



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, June 25, 2020 – 6:30 p.m.

1. Opening Ceremonies (Councilmember Larsen)
2. Call to Order and Roll Call (Chair)
3. Approval of the Previous Meeting Minutes and Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. **Discussion & Consideration** – Firefly Estates, Phase 1 Final Plat, located at approximately 1200 W and 2200 S. (Applicant: Return Development LLC)
7. **Discussion & Consideration** – Resolution 20-07: Setting Water Rates for Nibley City (Second Reading)
8. **Discussion & Consideration** – Resolution 20-08: Updating Nibley City's Consolidated Fee Schedule (Second Reading)
9. **Workshop** – Ordinance 20-13: Accessory Dwelling Unit Standards
10. **Workshop** – Ordinance 20-14: Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision
11. **Council and Staff Reports**
12. **Adjourn to Closed Session**–To Discuss REAL ESTATE and PENDING LITIGATION, PURSUANT to Utah Code 52-4-205

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



**Nibley City Council
Agenda Report for
June 25, 2020**

Agenda Item #6

Description	Discussion & Consideration – Firefly Estates, Phase 1 Final Plat, Located at approximately 1200 W and 2200 S. (Applicant: Return Development LLC)
Department	Planning
Presenter	Levi Roberts, City Planner
Recommendation	Make a motion to approve Firefly Estates, Phase 1 Final Plat, Located at approximately 1200 W and 2200 S. (Applicant: Return Development LLC)
Reviewed By	Mayor, City Manager, City Planner, Public Works Director, City Engineer

Background:

Return Development has applied for final plat approval for Firefly Estates, Phase 1. Firefly Estates is a Residential- Planned Unit Development, approved by the City Council on February 27, 2020. Phase 1 contains a total of 63 lots, including 11 single family homes, 52 town homes and 0.84 acres of open space. The developer will also dedicate a 1.91 acres of park space adjacent to Firefly Park as part of Phase 1, with the park being developed in proportion to the ratio of completed homes.

The plat has the same general lot layout, roadways and open space as the preliminary plat that was approved by the City Council on February 27, 2020 and meets the space and density requirements for the R-PUD zone, in which the subdivision is located. The City Planner, City Engineer and Public Works Director have reviewed the most recently submitted plat and supporting documentation and have determined that it meets City standards and is ready for approval.

Maintenance and Ownership Plan

NCC 19.32.050 provides that a maintenance and ownership plan is needed, which describes the operations and maintenance of proposed amenities and open space. The applicant has provided a copy of the proposed Covenants, Code and Restrictions for the area. This document includes a maintenance plan, which describes that the homeowners association will maintain, repair and replace the common areas and the improvements included and describes the areas in which individual homeowners are responsible. Information about insurance and costs have also been provided within the document. Insurance is described to cover 100% of replacement costs. Estimated staffing for maintenance is estimated to be 2 persons at a cost of \$1,200 per month.

Landscaping and Open Space Plan

NCC 19.32.080 provides that landscaping with suitable plants, trees, shrubs, grasses and similar materials are required. The applicant has provided a landscape plan, which mirrors the landscape plan approved with the preliminary plat and includes a range of trees and shrubs set among grass in the common areas. The applicant proposes a small 0.84 HOA-managed park space that includes a playground with swingset. Staff has determined that the proposed playground meets the standards of NCC 19.32.050.

Planning Commission Recommendation

During the May 21, 2020 meeting, the Planning Commission recommended approval on Firefly Estates, Phase 1 Final Plat, located at approximately 1200 W and 2200 S with the conditions needed by city staff and City Engineer, including:

1. The Plat needs the following updates:
 - a. All setbacks need to be drawn on the Plat, including for the townhomes, to ensure compliance with NCC 19.32.060.
 - b. Update all TBC radius to 12'
2. The Construction drawings need the following updates:

- a. 2260 South needs a 1 ft buffer.
- b. Improvements on Meadow Lane need to comply with TS-3 Cross-section with the 10 ft. trail on the west side.
- c. East Park Space should be dedicated to the City in first phase.
- d. Fencing along parcel 03-174-0001 needs to be installed
- e. Need to show and build 1/2 section TS-7 on 1200 W.
- f. Update all TBC radius to 12'. This will affect the plat as well.
- g. Bottom of ponds need to be at least 2' above ground water. Need to show ground water elevation on pond plans.
- h. Minimum pavement structural section is 3/6/12. Update needed to meet this minimum requirement.
- i. Ensure stormwater calculations account for 1 ft of free board in the volume provided.
- j. "Pit Run" reference throughout plan needs to be changed to Granular Back Fill Borrow as indicated in APWA.
- k. A 2" meter can serve up to 25 units. There are 2 options the City is considering for metering the town homes. One is to install a single 2" meter for each 25 units and individual shut off valves to each unit. A bill would be sent to the homeowners association for each 2" meter. It would be the HOA responsibility to collect and make payment. Option 2 is to run a 2" service line for each set of 25 units to a manifold system and run each unit off its own 1" meter. Update plans to reflect City's decision on metering.
- l. Sewer and water service lines to the lots on the south need to be flipped. Water 5' from property line and then sewer 10' from water. Water meters need to be in standard location, 5' behind walk.
- m. Ensure there is 10 ft spacing between water line and sewer. Label spacing width
- n. Provide directional ADA ramps at 1200 west.

- o. Need to show complete ROW width on 1200 West and 2200 South, both through and beyond development
 - p. Need to show detailed designs of 1200 West and 2200 South, including widths of asphalt tie in, slopes of existing asphalt.
 - q. Provide proof that outlet and existing ditch to west at NW corner provides adequate drainage for the site.
- 3. The Landscape Plan needs the following updates:
 - a. More detail is needed about the design of the playground to ensure compliance with NCC 19.32.050.
- 4. The following additional information is needed prior to approval:
 - a. Provide proof of infiltration/percolation test. Pond needs to drain within 72 hours.
 - b. Provide geotechnical pavement design to verify the minimum structural requirement.
 - c. Provide signed storm water pond agreement.
 - d. Ensure building requirements for the townhomes meet Nibley City standards
 - e. Approval needed from Logan City for waste collection plan prior to City Council approval. Nibley City prefers dumpsters for townhome units.
 - f. Construction Drawings must be signed by and approved by the City Engineer.

Since the Planning Commission meeting, the applicant has provided the updated information, as recommended. The City Planner, City Engineer and Public Works Director have determined that the applicant has met all the conditions and recommend approval of the Final Plat application, as presented.

PRELIMINARY PLAT

REGISTERED PROFESSIONAL ENGINEER
NO. 368590
ADAM MACKELPRANG
3-5-2020
STATE OF UTAH



OWNER:
RETURN DEVELOPMENT
CHRISTOPHER HUFFMAN(801)557-3170
ETHAN POPPLETON (435)760-6934
4505 S. WASATCH BLVD, STE 150
HOLLADAY, UTAH 84124

AE

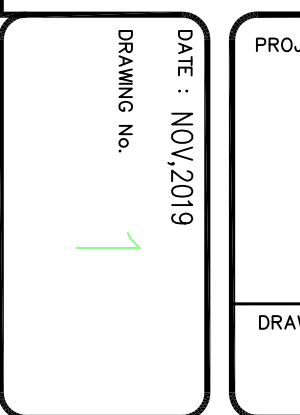
DRAWN : _____

PROJECT NO. : _____

No.	REVISIONS/ SUBMISSIONS	DATE
REVIEWED :	DRAWN :	
CAD FILE :	PROJECT NO. :	

MINARY PLAT	REVIEWED :
	CAD FILE :

945 WEST 2200 SOUTH
LOGAN, UTAH 84321



LOCATED IN THE SE QUARTER OF SECTION 17,
TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB&M
1050 WEST 2200 SOUTH
NIBLEY, UTAH

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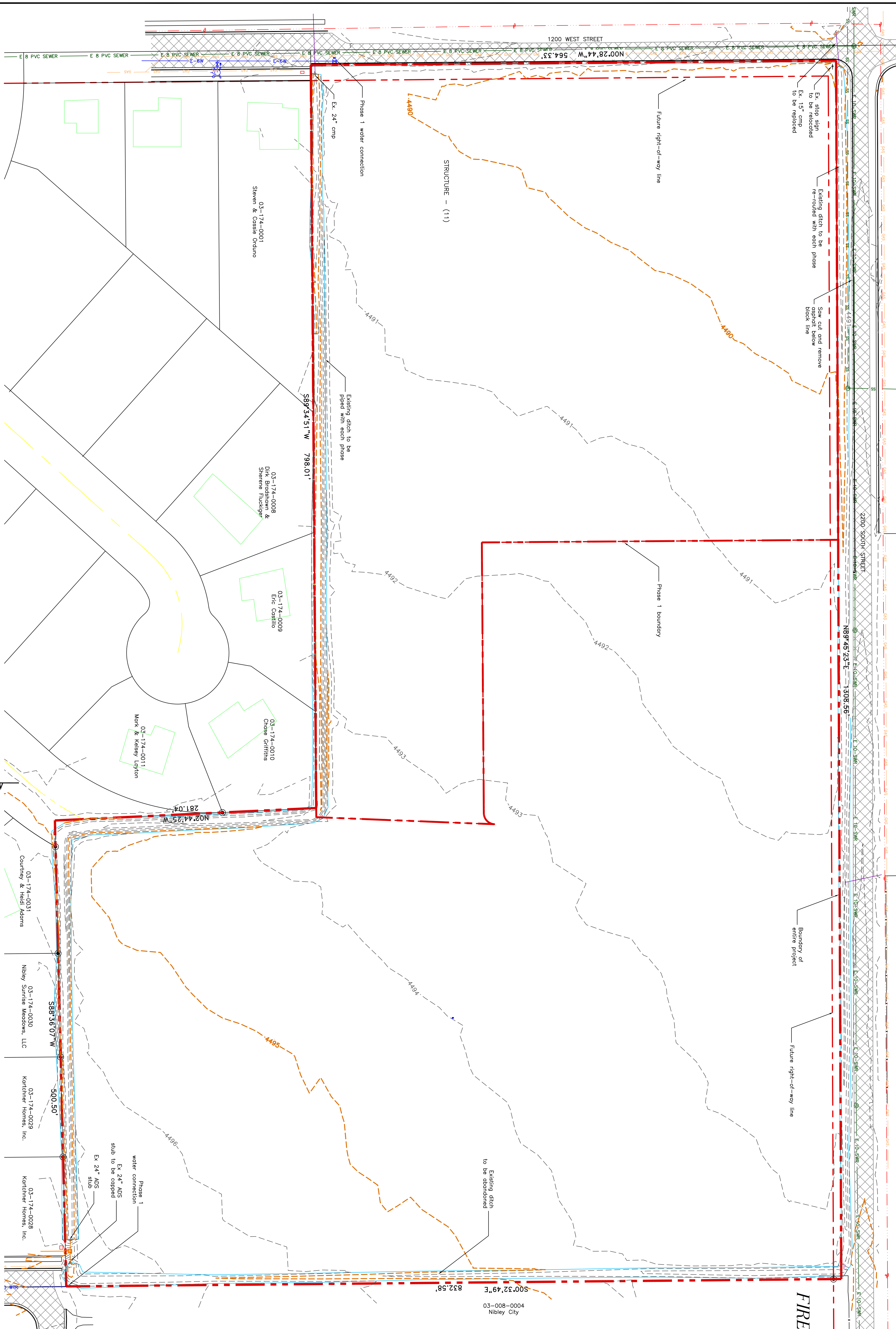
SHEET INDEX	
SHEET NO.	SHEET DESCRIPTION
1	INDEX SHEET
2	EXISTING SITE
3	2260 SOUTH STREET PG 1
4	2260 SOUTH STREET PG 2
5	MEADOW LANE
6	PRIVATE LANE CONSTRUCTION
7	GRADING PLAN
8	DRAINAGE PLAN PG1
9	DRAINAGE PLAN PG2

CIVIL ENGINEER
ALLIANCE CONSULTING
ENGINEERS, INC.
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
435-755-5121

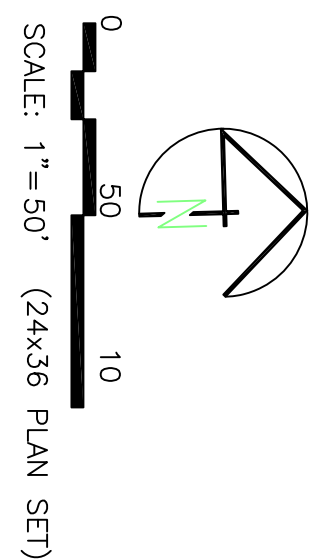
1. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS, NIBBY CITY STANDARDS, STATE OF UTAH AND ANY OTHER APPLICABLE STANDARDS ISSUED BY THE CONTROLLING AGENCY.
2. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS BEFORE CONSTRUCTION. ANY DISCREPANCIES BETWEEN CONSTRUCTION DOCUMENTS AND FIELD CONDITIONS SHALL IMMEDIATELY BE BROUGHT TO THE ATTENTION OF THE OWNER.
3. CONTRACTOR SHALL REPAIR AND/OR REPLACE ANY AREAS AND/OR MATERIALS DAMAGED DURING CONSTRUCTION.
4. CONTRACTOR SHALL MAINTAIN ALL ADJACENT PROPERTY (PUBLIC & PRIVATE) FROM ALL CONSTRUCTION DEBRIS.
5. CONTRACTOR SHALL PROVIDE SMOOTH TRANSITION FROM ALL NEW CONSTRUCTION TO EXISTING CONDITIONS.
6. CONTRACTOR SHALL PROVIDE ALL NECESSARY AUTOMOBILE AND PEDESTRIAN TRAFFIC CONTROL DEVICES REQUIRED BY LOCAL, STATE, AND FEDERAL CODES AND ORDINANCES.
7. CONTRACTOR SHALL REPLACE SURVEY MONUMENTS DAMAGED DURING CONSTRUCTION. SURVEY MONUMENTS TO BE REPLACED BY A REGISTERED, LICENSED LAND SURVEYOR.
8. CONTRACTOR TO LOCATE ALL EXISTING UTILITIES, INCLUDING THEIR OPTIC. ANY DAMAGES TO EXISTING UTILITIES WILL BE REPAIRED AT CONTRACTORS EXPENSE.
9. DIMENSIONS SHOWN ARE TO THE CENTER OF THE PIPELINE UNLESS OTHERWISE NOTED.
10. DISTANCES SHOWN ALONG PIPELINES ARE HORIZONTAL DISTANCES AND NOT ACTUAL PIPE LENGTHS. MORE PIPE MAY BE REQUIRED TO COMPLETE CONSTRUCTION THAN IS DIMENSIONED IN THE PLANS.
11. THURST BLOCKS SHALL BE PLACED ON WATERLINES AT ALL DIRECTION CHANGES, FITTINGS, BENDS, ELBOWS, FIRE HYDRANTS AND GATES VALVES AS SHOWN IN THE PROJECT PLANS.
12. CONTRACTOR IS REQUIRED TO HAVE A SET OF PLANS ON THE SITE AT ALL TIMES. ANY WORK COMPLETED WITHOUT A SET PRESENT IS DONE SO AT THE CONTRACTORS RISK AND EXPENSE IF ERRORS OCCUR.
13. CONTRACTOR IS RESPONSIBLE FOR PROVIDING WATER NECESSARY FOR DUST ABATEMENT, COMPACTON, ETC.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING SOURCES FOR GRANULAR MATERIALS, WATER, WASTE SITE, AND ANY OTHER MATERIALS SOURCES AS REQUIRED FOR PROJECT COMPLETION.
15. ANY WORK DONE WITHIN A PUBLIC RIGHT-OF-WAY SHALL BE COORDINATED WITH THE APPROPRIATE TRANSPORTATION AGENCY AND SHALL MEET THE REQUIREMENTS OF THAT AGENCY AND THE REQUIREMENTS OF ANY RIGHT-OF-WAY OR SPECIAL USE PERMITS.
16. THE CONTRACTOR SHALL COORDINATE ALL LIVE TAPS AND ANY OTHER WORK OR MANIPULATION OF THE EXISTING WATER SYSTEM WITH THE CITY.
17. ON SLOPING AREAS THE CONTRACTOR SHALL TAKE PRECAUTIONS TO UNICAT ANY POSSIBLE EROSION PROBLEMS ON THE TRENCHES DUE TO STORM WATER THAT MIGHT OCCUR DURING OR AFTER CONSTRUCTION AS DIRECTED OR APPROVED BY ENGINEER.
18. THE CONTRACTOR SHALL INSTALL INSTANT AND FINAL ACCESS CONTROL MEASURES AS DETAILLED IN THE PROJECT PLANS UNTIL PAIN ACCEPTANCE OF THIS PROJECT.
19. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONS NECESSARY TO INSURE THAT NO STORM WATER/SEDIMENT AND/OR CONSTRUCTION DEBRIS ARE RELEASED FROM THE SITE. ANY RELEASES SHALL BE CLEANED AND MITIGATED AT THE CONTRACTOR'S EXPENSE.
20. CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION ACCESS AND RELATED TRAFFIC CONTROL WITH THE COUNTY, CITY, AND STATE ROADWAY DEPARTMENTS. THE ENGINEER SHALL REVIEW ALL TRAFFIC CONTROL PLANS.
21. ALL GATE VALVES SHALL BE LOCATED NEAR TO TEES OR CROSSES AND THEIR ASSOCIATED REDUCERS AS SHOWN ON THE PROJECT PLANS.
22. CONTRACTOR SHALL PROVIDE ALL NECESSARY FITTINGS, HARDWARE, LABOR, ETC. TO CONSTRUCT VERTICAL AND HORIZONTAL BENDS IN PIPE AS NEEDED TO MEET THE EXISTING GROUES, ALIGNMENTS AND COVER REQUIREMENTS.
23. ALL AIR RELEASE VALVES SHALL BE INSTALLED AT THE CREST OF THE VERTICAL CURVATURE OF THE WATER LINE. CONTRACTOR SHALL RECORD ACTUAL LOCATION OF VALVES ON FIELD RECORD DRAWINGS.
24. THE CONTRACTOR SHALL COORDINATE WITH Nibby City for ALL UTILITY INSPECTIONS PRIOR TO BACKFILLING.
25. ALL WATER SYSTEM COMPONENTS SHALL BE INSTALLED, PRESSURE TESTED, AND CHLORINATED PRIOR TO COMPLETING ANY ROADWAY CONSTRUCTION.
26. OWNERS, ENGINEER, AND CONTRACTOR SHALL COORDINATE VERTICAL ELEVATIONS AND HORIZONTAL DISTANCES TO MATCH FOXBOROUGH PLANS. ANY DISCREPANCIES TO BE BROUGHT TO THE ATTENTION OF NIBBY CITY.
27. CONTRACTOR TO COORDINATE WITH CITY, PUBLIC WORKS, DIRECTOR FOR A

No.	REVISIONS/ SUBMISSIONS	DATE
REVIEWED :	DRAWN :	
CAD FILE :	PROJECT NO. :	

AE



*FIREFLY ESTATES PHASE I
EXISTING SITE*



LEGEND

	BOUNDARY LINE
	LOT LINE
	STREET CENTERLINE
	EXISTING GAS
	EXISTING POWER
	EXISTING FENCE
	EXISTING SINKER
	EXISTING PRESSURE SEWER
	EXISTING WATER
	EXISTING STORM
	EXISTING DITCH
	EXIST' MAR CONTOUR (1')
	EXIST' MAR CONTOUR (5')
	EXISTING ASPHALT

No.	REVISIONS/ SUBMISSIONS	DATE
REVIEWED :	DRAWN :	
CAD FILE :	PROJECT NO. :	

OWNER:
RETURN DEVELOPMENT
CHRISTOPHER HUFFMAN(801)557-3170
ETHAN POPPLETON (435)760-6934
4505 S. WASATCH BLVD, STE 150
HOLLADAY, UTAH 84124

AE

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(435)755-5121
alliancelogan@yahoo.com



PROJECT TITLE

FIREFLY ESTATES PHASE I

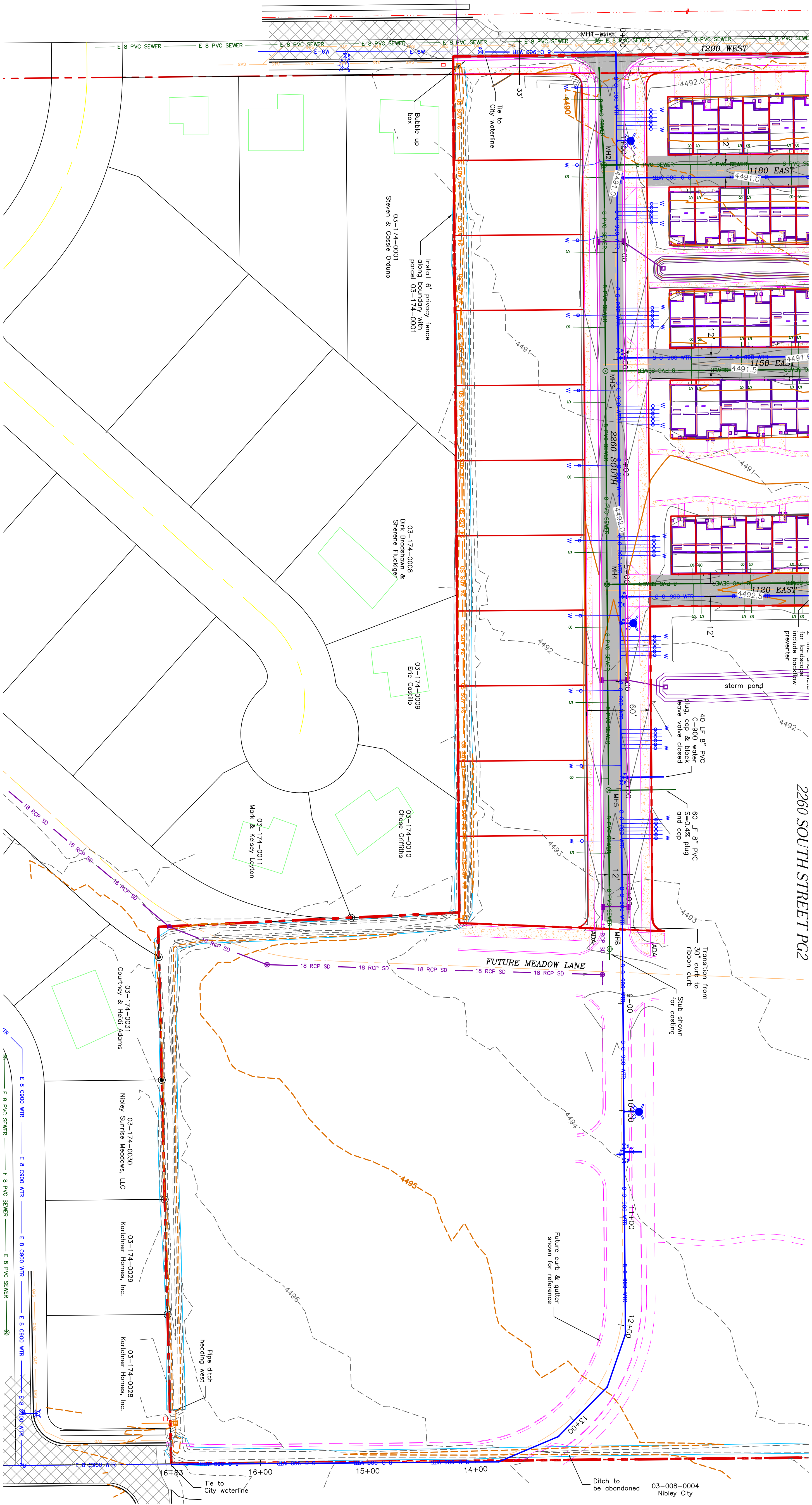
1150 WEST 2260 SOUTH
LOGAN, UTAH 84321

DRAWING TITLE

EXISTING SITE

DATE : APRIL, 2020
DRAWING No. 2

2260 SOUTH STREET PG2



Profile view of 2280 South Street showing elevations, stationing, and proposed improvements. The profile includes a centerline, existing ground, and proposed road construction. Key features include a new FH (Frontage Highway) crossing, a new BT cross w/ (4) viaducts, and a new BT cross w/ (4) viaducts. The profile shows a series of vertical curves and grades, with stationing ranging from 8+00 to 16+50. Elevations range from 4493.03 to 4497.00. The profile also shows a tie to an existing line at station 16+50.

Station	Elevation	Notes
8+00	4493.03	
8+00	4493.028	
8+50	4493.23	
8+50	4493.230	
9+00	4493.43	
9+00	4493.434	
9+50	4493.59	
9+50	4493.593	
10+00	4493.76	
10+00	4493.758	
10+50	4494.02	
10+50	4494.023	
11+00	4494.13	
11+00	4494.128	
11+50	4494.36	
11+50	4494.355	
12+00	4494.59	
12+00	4494.585	
12+50	4494.87	
12+50	4494.873	
13+00	4495.15	
13+00	4495.153	
13+50	4495.75	
13+50	4495.753	
14+00	4496.33	
14+00	4496.333	
14+50	4496.56	
14+50	4496.562	
15+00	4496.78	
15+00	4496.785	
15+50	4497.15	
15+50	4497.149	
16+00	4497.19	
16+00	4497.192	
16+50	4497.00	
16+50	4497.001	

LEGEND

	BOUNDARY LINE
	LOT LINE
	STREET CENTERLINE
	EXISTING GAS
	EXISTING POWER
	EXISTING FENCE
	EXISTING SEWER
	EXISTING PRESSURE SEWER
	PROPOSED SEWER
	PROPOSED 4" PVC SEWER LATERAL
	EXISTING WATER
	PROPOSED WATER
	PROPOSED 3/4" WATER SERVICE
	EXISTING STORM
	PROPOSED STORM
	EXISTING DITCH
	PROPOSED DITCH RE-ROUTE
	PROPOSED DITCH PING
	EXIST NMR CONTOUR (1")
	EXIST MAP CONTOUR (5')
	PROPOSED NMR CONTOUR (1")
	PROPOSED MAP CONTOUR (5')
	EXISTING ASPHALT
	EXISTING ASPHALT

SCALE: 1"=50' (24x36 PLAN SET)
SCALE: 1"=10' _VERTICAL

FIREFLY ESTATES PHASE 1

1150 WEST 2260 SOUTH
LOGAN, UTAH 84321

2260 SOUTH STREET PG2

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OWNER:
RETURN DEVELOPMENT
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HOLLADAY, UTAH 84124

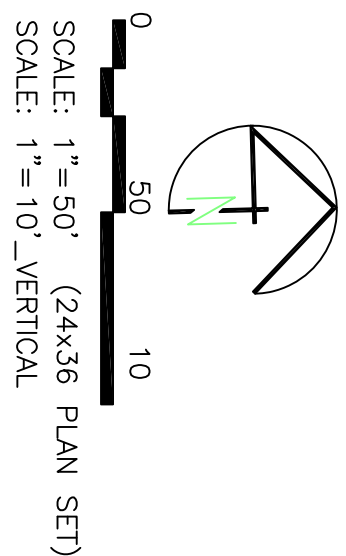
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alliancelogan@yahoo.com



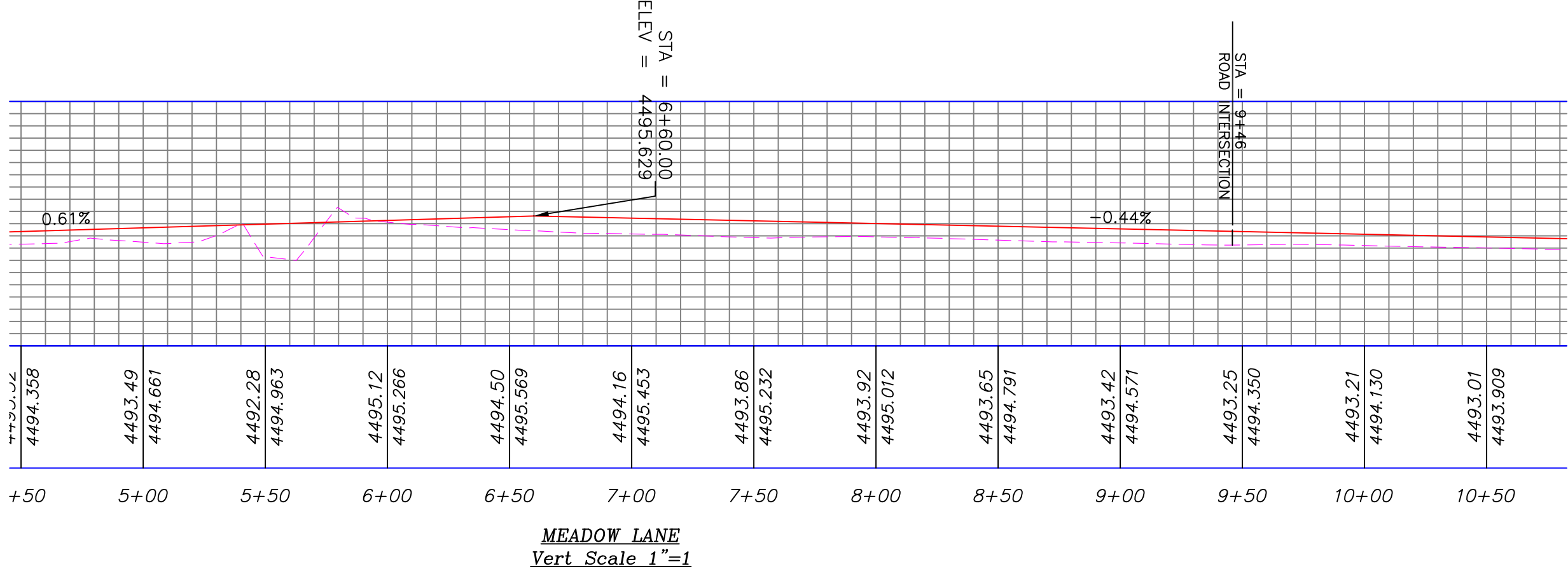
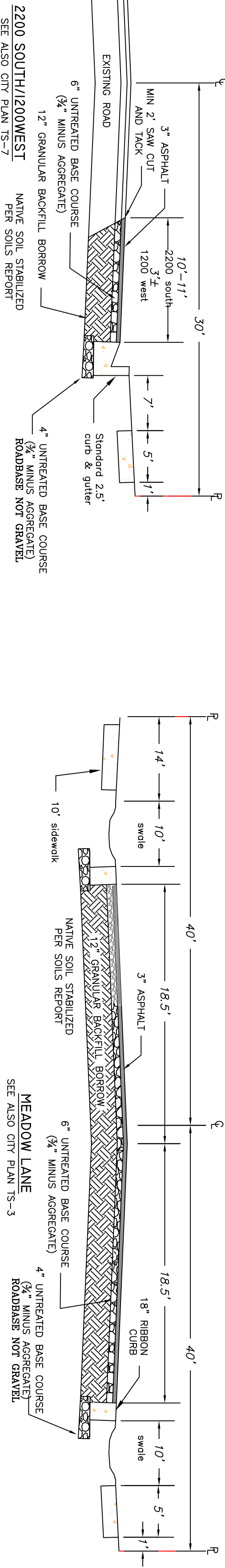
FIREFLY ESTATES PHASE I
MEADOW LANE



SCALE: 1"=50' (24x36 PLAN SET)
SCALE: 1"=10' VERTICAL

LEGEND

- BOUNDARY LINE
- LOT LINE
- STREET CENTERLINE
- EXISTING GAS
- EXISTING POWER
- EXISTING FENCE
- EXISTING PRESSURE SEWER
- EXISTING 4" PVC SEWER LATERAL
- EXISTING WATER
- PROPOSED 3/4" WATER SERVICE
- EXISTING STORM
- PROPOSED STORM
- EXISTING DITCH
- PROPOSED DITCH RE-ROUTE
- PROPOSED DITCH PIPING
- EXIST MNR CONTOUR (1')
- EXIST MNR CONTOUR (5')
- PROPOSED MNR CONTOUR (1')
- PROPOSED MNR CONTOUR (5')
- EXISTING ASPHALT
- PROPOSED ASPHALT



DATE : APRIL 2020
DRAWING No. 5

PROJECT TITLE
FIREFLY ESTATES PHASE I
1150 WEST 2260 SOUTH
LOGAN, UTAH 84321

DRAWING TITLE
MEADOW LANE

No.	REVISIONS/ SUBMISSIONS	DATE

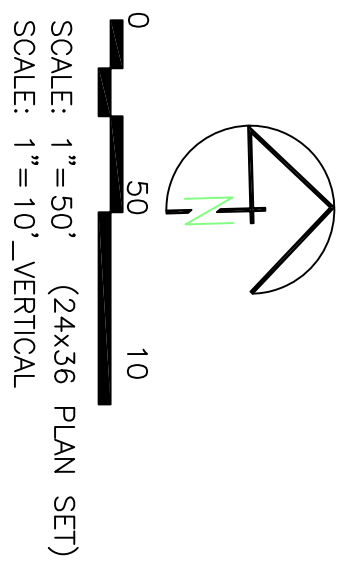
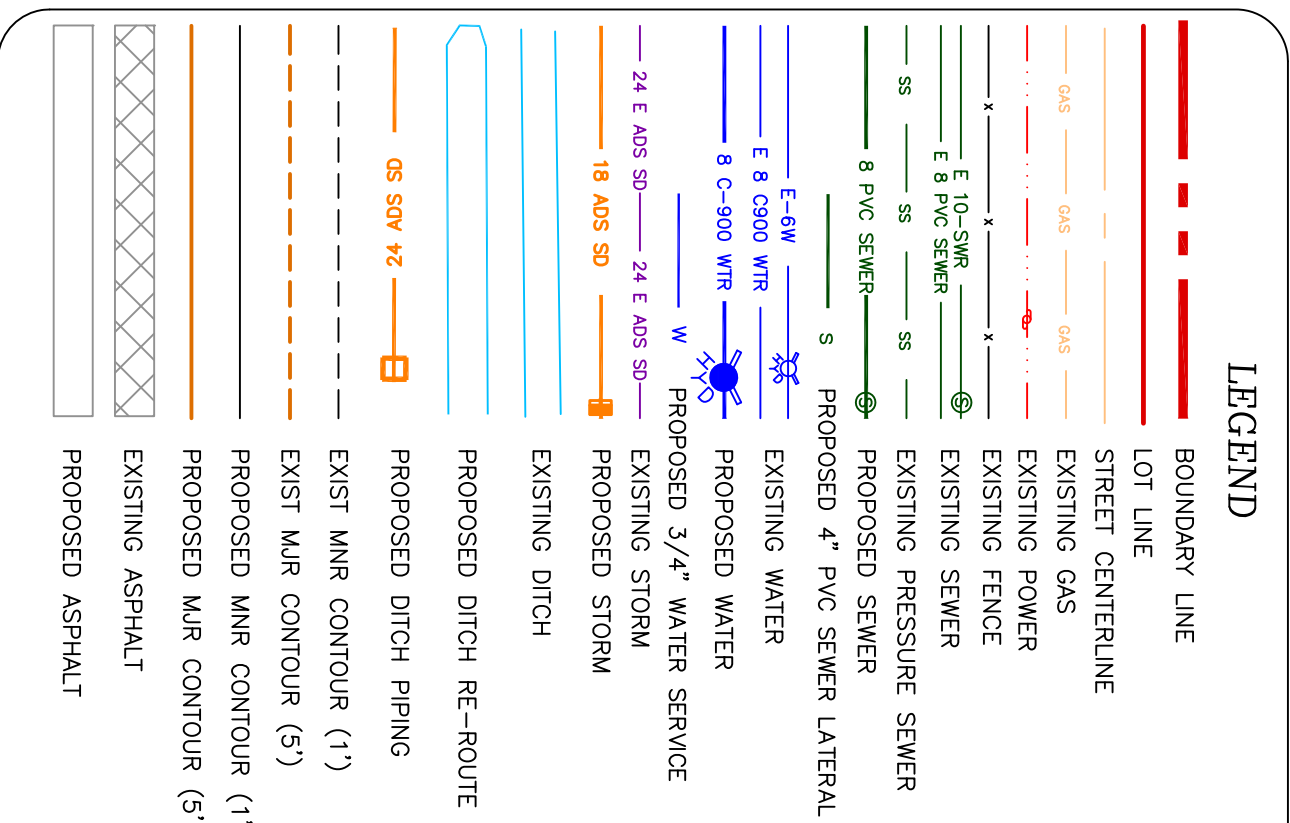
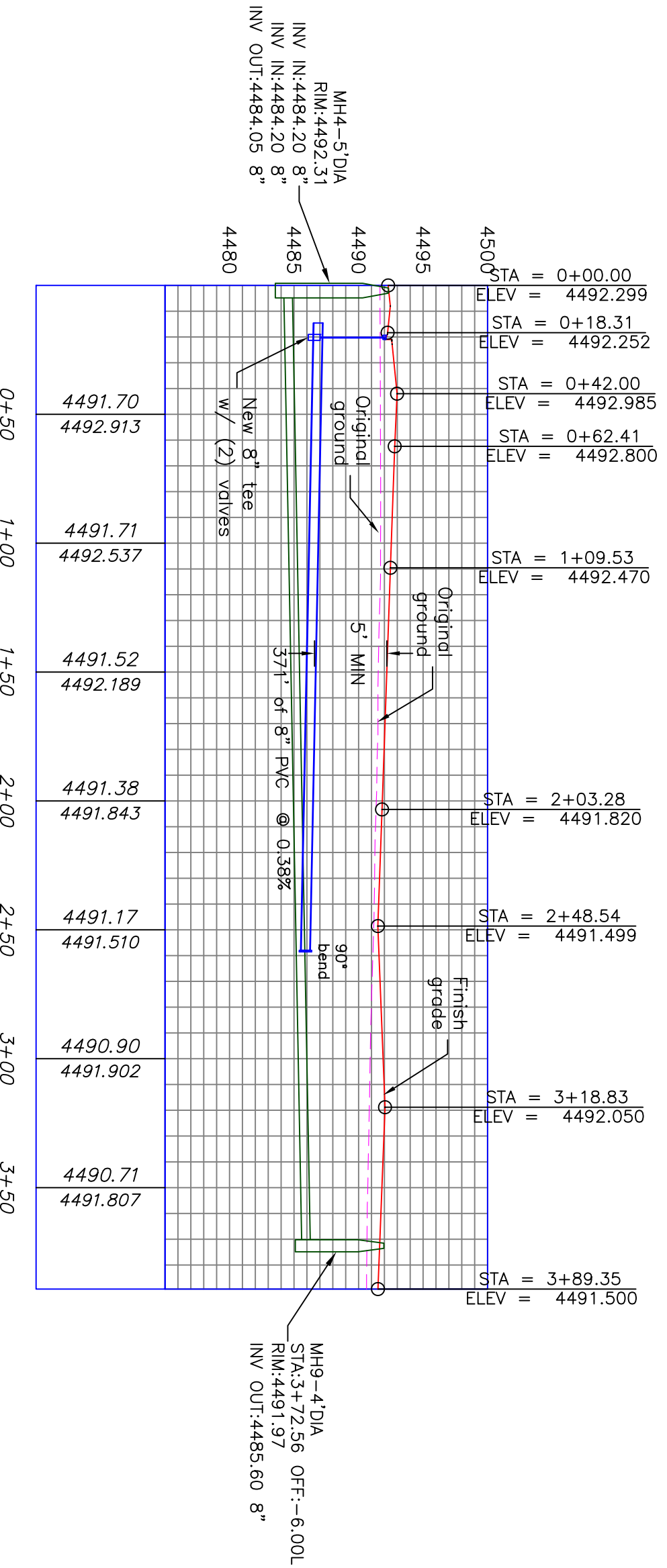
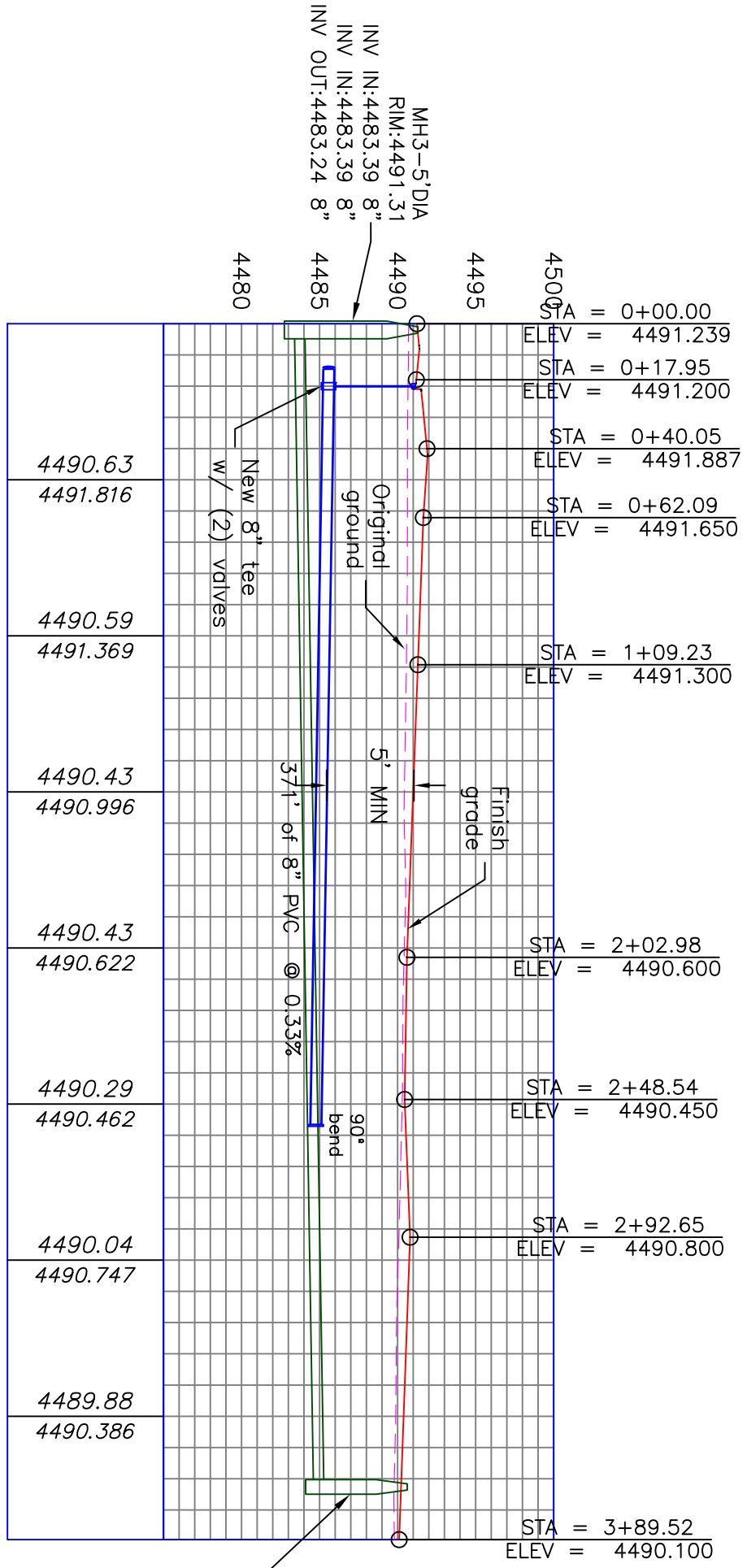
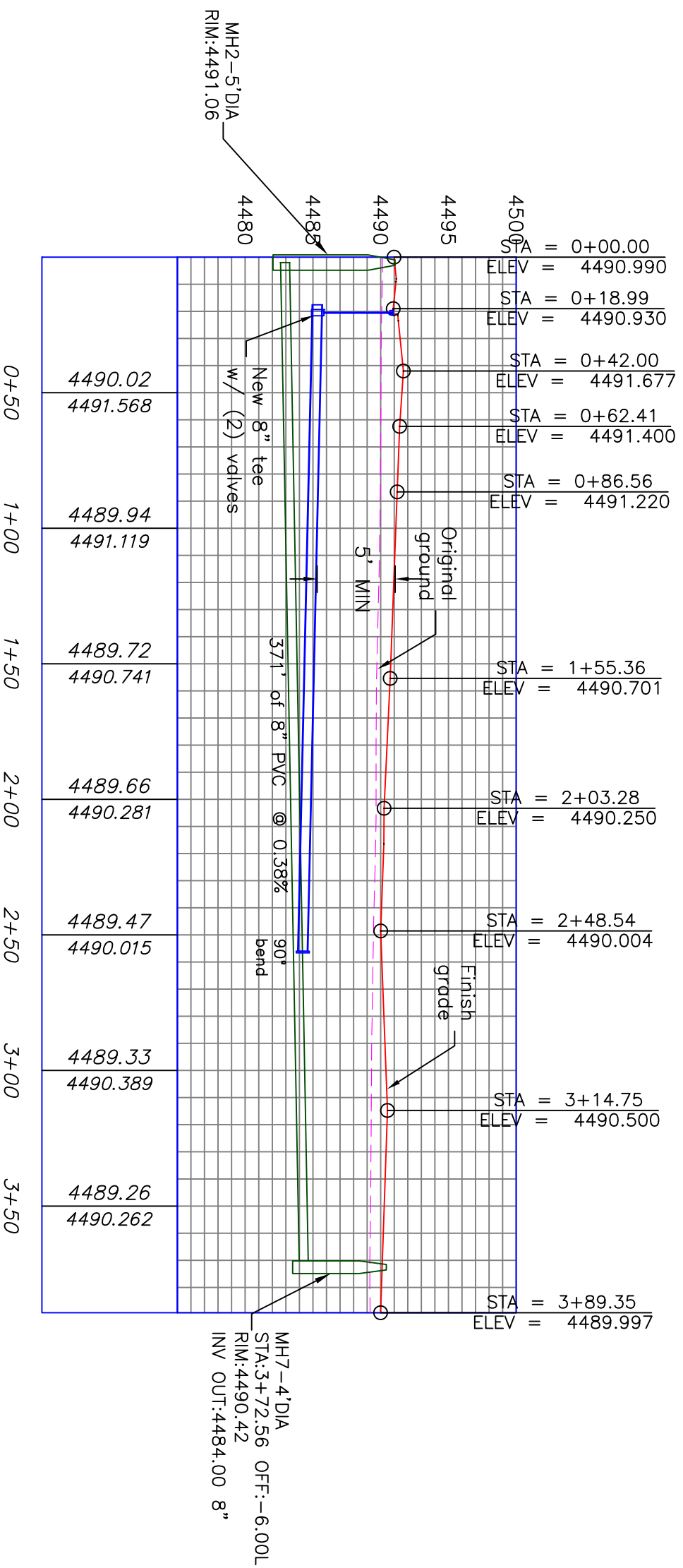
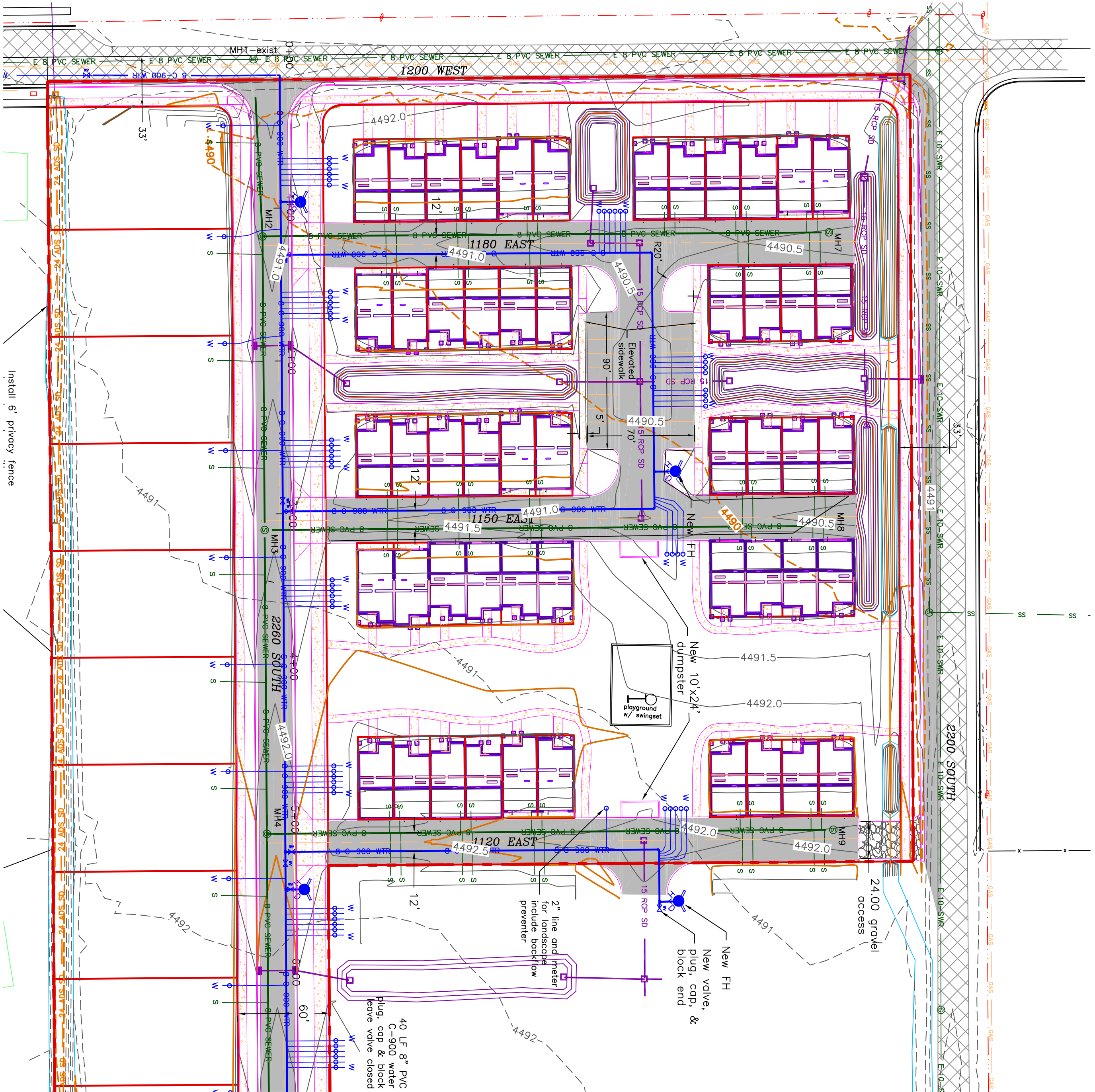
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CAD FILE :	PROJECT NO. :

OWNER:
RETURN DEVELOPMENT
CHRISTOPHER HUFFMAN(801)557-3170
ETHAN POPPLETON (435)760-6934
4505 S. WASATCH BLVD, STE 150
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150 EAST 200 NORTH SUITE P
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(435)755-5121
allianceclogan@yahoo.com

REGISTERED PROFESSIONAL ENGINEER
NO. 39659
WORKING
DATE OF UTAH
3-29-2020

PRIVATE LANE CONSTRUCTION



No.	REVISIONS / SUBMISSIONS	DATE
REVIEWED :	DRAWN :	
CAD FILE :	PROJECT NO. :	

OWNER:
RETURN DEVELOPMENT
CHRISTOPHER HUFFMAN(801)557-3170
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PROJECT TITLE

FIREFLY ESTATES PHASE I

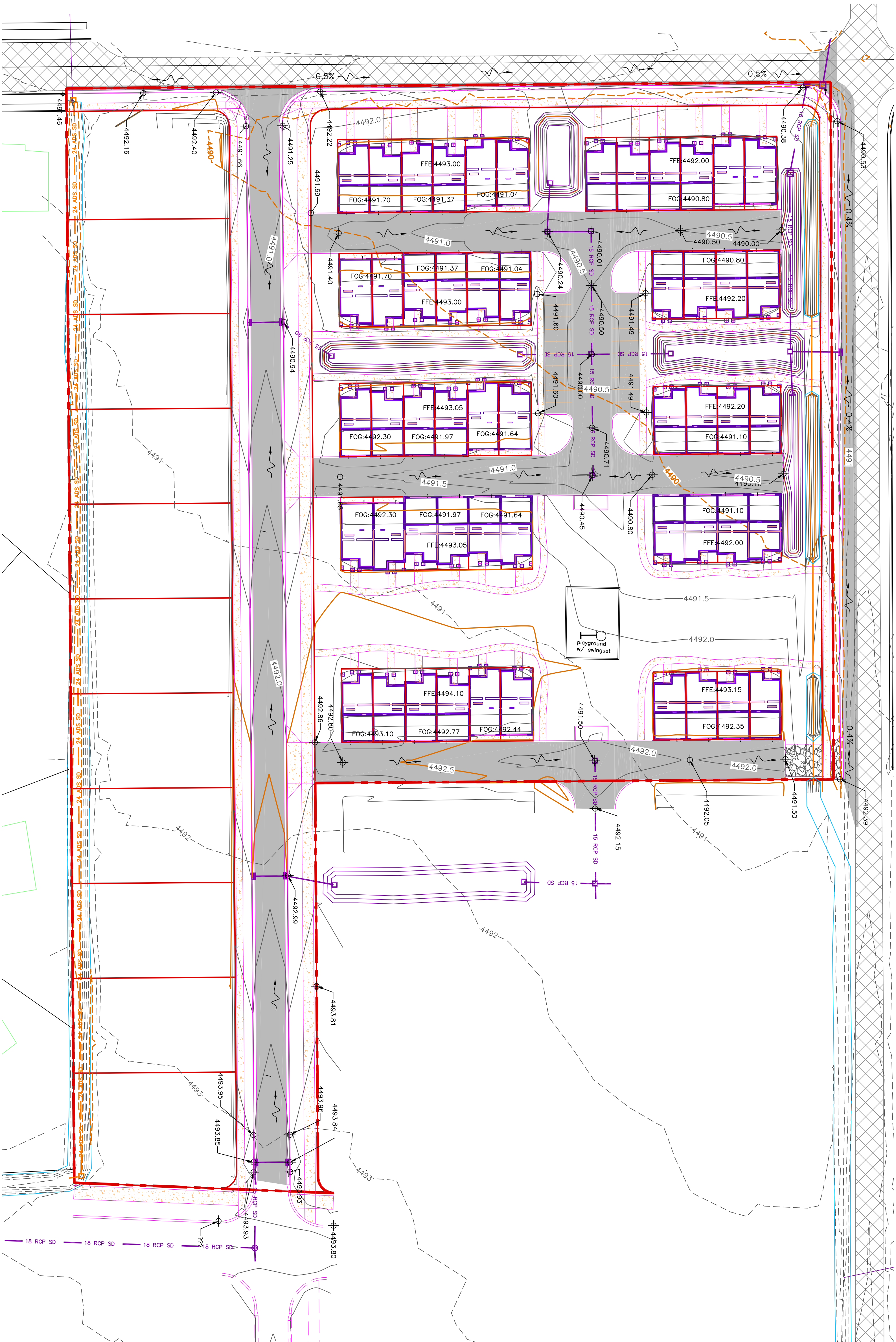
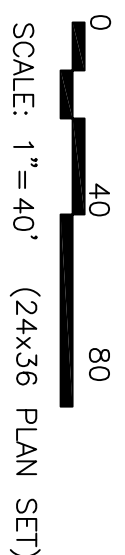
1150 WEST 2260 SOUTH
LOGAN, UTAH 84321

DRAWING TITLE

PRIVATE LANE CONSTRUCTION

DATE : APRIL, 2020
DRAWING No. 6

GRADING PLAN



LEGEND

	BOUNDARY LINE
	LOT LINE
	EXISTING FENCE
	EXISTING STORM
	PROPOSED STORM
	EXISTING DITCH
	PROPOSED DITCH
	PROPOSED DITCH
	PROPOSED DITCH
	EXIST NMR CONTIGUR (1')
	EXIST NMR CONTIGUR (5')
	PROPOSED NMR CONTIGUR (1')
	PROPOSED NMR CONTIGUR (5')
	EXISTING ASPHALT
	PROPOSED ASPHALT

FIREFLY ESTATES PHASE I
1150 WEST 2260 SOUTH
LOGAN, UTAH 84321

GRADING PLAN

[illegible]

OWNER:
RETURN DEVELOPMENT
CHRISTOPHER HUFFMAN(801)557-3170
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4505 S. WASATCH BLVD, STE 150
HOLLADAY, UTAH 84124

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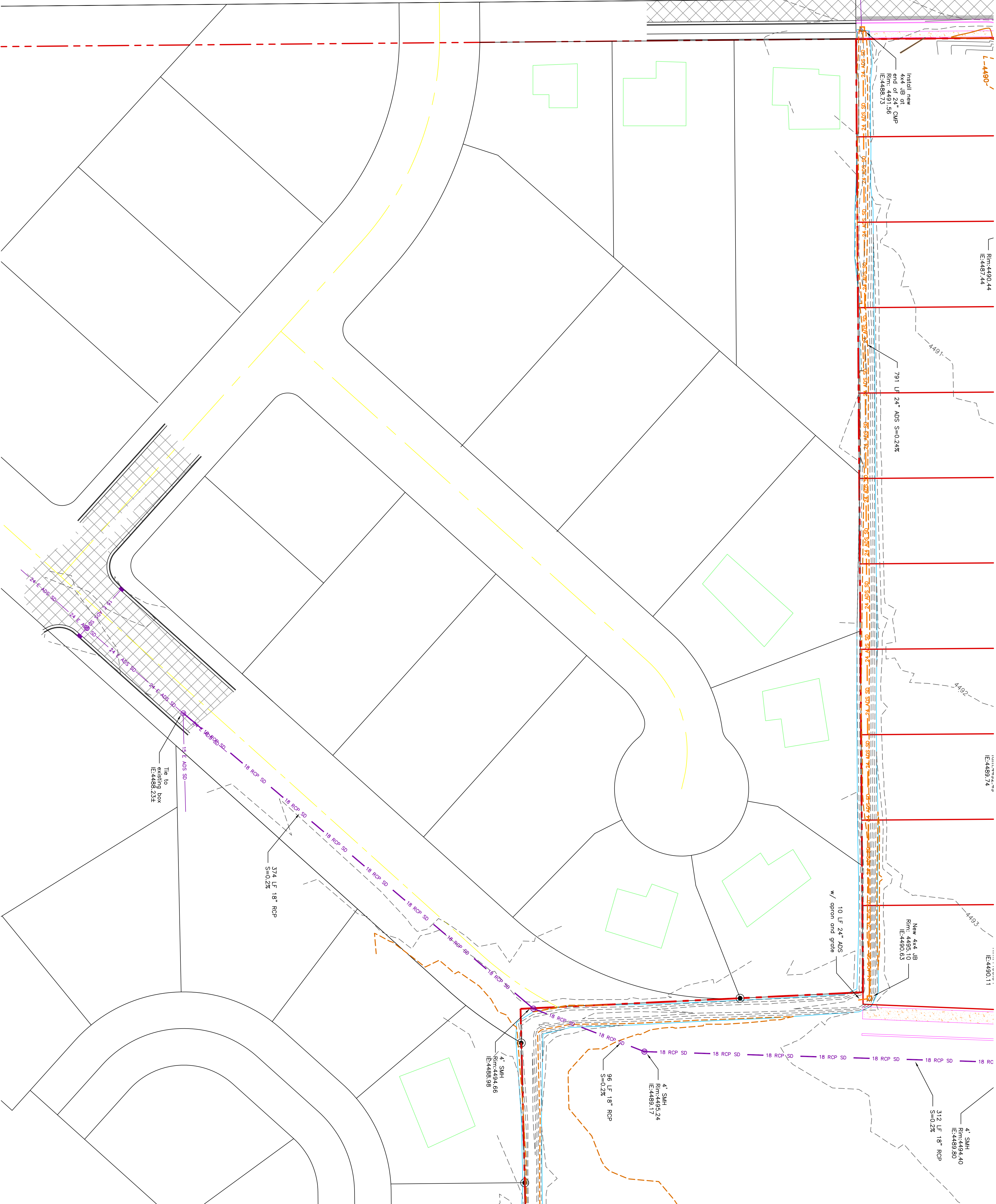
DRAINAGE PLAN PG2



SCALE: 1"=40' (24x36 PLAN SET)

CE

150 EAST 200 NORTH S
LOGAN, UTAH 84321
(435)755-5121
alliancelogan@yahoo.com



No.	REVISIONS / SUBMISSIONS	DATE
REVIEWED :	DRAWN :	
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OWNER:
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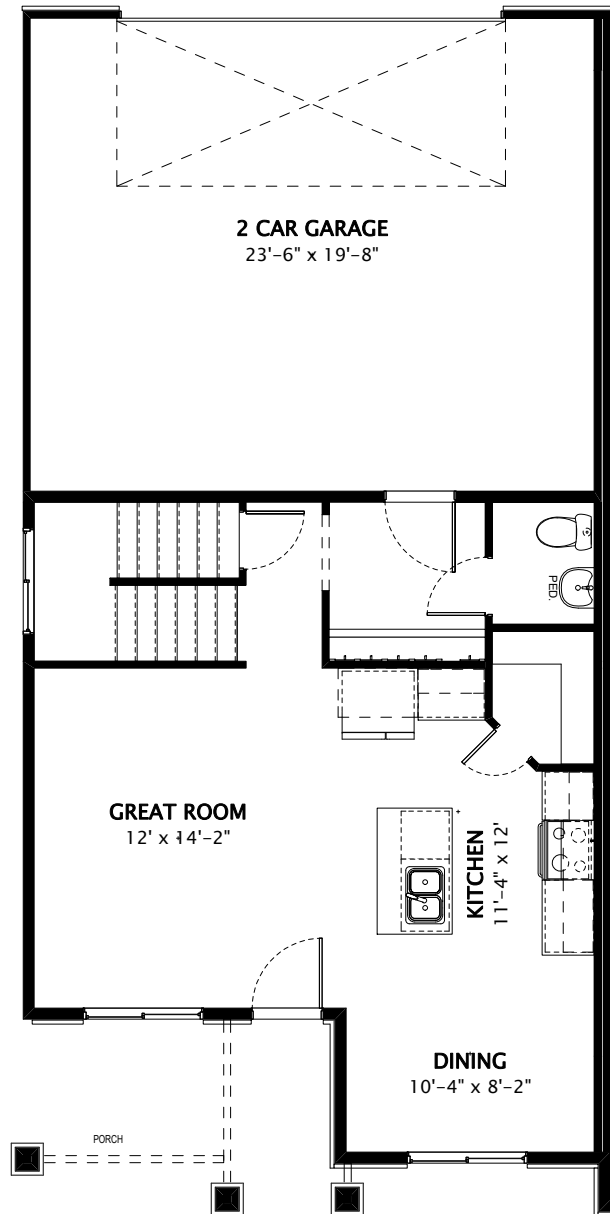
FIREFLY ESTATES PHASE 1

150 WEST 2260 SOUTH
LOGAN, UTAH 84321

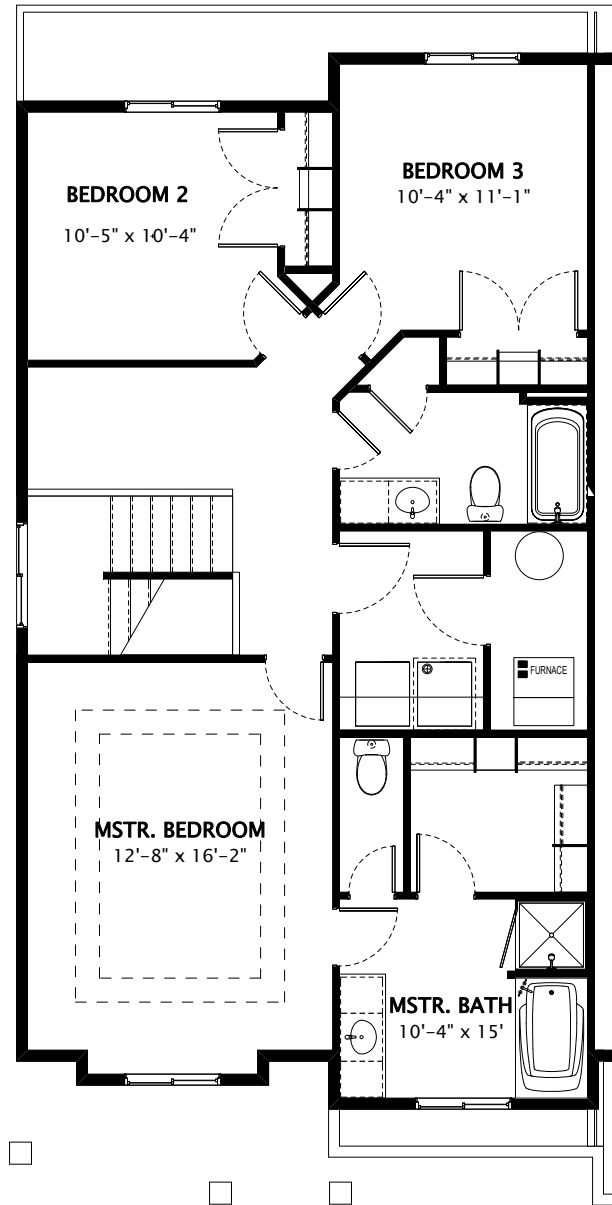
DRAINAGE PLAN PG2

DATE : APRIL, 2020
DRAWING No.





OPTIONAL 2 BEDROOM NOT SHOWN





Part of Section 17, Township 11 North, Range 1 East of the Salt Lake Base and Meridian described as follows:

Commencing East Quarter Corner of said Section 17 monumented with a Brass Cap monument thence S 89°45'23" W 1324.79 feet; thence S00°32'49"E 33.00 feet to the POINT OF BEGINNING and running

thence S 00°32'49" E 446.90 feet;

thence Northwesterly, a distance of 175.42 feet along a non tangent curve to the left of which the radius point lies S 54°30'13" W, with a radius of 183.00 feet, having a central angle of 54°55'22" and a chord that bears N 62°57'28" W 168.78 feet;

thence S 89°34'51" W 40.23 feet;

thence North 369.65 feet;

thence N 89°45'23" E 186.30 feet to the point of beginning, containing 1.67 acres, more or less.

When recorded, mail to:

Insert Address

Affects Parcel No(s): 03-008-0001

LONG-TERM STORMWATER MANAGEMENT AGREEMENT

This Long-Term Stormwater Management Agreement ("Agreement") is made and entered into this 10 day of JUNE, 2020, by and between NIBLEY, a Utah municipal corporation ("City"), and RETURN DEVELOPMENT LLC, a OWNER ("Owner").

RECITALS

WHEREAS, the City is authorized and required to regulate and control the disposition of storm and surface waters within its boundaries as a Municipal Separate Storm Sewer System ("MS4"), as set forth in the Nibley City Stormwater Ordinance, Title 15, Chapter 10 of the Nibley City Code, as amended ("Ordinance"), adopted pursuant to the Utah Water Quality Act, as set forth in *Utah Code Ann. §§ 19-5-101, et seq.*, as amended ("Act"); and

WHEREAS, the Owner hereby represents and acknowledges that it is the owner in fee simple of certain real property more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference ("Property"); and

WHEREAS, the Owner desires to build or develop the Property and/or to conduct certain regulated construction activities on the Property which will alter existing storm and surface water conditions on the Property and/or adjacent lands; and

WHEREAS, in order to accommodate and regulate these anticipated changes in existing storm and surface water flow conditions, the Owner is required to build and maintain at Owner's expense a storm and surface water management facility or improvements ("Stormwater Facilities"); and

WHEREAS, the Stormwater Facilities are more particularly described and shown in the final site plan or subdivision approved for the Property and related engineering drawings, and any amendments thereto, which plans and drawings are on file with the City and are hereby incorporated herein by this reference ("Development Plan"); and

WHEREAS, summary description of all Stormwater Facilities, details and all appurtenance draining to and affecting the Stormwater Facilities and establishing the standard operation and routine maintenance procedures for the Stormwater Facilities, and control measures installed on the Property, ("Long Term Stormwater Management Plan") more particularly shown in Exhibit "B" on file with the City Recorder and,

WHEREAS, a condition of Development Plan approval, and as required as part of the City's Small MS4 UPDES General Permit from the State of Utah, Owner is required to enter into this Agreement establishing a means of documenting the execution of the Long Term Stormwater Management Plan and,

NOW, THEREFORE, in consideration of the benefits received and to be received by the Owner, its successors and assigns, as a result of the City's approval of the Long Term Stormwater Management Plan, and the mutual covenants contained herein, the parties agree as follows:

Section 1

Construction of Stormwater Facilities. The Owner shall, at its sole cost and expense, construct the Stormwater Facilities in accordance with the Development Plans and specifications, and any amendments thereto which have been approved by the City.

Section 2

Maintenance of Stormwater Facilities. The Owner shall, at its sole cost and expense, perform all work necessary to adequately maintain the Stormwater Facilities. Owner's maintenance obligations shall include all system and appurtenances built to convey stormwater, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance, for purposes of this Agreement, is defined as good working condition so that the Stormwater Facilities are performing their design functions at the level of service required by the Act, the Ordinance, and the Long Term Stormwater Management Plan.

Section 3

Annual Maintenance Report of Stormwater Facilities. The Owner shall, at its sole cost and expense, inspect the Stormwater Facilities and submit an inspection report and certification to the City annually. The purpose of the inspection and certification is to assure safe and proper functioning of the Stormwater Facilities. The annual inspection shall cover all aspects of the Stormwater Facilities, including, but not limited to, the parking lots, structural improvements, berms, channels, outlet structure, pond areas, access roads, vegetation, landscaping, etc. Deficiencies shall be noted in the inspection report. The report shall also contain a certification as to whether adequate maintenance has been performed and whether the structural controls are operating as

designed to protect water quality. The annual inspection report and certification shall be due by June 30th of each year and shall be on forms acceptable to the City.

Section 4

City Oversight Inspection Authority. The Owner hereby grants permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the Stormwater Facilities upon reasonable notice not less than three business days to the Owner. Such inspections shall be conducted in a reasonable manner and at reasonable times, as determined appropriate by the City. The purpose of the inspection shall be to determine and ensure that the Stormwater Facilities are being adequately maintained, are continuing to perform in an adequate manner, and are in compliance with the Act, the Ordinance, and the Long Term Stormwater Management Plan.

Section 5

Notice of Deficiencies. If the City finds that the Stormwater Facilities contain any defects or are not being maintained adequately, the City may send Owner written notice of the defects or deficiencies and shall provide Owner with a reasonable time, but not less than sixty (60) days, to cure such defects or deficiencies. Such notice shall be confirmed delivery to the Owner or sent certified mail to the Owner at the address listed on the County Tax Assessor. If the Owner has not cured such defects or deficiencies within the timeframe provided, the City may provide Owner with a final notice requiring Owner to cure the defects or deficiencies within thirty (30) days or be subject to corrective action as provided in Section 7. The City may extend any cure period(s) if the City finds good cause to do so in the City's sole discretion without waiving any of the City's rights under this Agreement.

Section 6

Owner to Make Repairs. The Owner shall, at its sole cost and expense, make such repairs, changes, or modifications to the Stormwater Facilities as may be determined as reasonably necessary by the City within the required cure period(s) to ensure that the Stormwater Facilities are adequately maintained and continue to operate as designed and approved. Such repairs, changes, or modifications shall include all work and damages that result from the City's corrective action(s) described in Section 7. The Owner shall inform the City in writing that it has completed the repairs, changes, or modifications to the Stormwater Facilities required by the City and shall request the City inspect the Stormwater Facilities in order to discharge the notice(s) of deficiencies.

Section 7

City's Corrective Action Authority. In the event the Owner fails to adequately maintain the Stormwater Facilities in good working condition acceptable to the City, after due notice and failure to cure as provided in Sections 5 and 6, , the City may take any or all of the following corrective actions: issue a citation punishable as a misdemeanor in addition to any State or EPA fine; disconnect the facility storm drain connection; withhold or revoke other land use approvals or permits; or undertake to maintain or repair the Stormwater Facilities subject to Owner's reimbursement of the City. It is expressly understood and agreed that the City is under no obligation to maintain or

repair the Stormwater Facilities, and in no event shall this Agreement be construed to impose any such obligation on the City. The actions described in this Section are in addition to and not in lieu of any and all equitable remedies available to the City as provided by law for Owner's failure to remedy deficiencies or any other failure to perform under the terms and conditions of this Agreement.

Section 8

Reimbursement of Costs. In the event the City, pursuant to this Agreement, incurs any costs, or expends any funds resulting from enforcement or cost for labor, use of equipment, supplies, materials, and the like related to storm drain disconnection from the City system or the City's maintenance or repair of the Stormwater Facilities, the Owner shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City. After said thirty (30) days, such amount shall be deemed delinquent and shall be subject to interest at the rate of ten percent (10%) per annum. Owner shall also be liable for any collection costs, including attorneys' fees and court costs, incurred by the City in collection of delinquent payments. Such costs may be imposed as a lien upon the Property.

Section 9

Successor and Assigns. This Agreement shall be recorded in the County Recorder's Office and the covenants and agreements contained herein shall run with the land and whenever the Property shall be held, sold, conveyed or otherwise transferred, it shall be subject to the covenants, stipulations, agreements and provisions of this Agreement which shall apply to, bind and be obligatory upon the Owner hereto, its successors and assigns, and shall bind all present and subsequent owners of the Property described herein.

Section 10

Severability Clause. The provisions of this Agreement shall be severable and if any phrase, clause, sentence or provision is declared unconstitutional, or the applicability thereof to the Owner, its successors and assigns, is held invalid, the remainder of this Covenant shall not be affected thereby.

Section 11

Utah Law and Venue. This Agreement shall be interpreted under the laws of the State of Utah. Any and all suits for any claims or for any and every breach or dispute arising out of this Agreement shall be maintained in the appropriate court of competent jurisdiction in Salt Lake County, Utah.

Section 12

Indemnification. This Agreement imposes no liability of any kind whatsoever on the City, and the Owner agrees to hold the City harmless from any liability in the event the Stormwater Facilities fail to operate properly. The Owner shall indemnify and hold the City harmless for any and all damages, accidents, casualties, occurrences, or claims which might arise or be asserted against the City from failure of Owner to comply with

its obligations under this agreement relating to the Stormwater Facilities and the City's responsive corrective actions.

Section 13

Amendments. This Agreement shall not be modified except by written instrument executed by the City and the Owner of the Property at the time of modification, and no modification shall be effective until recorded in the Salt Lake County Recorder's Office.

Section 14

Subordination Requirement. If there is a lien, trust deed or other property interest recorded against the Property, the trustee, lien holder, etc., shall be required to execute a subordination agreement or other acceptable recorded document agreeing to subordinate their interest to the Agreement.

Section 15

No Waiver of Rights. The rights and obligations set forth herein may not be waived except to the extent specifically waived in writing. No delay or failure by the City to exercise any right under this Agreement or to insist upon strict compliance with the terms of this Agreement, and no partial or single exercise of any right, shall constitute a waiver of any rights or obligations set forth in this Agreement.

Section 16

Attorney Fees. Both Parties agree to 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 before the City or another administrative body, to enforce this Agreement or adjudicate any issues under or in connection with this Agreement shall be entitled to recover its reasonable attorney fees, costs, and expenses of such proceedings.

Section 17

Exhibit B. The Long Term Stormwater Management Plan must adapt to change in good judgment when site conditions and operations change and when existing programs are ineffective. Exhibit B will not be filed with the agreement at County Recorder but is included by reference and kept on file with the City Recorder. Revision applications must be filed with the City _____ and amended into the Long Term Stormwater Management Plan on file with the _____ City recorder.

LONG-TERM STORMWATER MANAGEMENT PLAN AGREEMENT

SO AGREED this 10 day of JUNE 20 20.

PROPERTY OWNER

By: [Signature] Title: Co-owner

By: _____ Title: _____

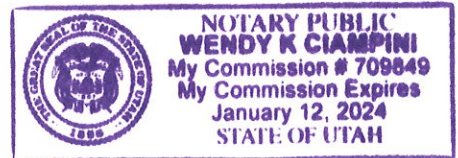
STATE OF UTAH)

:ss.

COUNTY OF Cache)

The above instrument was acknowledged before me by Ethan Popperton, this 10 day of June, 20 20.

Notary Public
Residing in: Wigan, UT
My commission expires: 1/12/2024



CITY

By: _____ Date: _____
Mayor _____

Attest: _____
City Recorder

STATE OF UTAH)

:ss.

COUNTY OF _____)

The above instrument was acknowledged before me by _____, this _____ day of _____, 20____.

Notary Public
Residing in: _____
My commission expires: _____

LTSWMP _____

LONG-TERM STORMWATER MANAGEMENT PLAN AGREEMENT

SO AGREED this 10TH day of JUNE 2020.

PROPERTY OWNER

PROPERTY OWNER
By: CHRISTOPHER HUFFMAN Title: Co-Owner

By: _____ Title: _____

STATE OF UTAH)

:SS.

COUNTY OF)

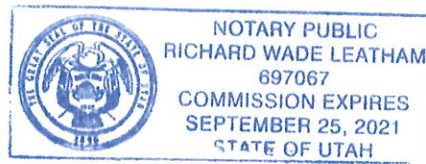
The above instrument was acknowledged before me by Christopher Hoffman, this 10 day of June, 2020.

Richard Leatherman

Notary Public

Residing in: Salt Lake

My commission expires: 09.25.2021



CITY

By: _____ Date: _____
Mayor _____

Attest: _____
City Recorder

STATE OF UTAH)

:SS.

COUNTY OF)

The above instrument was acknowledged before me by _____, this _____ day of _____, 20_____.

Notary Public

Residing in: _____

My commission expires:

LTSWMP

Attachments:

Exhibit A: Legal Description

Exhibit B: Long-Term Stormwater Management Plan; Filed with _____ City
Recorder

Agenda Item #7

Description	Discussion & Consideration – Resolution 20-07: Setting Water Rates for Nibley City (Second Reading)
Department	Water
Presenter	Justin Maughan, Public Works Director
Recommendation	Move to approve Resolution 20-07: Setting Water Rates for Nibley City, for first Reading.
Reviewed By	City Manager, Public Works Director, City Treasurer

Background

Nibley City has been researching water rates for some time and staff and consultants have calculated new rates based on the financial needs of the water system. The last time the rate was adjusted was 2007. The State of Utah passed a law that requires cities to implement an increasing block culinary water rate structure. The idea is to incentivize water users to conserve and to penalize those who use higher amounts of water by charging an increasingly higher amount of money for each block of water sold.

During the water master plan update process, the City enlisted the help of Zions Bank Public Finance and the Rural Water Association of Utah to assist the City in looking at how to best implement a new structure. The City's goals from the onset were:

1. To comply with state law,
2. To shift more of the revenue from the water rate to the base rate,
3. To not raise the rate significantly for the average water user in Nibley and
4. To encourage conservation efforts

The reason for shifting more of the revenue to the base rate is to try and cover more of the costs the City would incur, regardless of the amount of water that is sold. By implementing the proposed base rate, 30% of the City's water revenue would come from the base rate.

If the rate is adopted as proposed, the average user in the City would see a \$20-\$35 yearly increase. Non-residential users would likely see an increase in the range of \$300-1,000 per year, based on their larger use patterns. The majority of the water used by these larger users is used to irrigate landscapes at the schools and churches.

Nibley City will also see this increased cost on a few parks that water with culinary water, but it will not have a significant impact on the overall Parks Department budget. Most Nibley parks are watered with secondary ground water systems.

By adopting the proposed rate, the financial model shows that the City will still have to borrow $\frac{1}{2}$ to $\frac{1}{3}$ of the \$4 million estimated to be needed to construct the next storage reservoir, which the master plan shows will be needed in the next three to five years. Staff is hopeful that, given the current economic situation, there may be some opportunities to receive grants and low interest loans for construction of the project.

Staff compared the proposed rate to other Cities in the Valley and found Nibley's proposed rate to be close to the average others are charging and lower than most. The proposal is to implement the new rate with the new fiscal year, beginning on July 1st.

Proposed Base Rates:

- 1 inch meter \$15.50
- 2 inch \$35
- 3 inch \$65
- 4 inch \$90
- 5 inch \$95
- 6 inch \$105

Proposed rates per 1,000 gallons:

- | | |
|--------------------|-----------------------|
| ● 0-5,000 | Included in base rate |
| ● 5,000-40,000 | \$1.05 |
| ● 40,000-65,000 | \$1.10 |
| ● 65,000 - 100,000 | \$1.15 |
| ● 100,000+ | \$1.35 |

6-25-2020 Update

The Resolution has been updated to reflect the October 1, 2020 implementation date.

RESOLUTION 20-07

A RESOLUTION SETTING WATER RATES FOR NIBLEY CITY

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

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

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

WHEREAS, Utah Code and the City Code empower the Nibley City Council to set rates and charge fees for services provided by the City;

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

WHEREAS, Nibley City provides culinary water services to its residents.

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

1. The rate table below is hereby enacted and adopted.

Base Rates

1-inch Meter	\$15.50 per connection
2-inch Meter	\$35 per connection
3-inch Meter	\$65 per connection
4-inch Meter	\$90 per connection
5-inch Meter	\$95 per connection
6-inch Meter	\$105 per connection

Rates per 1,000 gallons are:

0-5,000	Included in base rate
5,000-40,000	\$1.05
40,000-65,000	\$1.10
65,000 - 100,000	\$1.15
100,000+	\$1.35

2. This Resolution shall supersede all previous water rate resolutions, including but not limited to Resolution #05-06.
3. This Resolution shall become effective October 1, 2020.

ADOPTED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2020.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

Justin Maughan, PE



Nibley City Water Rate Analysis June 2020



73-10-32.5 Culinary Water Pricing Structure

- Establish a water rate that:
 - Incorporates increasing block units of water used
 - Provides for an increase in the rate charged for additional block units of water used as usage increases from one block unit to the next
 - Provide block structure to the residents
 - Include individual customer billing notices

NIBLEY CITY CULINARY WATER MASTER PLAN

APRIL 2020

PREPARED FOR:



PREPARED BY:



City Council has approved:
2020 Water Conservation Plan
2020 Water Master Plan

For More Information Visit:
www.water.utah.gov



Facts about Residential Water Use

- Indoor residential water use is now 60 gallons per capita per day (gpcd), 15% lower than in 2001
- Residents in homes built after 1992 use 5 gpcd less indoors than pre 1992 homes
- Residents in homes that have greater than 3,000 square feet of floor space used 13.6 gpcd more indoors than homes with less than 1,000 square feet
- Income does not affect indoor water use
- Evaporative coolers use about 28 gpd during summer months (6 gpcd on an annually basis)
- Residents using automatic sprinklers for their landscapes over water by about 30%
- Residents using a hose and sprinklers attachment under water by approximately 17%



A detailed report on residential water use has been prepared by the DWRc and is on the web at:
www.water.utah.gov

Utah Division of Water Resources

Mission: To Plan, Develop, Conserve and Protect Utah's Water Resources



For more information on water conservation visit us on the web at
www.conservewater.utah.gov or
www.slowtheflow.org

Utah Division of Water Resources Water Issues Education Series

2009 Residential Water Use SURVEY RESULTS AND ANALYSIS OF RESIDENTIAL WATER USE FOR SEVENTEEN COMMUNITIES IN UTAH



www.conservewater.utah.gov



Rural Water
Association of Utah

Goals of rate change:

Comply	Comply with state law
Shift	Shift more of the money in the rate structure to the base rate, to cover more of the fixed costs of the system
Keep	Keep average citizen's water bill close to what it is today
Conserve	Incentivize water conservation

Last rate change was in 2007

Base rate proposed change:

1"	\$10.50 to \$15.50
2"	\$31.50 to \$35.00
3"	\$58.50 to \$65.00
4"	\$85.00 to \$90.00
6"	\$92.50 to \$95.00

Last rate change was in 2007

Proposed usage rate:

5,000	\$0.00
5,000 – 40,000	\$1.05/k
40,000 – 65,000	\$1.10/k
65,000 – 100,000	\$1.15/k
100,000+	\$1.35/k

Residential Rates:

Proposed Nibley Rate:

Base \$15.50

0-5,000	included in base
5,000 – 40,000	\$1.05/k
40,000 – 65,000	\$1.15/k
65,000 – 100,000	\$1.25/k
100,000+	\$1.35/k

North Logan Rate:

Base \$12.15

0-10,000	included in base
10,000 – 30,000	\$1.67/k
30,000 – 60,000	\$1.77/k
60,000 – 90,000	\$1.90/k
90,000- 125,000	\$2.10/k
125,000 – 150,000	\$2.35/k
150,000 – 250,000	\$2.50/k
250,000 – 300,000	\$3.00/k
300,000+	\$4.00/k

Providence City Rate:

Base \$23.25

0-10,000	included in base
10,000-50,000	\$.75/k
50,000+	\$1.50

Logan City Rate:

Base \$22.95 Single Family

Base \$14.85 Multi Family

0-10,000	\$1.42/k
10,000+	\$2.30/k

Hyrum City Rate:

Base \$16.96

0-10,000	included in base
10,000 – 50,000	\$0.78/k
50,000+	\$1.08/k

Hyde Park Rate:

Base \$26.00

0-10,000	included in base
10,000 – 50,000	\$0.50/k
50,000 – 100,000	\$1.00/k
100,000 – 150,000	\$1.50/k
150,000 – 200,000	\$2.00/k
200,00+	\$3.00/k

*Discount for seniors, and if stay under 10,000 gal give sewer discount

Amt	2019	Max		Amt	2019	Proposed		Amt	2019			Amt	2019	Proposed		Amt	2019			Amt	2019		
3498	\$ 13.82	\$ 15.50		25405	34.63	\$ 36.93		9282	19.32	\$ 20.00		0	0			13258	23.1	\$ 24.17		9569	19.59	\$ 20.30	
1896	\$ 12.30	\$ 15.50		15548	25.27	\$ 26.58		5143	15.39	\$ 15.65		8038	20.84	\$ 18.69		7426	17.55	\$ 18.05		4221	14.51	\$ 15.50	
1758	\$ 12.17	\$ 15.50		17074	26.72	\$ 28.18		5493	17.72	\$ 16.02		6240	16.43	\$ 16.80		8665	18.73	\$ 19.35		5786	16	\$ 16.33	
3134	\$ 13.48	\$ 15.50		23797	33.11	\$ 35.24		6956	17.11	\$ 17.55		6197	16.39	\$ 16.76		10098	20.09	\$ 20.85		5891	16.1	\$ 16.44	
2128	\$ 12.52	\$ 15.50		21668	31.08	\$ 33.00		8964	19.02	\$ 19.66		4117	14.41	15.5		21498	30.92	\$ 32.82		8335	18.42	\$ 19.00	
5728	\$ 15.94	\$ 16.26		30567	39.54	\$ 42.35		17530	27.15	\$ 28.66		6503	16.68	\$ 17.08		28451	37.53	\$ 40.12		7405	17.53	\$ 18.03	
14419	\$ 24.20	\$ 25.39		36076	44.77	\$ 48.13		51570	59.49	\$ 64.98		8379	18.46	\$ 19.05		76570	83.24	\$ 92.48		5508	15.73	\$ 16.03	
15318	\$ 25.05	\$ 26.33		58006	65.61	\$ 72.06		87470	93.6	\$ 104.47		8885	18.94	\$ 19.58		96829	102.49	\$ 114.76		12146	22.04	\$ 23.00	
7705	\$ 17.82	\$ 18.34		42255	50.64	\$ 54.73		64776	72.04	\$ 79.50		5915	16.12	\$ 16.46		33783	42.59	\$ 45.72		6539	16.71	\$ 17.12	
2460	\$ 12.84	\$ 15.50		12460	22.34	\$ 23.33		17828	27.44	\$ 28.97		7974	18.08	\$ 18.62		10948	20.9	\$ 21.75		7260	17.4	\$ 17.87	
2129	\$ 12.52	\$ 15.50		15073	24.82	\$ 26.08		5487	15.71	\$ 16.01		4748	15.01	15.5		8824	18.88	\$ 19.52		6232	16.42	\$ 16.79	
2291	\$ 12.68	\$ 15.50		18569	28.14	\$ 29.75		6235	16.42	\$ 16.80		4493	14.77	15.5		9359	19.39	\$ 20.08		6544	16.72	\$ 17.12	
Resident 1				Resident 2				Resident 3				Resident 4				Resident 5				Resident 6			
Gal Used	2019			Gal Used	2019	Proposed		Gal Used	2019	Proposed		Gal Used	2019	Proposed		Gal Used	2019			Gal Used	2019		
62464	\$ 185.34	\$ 210.33		316498	\$ 426.67	\$ 456.34		286734	\$ 400.41	\$ 428.26		71489	\$ 186.13	\$ 189.54		325709	\$ 435.41	\$ 469.66		85436	\$ 207.17	\$ 213.53	
		\$ 24.99				\$ 29.67				\$ 27.85				\$ 3.41				\$ 34.25				\$ 6.36	
Nibley		\$ 26.33				\$ 72.06				\$ 104.47				\$ 19.58				\$ 114.76				\$ 23.00	
Hyde Park		\$ 28.66				\$ 54.01				\$ 83.47				\$ 26.00				\$ 92.83				\$ 27.07	
Logan		\$ 36.54				\$ 147.56				\$ 215.33				\$ 35.57				\$ 236.86				\$ 42.09	
Hyrum		\$ 21.11				\$ 56.81				\$ 88.63				\$ 16.96				\$ 98.74				\$ 18.63	
North Logan		\$ 21.00				\$ 95.12				\$ 150.84				\$ 12.15				\$ 169.99				\$ 15.73	
Average:		\$ 26.73				\$ 85.11				\$ 128.55				\$ 22.05				\$ 142.64				\$ 25.30	

Commercial Rates:

Proposed Nibley Rate:

Base \$15.50

0-5,000	included in base
5,000 – 40,000	\$1.05/k
40,000 – 65,000	\$1.15/k
65,000 – 100,000	\$1.25/k
100,000+	\$1.35/k

North Logan Rate:

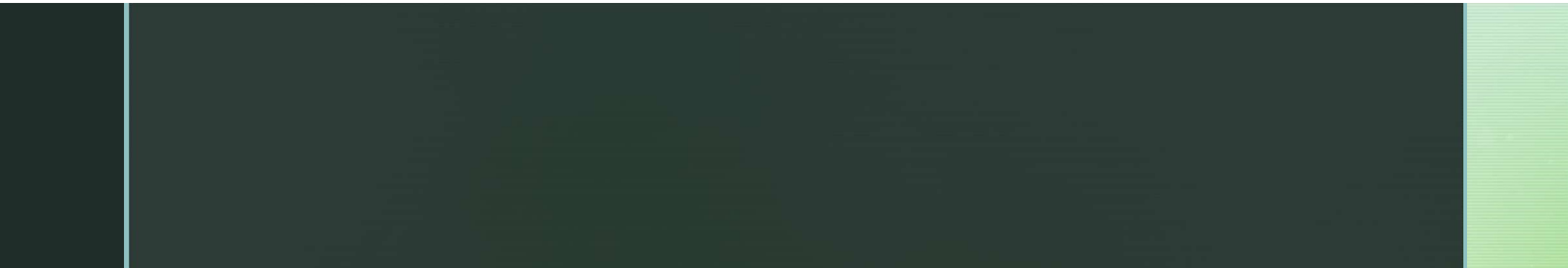
0-1,500,000	\$1.60/k
1,500,000 – 2,000,00	\$1.95/k
2,000,000+	\$3.85/k

Logan City Rate:

0+	\$1.62/k
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Hyrum City Rate:

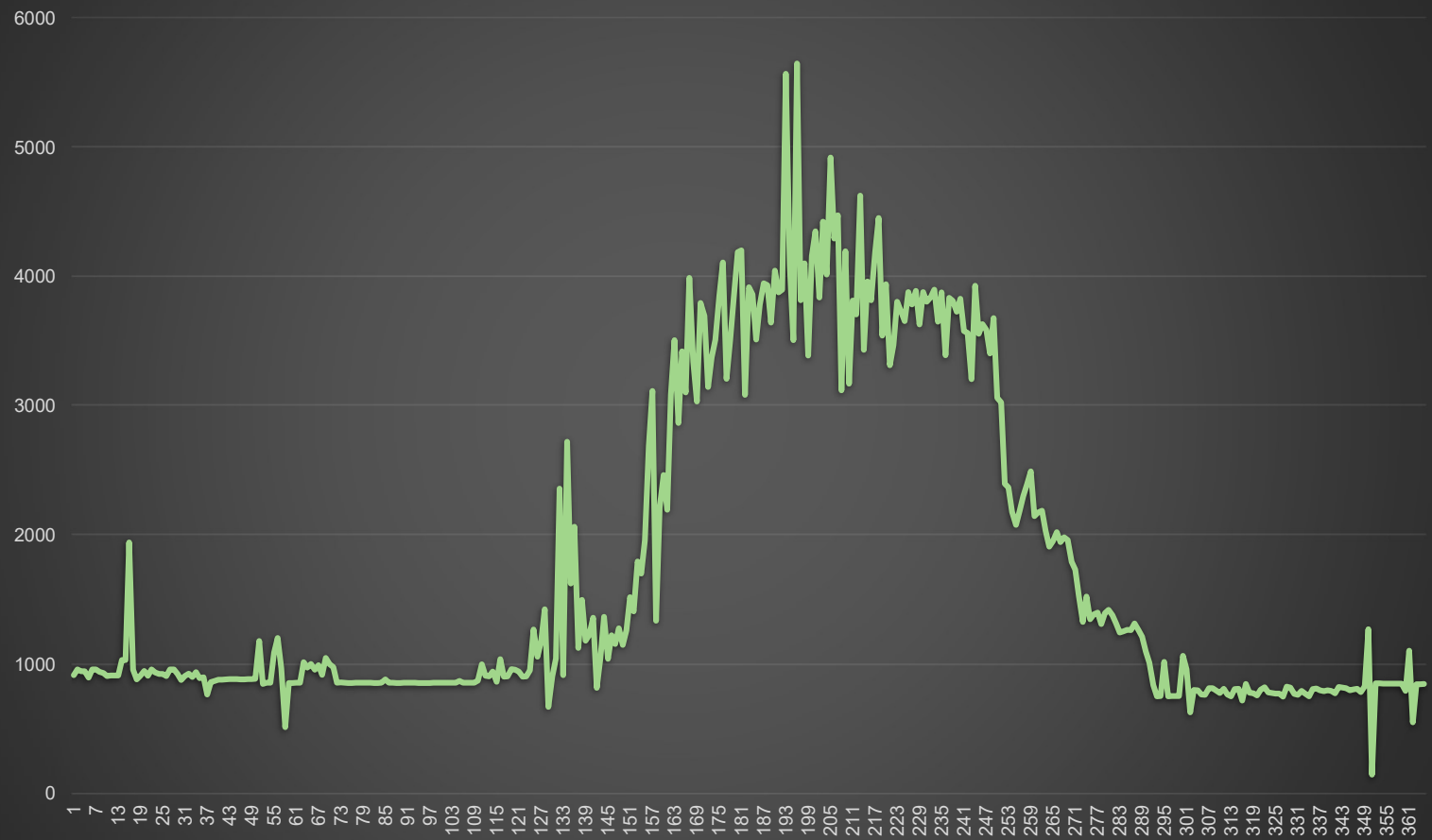
0-10,000	included in base
10,000 – 50,000	\$0.84/k
50,000+	\$0.96/k



Amt	2019		Amt	2019		Amt	2019		Amt	2019		Amt	2019		Amt	2019		Amt	2019	
40891	\$ 49.35	\$ 53.23	8300	\$ 39.39	\$ 68.47	187500	209.625	\$ 254.63	26270	\$ 56.46	\$ 57.33	228803	\$ 248.86	\$ 310.38	35200	\$ 64.94	\$ 66.71	17000	\$ 47.65	\$ 47.60
20801	\$ 30.26	\$ 32.09	5300	\$ 36.54	\$ 65.32	74000	101.8	\$ 107.90	58784	\$ 87.34	\$ 92.41	90868	\$ 117.82	\$ 129.00	32800	\$ 62.66	\$ 64.19	4500	\$ 35.78	\$ 35.00
23818	\$ 33.13	\$ 35.26	5400	\$ 36.63	\$ 65.42	112500	138.375	\$ 153.38	16937	\$ 47.59	\$ 47.53	104091	\$ 130.39	\$ 142.02	41200	\$ 70.64	\$ 73.07	4000	\$ 35.30	\$ 35.00
30545	\$ 39.52	\$ 42.32	10600	\$ 41.57	\$ 70.88	53000	81.85	\$ 86.05	61771	\$ 90.18	\$ 95.54	149005	\$ 173.05	\$ 202.66	59600	\$ 88.12	\$ 93.31	6000	\$ 37.20	\$ 29.79
48220	\$ 56.31	\$ 61.29	14400	\$ 45.18	\$ 74.87	103000	129.35	\$ 140.55	19508	\$ 50.03	\$ 50.23	168141	\$ 191.23	\$ 228.49	53300	\$ 82.14	\$ 86.38	235000	\$ 254.75	\$ 318.75
92113	\$ 98.01	\$ 107.43	23400	\$ 53.73	\$ 84.32	115500	141.225	\$ 157.43	242935	\$ 262.29	\$ 329.46	114385	\$ 140.17	\$ 155.92	409500	\$ 420.53	\$ 554.33	630000	\$ 630.00	\$ 852.00
161800	\$164.21	\$ 203.43	30000	\$ 60.00	\$ 91.25	169000	192.05	\$ 229.65	692282	\$ 689.17	\$ 936.08	209816	\$ 230.83	\$ 284.75	515600	\$ 521.32	\$ 697.56	663000	\$ 661.35	\$ 896.55
263233	\$260.57	\$ 340.36	45300	\$ 74.54	\$107.58	218500	239.075	\$ 296.48	655513	\$ 654.24	\$ 886.44	291802	\$ 308.71	\$ 395.43	758500	\$ 752.08	\$1,025.48	819500	\$ 810.03	\$1,107.83
190808	\$191.77	\$ 242.59	22900	\$ 53.26	\$ 83.80	129500	154.525	\$ 176.33	335960	\$ 350.66	\$ 455.05	243682	\$ 263.00	\$ 330.47	658200	\$ 656.79	\$ 890.07	704500	\$ 700.78	\$ 952.58
23436	\$ 32.76	\$ 34.86	16300	\$ 46.99	\$ 76.87	83000	110.35	\$ 119.95	48380	\$ 77.46	\$ 80.97	241740	\$ 261.15	\$ 327.85	449700	\$ 458.72	\$ 608.60	207000	\$ 228.15	\$ 280.95
6812	\$ 16.97	\$ 17.40	7200	\$ 38.34	\$ 67.31	127000	152.15	\$ 172.95	23837	\$ 54.15	\$ 54.78	229374	\$ 249.41	\$ 311.15	42900	\$ 72.26	\$ 74.94	4500	\$ 35.78	\$ 35.00
6259	\$ 16.45	\$ 16.82	7100	\$ 38.25	\$ 67.21	88000	115.1	\$ 125.70	12561	\$ 43.43	\$ 42.94	182251	\$ 204.64	\$ 247.54	38600	\$ 68.17	\$ 70.28	5500	\$ 36.73	\$ 35.00
Commercial 1			Commercial 2			Commercial 3			USU 1			USU 2			Tech			Church 1		
Gal Used	2019		Gal Used	2019		Gal Used	2019		Gal Used	2019		Gal Used	2019		Gal Used	2019		Gal Used	2019	
908736	\$989.30	\$1,187.09	196200	\$564.39	\$923.28	1460500	\$1,765.48	\$2,020.98	2194738	\$2,463.00	\$3,128.77	2253958	\$2,519.26	\$3,065.67	3095100	\$3,318.35	\$4,304.91	3300500	\$3,513.48	\$4,626.04
		\$ 197.79			\$ 358.89			\$ 255.50			\$ 665.77			\$ 546.41			\$ 986.56			\$1,112.56



2019 Well Withdrawals



Financial Outlook/Model:

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Reconstruct and Equip 4000 S Well												
House	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transmission Line Phase 1	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transmission Line Phase 2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Develop New 2,000 gpm Source	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Develop New 1,000 gpm Source	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project 5	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project 6	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project 7	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project 8	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project 9	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project 10	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project 11	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL Capital	\$0	\$0	\$0	\$0	\$0	(\$3,939,281)	\$0	\$0	\$0	\$0	\$0	\$0
Repair and Replacement												
Beginning Cash Balance Water Fund	\$185,253	\$286,733	\$535,000	\$912,174	\$1,460,374	\$2,008,059	\$615,173	\$1,087,460	\$1,556,723	\$2,022,000	\$2,482,254	\$2,936,376
Ending Cash Balance Water Fund	\$286,733	\$1,019,000	\$912,174	\$1,460,374	\$2,008,059	\$615,173	\$1,087,460	\$1,556,723	\$2,022,000	\$2,482,254	\$2,936,376	\$3,383,177
Days Cash on Hand		180	207	244	298	366	452	547	647	750	856	964
RATE SCHEDULE												
Rate Increase					0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Meter Size 1	\$10.50	\$10.50	\$15.50	\$15.50	\$15.50	\$15.50	\$15.50	\$15.50	\$15.50	\$15.50	\$15.50	\$15.50
2 Inch Base Rate	\$31.50	\$31.50	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00
3 Inch Base Rate	\$38.50	\$38.50	\$45.00	\$45.00	\$45.00	\$45.00	\$45.00	\$45.00	\$45.00	\$45.00	\$45.00	\$45.00
4 Inch Base Rate	\$45.50	\$45.50	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00
6 Inch Base Rate	\$92.50	\$92.50	\$95.00	\$95.00	\$95.00	\$95.00	\$95.00	\$95.00	\$95.00	\$95.00	\$95.00	\$95.00
8 Inch Base Rate	\$102.50	\$102.50	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00	\$105.00
Tiers					0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Tier 1	\$0.95	\$0.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tier 2	\$0.95	\$0.95	\$1.05	\$1.05	\$1.05	\$1.05	\$1.05	\$1.05	\$1.05	\$1.05	\$1.05	\$1.05
Tier 3	\$0.95	\$0.95	\$1.10	\$1.10	\$1.10	\$1.10	\$1.10	\$1.10	\$1.10	\$1.10	\$1.10	\$1.10
Tier 4	\$0.95	\$0.95	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15
Tier 5	\$0.95	\$0.95	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15	\$1.15

Currently funds are at a min of 180 of operational expenses
Due to paying off new 640 West Well

Next project is slated for 3 to 5 years at a cost of \$4 Million

With this rate increase we will still need to borrow \$1.5 to \$2 Million

Will have about 3 Million in the bank in 10 Years for next capital improvement

Will be heavily investigating funding opportunities given current economic situation

Questions?

Why Does
Your Tap Water
Smell Funny?



Because you don't live in Nibley!

Agenda Item #8

Description	Discussion & Consideration – Resolution 20-08: Updating Nibley City's Consolidated Fee Schedule (Second Reading)
Department	Administration
Presenter	Michelle Jensen, Treasurer
Recommendation	Move to approve Resolution 20-08: Updating Nibley City's Consolidated Fee Schedule, for first reading.
Reviewed By	City Manager, City Treasurer

Background

In 2018, the Nibley City Council adopted a consolidated fee schedule for services fees and rates charged by the City. None of the fees on the previous schedule are proposed to be changed. However, some new fees are being added. In addition, the schedule will be updated to show the current rates for sewer, stormwater and water.

A new fee is being added for the following:

Subdivision Amendment Application Fee: \$30

Minor-Subdivision Application Fee: \$30

RPUD Application Fee: \$100

Miscellaneous Planning and Development Application Fee: \$30

Asphalt Preservation: \$0.25 per square foot

The schedule has also been updated to show the recently-adopted Logan Wastewater Treatment Impact Fee.

6-25-2020 Update

Since the first presentation, a few minor updates have been made. Staff members have conducted research of development fees charged by other cities and will explain any proposed changes based on that research. In addition, the dog-related fees have been

updated based on the new charges being passed on to the city through the most recent contract with the Humane Society.

RESOLUTION 20-08

A RESOLUTION UPDATING NIBLEY CITY'S CONSOLIDATED FEE SCHEDULE

WHEREAS, State Law and the City Code empower the Nibley City Council to set rates and charge fees for services provided by the City;

WHEREAS, the City has historically set rates and fees for services through various resolutions from time to time as needed;

WHEREAS, the City Council finds that it is in the best interest of the City and its residents to update the consolidated schedule of all existing rates and fees and to review and updated the schedule as needed;

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

1. The Consolidated Fee Schedule attached hereto as Exhibit A and the rates, fees, and charges set forth therein are hereby enacted and adopted.
2. This Resolution does not repeal, abrogate, annual, or impair in any way the existing resolutions or ordinances of the City except to modify the rates, fees, and charges reflected in the Consolidated Fee Schedule. All rates, fees, or charges not listed in the Consolidated Fee Schedule which are contained in or promulgated pursuant to any current resolution or ordinance shall remain in full force and effect, unless and until duly modified. All resolutions or ordinances which set forth rates, fees, or charges which are contained in the Consolidated Fee Schedule are hereby superseded by the Consolidated Fee Schedule.
3. This Resolution shall become effective immediately upon passage.

ADOPTED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2020.

Shaun Dustin, Mayor

ATTEST:

David Zook, City Recorder

Utility Service Fees	
Item	Rate
Water	
Base Rate	
1" Water Service	\$ 15.50
2" Water Service	\$ 35.00
3" Water Service	\$ 65.00
4" Water Service	\$ 90.00
5" Water Service	\$ 95.00
6" Water Service	\$ 105.00
Rate per 1,000 gallons	
0-5,000 Gallons	Included in base rate
5,001 - 40,000	\$ 1.05
40,001 - 65,000	\$ 1.10
65,001 - 100,000	\$ 1.15
100,001 +	\$ 1.35
Townhouse Meters	
Water Reconnect/Disconnect Fee	\$ 50.00
Extra Territorial Rate	2 X base & usage
Sewer	
Residential Rate	\$ 52.00
Commercial #1 (0 - 7,000 Gal)	\$ 52.00
Commercial #2 (7,001 - 15,000 Gal)	\$ 104.00
Commercial #3 (15,001 - 25,000 Gal)	\$ 156.00
Commercial #4 (25,001 - 50,000 Gal)	\$ 208.00
Commercial #5 (50,000 Gal & Up)	Manual Calculation
Pretreatment	Pass through from Logan City
Stormwater	
Residential	\$ 7.75
Commercial	(Sq. ft. of impervious surface/3,000) x Residential Rate
Utility Billing Penalties	
Late Fee	\$ 5.00
Late Fee Penalty (Calculated from past due balance)	0.0175
Insufficient Funds Fee	\$ 30.00
Non-Payment Disconnect/Reconnect Fee	\$ 50.00
Door Hanger Fee	\$ 25.00

Business Licenses & Fees

Item	Rate
Business License Application Fee	\$ 30.00
Home Business License Annual Fee (Jan-Dec)	\$ 30.00
Commercial & Industrial Business License Initial Fee (Jan-Dec)	\$ 250.00
Commercial & Industrial Business License Renewal Fee (Jan-Dec)	\$ 150.00
Temporary Vendor/Solicitors Business License (6 Months)	\$ 30.00
Class B Retail License (Jan-Dec)	\$ 250.00
Late Fee (March 1st)	\$ 10.00
Fire Marshall Inspection	As charged by Cache County

Building Permits & Impact Fees

Impact Fees

Item	Rate
Sewer Impact Fee 1" Service	\$ 1,725.00
Sewer Impact Fee 1.5" Service	\$ 3,450.00
Sewer Impact Fee 2" Service	\$ 5,520.00
Sewer Impact Fee 3" Service	\$ 10,349.00
Sewer Impact Fee 4" Service	\$ 20,698.00
Water Impact Fee 1" Service	\$ 1,950.00
Water Impact Fee 1.5" Service	\$ 3,900.00
Water Impact Fee 2" Service	\$ 6,241.00
Water Impact Fee 3" Service	\$ 11,701.00
Water Impact Fee 4" Service	\$ 23,403.00
Park Impact Fee	\$ 4,500.00
Street Impact Fee Apartment	\$ 324.00
Street Impact Fee Condominium/Townhouse	\$ 286.00
Street Impact Fee Church	\$ 445.00
Street Impact Fee Education	\$ 618.00
Street Impact Fee food Service/Fast Food	\$ 4,363.00
Street Impact Fee Gas Station Convenient Fee	\$ 7,950.00
Street Impact Fee Hotel	\$ 436.00
Street Impact Fee Light Industrial	\$ 341.00
Street Impact Fee Office	\$ 1,107.00
Street Impact Fee Retail	\$ 2,803.00
Street Impact Fee Residential Home	\$ 467.00
Street Impact Fee Warehousing	\$ 242 per 1,000 sq. feet

Building Permit Fees

Building Permit	Based on a formula
Plan Check Fee	Based on a formula
Water Connection Fee	\$ 700.00
Stormwater Inspection Fee Residential	\$ 150 Per Year

Development Fees

Water Meter 1"	\$ 700.00
Water Meter 2"	\$ 2,200.00
Water Meter 3"	\$ 2,994.00
Water Meter 4"	\$ 3,942.00
Water Meter 2" - 4 Townhomes	\$ 550.00
Water Meter 2" - 6 Townhomes	\$ 366.00
Water Meter Lid	\$ 50.00
Water Meter Ring or Collar	\$ 50.00
Water Meter Adjustment (Raise or Lower)	\$ 75.00
Road Cut Fee	\$ 3,000 (1/2 is refundable)
Street Sign	\$ 300.00
Sewer Valve Collar	\$ 450.00
Water Valve Collar	\$ 350.00

Stormwater Development Inspection Fee	\$ 500 Per Year
Stormwater for Regional Ponds	\$3,000 Per Lot
P & Z Misc. Applications (Example: building permits, rezone, concept plans, etc.)	\$ 30.00
Annexation Petition Application	\$ 200.00
Asphalt Preservation	.25 per Sq Foot
Miscellaneous Items	
Gas Meter Upgrade Inspection	\$ 25.00
Permanent Power Upgrade Inspection	\$ 25.00

Planning and Building Department Credit Card Convenience Fee	3% of Total Invoice
Logan Wastewater Treatment Impact Fee (Set by ordinance 20-03)	\$ 2,433.00

Dog Licenses & Permits

Item	Rate
Dog Registration January-December Spayed/Neutered	\$ 15.00
Dog Registration January-December Unaltered	\$ 25.00
Dog Registration July-December Spayed/Neutered	\$ 7.50
Dog Registration July-December Unaltered	\$ 12.50
Multi-Dog Permit Fee - Yearly Renewal	\$ 30.00
Multi-Dog License Application Fee	\$ 30.00
Lost Tag	\$ 5.00
Late Fee (After March 1st)	\$ 10.00

Cache Humane Society Impound Service Fees	Please refer to contract
Impound Boarding Dog/Cat	\$ 150.00 Per Animal
Impound Other Domestic Animal Species	\$ 250.00 Per Animal
Cat Trap Neuter Release (TNR)	\$ 79.00 Per Cat
TNR excess boarding fee	\$ 30.00 Per Day or Partial Day
Quarantine Boarding Dog/Cat	\$ 350.00 Per Animal
Court-ordered Hold and Quarantines in Excess of 10 Days	\$ 35.00 Per Day
Dog Euthanasia & Disposal	\$ 50.00 - \$70.00 Based on Weight
Cat Euthanasia & Disposal	\$ 40.00
Emergency Veterinary Services	Minimum \$95 Per Hour
Late Payment Fee	\$ 20.00
Interest Rate	18% Per Annum

Charges for Services

Planning Review Fees

Item	Rate
Preliminary Plat Filing Fee	\$ 200 + \$10 per lot
Preliminary Plat Deposit	\$ 1,000.00
Final Plat Filing Fee	\$ 200 + \$10 per lot
Final Plat Deposit	\$ 2,000.00
Minor Subdivision	\$ 200 + \$10 per lot
Minor Subdivision Deposit	\$ 500.00
Accessory Building Application	\$ 30.00
Subdivision Amendment Application	\$ 30.00
Minor-Subdivision Application	\$ 30.00
RPUD Application	\$ 500.00
Misc. Planning & Development Application	\$ 30.00

Community Center Rental

Small Gathering - Resident	\$ 50.00
Small Gathering - Non-resident	\$ 100.00
Small Gathering - Deposit	\$ 150.00
Large Gathering - Resident	\$ 150.00
Large Gathering - Non-resident	\$ 300.00
Large Gathering - Deposit	\$ 150.00
Audio Visual Equipment Use	\$ 25.00
Audio Visual Equipment Deposit	\$ 200.00
Business, Club, & Public Meetings	Free, With City Manager Approval
Business, Club, & Public Meetings Deposit	\$ 50.00
Building Repair/Maintenance	\$ 20/HR + Repair Cost

Variance Request

Variance Request Application	\$ 200.00
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Recreation

Facility Rentals

Item	Rate
Park Pavilion Rental (Heritage, Anhder, Virgil Gibbons, Elk Horn)	\$ 25.00
Park Pavilion Rental (Elk Horn with Kitchen)	\$ 50.00
Park Pavilion Rental Deposit (Elk Horn)	\$ 25.00
Field Rental Baseball/Softball (Per Game, Per Field)	\$ 25.00
Athletic Field Rental (Per Game, Per Field)	\$ 25.00
Field Lights (Per Day)	\$ 10.00
Field Preparation - Baseball/Softball	\$ 30.00
Field Preparation - Athletic Field	\$ 45.00
Fitness Event Route Marking	\$ 30.00

Baseball

Classic T-Ball	\$ 30.00
Rookie	\$ 30.00
Minors	\$ 60.00
Majors	\$ 65.00
Pony	\$ 75.00
Late Fee	\$ 10.00

Softball

Ponytail (6-8)	\$ 30.00
Fast Pitch (10 & Under)	\$ 35.00
Fast Pitch (12 & Under)	\$ 40.00
Fast Pitch (14 & Under)	\$ 40.00
Late Fee	\$ 10.00

Super Start

T-Ball (3-4) Fee	\$ 30.00
Soccer (3-4) Fee	\$ 30.00
Late Fee	\$ 10.00

Equipment Rental

Disc Golf (Per Set)	\$ 3.00
Spikeball (Per Set)	\$ 3.00
Kubb (Per Set)	\$ 3.00
Equipment Deposit	\$ 20.00

Nibley Fit

Day Pass	\$ 3.00
Monthly Pass	\$ 15.00
Quarterly Pass	\$ 40.00

Staff has discretion to adjust pass prices for promotional events

Heritage Days

Booth Fees	\$ 50.00
Mayor's Dinner	\$10 (Up to 6 people)
Mayor's Dinner	\$4 Per Person

Tournament Fee

Field Rental Baseball/Softball (Field Prep and lights additional)	\$ 200.00
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Athletic Field Rental (Field Prep and lights additional)	\$ 200.00
League/Clinic Fee	
Non City Sponsored League Team Per Season (Non Recreational Team)	\$ 50.00
League Team Per Season (Recreational Team)	\$3 Per Participant
Recreation Misc.	
Special Event Permit Application	\$ 30.00

Garbage	
Item	Rate
60 Gallon can	\$ 13.15
60 Gallon Extra Empty	\$ 13.15
90 Gallon Can	\$ 15.40
90 Gallon Extra Empty	\$ 15.40
New Homes (Resident Picked Up A/C)	\$ 6.00
New Homes (Logan City Delivered A/C)	\$ 27.00
Recycle Container	\$ 3.25
Green Waste Container	\$ 5.25
Bulk Waste Collection	
Vacancy Status	\$5

3 Month Minimum

Bin Size	1	2	3	4	5	6
2	58.11	\$ 115.23	\$ 173.83	\$ 228.45	\$ 286.57	\$ 343.68
3	74.71	\$ 148.42	\$ 222.13	\$ 294.84	\$ 369.55	\$ 443.26
4	99.28	\$ 197.56	\$ 297.34	\$ 393.12	\$ 492.40	\$ 590.68
6	145.82	\$ 290.64	\$ 434.46	\$ 579.28	\$ 725.10	\$ 869.92
8	194.09	387.19	580.28	\$ 772.37	\$ 966.47	\$ 1,159.56
Communication Center						
911 Communication Fee *	\$ 3.00					

Miscellaneous Nibley City Fees

Item	Rate
Copy	\$ 0.25
Fax - Residents	\$ 0.50 Per Page
Fax - Non-Residents	\$ 1.00 Per Page
Notary - Residents Only	FREE
CC Payment Over the Phone (Waive one time if they sign up for auto pay)	\$ 4.00
GRAMA Request	Actual Cost
Accounts Receivable Late Fee	\$ 5.00
Accounts Receivable Late Fee Penalty	0.015/month

Agenda Item #9

Description	Workshop – Ordinance 20-13: Accessory Dwelling Unit Standards
Department	Planning
Presenter	Levi Roberts, Planner
Recommendation	Receive an overview of the proposed Accessory Dwelling Unit Standards.
Reviewed By	City Manager, City Planner, Planning Commission

Background

During the June 18, 2020 meeting, the Planning Commission recommended approval of an ordinance establishing standards for Accessory Dwelling Units. An Accessory Dwelling Unit (ADU) is a secondary dwelling unit that is located on the same property as a primary dwelling unit. These take the form of basement apartments, guest houses, an apartment above the garage, etc. Nibley City's Moderate Income Housing Plan states the following as its first goal to address moderate income housing:

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

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

Moderate Income Housing Considerations

- *How large would the City allow an ADU to be in reference to the primary structure*

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

Timeframe: Early 2020

(Nibley City Moderate Income Housing Plan, 2019, p 18)

The 2016 Nibley City General Plan estimated that Nibley has anywhere from 20-30 ADUs in the City, all in the form of attached apartments. These apartments can serve as a way to provide affordable housing throughout the community and can allow property owners to more fully realize the value of their property.

Cache County Monthly Planning Newsletter, February 2020 also provides some great information about ADUs: [Cache County Monthly Newsletter: February 2020](#).

Based upon discussions with the Planning Commission during workshop sessions and research on best practices, the draft ordinance includes the following provisions:

- A. ADUs are permitted in all zones
- B. Permit required for all ADUs to ensure compliance with chapter
- C. Short-term rentals are prohibited in ADUs
- D. Lot owner must live on property
- E. Must comply with all fire, building and health codes
- F. Separate addresses and mailboxes required
- G. Parking required: 2 additional to what is required for primary, that does not obstruct access to primary unit parking
- H. Limited to 1 ADU per lot for residential, 2 for commercial
- I. No ADUs on wetland or floodplain

J. Minimum size for all ADUs: 300 sq. ft. Maximum for detached: 1,200 sq. ft.

K. Maximum height of 2 stories or not exceed height of primary dwelling

Planning Commission Recommendation

During the June 18, 2020 meeting, the Planning Commission recommended to approve Ordinance 20-13: Accessory Dwelling Unit Standards with the following change.

- Regarding setbacks, clarify that 10 feet for side and rear yards is the 'minimum setback' for detached accessory dwelling units, not in addition to the already established setbacks for accessory structures.

Chapter 19.24.250

Accessory Dwelling Units

A. Purpose

1. This chapter establishes approval criteria and outlines processing procedures for accessory dwelling units.
2. The purpose of this chapter is to allow accessory dwelling units in zoning districts specified in this title, to establish the conditions under which accessory dwelling units are regulated under this chapter, and to set forth criteria and standards to be required of accessory dwelling units when this chapter is applicable.

B. Definitions

1. Accessory Dwelling Unit: A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in this chapter and only in those zoning districts where the use is listed as a permitted use.

C. Accessory Dwelling Unit Approval Required

1. All Accessory Dwelling Units shall comply with the standards and provisions of this title. Accessory dwelling units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions, and the City may deny any land use or building approval requested by an owner of property that has an illegal accessory dwelling unit.

D. Application

1. Persons shall make application for an accessory dwelling unit on forms prepared by Nibley City. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
2. Supporting Materials. The accessory dwelling unit application shall be submitted with the materials listed herein.
 - a. Notarized letter: a notarized letter of application shall be provided by the property owner stating that such owner will occupy the property except for bona fide temporary absences
 - b. Floor Plan: A floor plan showing the floor in which the accessory dwelling unit will be located shall be provided

- c. Parking Plans: A parking plan shall be submitted showing the location of dedicated off-street parking for the accessory dwelling unit and the primary residence.
- d. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
- e. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.

E. Approval Criteria

1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants.
2. Owner Occupation: the owner(s) of the residence shall live either in the primary dwelling in which the accessory dwelling unit was created or the accessory dwelling unit, except for bona fide temporary absences.
3. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
4. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes.
5. All entrances to attached accessory dwelling units shall be located on the rear or side of the building.
6. Parking: Off-street parking for two vehicles, shall be provided for use by the tenants of the accessory dwelling unit. This parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.
7. One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling lot.
8. Detached Structures: Accessory dwelling units may be permitted in a detached structure.
9. Short Term Rental, as defined within this title, shall be a prohibited use within accessory dwelling units.
10. No accessory dwelling unit shall be built on a registered wetland or flood plain

F. Size, Height and Zoning

1. Accessory dwelling units shall have the following requirements:

- a. Shall have the minimum size of 300 sq. ft.
- b. No detached accessory dwelling units shall be larger than 1,200 sq. ft.
- c. Detached accessory dwelling units shall follow the sizing and setback requirements for other accessory buildings as listed in NCC 19.24. For new detached accessory dwelling unit structures, an additional minimum rear and side setback of 10 feet is required.
- d. Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.
- e. The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.
- f. Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.

2. Accessory Dwelling Unit Use within Commercial, Neighborhood Commercial, and Industrial Zones

- a. Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached accessory dwelling units. Accessory dwelling units shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.
- b. Any Commercial Building shall supply two additional off-street parking for each accessory dwelling unit, in addition to parking required by the commercial use.
- c. Each accessory dwelling unit shall have a separate access apart from the commercial access to the building
- d. Each accessory dwelling unit must meet all applicable building, zoning, and fire code requirements.

G. Noncompliance

- 1. Owners of the property where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Owners who fail to maintain or violate the city's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the permit revoked. Notice of violation shall be given to the owner of the residence containing the accessory apartment use providing 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of their permit may use the appeal process to have their grievances heard.

19.20.020 Land Use Chart

Nibley City Land Use Chart

Key

P:	Permitted Use
NP:	Not Permitted Use
C:	Conditional use
A:	Agriculture Zone
R-E:	Rural Estate Zone
R-1:	Residential Zone R-1
R-1A:	Residential Zone R-1A
R-2:	Residential Zone R-2
R-2A:	Residential Zone R-2A
P/S:	Park/School
C:	Commercial Zone
C-N:	Neighborhood Commercial Zone
I:	Industrial Zone

Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S
Residential							
Assisted Living Facility	C	C	NP	NP	NP	NP	NP
Artisan Shop	C	C	C	C	C	C	NP
Bed and Breakfast Inn	C	C	C	C	NP	NP	NP
Building moved from another site	C	C	C	C	C	C	C
Group Living Facility ¹	C	C	C	C	C	C	NP

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Home Occupation	C	C	C	C	C	C	NP	NP	NP	NP
Home Office	P	P	P	P	P	P	NP	Levi Roberts 6/12/2020 7:35 AM Formatted: Font:8 pt		
Housing, Short-Term Rental	C	C	C	C	C	C	NP	Levi Roberts 6/12/2020 7:35 AM Formatted: Font:8 pt		
Housing, Single-Family	P	P	P	P	P	P	NP	Levi Roberts 6/12/2020 7:35 AM Formatted: Font:8 pt		
Housing, Two-Family	P	P	P	P	P	P	NP	Levi Roberts 6/12/2020 7:35 AM Formatted: Font:8 pt		
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	Levi Roberts 6/12/2020 7:35 AM Formatted: Font:8 pt		
Nursing Home	C	C	C	C	C	C	NP	Levi Roberts 6/12/2020 7:35 AM Formatted: Font:8 pt		
Temporary Office/Model Home	C	C	C	C	C	C	NP	Levi Roberts 6/12/2020 7:35 AM Formatted: Font:8 pt		
Accessory Dwelling Unit ³	P	P	P	P	P	P	P	Levi Roberts 6/12/2020 7:35 AM Formatted: Font:8 pt		
Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C	C-N	I
Agricultural/Animal										
Ag Implement Sales and Service	C	NP	NP	NP	NP	NP	NP	C	NP	C
Agricultural Production	P	P	P	P	P	P	P	C	C	C
Animal Crematorium	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Arboretum/Nature Center	C	C	C	C	C	C	C	C	C	C
Farmers' Market	C	C	C	NP	NP	NP	C	C	C	C
Florist/Garden Center	C	C	NP	NP	NP	NP	NP	C	P	C
Veterinary Clinic, Large Animal	P	NP	NP	NP	NP	NP	NP	C	NP	C
Veterinary Clinic, Small Animal	P	NP	NP	NP	NP	NP	NP	C	C	C
Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C	C-N	I
Public, Institutional, and Civic Uses										
Bus/Transit Terminal	NP	NP	NP	NP	NP	NP	P	C	C	C

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Sexually Oriented Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Transportation Services	NP	NP	NP	NP	NP	NP	NP	C	NP	C
Temporary Vendor/Food Trucks	C	NP	NP	NP	NP	NP	C	P	P	P
Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C	C-N	I
Industrial										
Junk/Salvage Yard	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Manufacturing, Heavy	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Manufacturing, Industrial	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Light	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Mineral Extraction	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Pest Control	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Recycling Collection Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Sign Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Sports Facilities	NP	NP	NP	NP	NP	NP	C	C	NP	C
Storage Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Warehousing, Residential Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Welding/Machine Shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	C

Notes

1. Group living facilities are governed by NCC 19.42

2. Any land use not listed is not permitted

3. [Accessory dwelling units are governed by NCC 19.24.250](#)

J. Minimum size for all ADUs: 300 sq. ft. Maximum for detached: 1,200 sq. ft.

K. Maximum height of 2 stories or not exceed height of primary dwelling

Planning Commission Recommendation

During the June 18, 2020 meeting, the Planning Commission recommended to approve Ordinance 20-13: Accessory Dwelling Unit Standards with the following change.

- Regarding setbacks, clarify that 10 feet for side and rear yards is the 'minimum setback' for detached accessory dwelling units, not in addition to the already established setbacks for accessory structures.

21.10.020 Open Space Subdivision

A. Purpose: The purpose of this section is to provide for subdivision development within Nibley City in a manner that:

1. Helps preserve the rural feeling of Nibley City as outlined in the General Plan;
2. Provides Open Space Land with a specific purpose that provides visual and physical access to the public.
3. Supports adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resources and agricultural lands as set forth in the General Plan;
4. Protects constrained and sensitive lands, including, but not limited to, those areas containing sensitive features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
5. Provides Open Space Land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, waterway, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
6. Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
7. Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
8. Provides incentives for the creation of greenway systems and Open Space Land within the City for the benefit of present and future residents.
9. Creates neighborhoods with direct visual and/or physical access to Open Space Land;
10. Maintains and creates scenic views and elements of the City's rural and scenic character and minimizes perceived density by maintaining views of new development from existing roads.

B. Definitions: For the purpose of this section, the following words shall have the meanings set forth herein:

1. OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on a **Open Space Subdivision** Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.
2. CONSTRAINED AND SENSITIVE LAND: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limit to Federal, State, or municipally designated wetlands, floodplains, slopes greater than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance or permits from government authorities to allow development. This land may be used as Open Space Land if it complies fully with conditions within this ordinance for qualification of Open Space.

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

C. Applicability:

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

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2 for the purposes of calculating underlying base density, number of lots, bonus density, lot sizes, and all other provisions outlined in this ordinance. If the zone is not listed above, it does not qualify for a Open Space Subdivision.

4. Developers desiring to develop the property as Open Space Subdivision are subject to the development standards, conditions procedures and regulations of this section.

D. Application Process:

1. Applications for a Open Space Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this section, including, but not limited to, submission of a sensitive area designation plan and maintenance plan.
2. Pre-application Meeting: Applicants for a Open Space Subdivision shall have a pre-application meeting with the Development Committee as established in NCC 21.06.030 to review the application and answer questions provided by the applicant. Prior to this meeting, the developer shall submit the draft plan of the proposed subdivision and shall include the following:
 - a. Zoning and parcel location
 - b. Total gross acres
 - c. Estimated right-of-way dedication
 - d. Estimated Constrained and Sensitive Land
 - e. Estimated Net Developable Land
 - f. Estimated Open Space Dedication and proposed uses.
 - g. Total number of lots based on density bonus
 - h. Estimated lot sizes and subdivision layout.
3. Sensitive Area Designation Plan Map: All applications for a Open Space Subdivision shall include a sensitive area designation plan map prepared in accordance with the provisions set forth herein and submitted with the preliminary plat. The sensitive areas designation plan map shall identify all constrained and sensitive lands within the property boundaries as set forth in this section. The sensitive area designation plan map shall also clearly identify all-natural or cultural resources present on the property, including, but not limited to those defined in this ordinance (geographic features, meadows, tree stands, streams, stream corridors, floodwalls, berms, waterways, canals, irrigation ditches, farmland, pastures, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space). Applicants are solely responsible for the accuracy and designation of constrained and sensitive lands as defined in this ordinance, and natural and cultural resources as defined by the United States, State of Utah, Cache County, and Nibley City on the sensitive area designation plan map for their project and applicable adjacent property. The applicant shall include all sensitive areas within four hundred feet(400') of the developments property boundaries as noted in City, County, State, and Federal records.
4. Maintenance Plan for preserved Open Space Land: The developer must submit a Preliminary Maintenance Plan in accordance with subsection M,2 of this section and with the preliminary plat. For final plat application, the developer must submit a Final Maintenance Plan in accordance with subsection M,3 of this section. The Final

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Maintenance Plan shall be attached to the Development Agreement required by NCC 21 and recorded with the Final for the property.

E. Dimensional Standards:

1. The lot standards within a [Open Space Subdivision](#) shall be determined in accordance with the Lot Standards Chart.

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

2. Procedure for Calculating Allowed Number of Lots: The Allowed Number of Lots including the density bonus for a [Open Space Subdivision](#) shall be determined as follows using the appropriate Incentive Multiplier from the Lot Standards Chart. The developer shall follow the process outlined below to determine allowable properties of the proposed subdivision and use these properties in developing the preliminary and final plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the plat applications:

- a. The subdivision must be in one of the approved zones as listed within the [Open Space Subdivision](#) requirements, and all calculation will be based on the parcel's current zone at the time of application and the associated Lot Standards Chart with the exception of R-2A zones: R-2A zones shall be treated as R-2 zones for the purposes of this ordinance.
- b. Provide to the City the total area contained within the subdivision plat.
- c. Provide to the City the total area being dedicated to rights-of-way.
- d. Provide to the City the total acres of Constrained and Sensitive Land.
- e. Provide the City the total Net Developable Land area as defined within this section.
- f. State the area of proposed Open Space Land.
- g. Calculate Open Space Ratio.
- h. Calculate the Base Number of Lots per zone:

$$(1) \text{ Base Number of Lots R-1} = \text{Net Developable Land} / 1 \text{ acre}$$

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(2) Base Number of Lots R-1A = Net Developable Land / .75 acres

(3) Base Number of Lots R-2 and R-2A = Net Developable Land / 0.5 acres

i. Determine Incentive Multiplier

(1) Determine Incentive Multiplier based on the Lot Standards Chart, the applicable zone, and the Open Space Ratio.

j. Calculate total allowed

(1) Total allowed lots = Base number of lots multiplied by the Incentive Multiplier

F. Lot Area, Frontages, and Zoning Regulations:

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

G. Conservancy Lots:

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

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

1. Permitted Uses on Open Space Land: The following uses are permitted in Open Space Land areas:
 - a. Street rights-of-way may traverse Open Space Land if permitted under City ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart.
 - b. Utility rights-of-way or easements, including above ground and underground utilities may traverse Open Space Land if permitted by City ordinance; areas encumbered by such facilities and/or rights-of-way may be counted as Open

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Space Land when computing the Open Space Ratio in the Lot Standards Chart so long as the rights-of-way and easements otherwise meet the requirements of this ordinance for Open Space Land.

- c. Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.
- d. Conservation of open land in its natural state; e.g., meadows, tree stands, wetlands, forestland.
- e. Waterways along with dedicated public access rights-of-way or easements along one or both sides.
- f. Underground utility easements for drainage, access, sewer or water lines, electric lines or other public purposes.
- g. Active noncommercial recreation areas, such as trails, playing fields, playgrounds, courts, and multipurpose trails. These parcels shall be maintained by the City or an owners' association and shall be open to the public if maintained by the City, or residents within the Open Space Subdivision if maintained by a functional owners association.
- h. Agricultural uses excluding livestock operations involving swine, poultry, and mink. Open Space Land of less than one-half (0.5) acre may be used as landscaped buffers for roadways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities that meet standards and uses listed herein.
- i. Fencing that is rural in character. All fencing must be transparent, such as rail fences, post fences, or wire fences and architecturally appropriate to the use as determined by the City Planner. Chain link fences are not permitted on Open Space Land. All applicants must receive a fence permit from the City before construction of any proposed fence.
- j. Golf courses, not including commercial miniature golf. A development plan must be turned in as part of the approval process that outlines ownership, development, and building plans.
- k. Neighborhood Open Space Land uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses. Neighborhood Open Space Land must be owned and maintained by an owners' association or the City.
- l. Pasture for sheep, goats, cows, horses or other animals approved by Nibley City code. Pasture and animal density must conform with Nibley City Animal Land Use Regulations and be enclosed with appropriate fencing.
- m. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.
- n. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Open Space Land. These facilities must be built to Nibley City Design Standards and Specifications, must contain a tree for every 300 square feet and planted around the perimeter, an irrigation system must be installed, and be planted with grass or natural vegetation

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2. Prohibited Uses on Open Space Land: The following uses shall be considered prohibited in Open Space Land areas:

- a. Motor vehicles are prohibited except as necessary to maintain and operate the property and/or utility facilities within the property. Recreational motorized off-road vehicle usage including but not limited to motorcycles, dirt bikes, go-carts, OHVs, dune buggies, side-by-sides and their derivatives, and snowmobiles are prohibited.
- b. Firearm ranges, and other uses similar in character and potential impact are prohibited.
- c. Advertising of any kind and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized the use of the same.
- d. Any cutting of trees or vegetation, except as reasonably necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses or other uses allowed within this section.
- e. Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as may be necessary to support a permitted use.
- f. Any dumping or storing of ashes, trash, garbage, vehicles, trailers, recreational vehicles or other equipment except for equipment needed to maintain the land.
- g. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property.
- h. Any residential, commercial or industrial activity except as specifically permitted in this ordinance.
- i. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
- j. Changing the topography of the property by placing on it any soil, dredging spoils, landfill, or other materials, except as necessary to conduct specifically permitted purposes.
- k. Hunting or trapping for any purpose other than predatory or problem animal control.
- l. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property.
- m. The division, subdivision or de facto subdivision of the property.
- n. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles.
- o. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of this section.

3. Constrained and Sensitive Lands: Except for passive recreational activities, no development or residential uses shall be permitted within Constrained and Sensitive Lands

4. Open Space Land Coordination: Open Space Land shall be consolidated and located on the border of proposed subdivision and be located adjacent to undeveloped or open space land where possible. The City may make exceptions for internal trails, constrained and sensitive lands.
5. Open Space Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the Open Space Land within a Open Space Subdivision shall be complied with as provided herein.
- I. Open Space Land Design Standards: Open Space Land shall be located and designed within the Open Space Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of Open Space Land. Designated Open Space Land within a Open Space Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet three (3) or more of the following standards:
 1. Significant Areas and Natural Landscape: Open Space Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature. This Open Space Land may also contain historic buildings and/or sites, archeological sites, and cultural features. The maintenance plan shall outline how the property will be preserved and maintained. The maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.
 2. Contiguous Land: Open Space Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other Open Space Land in adjacent subdivisions or developments to provide for large and integrated Open Space Land areas within the City.
 3. Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.
 4. Buffering: Open Space Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, six (6) trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards for City parks current at the time of approval of Final Plat. Open Space buffer areas shall be under single ownership.
 5. Pedestrian Access: Developer shall provide pedestrian access to Open Space Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
 6. Recreation Space: Open Space Land maybe designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other recreation and park amenities. These recreation spaces are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the maintenance plan can be given. Publicly and owners' association owned open spaces shall be fully developed and operational in conjunction with each phase of

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Deleted: Open Space Land shall be coordinated and located to maximize the continued use of the space. To create larger areas of Open Space Land and to combine Open Space Land from a variety of developments, Open Space Land shall be coordinated either with existing adjacent Open Space Land or with planned future Open Space Land. If no adjacent parcels of land are planned for development, Open Space Land shall be planned to provide the greatest likelihood of adjoining future developments' Open Space Land.

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the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the development agreement; until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.

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

J. Permanent Protections of Open Space Land:

1. Conservation Easement: All Open Space Land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the Open Space Land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Open Space Subdivision. All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Open Space Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the Open Space Subdivision.
2. Terms and Conditions: All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a Open Space Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:
 - a. Legal description of the easement;
 - b. Description of the current use and condition of the property;
 - c. Permanent duration of easement;
 - d. Permitted and conditional uses;
 - e. Prohibited development and/or uses;
 - f. Maintenance responsibilities and duties; and
 - g. Enforcement rights and procedures.
3. Marking of Open Space Land: Open space land shall be marked at each corner and property line intersection with a minimum 4" diameter x 3' deep concrete monument provided with an aluminum or brass cap cast or epoxied into the monument. Caps shall be stamped "Nibley Conservation Marker, Do Not Remove", and an arrow stamped into the cap perpendicular to the Open Space boundary line and pointing into the Open Space. Monuments shall be placed such that the top 6" of the monument is above finished grade at the monument location.
4. Grantee: Unless otherwise approved by the City Council, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization, or governmental entity. The City may, but shall not be required to, accept, as grantee, a conservation easement encumbering Open Space Lands within a Open Space Subdivision, provided there is no cost of acquisition to the City for the

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easement and sufficient access to and maintenance responsibilities regarding the Open Space Land are provided.

K. Ownership of Open Space Land:

1. Undivided Ownership: Unless otherwise approved by the City Council and subject to the provisions set forth in this section, the underlying fee Ownership of the Open Space Land shall remain in single Ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.
2. Property Not Subject to Subdivision: Property subject to a conservation easement, or another acceptable method of protection and preservation, shall not be subdivided.
3. Nibley City may at its sole discretion opt to take ownership of Open Space Land at the subdivision approval stage. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.
4. Owners' Association: Open Space Land may be held in common ownership by a Home Owners' or other acceptable Owners' Association, subject to all the provisions for Owners' Associations set forth in state law, the City Code, and the following:
 - a. A description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for Open Space Land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
 - b. The proposed association shall be established, funded and operating (with financial subsidization from the Developer, if required in by the City in the development agreement) prior to or concurrent with the recording of the final plat for the subdivision;
 - c. Membership in the association shall be mandatory for all purchasers of property within the subdivision and their successors in title.
 - d. The association shall be the responsible party for maintenance and insurance of its Open Space Land under the Final Maintenance Plan for the subdivision;
 - e. The bylaws of the association and restrictive covenants for the subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted; and
 - f. Written notice of any proposed transfer of Open Space Land by the Association or the assumption of maintenance for the Open Space Land must be given to all members of the Association and to the City no less than thirty (30) days prior to such event.
 - g. The owners' association shall be required to provide a bond or line of credit to the City for the cost of one year of maintenance of property owned by the Association, to be maintained by the Association for as long as the Association owns the Open Space.
 - h. In the event of a failure of the owners' association to maintain the properties in accordance with the requirements of the development agreement, the City shall revoke the owners' association's bond, determine an appropriate assessment for the operation and maintenance of the open space, and assess all properties of the Subdivision on a monthly basis for said maintenance.

5. Private Ownership: A conservation parcel may be owned by a private individual or entity. Such parcels shall have a defined purpose and restrictions recorded in the maintenance plan and comply with this section.

L. Maintenance of Open Space Lands:

1. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining Open Space Land shall be borne by the owner of the underlying fee of the Open Space Land.
2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:
 - a. The proposed Ownership of the Open Space Land;
 - b. The party that will be responsible for maintenance of the Open Space Land;
 - c. The proposed use of the Open Space Land and how each parcel of Open Space Land meets the standards listed within this section;
 - d. The size of each Open Space Land parcel; and
 - e. The proposed concept plan for landscaping of the Open Space Land.
3. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed Open Space 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.
4. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements and must complete all proposed open space improvements within the first

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three years of approval. If a designated open space parcel is planned to be maintained by a single property owner, the developer shall maintain that property until title is transferred to a new property owner.

5. Failure to Maintain: For all open space designated under the terms of this Ordinance, including privately held Open Space Lands, the responsible party for the maintenance of the Open Space Land in accordance with the terms of this ordinance, the approved maintenance agreement, any conditional use permits, business licenses or any other agreements between the City and the responsible party, or the operation of any common facilities located thereon fails to maintain all or any portion of the Open Space Land or common facilities in accordance with the aforementioned agreements and ordinances, the City may assume responsibility for the maintenance and operation of the Open Space Land. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. The owner shall not impede the City in their efforts to maintain the open space.
6. Corrective Action: The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property Owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.
7. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the conservation easement until such time as the control of the easement is transferred to the long-term manager. The developer shall address implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
8. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all Open Space Land and constrained and sensitive lands within the Open Space Subdivision.

HISTORY
Adopted by Ord. [18-05](#) on 7/19/2018

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