \$350.00 for each water valve collar for their future installation.

5. Developer shall supply the City with water rights or shares as set forth in Nibley City Code Section 21.12.020 for the Development, as follows: [REDACTED] Acre-ft. of water shares from Black Smith Fork Irrigation Company or an equivalent amount of acre feet from another irrigation company located in Nibley City. Developer shall provide said shares to the City before the commencement of construction.

6. Open Space Land in the Development and indicated on the approved plat shall be managed and maintained as outlined in the attached Maintenance and Landscape Plans which is incorporated herein as Exhibit "A."

- a. Open Space located within phase one shall be developed as part of the phase and must be completed within one year of notice to proceed.
- b. Once all improvements to Open Space is complete and approved by Nibley City, Open Space shall be dedicated to Nibley City.

7. Developer shall ensure that Street Trees are planted and maintained in the Development in accordance with Nibley City Code and the attached Street Trees Plan which is incorporated herein as Exhibit "B."

8. Developer shall provide a Warranty Bond in the sum equal to ten percent (10%), a total of \$ [REDACTED], of the estimated costs of all improvements installed in the Development as estimated by the City Engineer for the period of Developer's warranty on the improvements in the Development as described in Nibley City Code 21.14.050. Security in amounts more than 10% may be required by the City Manager if it is deemed appropriate and necessary. The Warranty Bond shall meet all the criteria outlined in Nibley City Code Chapter 21.14.

9. Developer shall comply with all applicable federal, state, county and City requirements, regulations and laws for each aspect of this Development, including payment of fees and compliance with design and construction standards. Nothing in this Agreement shall be deemed to relieve Developer from the obligation to comply with all such applicable laws,

ordinances and requirements as now existing and as enacted and/or amended. In the event of a conflict between this Agreement and any applicable federal, state, county, or city requirement, regulation, or law, the federal, state, county, or city requirement, regulation, or law shall prevail to the extent of such conflict.

10. Developer shall not engage in any construction or disturbance of soil in the development prior to issuance of the Notice to Proceed by the Public Works Director.

11. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided, however, that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

12. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

13. Time is of the Essence. Time is of the essence to this Agreement and every right or responsibility shall be performed within the times specified.

14. Mutual Drafting. Each party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either party based on which party drafted any particular portion of this Agreement.

15. Entire Agreement. This Agreement, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

16. No Third Parties. This Agreement, and all Exhibits thereto, is intended for the sole benefit of the named parties thereto. No third party, except for permitted successors and assigns, shall have any right to enforce any of the terms or obligations herein.

17. Recordation and Running with the Land. This Agreement shall be recorded in the chain of title for the Development. This Agreement shall be deemed to run with the land.

18. Attorney Fees. Both Parties shall pay for their own attorney fees and costs arising out of or connected in any way to the execution of this Agreement. Any Party that prevails in any legal proceeding, including court proceedings, arbitration, and administrative proceedings, to enforce this Agreement or adjudicate any issues under or in connection with this Agreement will be entitled to recover its reasonable attorney fees, costs, and expenses of such proceedings

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY

DEVELOPER

By: DAVID N. ZOOK
Its: City Manager

By:

By:

STATE OF UTAH)
 : ss
County of Cache)

On this ____ day of _____, 2019, personally appeared before me DAVID N. ZOOK, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.

NOTARY PUBLIC

STATE OF UTAH)
 : ss
County of Cache)

On the ____ day of _____, 2019, personally appeared before me, _____, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC



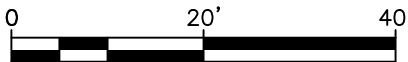
STREET TREE LEGEND

- 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

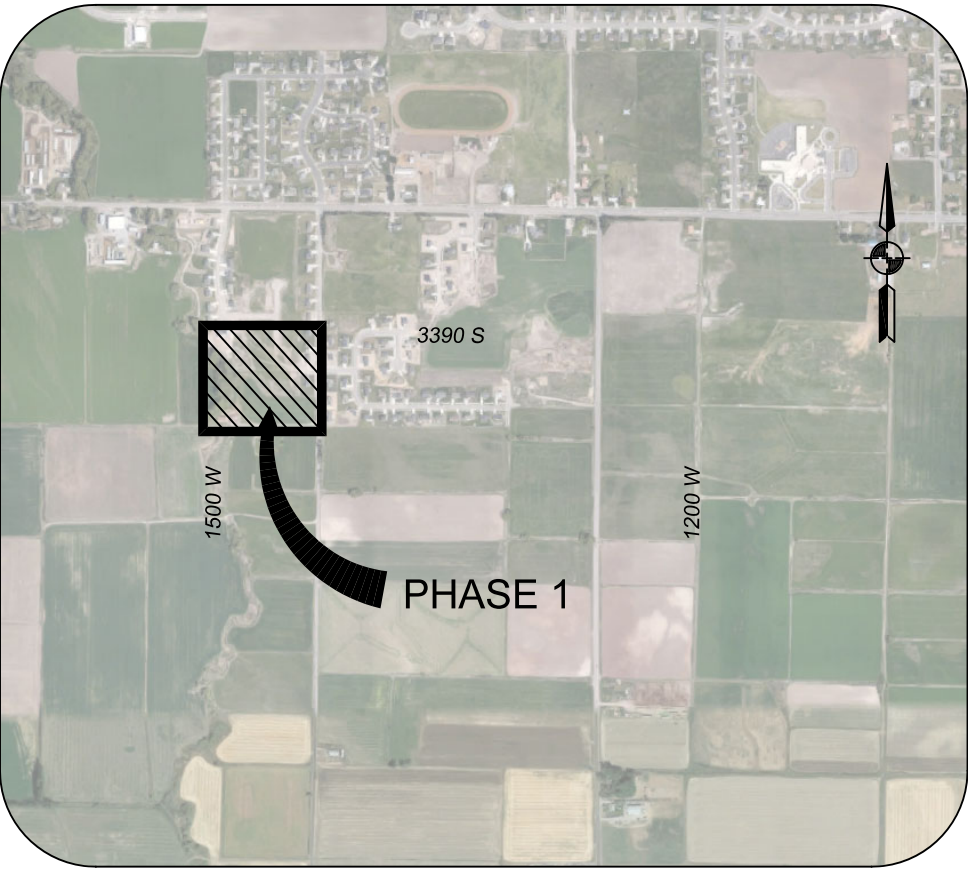
- ACER GRANDIDENTATUM— BIGTOOTH MAPLE
- POPULUS TREMULOIDES— QUAKING ASPEN
- PICEA PUNGENS— COLORADO SPRUCE

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



CALL BEFORE YOU DIG
BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
800-662-4111

KEY PLAN
N.T.S.



COPYRIGHT © 2019
SUMMIT ENGINEERING GROUP, INC.
IT IS A VIOLATION OF UTAH AND FEDERAL LAWS TO REPRODUCE OR TRANSMIT THIS DOCUMENT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM SUMMIT ENGINEERING GROUP, INC.

REVISIONS	DATE	BY
1		
2		
3		
4		
5		
6		
7		
8		

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
--------------------	---------------

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 PLAN

QUANTITY

Street trees shall be planted at a rate of one tree per every 50 ft of landscaped lot frontage. It is assumed that each lot will have a 30 ft driveway. Therefore, for lots that have an 80 ft frontage, one tree will be required. For lots with a frontage of more than 80 ft and up to 130 ft, two trees will be required, etc. Along the open space frontage, trees will be planted at a rate of one tree per every 50 ft of frontage.

TIMING OF INSTALLATION

All lot frontage trees shall be installed prior to certificate of occupancy. All open space frontage trees shall be installed with the other trees around the storm drain pond. Extensions will be allowed for winter weather conditions and certificates of occupancy shall be granted, but in no case shall installation of trees lag behind the certificate of occupancy by more than 180 days.

TYPE

Trees shall be Crabapple, Honey Locust, Linden (Green Spire), Burr Oak or male Box Elder.

SIZE

Street trees shall be a minimum of 1.5" caliper.

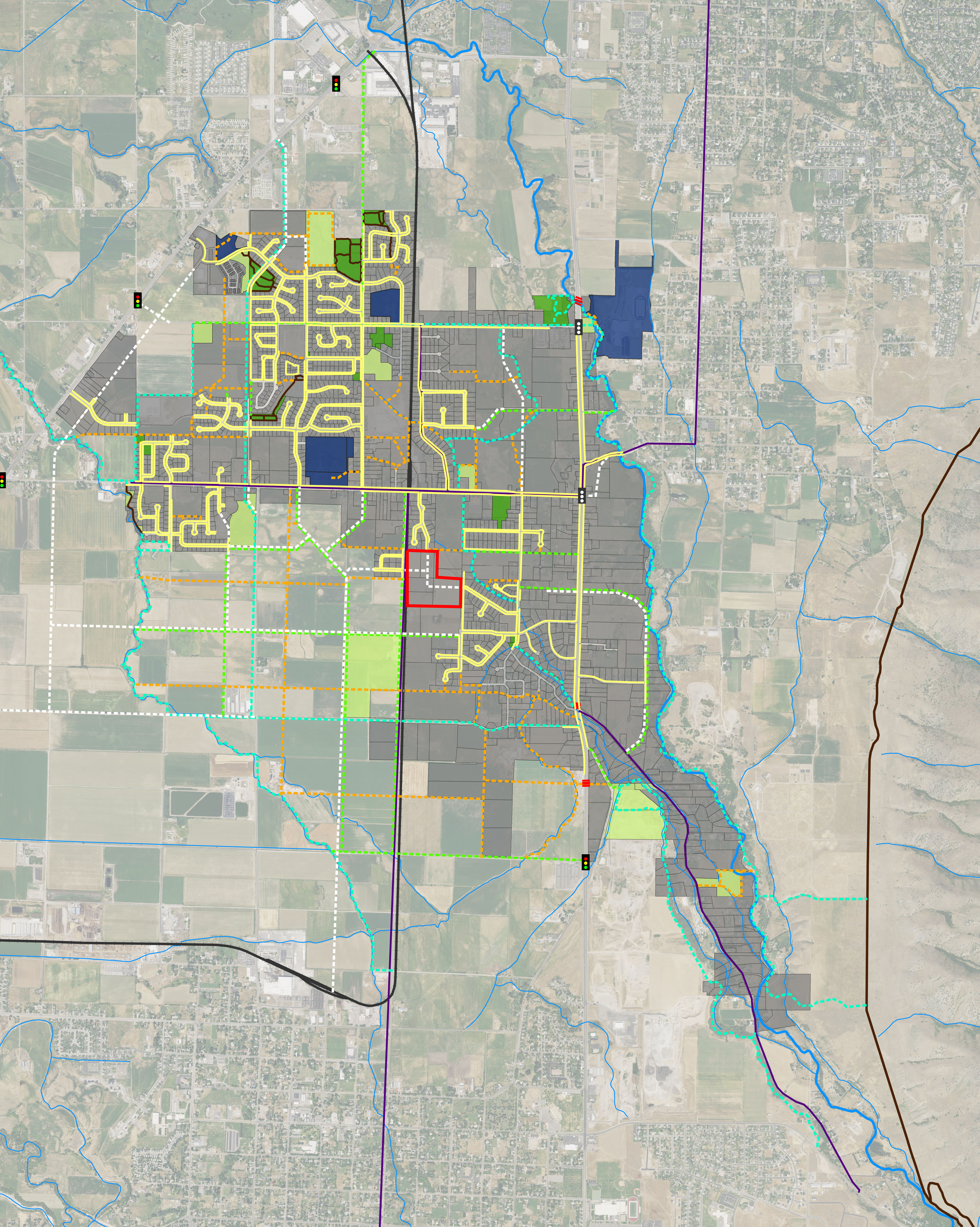
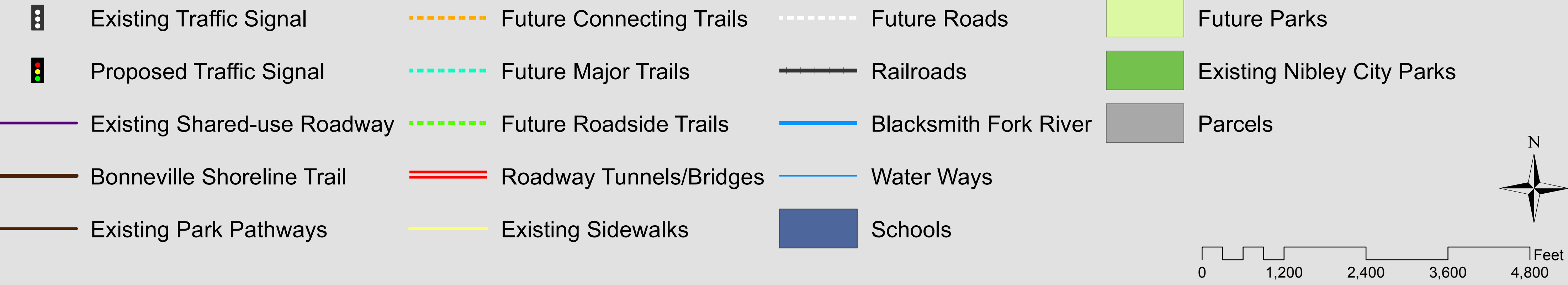
OWNERSHIP AND MAINTENANCE

Per city ordinance, park strips shall be maintained by the adjacent lot owner.

WARRANTY

Street Trees shall be warranted by the builder who plants them for a period of one year from the date of initial planting. The warranty shall include removal and replacement of dead or diseased trees with trees that comply with City standards. The Nibley City Arborist shall determine the need to replace a tree within the warranty period. Failure to consult the Arborist prior to tree removal shall void the warranty.

Trails Map



Agenda Item #9

Description	Discussion and Consideration of Ordinance 19-17: An Ordinance Adopting an Impact Fee Analysis and Adjusting and Implementing Impact Fees for Transportation (Second Reading)
Department	Administration
Presenter	Stephen Nelson City Planner
Recommendation	Move to approve Ordinance 19-17: An Ordinance Adopting an Impact Fee Analysis and Adjusting and Implementing Impact Fees for Transportation.
Reviewed By	Mayor, City Manager, City Planner

Background

Nibley City, in January of 2019, adopted a new Transportation Master Plan. The master plan reviewed Nibley City's current road and street network and, based on that review, recommended future improvements to Nibley City's transportation system in Chapter 6 Capital Facilities Plan. These recommendations included a list of needed projects to be built in the next five years, next 5-15 years, and in the next 15-25 years. The plan also provides cost estimates for the needed improvements.

Based on the findings within Nibley City's Transportation Master Plan, Nibley City contracted with Lewis Young Robertson & Burningham, Inc to create an Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) for transportation (see attached). The firm reviewed the findings within the Transportation Master Plan and, in compliance with Utah's Impact Fee Act, created recommended Transportation Impact Fees for different land uses.

What are Impact Fees?

The Utah Property Rights Ombudsman's website defines an impact fee as follows:

An impact fee is a one-time charge imposed by local governments to mitigate the impact on local infrastructure caused by new development. Growth in the form of new homes and businesses requires expansion or enlargement of public facilities to maintain the same level and quality of public services for all residents of a community. Impact fees

help fund expansion of public facilities necessary to accommodate new growth.
(<https://propertyrights.utah.gov/impact-fees/>)

Impact fees are not charged to existing buildings or uses. These fees are only assessed with new development within the City to compensate for the increased impact of the development on City infrastructure.

What is Nibley City's Current Transportation Impact Fee?

Nibley City currently has impact fees for Transportation and Roads as follows:

Land Use		Fee
Single-family detached house:	Per Unit	\$467.00
Apartment:	Per Unit	\$324.00
Condominium/Townhouse:	Per Unit	\$286.00
Retail store:	Per 1,000 Square Feet	\$2,803.00
Office:	Per 1,000 Square Feet	\$1,107.00
Light Industrial:	Per 1,000 Square Feet	\$341.00
Warehousing:	Per 1,000 Square Feet	\$242.00
Education:	Per 1,000 Square Feet	\$618.00

Hotel:	Per Room	\$436.00
Food Services (fast food)	Per 1,000 Square Feet	\$4,393.00
Gas station with Convenience store:	Per Fueling Station	\$7,950.00
Church:	Per 1,000 Square Feet	\$445

These impact fees are applied to all new building permits for the proposed uses. An applicant is not able to obtain a building permit until these impact fees are paid.

What are the new Transportation Impact Fees that are being proposed?

Based on the IFFP and IFA, Nibley City has proposed an adjustment to these impact fees as follows:

Land Use		Fee
Residential Single-Family	Per Unit	\$887
Residential Multi-Family	Per Unit	\$688
Mobile Home	Per Unit	\$470
Shopping Center	Per 1,000 Sf	\$2,342
Office	Per 1,000 Sf	\$1,522
Light Industrial	Per 1,000 Sf	\$466

Warehouse	Per 1,000 Sf	\$164
Institutional	Per 1,000 Sf	\$1,426
Hotel	Per 1,000 Sf	\$786
Food/Fast Food	Per 1,000 Sf	\$11,257
Gas Station/Conv	Per 1,000 Sf	\$46,015

These fees will be used to pay for the following projects:

Project	Project Segments	Total Cost Estimate
1200 W	2450 S to 2200 S	\$676,000
1200 W Corridor Roundabout	3200 S and 1200 W	\$2,284,000
2600 S	US89/91 to 1900 W	\$86,486
900 W/1000W	Nibley Park Ave to 2200 S	\$306,400

Nibley City will held a public hearing on November 14, at 6:30 p.m. at Nibley City Hall to discuss the proposed fees. The proposed fees are being introduced as Ordinance 19-17: An Update to Nibley City's Transportation Impact Fee.

ORDINANCE 19-17

AN UPDATE TO NIBLEY CITY'S TRANSPORTATION IMPACT FEE

WHEREAS, Nibley City is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, Nibley City finds that in conformance with the provision of UCA 11-36a et seq., the City has in the past enacted and promulgated certain impact fees within the City; and

WHEREAS, Nibley City finds that it is in the public welfare and for the benefit of the City and its residents to adopt an impact fee to provide for the future transportation and circulation needs of the City;

WHEREAS, Nibley City finds that in conformance with the provisions of UCA 11-36a-303, the City has prepared a written Impact Fee Analysis and a summary of the impact fee analysis designed to be understood by a lay person for transportation; and

WHEREAS, Nibley City Council has reviewed the transportation Impact Fee Analysis and the summary of that analysis, and finds and concludes that the analysis provides a reasonable plan on which to impose and base an increase of impact fees for transportation; and

WHEREAS, Nibley City finds that the new transportation impact fee schedule should be adopted and incorporated into City code alongside the existing Culinary Water, Park, and Sanitary Sewer Impact Fees; and

WHEREAS, Nibley City Council finds that the Impact Fee ordinance, including the new transportation impact fee, should be re-codified for organizational purposes as shown, moving it from Nibley City Code 15.12 to 17.06, provided that such re-codification makes no substantive changes to the impact fee ordinance or previously adopted impact fees except as necessary to carry out the adoption of the transportation impact fee.

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

1. The attached Nibley City Code 17.06 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Nibley City Code 17.04.010, 17.04.020, 17.04.030 be repealed and 15.12 be re-codified as Nibley City Code 17.06, as shown in the attachment.
4. Nibley City accepts the impact fee analysis

5. This ordinance, with its the recodification and the adoption of the new impact fee, shall take effect within 90 days after the adoption of this ordinance by the City Council
6. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2019.

Shaun Dustin, Mayor

ATTEST: _____
David Zook, City Recorder

17.06 Impact Fee for transportation, Parks, Sanitary Sewer, and Culinary Water

17.06.010 Findings

17.06.020 Definitions

17.06.030 Adoption

17.06.040 Impact Fee Calculations

17.06.050 Impact Fee Imposed

17.06.060 Fee Exceptions And Adjustments

17.06.070 Appeal Procedures

17.06.080 Effective Date; Savings Clause

17.06.090 Severability

17.06.010 Findings

- A. All required notices have been given and made and public hearings conducted as requested by the Impact Fee Act with respect to the Impact Fee Analysis, and this impact fee enactment (this "Ordinance").
- B. Growth and development activities in Nibley City will create additional demands on its park, transportation, culinary water and sanitary sewer systems. The capital facility improvement requirements which are analyzed in the Impact Fee Analysis are the direct result of additional facility needs caused by future development activities. The persons responsible for growth and development activities should pay a proportionate share of the costs of the park, transportation, culinary water and sanitary sewer systems needed to serve the growth and development activity.
- C. Impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison with the benefits already received and yet to be received.
- D. In enacting and approving the Impact Fee Analysis and this Ordinance, the Council has taken into consideration, and in certain situations will consider on a case-by-case basis in the future, the future capital facilities and park, transportation, culinary water and sanitary sewer needs of Nibley City, the capital financial needs of Nibley City which are the result of the City's future facilities needs, the distribution of the burden of costs to different properties within the City based on the use of park, transportation, culinary water and sanitary sewer facilities of the City by such properties, the financial contribution of those properties and other properties similarly situated in Nibley City at the time of computation of the required fee and prior to the enactment of this Ordinance, all revenue sources available to Nibley City, and the impact on future park, transportation, culinary water and sanitary sewer facilities that will be required by growth and new development activities in Nibley City.
- E. The provisions of this Ordinance shall be liberally construed in order to carry out the purpose and intent of the Council in establishing the impact fee program.
- F. The existing impact fee ordinance of the city is superseded and amended to read as set forth in this chapter; provided, however, that this chapter shall be deemed a continuation of the previous ordinance, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language; and this chapter shall be so interpreted upon all questions of construction.

17.06.020 Definitions

- A. Except as provided below, words and phrases that are defined in the Impact Fee Act shall have the same meaning in this Ordinance.
- B. "Service Area 1" shall mean that geographic area designated. It is determined to be the entire City
- C. "Project Improvements" does not mean system improvements and includes, but is not limited to those projects listed in the Analysis.

17.06.030 Adoption

- A. The Council hereby approves and adopts the Impact Fee Analysis, dated February 7, 2013, (Analysis) attached as Exhibit A and the analysis reflected therein. The Impact Fee Analysis is incorporated herein by reference as though fully set forth herein. Based on its approval and adoption of the Impact Fee Analysis, the Council hereby imposes the impact fees specified herein and enacts this Ordinance to require payment of the impact fees specified herein as a condition of building a house or residential living units, institutional or commercial building in Nibley City.
- B. The City Council hereby approve and adopts the Impact Fee Analysis, dated July 2019, attached as Exhibit B and the analysis reflected therein, and includes the same within the meaning of the terms "Impact Fee Analysis" or "Analysis" as used in this Ordinance. The Impact Fee Analysis is incorporated herein by reference as though fully set forth herein. Based on its approval and adoption of the Impact Fee Analysis, the Council hereby imposes the impact fees specified herein and enacts this Ordinance to require payment of the impact fees specified herein as a condition of building a house or residential living units, institutional or commercial building in Nibley City.

17.06.040 Impact Fee Calculations

- A. **Developer Credits/Developer Reimbursements.** A developer may be allowed a credit against or proportionate reimbursement of Impact fees if the developer dedicates land for a system improvement, builds and dedicates some or all of a system improvement, or dedicates a public facility that the City and the developer agree will reduce the need for a system improvement. A credit against impact fees shall be granted for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements, or are dedicated to the public and offset the need for an identified system improvement.
- B. **Impact Fees Accounting.** Nibley City shall establish a separate interest-bearing ledger account for the cash impact fees collected pursuant to this Ordinance. Interest earned on such account shall be allocated to that account. Impact fees collected prior to the effective date of this Ordinance need not meet the requirements of this section.
 - 1. **Reporting.** At the end of each fiscal year, Nibley City shall prepare a report on such account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account. The report shall also identify impact fee funds by the year in which they were received, the project from which the funds were collected, the capital projects for which the funds were budgeted, and the projected schedule for expenditure and be provided in a format approved by the State Auditor and certified by the Nibley City Chief Financial Officer.
 - 2. **Impact Fee Expenditures.** Nibley City may expend cash impact fees covered by this Ordinance only for systems improvements that are (i) public facilities identified in the Impact Fee Analysis; and (ii) of the specific public facilities type for which the fee was collected.
 - 3. **Time of Expenditure.** Cash impact fees collected pursuant to this Ordinance are to be expended, dedicated or encumbered for a permissible use within six (6) years of receipt by Nibley City, unless the Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
 - 4. **Extension of Time.** Nibley City may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing, before the expiration of the six year period, (i) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (ii) an absolute date by which the fees will be expended.

- C. **Refunds.** Nibley City shall refund any impact fees paid by a builder or developer, plus interest actually earned when (i) the builder or developer does not proceed with the building activity and files a written request for a refund; (ii) the fees have not been spent or encumbered; (iii) the builder or developer has contributed in excess of its proportional costs; and (iv) no impact has resulted.
- D. **Additional Fees and Costs.** The impact fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by Nibley City, such as engineering and inspection fees, building permit fees, review fees, and other fees and costs that may not be included as itemized component parts of the impact fee.
- E. **Fees Effective at Time of Payment.** Unless Nibley City is otherwise bound by a contractual requirement, the impact fee shall be determined from the impact fee schedule in effect at the time of payment in accordance with the provisions of NCC 17.06.050.
- F. **Imposition of Additional Fee.** Should any developer undertake development activities such that the ultimate density or other impact of the development activity is not revealed to the city, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the impact fee is not initially charged against all units or the total density within the development, the city shall be entitled to charge an additional impact fee to the developer or other appropriate person covering the density for which an impact fee was not previously paid.

17.06.50 Impact Fee Imposed

- A. Impact fees are hereby imposed as a condition of and unless otherwise provided and approved by the City Council, shall be paid prior to the issuance of a building permit by Nibley City for any development activity which creates additional demand and need for public facilities or makes demands on the roadways, streets, park, culinary water and sanitary sewers in Nibley City's system. The fees imposed are as follows:

1. Facilities Impact Fee

Parks Impact Fee	\$4,500 per single-family unit \$4,500 per multi-family unit
Sanitary Sewer Impact Fee	\$1,725 (1-inch meter) \$3,450 (1 1/2-inch meter) \$5,520 (2-inch meter) \$10,349 (3-inch meter) \$20,698 (4-inch meter) (Based on the size of the culinary water meter).
Culinary Water Impact Fee	\$1,950 (1-inch meter) \$3,900 (1 1/2-inch meter) \$6,241 (2-inch meter) \$11,701 (3-inch meter) \$23,403 (4-inch meter) (Based on the size of the culinary water meter).

2. Transportation Impact Fee

	ASSESSMENT	ITE CODE	TRIPS GENERATED	ADJUSTMENT FACTOR	ADJUSTED TRIPS	FEE
Residential Single-Family	Per Unit	210	9.44	-	9.44	\$887
Residential Multi-Family	Per Unit	220	7.32	-	7.32	\$688
Mobile Home	Per Unit	240	5.00	-	5.00	\$470
Shopping Center	Per 1,000 sf	820	37.75	34%	24.92	\$2,342
Office	Per 1,000 sf	712	16.19	-	16.19	\$1,522
Light Industrial	Per 1,000 sf	110	4.96	-	4.96	\$466
Warehouse	Per 1,000 sf	150	1.74	-	1.74	\$164
Institutional	Per 1,000 sf	Average*	15.18	-	15.18	\$1,426
Hotel	Per 1,000 sf	310	8.36	-	8.36	\$786
Food/Fast Food**	Per 1,000 sf	Average**	299.43	60%	119.77	\$11,257
Gas Station/Conv	Per 1,000 sf	945	1,440.02	66%	489.61	\$46,015

*Institutional trip statistics based on an average of ITE Categories 520, 522, and 530.

**Food/Fast Food based on an average of ITE Categories 930, 932, and 934.

- B. Impact Fees for Other Forms of Development.** Other forms of development not readily related to those of the above chart shall be subject to an impact fee calculated by the City Manager using the formulas in the Analysis and the trip generation data from the same source as used in the Analysis.

17.06.060 Fee Exceptions And Adjustments

- A. Waiver for "Public Purpose."** The Council may, on a project by project basis, authorize Waiver for "Public Purpose." The Council may, on a project by project basis, authorize exceptions or adjustments to the then impact fee rate structure for those projects the Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include low income housing, and except for an exemption for low income housing, the City Council shall establish one or more sources of funds other than impact fees to pay for the exempted development activity.
- B. Adjustments.** The Council may adjust impact fees imposed pursuant to this Ordinance as necessary in order to respond to unusual circumstances in specific areas, ensure that impact fees are imposed fairly, permit the adjustments of the amount of the impact fees based upon studies and data submitted by an applicant in order to ensure that the impact fee represents the proportionate share of the cost of providing such public facilities which are reasonably related to and necessary in order to provide the services in question to anticipate future growth and development activities. This adjustment may result in a higher fee if the city determines that a user would create a greater than normal impact on the system. The city may also decrease the fee if the city is satisfied that the developer-provided documentation demonstrates that the proposed impact will be less than what could be expected given the type of user.

The City may adjust the standard impact fee at the time the fee is charged to respond to a request

for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.

17.06.070 Appeal Procedures

- A. **Application.** The appeal procedure applies both to challenges to the legality of impact fees, to similar and related fees of Nibley City and to the interpretation and/or application of those fees. It shall not apply to any decision of the City Council concerning a waiver for public purposes.
- B. **Declaratory Judgment Action.** Any person or entity residing in or owning property within Nibley City, and any organization, association or corporation representing the interests of persons or entities owning property within Nibley City may file a declaratory judgment action challenging the validity of an impact fee only after having first exhausted their administrative remedies of this section.
- C. **Request for Information Concerning the Fee.** Any person or entity required to pay an impact fee under this Ordinance may file a written request for information concerning the fee with Nibley City. Nibley City will provide the person or entity with Nibley City's written impact fee analysis and other relevant information relating to the impact fee within fourteen (14) days after receipt of the request for information.
- D. **Appeal to Nibley City Before Payment of the Impact Fee.** Any affected or potentially affected person or entity who wishes to challenge an impact fee under this Ordinance prior to payment thereof may file a written request for information concerning the fee and proceed under Nibley City's appeal procedure.
- E. **Appeals to Nibley City.** Any developer, landowner or affected party desiring to challenge the legality of any impact fee or related fee, paid pursuant to this Ordinance, subject to Utah Code § 11-36a-703(4), shall appeal directly to Nibley City by filing a written challenge with Nibley City, provided that the affected party does so in writing within the time limitations stated in Utah Code § 11-36a-702(1). If no written challenge is filed with Nibley City within the said time limitations of Utah Code § 11-36a-702(1), the affected party may neither file nor pursue an administrative appeal with Nibley City nor seek judicial relief.
 - 1. **Hearing.** An informal hearing will be held not sooner than five (5) days nor more than twenty-five (25) days after the written appeal/challenge to the validity of Nibley City's impact fees is filed. The Hearing of the appeal shall be conducted by the City's Land Use Appeal Officer.
 - 2. **Decision.** After the conclusion of the informal hearing, the Land Use Appeal Officer shall affirm, reverse, or take action with respect to the challenge or appeal as he/she may deem appropriate. The decision of the Land Use Appeal Officer will be issued within thirty (30) days after the date the written appeal/challenge was filed. In light of the statutorily mandated time restriction, Nibley City shall not be required to provide more than three (3) working days prior notice of the time, date and location of the informal hearing and the inconvenience of the hearing to the challenging party shall not serve as a basis of appeal of Nibley City's final determination.
- F. **Denial Due to Passage of Time.** Should Nibley City, for any reason, fail to issue a final decision on a written appeal/challenge to an impact fee, its calculation or application, within thirty (30) days after the filing of that appeal/challenge with Nibley City, the challenge shall be deemed to have been denied and any affected party to the proceedings may seek appropriate judicial relief from such denial.
- G. **Judicial Review.** Any party to the administrative action provided for herein, who is adversely affected by Nibley City's final decision may petition the district court for a review of the decision and shall file such petition within thirty (30) days after the day on which a final decision is rendered in the City's administrative appeals procedure. (Utah Code § 11-36a-702(2)). After

having been served with a copy of the pleadings initiating the court review, Nibley City shall submit to the court the record of the proceedings before Nibley City, including minutes, and if available, a true and correct transcript of any proceedings.

17.06.080 Effective Date; Savings Clause

- A. Except as otherwise specifically provided herein, this impact fee ordinance shall not repeal, modify or affect any other impact fee of the city in existence as of the effective date hereof. All impact fees established, including amendments and modifications to previously existing impact fees, after the effective date hereof shall comply with the requirements of this impact fee ordinance. This impact fee ordinance shall take effect ninety (90) days after the day on which this impact fee ordinance is approved and adopted by the City Council and this impact fee ordinance shall be posted, as provided by law, immediately after approval and adoption.

17.06.090 Severability

- A. If any section, subsection, paragraph, clause or phrase of this ordinance shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this ordinance, which shall remain in full force and effect, and for this purpose, the provisions of this Ordinance are declared to be severable.

IMPACT FEE FACILITIES PLAN (IFFP) AND IMPACT FEE ANALYSIS (IFA)

TRANSPORTATION

NIBLEY, UT

JULY 2019



TABLE OF CONTENTS

IMPACT FEE CERTIFICATION.....	3
SECTION I: EXECUTIVE SUMMARY.....	4
PROPORTIONATE SHARE ANALYSIS.....	4
SECTION II: GENERAL IMPACT FEE METHODOLOGY	6
SECTION III: OVERVIEW OF SERVICE AREA AND GENERAL DEMAND FIGURES	7
SERVICE AREAS.....	7
DEMAND UNITS.....	7
LEVEL OF SERVICE	8
SECTION IV: EXISTING FACILITIES INVENTORY	9
EXCESS CAPACITY & BUY-IN	9
SECTION V: CAPITAL FACILITY ANALYSIS	10
FUTURE CAPITAL PROJECTS.....	10
SYSTEM VS. PROJECT IMPROVEMENTS.....	10
FUNDING OF FUTURE FACILITIES	10
PROPOSED CREDITS OWED TO DEVELOPMENT	11
EQUITY OF IMPACT FEES	11
NECESSITY OF IMPACT FEES.....	11
SECTION VI: TRANSPORTATION IMPACT FEE CALCULATION	12
PROPOSED TRANSPORTATION IMPACT FEE	12
CONSIDERATION OF ALL REVENUE SOURCES	13
EXPENDITURE OF IMPACT FEES.....	13
GROWTH-DRIVEN EXTRAORDINARY COSTS.....	13
SUMMARY OF TIME PRICE DIFFERENTIAL.....	13
APPENDIX A: 2600 S PROJECT COST DETAIL BY SEGMENT	14
APPENDIX B: ADDITION OF 1200 WEST CORRIDOR ROUNDABOUT DOCUMENTATION	15
APPENDIX C: COST ESTIMATES PREPARED FOR THE IFFP AND IFA (BY AECOM)	16

IMPACT FEE CERTIFICATION

IFFP CERTIFICATION

Lewis Young Robertson & Burningham, Inc. and Nibley City jointly certify that the Impact Fee Facilities Plan ("IFFP") prepared for transportation:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and
3. complies in each and every relevant respect with the Impact Fees Act.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.
NIBLEY CITY

IFA CERTIFICATION

Lewis Young Robertson & Burningham, Inc. certifies that the Impact Fee Analysis ("IFA") prepared for transportation:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
 - d. offsets costs with grants or other alternate sources of payment; and
3. complies in each and every relevant respect with the Impact Fees Act.

Lewis Young Robertson & Burningham, Inc. makes this certification with the following caveats:

1. All of the recommendations for implementation of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

SECTION I: EXECUTIVE SUMMARY

The purpose of this Impact Fee Facilities Plan (IFFP), with supporting Impact Fee Analysis (IFA), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the "Impact Fees Act," and help Nibley City (the "City") fund necessary capital improvements for future growth. This document will address the transportation infrastructure needed to serve the City through the next six years, as well as the appropriate impact fees the City may charge to new growth to maintain the level of service (LOS). The information related to the roadway system was obtained from data prepared by AECOM and assistance from City Staff.

- ☞ **Impact Fee Service Area:** The Service Area for the transportation impact fees includes all areas within the City. FIGURE 3.1 illustrates the proposed Service Area. This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future.
- ☞ **Demand Analysis:** The demand unit utilized in this analysis is trips on existing and proposed roadways. As new development occurs within the City, it generates increased demand on City infrastructure. The system improvements identified in this study are designed to maintain the existing LOS for any new development within the City.
- ☞ **Level of Service (LOS):** The LOS analysis assesses the level of congestion on a roadway segment or intersection. LOS is measured using a letter grade A through F, where A represents free flowing traffic with absolutely no congestion and F represents grid lock. Nibley City has adopted an acceptable standard of LOS C for its streets and intersections.
- ☞ **Excess Capacity:** The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital facilities necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities, as well as future system improvements necessary to maintain the LOS. The inclusion of excess capacity is known as a "buy-in." Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities. This analysis includes a buy-in component. The City is currently in the process of building new system improvements to serve new development. For the purposes of this analysis, these facilities are considered future improvements.
- ☞ **Outstanding Debt:** The City has historically funded roadway projects with grant and general fund monies. There is no outstanding debt to consider in this analysis, and the City has no plans to issue debt to fund the projects considered in this analysis.
- ☞ **Capital Facilities Analysis:** This IFFP includes the growth-related projects needed within the next six years, as identified in the Nibley Transportation Master Plan. The total construction year cost related to growth is \$835,013, based on construction timing and inflation of three percent annually.
- ☞ **Funding of Future Facilities:** This analysis assumes future growth-related facilities will be funded through a combination of General Fund Revenues, Class C Road Funds and impact fee revenues. Where applicable, interest costs are included in the total cost to fund proposed system improvements.

PROPORTIONATE SHARE ANALYSIS

The proportionate share analysis determines the proportionate costs assignable to new development based on the proposed capital projects and the new growth served by the proposed projects. The impact fee per trip is calculated below.

TABLE 1.1: PROPORTIONATE SHARE ANALYSIS

TRANSPORTATION CAPITAL PROJECTS	GROWTH RELATED COSTS	FUTURE TRIPS	COST PER TRIP
Future Roadway Projects	\$835,013	19,026	\$43.89
Excess Capacity of Existing Roads	1,046,887	19,026	55.03
Professional Expenses	7,250	19,026	0.38
Impact Fee Fund Balance	(101,037)	19,026	(5.31)
Net Impact Fee Cost per Trip	\$1,788,113		\$93.98

IMPACT FEE SUMMARY BY LAND USE TYPE

The impact fee by land use type is illustrated in Table 1.2.

TABLE 1.2: IMPACT FEE SUMMARY BY LAND USE TYPE

	ASSESSMENT	ITE CODE	TRIPS GENERATED	ADJUSTMENT FACTOR	ADJUSTED TRIPS	ESTIMATED FEE
Residential Single-Family	Per Unit	210	9.44	-	9.44	\$887
Residential Multi-Family	Per Unit	220	7.32	-	7.32	688
Mobile Home	Per Unit	240	5.00	-	5.00	470
Shopping Center	Per 1,000 sf	820	37.75	34%	24.92	2,342
Office	Per 1,000 sf	712	16.19	-	16.19	1,522
Light Industrial	Per 1,000 sf	110	4.96	-	4.96	466
Warehouse	Per 1,000 sf	150	1.74	-	1.74	164
Institutional	Per 1,000 sf	Average*	15.18	-	15.18	1,426
Hotel	Per 1,000 sf	310	8.36	-	8.36	786
Food/Fast Food**	Per 1,000 sf	Average**	299.43	60%	119.77	11,257
Gas Station/Conv	Per 1,000 sf	945	1,440.02	66%	489.61	46,015

*Institutional trip statistics based on an average of ITE Categories 520, 522, and 530.

**Food/Fast Food based on an average of ITE Categories 930, 932, and 934.

NON-STANDARD IMPACT FEES

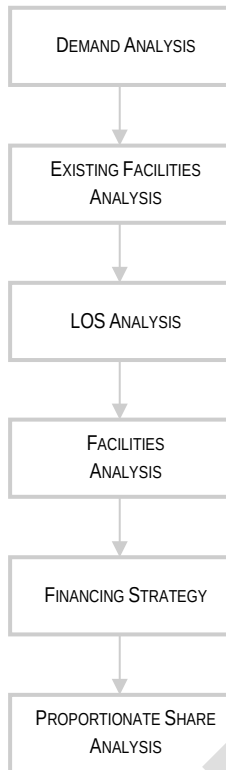
The City reserves the right under the Impact Fee Act¹ to assess an adjusted fee that more closely matches the true impact that a specific land use will have upon the City's transportation system. This adjustment could result in a different impact fee by land use if evidence suggests a particular user will create a different impact than what is standard for its category. The formula for calculating a non-standard impact fee is as follows:

$$\text{Estimated Number of Trips per Unit} \times \text{Adjustment Factor} \times \$93.98 \text{ Cost per Trip} = \text{Impact Fee}$$

¹ 11-36a-402(1)(c)

SECTION II: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFFP and IFA. The IFFP identifies the demands placed upon the City's existing facilities by future development and evaluates how these demands will be met by the City. The IFFP also outlines the improvements which are intended to be funded by impact fees. The data used for this IFFP has been provided by City Staff and AECOM as part of the Nibley Transportation Master Plan, dated July 2018 and adopted January 2019. The purpose of the IFA is to allocate the cost of the new facilities and any excess capacity in existing facilities to new development, while ensuring that all methods of financing are considered. The Impact Fees Act requires that the IFFP and IFA consider the historic LOS provided to existing development and ensure that the proposed impact fees maintain the existing LOS. The following elements are important considerations in the IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to the public service – the existing demand on public facilities and the future demand as a result of new development that will affect system facilities.

EXISTING FACILITY INVENTORY

In order to quantify the demands placed upon existing public facilities by new development activity, to the extent possible the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

"Level of service" means the defined performance standard or unit of demand for each capital component of a public facility within a service area. Through the inventory of existing facilities, combined with growth assumptions, this analysis identifies the existing LOS that is provided to a community's existing residents and ensures that future facilities maintain this LOS.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any excess capacity identified within existing facilities can be apportioned to new development. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, future debt costs, alternative funding sources and the dedication of system improvements, which may be used to finance system improvements.² In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.³

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation of the costs borne in the past and to be borne in the future.⁴

² 11-36a-302(2)

³ 11-36a-302(3)

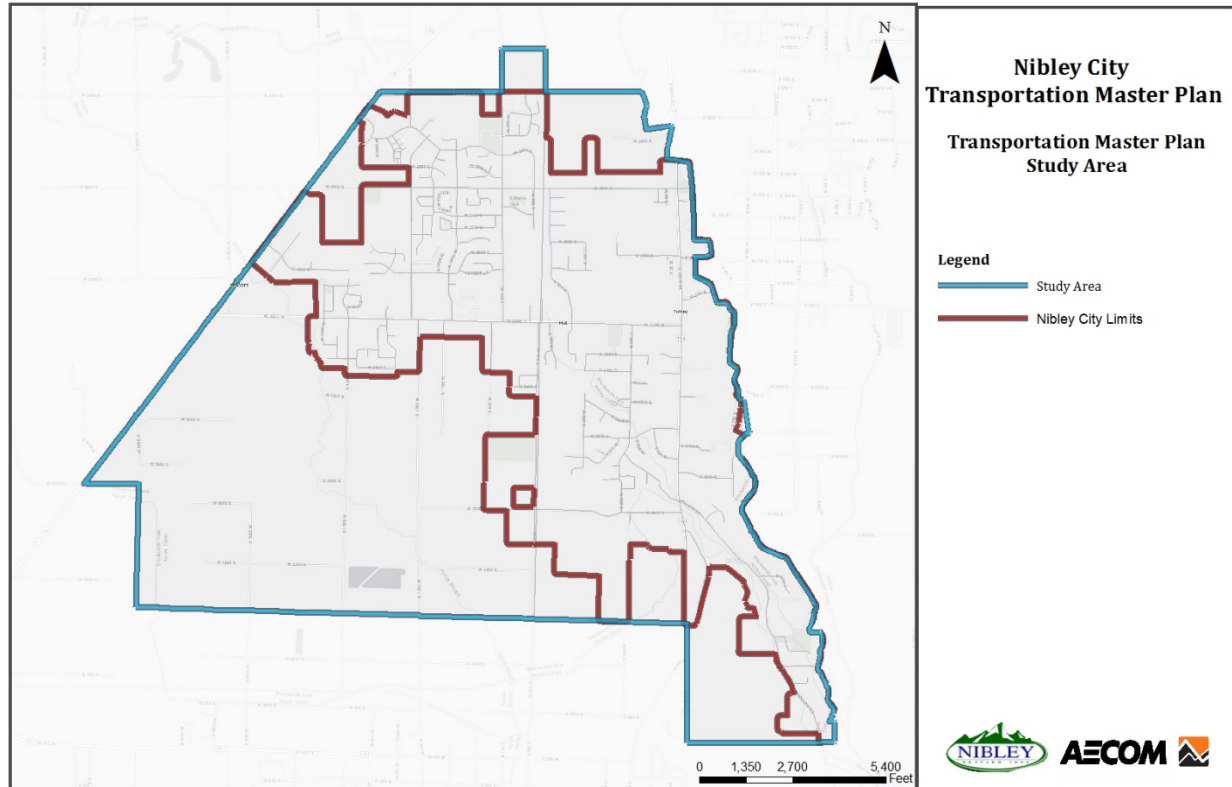
⁴ 11-36a-302

SECTION III: OVERVIEW OF SERVICE AREA AND GENERAL DEMAND FIGURES

SERVICE AREAS

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁵ The Service Area for the transportation impact fees includes all areas within the current municipal boundaries of the City, as shown in FIGURE 3.1. This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future.

FIGURE 3.1: SERVICE AREA



DEMAND UNITS

The demand units utilized in this analysis are based on undeveloped residential and commercial land and the new trips generated from these land-use types. As residential and commercial growth occurs within the City, additional trips will be generated on the City's roadways. The transportation capital improvements identified in this study are based on maintaining the current level of service as defined by the City and engineers. The proposed impact fees are based upon the projected growth in demand units which are used as a means to quantify the impact that future users will have upon the City's system. The demand unit used in the calculation of the transportation impact fee is based upon each land use category's impact and road usage characteristics expressed in the number of trips generated. The existing and future trip statistics used in this analysis were prepared by the City and engineers.

To determine the proportionate impact from each land use type, the existing trips are allocated to the different land use types based on trip statistics as presented in the Institute of Traffic Engineers (ITE) Trip Generation Manual, 10th Edition. The most common method of determining growth is measuring the number of trips within a community based on existing and future land uses. Appropriate adjustment factors are applied to remove pass-by traffic. Based on the growth in trips, the City will need to expand its current facilities to accommodate new growth. Growth of new development will create an additional 19,026 trips through 2024, as show in TABLE 3.1.

⁵ UC 11-36a-402(1)(a)

TABLE 3.1: TRIP PROJECTIONS

	FUTURE UNITS	ADJUSTED TRIPS/UNIT	NEW TRIPS
Residential	899	9.44	8,487
Commercial	423,000	24.92	10,539
Total			19,026

Sources: AECOM; ITE Trip Generational Manual, 10th Edition

TABLE 3.2: TRIP STATISTICS BY LAND USE TYPE

	ITE CLASSIFICATION	UNITS	WEEKDAY	PASS-BY ADJUSTMENT	DAILY TRIPS
Residential					
Single Family Homes	210	Dwelling Unit	9.44	0%	9.44
Non-Residential					
Shopping Center	820	1,000 Square Feet	37.75	34%	24.92

LEVEL OF SERVICE

Level of Service (LOS) assesses the level of congestion on a roadway segment or intersection. LOS is measured using a letter grade A through F, where A represents free flowing traffic with absolutely no congestion and F represents grid lock. Nibley City has adopted an acceptable standard of LOS C for its street network and intersections.⁶

⁶ See Nibley Transportation Master Plan 2018, page 20

SECTION IV: EXISTING FACILITIES INVENTORY

The Transportation Master Plan describes in detail the City's existing street network. It considers the level of service established by the City and includes a plan for maintaining the level of service in the future. The existing streets under Nibley City's jurisdiction have been considered in this analysis as they will also serve future development within the City.

EXCESS CAPACITY & BUY-IN

A buy-in component is justified in the calculation of an impact fee when there is excess capacity in existing system improvements that can help meet the demands placed on the system by new growth and development. A buy-in component is contemplated in this analysis for the system improvement roadways that have sufficient capacity to handle new growth while maintaining safe and acceptable levels of service.

EXISTING TRANSPORTATION SYSTEM BUY-IN

The determination of a buy-in impact fee related to existing roadways is based on proportionate trips generated within the IFFP planning horizon and the value of the existing roadway system. According to City records, the transportation system is valued at \$9.5 million. However, approximately \$3.5 million is related to project improvements and is therefore removed from the analysis. The remaining value of \$6 million is used to determine the appropriate buy-in fee. It is anticipated that all existing and future development benefit from the existing roadways that have been constructed within the service area. Approximately 17.6 percent of the total demand on the system will occur within the IFFP planning horizon. As a result, the proportionate share of \$1,046,887 of total original system cost is considered in this analysis, based on the original cost of system improvements as identified in the City's financial records.

TABLE: 4.1: ALLOCATION OF BUY-IN COMPONENT

	PROPORTIONAL TRIPS	PERCENT OF TOTAL	ALLOCATION OF ORIGINAL VALUE
Existing Trips	45,581	42.0%	\$2,508,076
IFFP Demand	19,026	17.6%	1,046,887
Buildout Trips	108,064	100.0%	5,946,226
Source: Nibley City Financial Statements			

SECTION V: CAPITAL FACILITY ANALYSIS

The City retained AECOM to complete the Nibley Transportation Master Plan, which includes a Capital Facilities Plan (CFP) and lays out all of the projects the City will need to construct to handle future development through buildout. AECOM has divided these future improvements into three phases, and this IFFP and IFA will deal solely with the Phase 1 projects and associated costs as provided by AECOM. Summary tables are included in this chapter and additional detailed data can be found in the Appendices at the end of this document.

FUTURE CAPITAL PROJECTS

Table 5.1 illustrates the estimated cost of future capital improvements within the Service Area and the portion of those capital improvements costs that can be legally recovered through impact fees for the purposes of this IFFP. These projects are identified in the CFP and a detailed breakdown of the costs specifically intended to serve new development over the planning horizon of this study, through 2024, can be found in Appendix C. The total cost of these improvements that is related to growth is \$835,013 based on construction timings and inflation of three percent annually. This number excludes any capacity not used during the course of this study, and also removes the percentage of each project that will serve pass through (cut through) traffic, as determined by AECOM (shown in Appendix C).

TABLE 5.1: SUMMARY OF IMPACT FEE ELIGIBLE FUTURE SYSTEM IMPROVEMENTS

PROJECT	PROJECT SEGMENTS	TOTAL COST ESTIMATE (PHASE 1) ⁷	% CAPACITY USED ⁸	% TO PASS THRU TRAFFIC ⁹	COST TO GROWTH
1200 West	2450 S to 2200 S	\$676,000	100.0%	60.0%	\$270,400
1200 W Corridor Roundabout	3200 S	2,284,000	8.7%	56.0%	87,825
2600 South ¹⁰	US89/91 to 1900 W; 1900 W to 1200 W	1,466,000	29.5%	80.0%	86,486
900 W/1000 W	Nibley Park Ave to 2200 S (1200 W Connection)	766,000	100.0%	60.0%	306,400
	Total	\$5,192,000			\$751,111

TABLE 5.2: SUMMARY OF CONSTRUCTION YEAR COSTS FOR THE IFFP PLANNING HORIZON

YEAR	PROJECT	LOCATION	COST TO GROWTH	CONSTRUCTION YEAR COST TO GROWTH
2020	1200 West	2450 S to 2200 S	\$270,400	\$286,867
2020	1200 West Roundabout	3200 S	87,825	98,438
2021	2600 South	US89/91 to 1900 W; 1900 W to 1200 W	86,486	94,506
2023	900 W/1000 W	Nibley Park Ave to 2200 S (1200 W Connection)	306,400	355,202
	Total		\$751,111	\$835,013

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to users within the community at large.¹¹ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that development.¹² To the extent possible, this analysis only includes the costs of system improvements related to new growth within the service area.

FUNDING OF FUTURE FACILITIES

The IFFP also includes a consideration of all revenue sources, including impact fees and the dedication of system improvements, which may be used to finance system improvements.¹³ In conjunction with this revenue analysis, there must be a determination

⁷ See Appendix C for details of project costs; provided by AECOM

⁸ Based on data provided by AECOM (see Appendix C)

⁹ Percent deducted from cost to account for pass thru traffic; provided by AECOM (see Appendix C)

¹⁰ See Appendix A for full calculation of cost to growth for the project segments

¹¹ 11-36a-102(21)

¹² 11-36a-102(14)

¹³ 11-36a-302(2)

that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.¹⁴

In considering the funding of future facilities, the IFFP has identified the portion of each project that is intended to be funded by the City, as well as funding sources from other government agencies. The cost applied to the City includes growth and non-growth-related projects. The capital projects that will be constructed to cure the existing system deficiencies will be funded through general fund revenues and Class B & C road funds. All other capital projects within the next six years which are intended to serve new growth will be funded through impact fees or on a pay-as-you-go approach. Where these revenues are not sufficient, the City may issue bonds or issue inter-fund loans to construct the proposed projects.

Other revenues such as grants can be used to fund these types of expenditures. The impact fees should be adjusted if grant monies are received. New development may be entitled to a reimbursement for any grants or donations received by the City for growth related projects or for developer funded IFFP projects. It is anticipated that future project improvements will be funded by the developer. These costs have been excluded from the calculation of the impact fee.

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer: (a) dedicates land for a system improvement; (b) builds and dedicates some or all of a system improvement; or (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.¹⁵ The facilities must be considered system improvements or be dedicated to the public, and offset the need for an improvement identified in the IFFP.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues such as general fund revenues will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities needed for new development. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth.

¹⁴ 11-36a-302(3)

¹⁵ 11-36a-402(2)

SECTION VI: TRANSPORTATION IMPACT FEE CALCULATION

The transportation impact fees proposed in this analysis will be assessed to the Service Area as defined in Section III. Transportation impact fees are justified when trips are added to system-wide roadways. The fees can be assessed on future projects when new system-wide roadways are needed to meet the demands of growth and existing roadways that have excess capacity and can serve growth without compromising level of service standards set forth. The impact fees in this analysis include both components, and the detailed fee calculation per trip can be found below in Table 6.1.

PROPOSED TRANSPORTATION IMPACT FEE

The proportionate share analysis determines the proportionate cost assignable to new development based on the proposed capital projects and the new growth served by the proposed projects. The impact fee per trip is calculated below.

TABLE 6.1: PROPORTIONATE SHARE ANALYSIS

TRANSPORTATION CAPITAL PROJECTS	GROWTH RELATED COSTS	FUTURE TRIPS	COST PER TRIP
Future Roadway Projects	\$835,013	19,026	\$43.89
Excess Capacity of Existing Roads	5,946,226	108,064	55.03
Professional Expenses	7,250	19,026	0.38
Impact Fee Fund Balance	(101,037)	19,026	(5.31)
Net Impact Fee Cost per Trip	\$6,687,452		\$93.98

IMPACT FEE SUMMARY BY LAND USE TYPE

The impact fee by land use type is, is illustrated in Table 6.2.

TABLE 6.2: IMPACT FEE SUMMARY BY LAND USE TYPE

	ASSESSMENT	ITE CODE	TRIPS GENERATED	ADJUSTMENT FACTOR	ADJUSTED TRIPS	ESTIMATED FEE
Residential Single-Family	Per Unit	210	9.44	-	9.44	\$887
Residential Multi-Family	Per Unit	220	7.32	-	7.32	688
Mobile Home	Per Unit	240	5.00	-	5.00	470
Shopping Center	Per 1,000 sf	820	37.75	34%	24.92	2,342
Office	Per 1,000 sf	712	16.19	-	16.19	1,522
Light Industrial	Per 1,000 sf	110	4.96	-	4.96	466
Warehouse	Per 1,000 sf	150	1.74	-	1.74	164
Institutional	Per 1,000 sf	Average*	15.18	-	15.18	1,426
Hotel	Per 1,000 sf	310	8.36	-	8.36	786
Food/Fast Food**	Per 1,000 sf	Average**	299.43	60%	119.77	11,257
Gas Station/Conv	Per 1,000 sf	945	1,440.02	66%	489.61	46,015

*Institutional trip statistics based on an average of ITE Categories 520, 522, and 530.

**Food/Fast Food based on an average of ITE Categories 930, 932, and 934.

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act¹⁶ to assess an adjusted fee that more closely matches the true impact that a specific land use will have upon the City's transportation system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category. The formula for calculating a non-standard impact fee is as follows:

$$\text{Estimated Number of Trips per Unit} \times \text{Adjustment Factor} \times \$93.98 \text{ Cost per Trip} = \text{Impact Fee}$$

¹⁶ 11-36a-402(1)(c)

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure. See Section V for further discussion regarding the consideration of revenue sources.

EXPENDITURE OF IMPACT FEES

Legislation requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the IFFP planning horizon should be spent only on those projects outlined in the IFFP as growth related costs to maintain the LOS.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. A three percent annual construction inflation adjustment is applied to the proposed capital improvements identified in this analysis. The impact fee analysis should be updated regularly to account for changes in cost estimates over time.

APPENDIX A: 2600 S PROJECT COST DETAIL BY SEGMENT

PHASE 1 PROJECT SEGMENTS	LENGTH	% OF PHASE 1 SEGMENT	PROJECT COST BY SEGMENT	CURRENT CAPACITY	CAPACITY USED BY 2024	TOTAL CAPACITY AT BUILD- OUT	% CAPACITY USED THRU IFFP TIMELINE	PORTION OF PROJECT COST TO GROWTH
2600 S US89/91 to 1900 W	1,297	49.732%	\$729,065	0	3,000	10,000	30%	\$218,720
2600 S US89/91 to 1900 W	1,311	50.268%	736,935	0	2,900	10,000	29%	213,711
	2,608		\$1,466,000					\$432,431

Data pulled from Appendix C, provided by AECOM

APPENDIX B: ADDITION OF 1200 WEST CORRIDOR ROUNDABOUT DOCUMENTATION

DRAFT



AECOM
756 East Winchester Street
Suite 400
Salt Lake City, UT 84107
aecom.com

Project name: Nibley Transportation Master Plan

Project ref: 60561713

From: Kordel Braley, PE, PTOE

Date:
June 25, 2019

To: Stephen Nelson, Nibley City

Memo

Nibley City proposes to reconstruct the offset intersections of 3200 South and 1200 West as one intersection with a roundabout. This project was not specifically considered in the Transportation Master Plan (January 2019). The cost of constructing a roundabout was also not included in the cost estimates prepared by AECOM for the impact fee facilities plan (IFFP) and impact fee analysis (IFA). However, a roundabout is planned to be constructed by 2020.

The IFFP includes projects on 3200 South and 1200 West as follows:

- 3200 South is proposed to be improved to a three-lane cross section with trail facility.
- 1200 West is proposed to be improved to a two-lane cross section with trail facility.

The transportation master plan, which is the basis for the IFFP, considers the capacity and level of service of streets as segments and does not specifically consider the capacity or operations at an intersection level. Instead, the capacities are assumed to account for reasonable intersection configurations such as traffic signals and roundabouts at larger intersections, and two-way stop control or all-way stop control at smaller intersections.

Therefore, the proposed roundabout at 3200 South and 1200 West would not significantly affect the overall capacity or level of service of the either street's project. Therefore, it is recommended that the cost of the roundabout be added to the IFFP and IFA. The traffic demand for this roundabout can be assumed to be the average of the demand for 1200 West and 3200 South. The capacity can be assumed to be the same capacity as 3200 South because a roundabout provides similar capacity as an intersection with left-turn lanes.

PIN: PROJECT # PROJECT NAME: 1200 West Corridor Nibley, UT
Cost Estimate - Concept Level Phase 1

Prepared By: Marcus Simons

Date 8/25/2017

Proposed Project Scope: Phase 1

Approximate Route Reference Mile Post (BEGIN) =	(END) =
Project Length = 0.200	miles 1,056 ft
Current FY Year (July-June) = 2017	
Assumed Construction FY Year = 2020	
Construction Items Inflation Factor = 1.14	3 yrs for inflation
Assumed Yearly Inflation for Engineering Services (PE and CE) (%/yr) = 3.0%	
Assumed Yearly Inflation for Right of Way (%/yr) = 3.0%	
Items not Estimated (% of Construction) = 20.0%	
Preliminary Engineering (% of Construction + Incentives) = 12.0%	
Construction Engineering (% of Construction + Incentives) = 10.0%	

Construction Items	Cost	Remarks
Public Information Services	\$0	
Roadway and Drainage	\$1,111,057	
Traffic and Safety	\$13,040	
Structures	\$0	
Environmental Mitigation	\$65,776	
ITS	\$0	
Subtotal	\$1,189,873	
Items not Estimated (20%)	\$237,975	
Construction Subtotal	\$1,427,848	
P.E. Cost	P.E. Subtotal \$171,342	12%
C.E. Cost	C.E. Subtotal \$142,785	10%
Right of Way	Right of Way Subtotal \$474,800	
Utilities	Utilities Subtotal \$66,500	
Incentives	Incentives Subtotal \$0	
Miscellaneous	Miscellaneous Subtotal \$0	

Cost Estimate (ePM screen 505)	2017	2020
P.E.	\$171,000	\$187,000
Right of Way	\$475,000	\$519,000
Utilities	\$67,000	\$76,000
Construction	\$1,428,000	\$1,622,000
C.E.	\$143,000	\$156,000
Incentives	\$0	\$0
Aesthetics	\$0	\$0
Change Order Contingency	\$0	\$0
UDOT Oversight	\$0	\$0
Miscellaneous	\$0	\$0
TOTAL	\$2,284,000	\$2,560,000

PROPOSED COMMISSION REQUEST	TOTAL	\$2,284,000	TOTAL	\$2,560,000
------------------------------------	--------------	--------------------	--------------	--------------------

Project Assumptions/Risks

1	8
2	9
3	10
4	11
5	12
6	13
7	14

Roadway and Drainage

PIN: PROJECT # PROJECT NAME: 1200 West Corridor Nibley, UT

Item #	Item	Quantity	Units	Price	Cost	Remarks
Roadway						
015017010	Mobilization	1	lump	\$140,000.00	\$140,000.00	Usually 7-10% of construction
015547005	Traffic Control	1	lump	\$50,000.00	\$50,000.00	Usually 3-5% of construction
	Survey	1	0.2	\$28,500.00	\$28,500.00	
020567015	Granular Borrow (Plan Quantity)	1,726	cubic yard	\$28.00	\$48,328.00	
022317010	Clearing and Grubbing		lump			
023167020	Roadway Excavation (Plan Quantity)	3,872	cubic yard	\$10.00	\$38,720.00	
027217020	Untreated Base Course (Plan Quantity)	598	cubic yard	\$35.00	\$20,930.00	
02737001*	Asphalt Pavement Soft Spot Repair - Type A	28	cy	\$110.00	\$3,080.00	
027417050	HMA - 1/2 Inch	1,027	ton	\$85.00	\$87,295.00	
027767025	Concrete Curb and Gutter Type B1	1,700	foot	\$17.00	\$28,900.00	
027767010	Concrete Sidewalk	8,500	square foot	\$7.00	\$59,500.00	
	HA5 Surface Treatment	4,628	square yard	\$5.50	\$25,454.00	
027857075	Emulsified Asphalt HFMS-2P	0	square yard	\$1.50	\$0.00	
	Roundabout	1	lump	\$475,000.00	\$475,000.00	
Roadway Subtotal					\$1,005,707	
Drainage						
	Bedding Material	900	ft	\$8.00	\$7,200.00	
026107386	Drainage Pipe - 18 inch, Smooth, Leak-Resistant	500	foot	\$34.00	\$17,000.00	
026107388	Drainage Pipe - 24 inch, Smooth, Leak-Resistant	0	foot	\$39.00	\$0.00	
026107391	Drainage Pipe - 36 inch, Smooth, Leak-Resistant	400	foot	\$44.00	\$17,600.00	
	Catch Basin	4	each	\$2,000.00	\$8,000.00	
	Detention Basin	5,555	cubic yard	\$10.00	\$55,550.00	
Drainage Subtotal					\$105,350	
PI						
015407010	Public Information Services	1	lump		\$0	Usually 0.25% of construction

Traffic, Safety & ITS

PIN: PROJECT # PROJECT NAME: 1200 West Corridor Nibley, UT

Item #	Item	Quantity	Units	Price	Cost	Remarks
Traffic						
027657050	Pavement Marking Paint	190	gallon	\$60.00	\$11,400.00	
027687110	Pavement Message (Preformed Thermoplastic Stop Line, Crosswalks - 12 inch)	0	0.2	\$15.00	\$0.00	
028917028	Sign Type A-1, 12 Inch X 36 Inch	4	each	\$150.00	\$600.00	
028917285	Relocate Sign Less Than 20 Square Feet	0	each			
	Slipbase Sign Base	4	each	\$260.00	\$1,040.00	
	Stop Sign	0	each	\$200.00	\$0.00	
Traffic and Safety Subtotal					\$13,040	
ITS						
135537035	1D Conduit		foot			
135567010	Closed Circuit Television (CCTV) Assembly System	1	Lump			
ITS Subtotal					\$0	

Environmental and Landscaping

PIN: PROJECT # PROJECT NAME: 1200 West Corridor Nibley, UT

Item #	Item	Quantity	Units	Price	Cost	Remarks
Environmental						
	Wetland Mitigation	1	Lump			
	Stream Alteration Permitting	1	0.2	\$2,500.00	\$2,500.00	
	Wetland Delineation	1	Lump	\$8,500.00	\$8,500.00	
Temporary Erosion Control						
015717030	Silt Fence		foot			
015717025	Check Dam - Fiber Roll		Each			
	BMP's	1	Lump	\$8,500.00	\$8,500.00	
Landscaping						
029127010	Contractor Furnished Topsoil	1,322	square yard	\$8.00	\$10,576.00	
	Trees	34	each	\$300.00	\$10,200.00	
	Sprinkler	1,700	foot	\$15.00	\$25,500.00	
Environmental Mitigation Subtotal					\$65,776	

Utilities, Right of Way, and Incentives

PIN: PROJECT # PROJECT NAME: 1200 West Corridor Nibley, UT

Item #	Item	Quantity	Units	Price	Cost	Remarks
Utilities						
	Relocate Water/Irrigation/Sewer Lines	1	Lump	\$16,500.00	\$16,500.00	
	Relocate Gas Line	1	Lump			
	Relocate Power Line	1	0.2	\$50,000.00	\$50,000.00	
	Relocate Fiber Optic	1	Lump			
	Relocate Phone	1	Lump			
Utilities Subtotal					\$66,500	
Right-of-way						
	Non-Urban/Suburban Farm	0	sq ft	\$6.00	\$0.00	
	Full Take Residential	1	Lump	\$440,000.00	\$440,000.00	2 Properties
	Partial Take Residential	5,800	sq ft	\$6.00	\$34,800.00	
Right-of-Way Subtotal					\$474,800	
Incentives						
00007601*	Pavement Smoothness Incentive	0	lump			
00007602*	Hot Mix Asphalt (HMA) Incentive	0	lump	\$3,774.00	\$0.00	
00007603*	Stone Matrix Asphalt (SMA) Incentive	0	lump			
00007604*	Open Graded Surface Course Incentive	0	lump			
00007605*	Bonded Wearing Course Incentive	0	lump	\$311.73	\$0.00	
00007606*	Early Completion - Time	0	calendar day			
00007607*	Lane Rental Incentive	0	Hours			
00000608*	Miscellaneous Incentive	0	Lump			
Incentives Subtotal					\$0	

APPENDIX C: COST ESTIMATES PREPARED FOR THE IFFP AND IFA (BY AECOM)

Street	Road Segment		Volumes			Cut-through h	Cost (2018 Dollars)	Phase	PHASE 1 COST (Disaggregated Cost & No Trail)
	From	To	2017	2024	2050				
1200 West Corridor Roundabout	3200 South	3200 South	3700	4600	10400	56%	\$ 2,284,000	Phase I	\$ 2,284,000
4400 South	Southwest boundary	2500 West	0	200	800	75%	\$ 12,993,000	Phase II	
4400 South	2500 West	1900 West	0	300	900	75%			
4400 South	1900 West	1500 West	200	400	1200	75%			
4400 South	1500 West	1200 West	200	400	1200	75%			
4400 South	1200 West	700 West	100	100	200	75%			
4400 South	700 West	250 West	100	200	600	75%			
4400 South	250 West	SR-165	100	300	600	75%		Phase III	
4000 South	US-89/US-91	2500 West	0	400	0	20%	\$ 8,829,000	Phase II	
4000 South	2500 West	1900 West	0	400	0	20%			
4000 South	1900 West	1500 West	0	400	1400	20%			
4000 South	1500 West	1200 West	0	400	800	20%			
4000 South	1200 West	900 West	300	700	1200	20%			
4000 South	900 West	640 West	300	1500	2900	20%			
4000 South	640 West	280 West	500	1400	1800	20%			
4000 South	280 West	SR-165	500	300	900	20%		Phase III	
3650/3700 South	2500 West	1900 West	0	600	4700	0%	\$ 7,077,000	Phase II	
3650/3700 South	1900 West	1500 West	0	800	1500	0%			
3650/3700 South	1500 West	1200 West	0	900	1600	0%			
3650/3700 South	1200 West	900 West	0	800	1400	0%			
3650/3700 South	900 West	640 West	0	1000	2100	0%			
3650/3700 South	640 West	250 West	0	1200	2500	0%			
3650/3700 South	250 West	SR-165	0	2200	2600	0%			

3200 South	US-89/US-91	1900 West	6300	3000	7300	60%	\$ 5,188,000	Phase II	
3200 South	1900 West	1500 West	6300	3300	9500	60%			
3200 South	1500 West	1200 West	4600	4800	10900	50%			
3200 South	1200 West	1000 West	4800	5000	10700	50%		Phase III	
3200 South	1000 West	800 West	3200	4900	12800	50%			
3200 South	800 West	640 West	3900	4700	12400	50%			
3200 South	640 West	500 West	3400	4700	11800	50%			
3200 South	500 West	250 West	3200	4500	10900	50%			
3200 South	250 West	SR-165	3300	5100	10000	50%		Phase III	
Mill Road	SR-165	East Border	3200	3500	7700	70%			
Nibley Parkway	US-89/US-91	1900 West	2800	5800	6900	25%	\$ -	No	
Nibley Parkway	1900 West	1600 West	0	500	1600	0%			
2600 South	US-89/US-91	1900 West	0	3000	1600	80%	\$ 2,415,000	Phase I	\$ 1,466,000
2600 South	1900 West	1200 West	0	2900	6700	80%			
2600 South	1200 West	1000 West	1100	2200	2900	80%		Phase II	
2600 South	1000 West	800 West	1300	4500	1200	80%			
2600 South	800 West	250 West	2700	4900	7000	80%			
2600 South	250 West	SR-165	2700	2300	3900	80%			
2200 South	US-89/US-91	1200 West	1300	1900	3700	10%	\$ 1,779,000	Phase III	
2200 South	1200 West	800 West	1700	700	1700	10%			
2200 South	800 West	Union Pacific Railroad	900	800	900	10%			
2500 West	4400 South	4000 South	0	500	1900	70%	\$ 2,634,000	Phase III	
2500 West	4000 South	3650 South	0	500	1800	70%			
2500 West	3650 South	US-89/US-91	0	1100	6300	70%			
1900 West	4400 South	4000 South	1100	3000	4300	75%	\$ 5,394,000	Phase III	
1900 West	4000 South	3650 South	1200	3100	5500	75%			
1900 West	3650 South	3200 South	1000	4100	7100	75%			
Heritage	3200 South	Nibley Parkway	0	4700	6200	10%	\$ 3,624,000	Phase II	
Heritage	Nibley Parkway	2600 South	0	6600	4100	10%			
Heritage	2600 South	US-89/US-91	2000	5700	3300	10%		Phase III	
1700 West	3200 South	2960 South	0	1300	3300	0%	\$ 953,000	Phase II	

1500 West	4400 South	4000 South	0	0	100	5%	\$ 2,923,000		
1500 West	4000 South	3650 South	0	0	500	5%			
1500 West	3650 South	3390 South	0	500	1100	5%		Phase II	
1500 West	3390 South	3200 South	500	500	1200	5%		Phase III	
1200 West	4400 South	4000 South	4200	4400	8600	75%	\$ 5,720,000		
1200 West	4000 South	3650 South	4200	4200	8400	70%			
1200 West	3650 South	3390 South	4200	4000	8100	65%			
1200 West	3390 South	3200 South	4300	4100	8300	65%			
1200 West	3200 South	2600 South	1100	4500	11700	60%			
1200 West	2600 South	2450 South	800	3700	7900	60%		Phase II	
1200 West	2450 South	2200 South	0	12000	16500	60%		Phase I	\$ 676,000
900/1000 West	4400 South	4000 South	0	1000	2000	60%	\$ 5,062,000		
900/1000 West	4000 South	3650 South	0	1500	4000	55%			
900/1000 West	3650 South	3200 South	100	1600	4900	50%			
900/1000 West	3200 South	2600 South	900	4300	2700	50%			
900/1000 West	2600 South	Nibley Park Ave	100	8400	9100	55%		Phase II	
900/1000 West	Nibley Park Ave	2200 South (1200 West Connection)	0	12000	16500	60%		Phase I	\$ 766,000
800 West/3400 South	900 West	3200 South	0	400	1500	0%	\$ 2,175,000	Phase II	
800 West/3400 South	3200 South	2600 South	3600	2800	7900	50%			
800 West/3400 South	2600 South	2200 South	3700	4200	8500	55%			
800 West/3400 South	2200 South	North boundary	10200	4100	8400	60%		Phase III	
640 West/700 West	4400 South	4000 South	600	1900	2700	60%	\$ 2,771,000		
640 West/700 West	4000 South	3650 South	800	600	1200	50%			
640 West/700 West	3650 South	3200 South	800	700	1600	40%		Phase III	
250 West	4400 South	4000 South	0	200	500	5%	\$ 2,204,000		
250 West	4000 South	3650 South	1000	1100	1000	0%			
250 West	3650 South	3200 South	1000	1000	1400	0%			
250 West	3200 South	2600 South	0	1000	400	0%			
250 West	2600 South	North boundary	0	100	400	5%		Phase II	
Hollow Road	Southeast boundary	New North South Connection	1100	1200	2200	70%	\$ 3,109,000		
Hollow Road	New North South Connection	SR-165	1100	900	2600	70%		Phase III	
250 East	Hollow Road/3700 S/3650 S	3200 S/200 South (Millville Connection)	0	600	800	35%	\$ 5,626,000	Phase II	
GRAND TOTALS							\$ 82,760,000		\$ 5,192,000

Cost estimates prepared by AECOM with direction from City staff; Phase I projects are highlighted in orange

Agenda Item #10

Description	Discussion and Consideration of Resolution 19-13: A Resolution of the Nibley City Council Adopting the Survey Recorded as 2019-0083, Establishing the Right-of-Way on 640 West from 3200 South to 4000 South (Second Reading)
Department	
Presenter	Justin Maughan, Nibley City Public Works Director
Recommendation	Move to approve Resolution 19-13: A Resolution of the Nibley City Council Adopting the Survey Recorded as 2019-0083, Establishing the Right-of-Way on 640 West from 3200 South to 4000 South.
Reviewed By	Mayor, City Manager, City Planner

Background

The City has been in the initial stages of putting in a sidewalk along 640 West from the Scott Farm Subdivision to 3200 South. After the initial survey to identify the Right-of-Way, a number of residents were concerned with how close the survey showed the property line was to their homes. One of the residents hired her own surveyor. Upon completion of that survey, there is about a 15' discrepancy between the two surveys in where the line is located. After reviewing both surveys and consulting numerous other surveyors and the City Attorney, Staff believes that the city survey, and placement of the line, is accurate.

The City then entered into discussions about where to construct the sidewalk. Typically the City builds the sidewalk one foot off of the right-of-way. In this case, the City Council directed staff to look for an alternate location that would work and move it farther away from the homes. At this point, staff and the City Attorney became concerned that if the City moves the sidewalk away from where we would typically construct it, that Nibley City case would be weakened if we ever needed to pursue a determination from a judge about where the right-of-way line is in the future.

In order to alleviate this concern, the City Attorney has recommended that the City Council adopt a resolution stating that we believe Nibley City survey is correct, that we are merely moving the sidewalk from it normal location for convenience at this time. This resolution accomplishes that purpose. The City Attorney also recommended that the city

send a certified letter to the residents with a copy of the resolution. A letter was sent to the residents with a copy of the draft resolution after the first reading of the resolution by the council.

RESOLUTION 19-13

A RESOLUTION OF THE NIBLEY CITY COUNCIL ADOPTING THE SURVEY RECORDED AS 2019-0083 ESTABLISHING THE RIGHT-OF-WAY ON 640 WEST FROM 3200 SOUTH TO 4000 SOUTH

WHEREAS, Nibley City must provide transportation infrastructure; and

WHEREAS, Nibley City has a desire to improve roadways, sidewalks, trails, and other aspects of Nibley's transportation infrastructure; and

WHEREAS, Nibley City owns a recorded right-of-way along 640 W; and

WHEREAS, Nibley City has planned and budgeted money to make improvements within the right-of-way on 640 W; and

WHEREAS, Nibley City hired JUB to survey the right-of-way to mark and establish the property boundary and had the survey recorded with the Cache County Recorder; and

WHEREAS, Cache County recorded the survey as Survey Number 2019-0083 recorded on May 16, 2019.

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

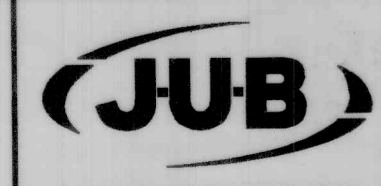
1. The attached survey be adopted as the City's official position on the right-of-way boundaries on 640 West from 3200 South to 4000 South.
2. It is within the City's right to make needed improvements and changes to the roadway, sidewalk, utilities, infrastructure, or other purposes within the right-of-way as needed.
3. Nibley City may protect the right-of-way and may remove and prevent encroachments, obstructions, and unauthorized use of the right-of-way.
4. Nibley City, in no way, releases any claim to the right-of-way as shown in the attached survey regardless of the placement of infrastructure, including sidewalks, within the right-of-way, and no person may rely on the placement of such infrastructure to limit or prevent the City's use of the right-of-way.
5. Nibley City shall mail a copy of this resolution and attached survey to all adjacent property owners informing them of the City's official position.

Dated this 14th day of November 2019

Shaun Dustin, Mayor

ATTEST

David Zook, City Recorder



J-U-B ENGINEERS, INC.

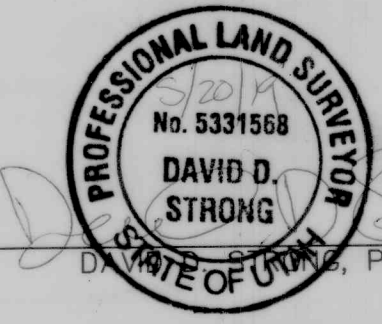
J-U-B ENGINEERS, INC.
466 North 900 West
Kaysville, Utah 84037
Phone: 801.547.0393
Fax: 801.547.0397
www.jub.com

RECORD OF SURVEY FOR
640 WEST STREET
NIBLEY, UTAH

FILE: 57-18-014 ROS
JUB PROJ # 57-18-014
DRAWN BY: TAG
DESIGN BY:
CHECKED BY: DDS
ONE INCH = 1000 FEET
AT FULL SIZE, IF NOT ONE
INCH SCALE ACCORDINGLY
LAST UPDATED: 5/17/2019
SHEET NUMBER:
1

SURVEYOR'S CERTIFICATE

I, DAVID D. STRONG, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 5331568 IN ACCORDANCE WITH TITLE 58, CHAPTER 22 OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, HAVE COMPLETED A SURVEY OF THE PROPERTY SHOWN AND DESCRIBED HEREON, IN ACCORDANCE WITH SECTION 17-23-17.



3/20/2019
DATE

DESCRIPTION

Part of the southwest quarter of Section 21 and the west half of Section 28, T11N R1E, SLBM. Being a 66.00 foot wide road 33.00 feet each side of the centerline of 640 West Street from 3200 South Street to 4000 South Street in Nibley Utah, also described as the roadway between Blocks 16 and 17, Millville West Field Survey.

NARRATIVE

Basis of bearing is N.00°13'28"W. 2654.37 feet from the West Quarter Corner of Section 21, T11N R1E, SLBM to the Northwest Corner of said Section 21. This survey was requested by Nibley city to determine the location and width of the right of way for 640 West Street from 3200 South Street to 4000 South Street being between Blocks 16 and 17, Millville West Field Survey. It is located in the southwest quarter of Section 21 and the west half of Section 28, T11N R1E, SLBM. All the deeds on the west right of way line of 640 West Street call to the east line of said Block 16. The following time line provided the evidence for the location of 640 West Street as shown on this survey.

640 West Street is labeled on the Millville City Plat surveyed by County Surveyor J. H. Martineau in April 1864 as "4 rods wide County Road". It is located between Blocks 16 and 17, Millville West Field Survey.

A Warrantee Deed recorded on March 5th/, 1883 from George Cummings to the County Court of Cache County transferred title of the 4 rod wide road to the County in the south half of the southwest quarter of said Section 21.

In 1906 the Oregon Short Line Railroad Company purchased by Warranty Deed the westerly portion of Lots 8 and 9 Block 17 recorded in Book 25 Page 531 at the Cache County Recorder's Office. The description states that the centerline of the railroad tracks is 16.5 feet east of the west line of said Lots. The west line of said Lots is also the east line of 640 West Street.

Gibbons and Crow Inc. surveyed part of Lot 7 less the railroad property, of said Block 17 in 1989. Said survey is filed at the Cache County Surveyors Office as 1989-0027. The survey places the east boundary line of the railroad property as per the 1906 deed.

Scott Farms Subdivision Ammended was recorded at the Cache County Recorder's Office in 1996. It begins on the east line of said Block 16 being the west right of way line of 640 West Street. On the plat it shows the width of said road to be 66 feet.

Fuller West Subdivision was recorded at the Cache County Recorder's Office in 2002. This plat shows the northwest corner of Lot 9 of said Block 17 in the same place as the 1906 deed.

JSH Surveying and Drafting surveyed part of Lot 14 of said Block 16 in 2003. Said survey is filed at the Cache County Surveyors Office as 2003-0081. The survey places the east boundary line of the property on the west right of way line of 640 West Street and shows that the railroad is east of the 66 foot right of way.

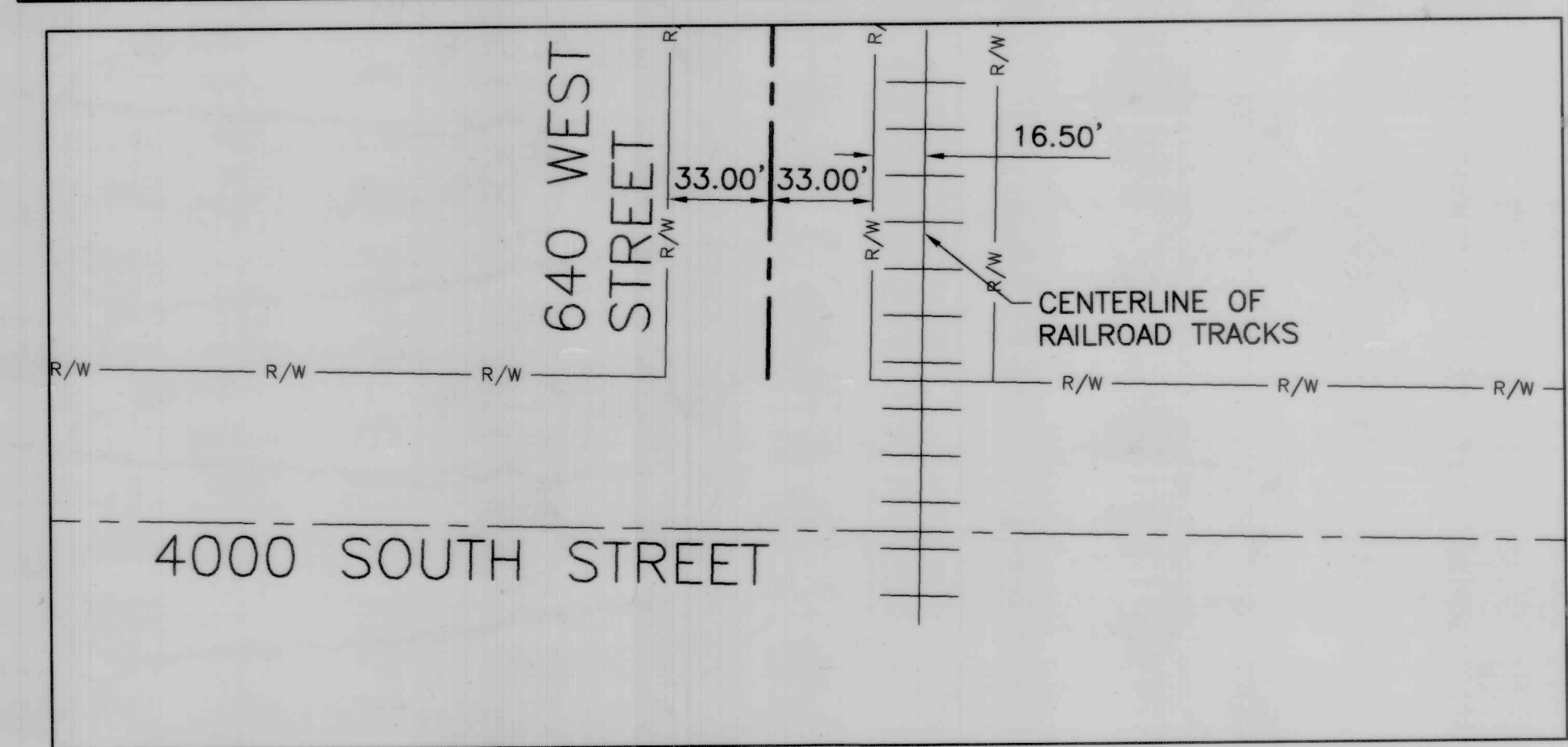
Peterson Land Surveying surveyed part of Lot 9 of said Block 17 in 2004. Said survey is filed at the Cache County Surveyors Office as 2004-0067. The survey places the east boundary line of the railroad property as per the 1906 deed.

Ashbury Estates Phases 1 and 2 were recorded in 2007 at the Cache County Recorder's Office. They both show the location of the railroad to be the same as the 1906 deed.

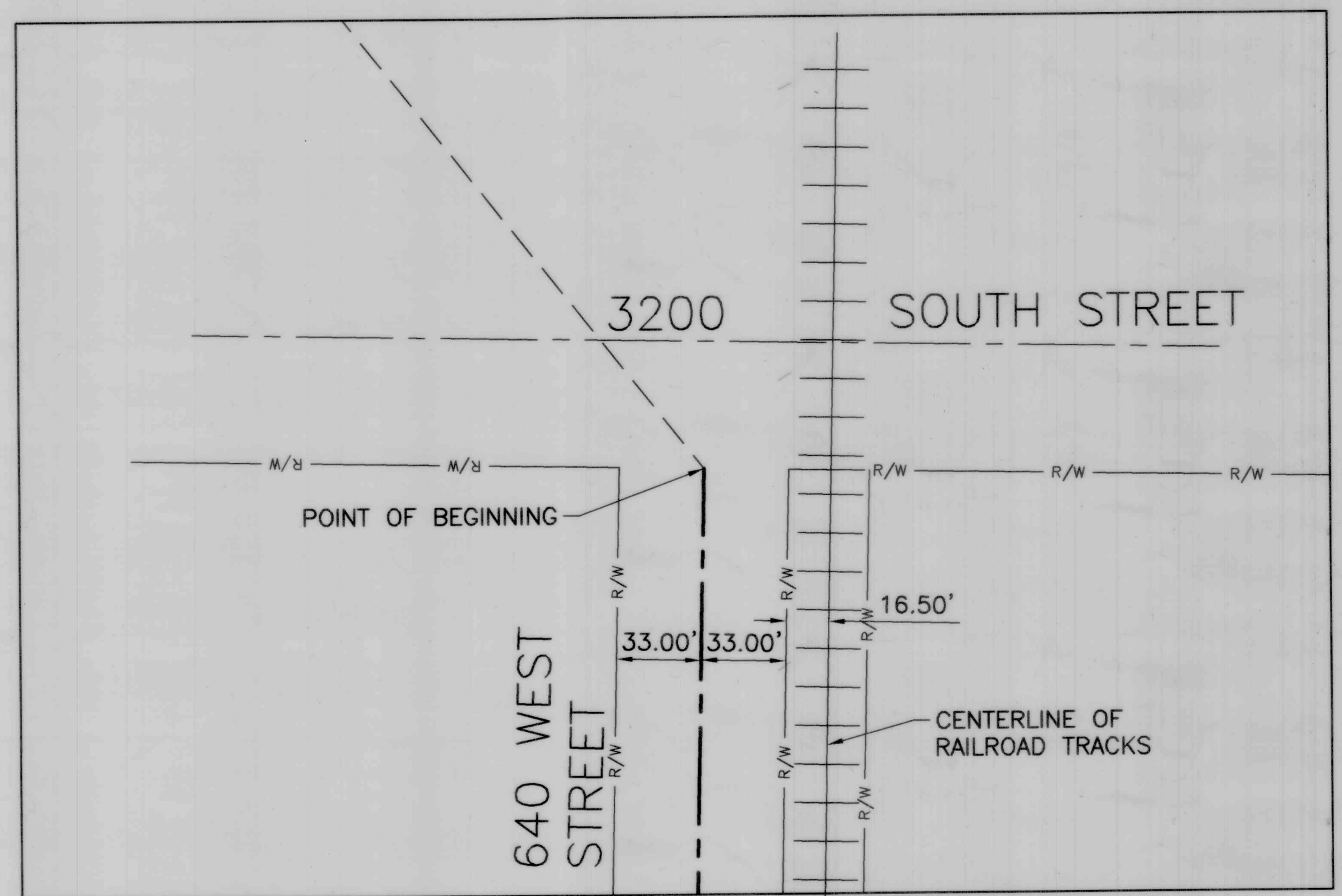
Holm Minor Subdivision was recorded at the Cache County Recorder's Office in 2014. It begins on the east line of said Block 16. On the plat it shows the width of 640 West Street to be 66 feet and that the railroad is east of this right of way.

Cache Landmark surveyed part of Lot 14 of said Block 16 in 2015. Said survey is filed at the Cache County Surveyors Office as 2015-0064. The survey places the east boundary line of the property on the west right of way line of 640 West Street and shows that the railroad is east of the 66 foot right of way.

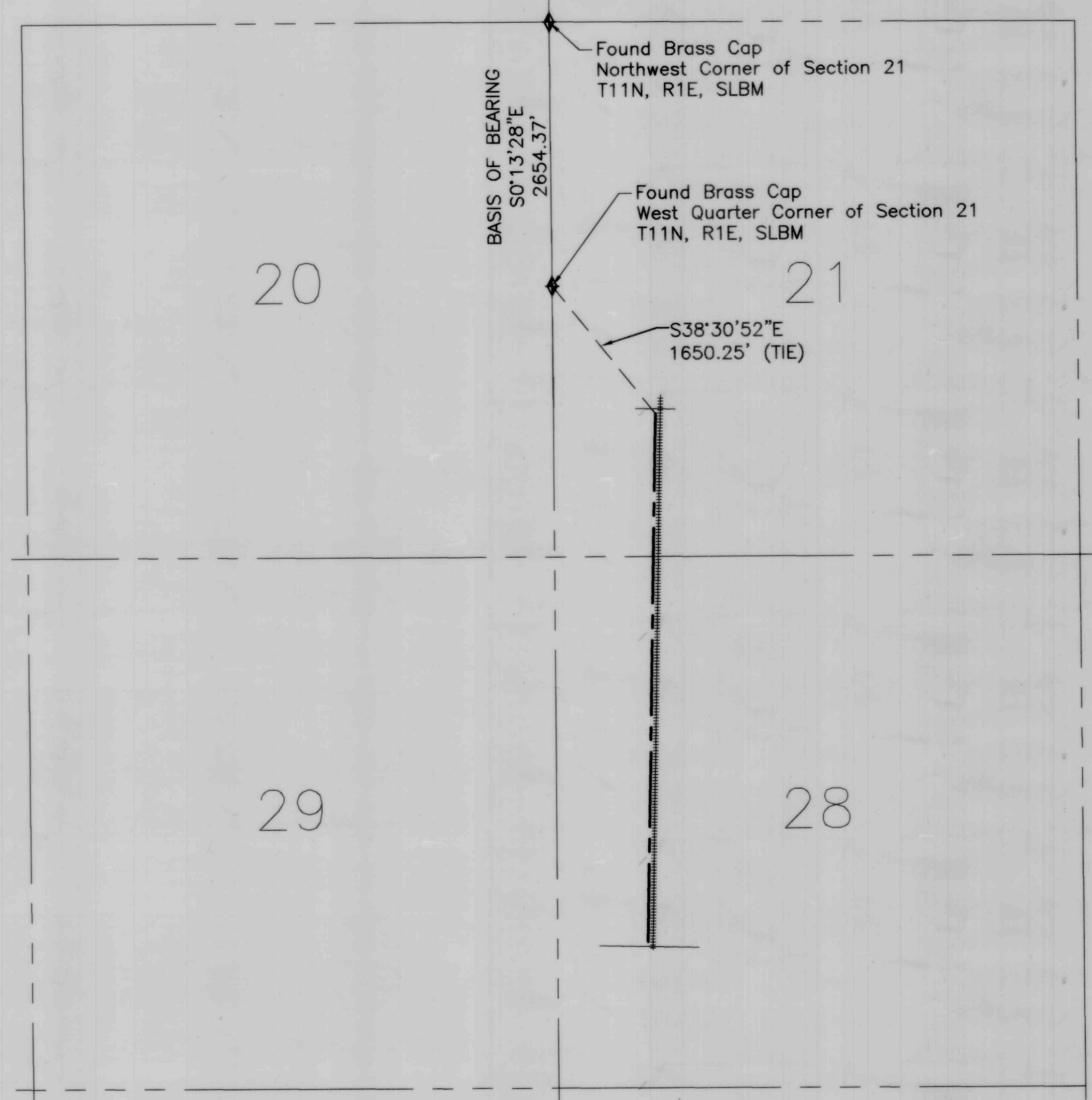
Advanced Land Surveying Inc. surveyed part of Lot 10 of said Block 16 in 2019. Said survey is filed at the Cache County Surveyors Office as 2019-0044. The survey does not leave the adequate width for the deeded public roadway and railroad properties. These two entities (Nibley City and the railroad company) are protected by the law against the boundary principles of acquiescence because of this the roadway will always be 66 feet wide and the railroad will own east of the right of way the portion of said Block 17 described in their deeds. If the west line of the right of way is only 66 feet or 68 feet from the centerline of the railroad this will create boundary overlaps with the properties east of the railroad. These boundary overlaps would include Fuller West Subdivision, Ashbury Estates Phases 1 and 2 and going east on to Apple Creek Subdivision. The survey does show that the location of the driveway very closely matches the recently staked right of way line as shown on the survey.



B AREA DETAIL
SCALE: 1" = 50'



A AREA DETAIL
SCALE: 1" = 50'

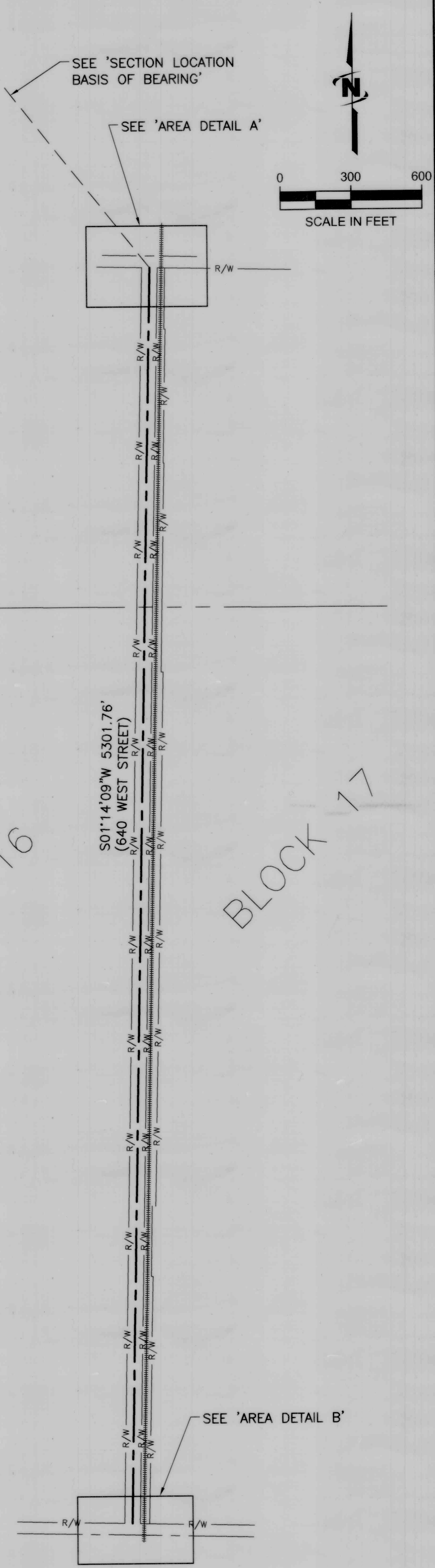


SECTION LOCATION / BASIS OF BEARING
SCALE: 1" = 1000'

20 21
29 28

BLOCK 16

BLOCK 17



FILED: 57-18-014 ROS
JUB PROJ # 57-18-014
DRAWN BY: TAG
DESIGN BY:
CHECKED BY: DDS
ONE INCH = 1000 FEET
AT FULL SIZE, IF NOT ONE
INCH SCALE ACCORDINGLY
LAST UPDATED: 5/17/2019
SHEET NUMBER:
1