



Nibley City
Planning Commission Meeting
Thursday, June 3, 2021
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may participate in the meeting either in person or via the Zoom meeting link provided at www.nibleycity.com.

1. **Public Hearing:** to receive comment on Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I- Industrial to R-2A- Residential.
2. **Discussion and Consideration:** to make a recommendation for Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I- Industrial to R-2A- Residential.
3. **Public Hearing:** to receive comment on Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision regarding water assessment requirements
4. **Discussion and Consideration:** to make a recommendation for Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision regarding water assessment requirements
5. **Public Hearing:** to receive comment on Ordinance 21-11: amendment to 'Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones' regarding setback standards for accessory buildings
6. **Discussion and Consideration:** to make a recommendation for Ordinance 21-11: amendment to 'Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones' regarding setback standards for accessory buildings
7. **Public Hearing:** to receive comment on Ordinance 21-12: amendment to 'Nibley City Code 21.02.130: Prohibition on Subdivision' regarding exceptions to prohibitions for City Council/Mayor to subdivide property
8. **Discussion and Consideration:** to make a recommendation for Ordinance 21-12: amendment to 'Nibley City Code 21.02.130: Prohibition on Subdivision' regarding exceptions to prohibitions for City Council/Mayor to subdivide property
9. **Public Hearing:** to receive comment on Ordinance 21-13: amendment to requirements related to Public Notice and Hearing Requirements
10. **Discussion and Consideration:** to make a recommendation for Ordinance 21-13: amendment to requirements related to Public Notice and Hearing Requirements
11. **Workshop:** Animal Land Use Regulations for provisions related to miniature pigs.
12. **Workshop:** Open Space Plan Review
13. Staff Report and Action Items

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

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



**Nibley City Planning
Commission
Agenda Item Report
June 3, 2021**

Agenda Item #1 & #2: Rezone of Parcel 03-021-0003

Description

Public Hearing: to receive comment on Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I- Industrial to R-2A- Residential.

Discussion and Consideration: to make a recommendation for Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I- Industrial to R-2A- Residential.

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I- Industrial to R-2A- Residential.

Reviewed By

City Planner

Background

Derik and Jamie Page, property owners of Parcel 03-021-003 at 3105 S 700 W have applied to rezone the property from I-Industrial to R-2A-Residential. The parcel is 7.08 acres in size with

access to 700 W. The purpose for the rezone is to facilitate a minor residential subdivision. The applicant previously received a conditional use permit for a single-family home, which is currently being constructed on the property. The applicant has indicated that the benefit of the zone change to the community would be eliminating the possibility of negative impacts of an industrial facility on adjacent neighborhoods. The applicant has also indicated the adequate public infrastructure is in place for the proposed use.

Site Context

The property is located adjacent to existing single-family homes with R-2 zoning to the south and west, with Industrial property to the east and north (Nibley City Public Works, EK USA and Logan Coach). It should be noted, that although the zoning of the parcels south of the property is R-2, the majority of the lots are smaller than ½ acre and would be categorized as ‘legal non-conforming. The property borders the railroad tracks to the east and is in close proximity to the Elkhorn Ranch Subdivision. Access to the site is via 700 W, a small cul-de-sac, accessed from 3200 South.

General Plan Guidance

The Nibley City Future Land Use Map, currently designates this parcel as ‘medium density residential.’ Land Use Goal 1 of the Nibley City General Plan states:

Encourage development that respects and preserves the character of the City and provides a mix of commercial, residential housing and some light industrial uses. Carefully plan for growth within the City, ensuring that development occurs in suitable locations and can be efficiently served over the long term.

Furthermore, Land Use Goals 2 states:

Guide land use and growth decisions through application of the General Plan, the Future Land Use Map, and relevant goals, principles, and projects.

Residential Development and Housing Goal 2 states:

Preserve existing housing and neighborhoods where appropriate.

It is Staff’s determination that rezoning this site to a residential use would be in support of the General Plan. The Future Land Use Map designates the parcel as such and the rezone would help preserve the character of adjacent single-family neighborhoods. Although there is some manufacturing and other industrial activity near the site, it is Staff’s opinion that the impact of such activities would not be overly intrusive on future residential development. The Nibley City Public Works Yard and EK USA are buffered by the railroad corridor. Due to the siting of the approved single-family home on site and limitations on cul-de-sac length, any impacts from Logan Coach would be buffered by approximately 400 feet of pasture.

The R-2A zoning designation allows for a minimum of 12,000 sq ft lots. This zoning designation would facilitate development that is compatible with the neighborhood.

Recommended Findings

- The proposed Rezone is in support of the goals and policies of the General Plan
- Uses and allowed development in the R-2A zone is compatible with the neighborhood.

Agenda Item #3 & #4: Ridgeline Park Subdivision Water Agreement

Description

Public Hearing: to receive comment on Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision regarding water assessment requirements

Discussion and Consideration: to make a recommendation for Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision regarding water assessment requirements

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision regarding water assessment requirements

Reviewed By

City Planner, City Manager, City Engineer, City Attorney

Background

The Ridgeline Park R-PUD was originally approved on April 9, 2020. With this approval, a development agreement for the Subdivision was approved and has since been recorded. The purpose of this Addendum to the Agreement is for Nibley City and Visionary Homes to agree to the water supply requirement for the Subdivision. This agreement is necessary as the proposed

method to determine the water supply is a deviation from Nibley City Code 21.12.020(B) Water Supply which states:

B. Subdividers and developers shall be required, in all zones, to provide Nibley City with water shares or water rights sufficient to serve the culinary needs of the subdivision or development. Water rights or shares shall be required for all new subdivisions, and new commercial or industrial construction or any change of commercial or industrial use that requires additional water to service the proposed use. The amount required shall be determined by the City Engineer as part of the preliminary plat or site plan review.

1. In calculating the amount of water needed, the City shall follow Utah Administrative Code Rule R309-510: Facility Design Operation: Minimum Sizing Requirements, as may be amended.

Per UCA 10-9a-502, the Legislative Body of the City may contain terms within a development agreement which conflict with an existing land use regulation if the legislative body approved the development agreement in accordance with the same procedures for enacting a land use regulation under UCA 10-9a-530.

Since the issue of Code Rule R309-510, which is typically used to assess water, the State of Utah has issued some guidance for Cities to size their water facilities based on measured data within each City. Although not yet rule, this method was utilized in the last Water Master Plan update in 2020 completed by Jones and DeMille Engineering. What was determined in the Master Plan by utilizing the State's methodology is that a housing unit within Nibley City uses 1.21 acre-ft of water per year. This number is calculated using source water data and number of housing units. The indoor portion of that amount is 0.26 acre-ft, based on wintertime usage data. If there are 498 housing units in Ridgeline = $498 \times .26 = 129.48$ acre-ft for indoor water use. Also, per Master Plan, each Commercial unit is 3.43 x a housing unit for indoor water. With 2 Commercial pads = 1.78 acre-ft. Bringing the total amount of indoor water to 131.26 acer-ft of water.

For outdoor use, the master plan is much more general. Visionary Homes, in consultation with Civil Solutions has estimated that approximate outdoor water use is 78.3 acre-ft for Ridgeline Park. The City Engineer and Public Works Director has reviewed this method and determined that this amount is appropriate for the subdivision.

Based upon these methods, and a recommendation from the Public Works Director and City Engineer, the overall water supply for Ridgeline Park should be set at 209.5 acre-ft. The attached agreement provides that this will be the maximum assessed amount for the development to be required commensurate with each phase of the subdivision.

Recommended Findings

1. Water supply requirements for the subdivision are sufficient to meet the needs of Ridgeline Park Subdivision according to its size, units, and development type.
2. The methods used to determine water supply requirements are an appropriately applied method given the circumstances, terms, and conditions of the Development and R-PUD.

Agenda Item #5 & #6: Accessory Building Setback Requirements

Description

Public Hearing: to receive comment on Ordinance 21-11: amendment to ‘Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones’ regarding setback standards for accessory buildings

Discussion and Consideration: to make a recommendation for Ordinance 21-11: amendment to ‘Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones’ regarding setback standards for accessory buildings

Department

City Planning

Action Type

Legislative

Recommendations

Recommend approval of Ordinance 21-11: amendment to ‘Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones’ regarding setback standards for accessory buildings

Reviewed By

City Planner

Background

During the May 6 Planning Commission meeting, the Planning Commission discussed potential adjustments to setback standards to address concerns related to impact on adjacent properties. Nibley City recently adopted an ordinance that requires larger setbacks for commercial buildings when adjacent to residential development. Specifically, commercial buildings, when adjacent to residential development, must be setback 30’ with an increased setback of 1 foot for every additional foot in height. These standards were meant to mitigate impacts related to commercial activity, as well as visual impacts related to the building itself.

There was general direction from the Planning Commission, that additional setback standards for accessory buildings over 20 feet in height may be appropriate. Staff recommends that for

accessory buildings greater than 20 feet in height, a minimum setback of 10 feet be established. In addition, a provision that no part of the building, including roof overhangs, may encroach within 1 foot of the property line in any location. Staff also recommends to base maximum building size and height upon lot size, rather than the underlying zone.

Agenda Item #7 & #8: Prohibition of Subdivision

Description

Public Hearing: to receive comment on Ordinance 21-12: amendment to ‘Nibley City Code 21.02.130: Prohibition on Subdivision’ regarding exceptions to prohibitions for City Council/Mayor to subdivide property

Discussion and Consideration: to make a recommendation for Ordinance 21-12: amendment to ‘Nibley City Code 21.02.130: Prohibition on Subdivision’ regarding exceptions to prohibitions for City Council/Mayor to subdivide property

Department

City Planning

Action Type

Workshop

Recommendations

Consider recommendation for Ordinance 21-12: amendment to ‘Nibley City Code 21.02.130: Prohibition on Subdivision’ regarding exceptions to prohibitions for City Council/Mayor to subdivide property

Reviewed By

City Planner

Background

NCC 21.02.130 provides the following:

- A. *It is unlawful for any person to subdivide any tract or parcel of land located wholly or in part in the Nibley City limits, and no application for any subdivision for any tract or parcel of land may be approved, if any of the following apply;*

1. *The applicant or subdivider is a member of the City Council;*
 2. *The applicant or subdivider is a spouse of a City Council member;*
 3. *A member of the City Council owns an interest of any kind in the applicant or subdivider;*
- B. *As set forth in NCC 1.10.030, the Mayor is a member of the City Council for the purpose of this Section.*
- C. *A violation of this section is a Class B Misdemeanor.*

Mayor Shaun Dustin recently requested a subdivision of a lot in the Apple Creek Subdivision. The proposed subdivision would divide Lot 35 into 2 lots. One of the lots is intended to be inhabited by Mayor Dustin. As this conflicts with NCC 21.02.130, this subdivision would not currently be legal.

Mayor Dustin has petitioned the City to add the following sub-section to NCC 21.02.130

- D. *Exceptions to this prohibition are as follows:*
1. *Minor subdivision or amendment to an existing subdivision for the purpose of creating a legally conforming lot for a principal residence to be occupied by the subdivider*

Update for June 3

The Planning Commission gave general direction not to continue this item at the May 6 meeting. However, the applicant (Mayor Shaun Dustin) requested that it be heard by the Commission and felt that the Planning Commission is compelled to do so. Under this circumstance, there are several provisions of Nibley City Code and State Law that apply. Staff consulted with the City Attorney, who provided the following background information:

Background Rules and Code:

- *State Law says planning commission shall hold a hearing on land use regulations. 10-9a-302: Planning Commission “shall review and make a recommendation to the legislative body for: ... land use regulations,” and “[b]efore making a recommendation ..., the planning commission shall hold a public hearing. 10-9a-502: Planning Commission “shall ... hold a public hearing on a proposed land use regulation” and “review and recommend to the legislative body a proposed land use regulation that represents the planning commission’s recommendation.”*
- *State law says that, if a planning commission doesn’t make a recommendation, “A legislative body may consider a planning commission’s failure to make a timely recommendation as a negative recommendation if the legislative body has provided for that consideration by ordinance.” 10-9a-502(2)(c). “A legislative body may consider a planning commission’s failure to make a timely recommendation as a negative recommendation.” 10-9a-302(4).*
- *State law has a bit of a contradiction, then, because it says both that the Commission “shall” hold a hearing and make a recommendation, but also assumes that there will be a*

situation where the Commission does not make a recommendation and the Council takes action anyway.

- *City Code says, “All proposed amendments shall be proposed by or submitted to the planning commission for its recommendation. Such recommendations shall be forwarded to the city council for action within thirty (30) days of receipt by the planning commission. Failure of the planning commission to submit a recommendation within the prescribed time shall be deemed approval by such commission of the proposed change or amendment.” 19.02.040.*
- *City code is a bit problematic, because it says the failure to make a recommendation is considered a positive recommendation, where state law says it should be deemed a negative one. City code doesn't address what happens if no hearing is held.*
- *Rules of agenda-setting and similar issues are not governed by statute. Planning Commission and City Council can adopt rules of procedure. Generally, agendas are set by request of chair/mayor or at the request of at least two members of the body. The City Council—not the Planning Commission—sets the rules and regulations to administer the land use ordinances, which include the legislative hearing process. 19.02.080(D).*

Issues:

- *How should the Planning Commission and City Council handle a potential regulation that the Planning Commission doesn't want to consider, but the Council does?*
- *How should we handle requests submitted by property owners/residents that neither the City Council or Planning Commission want to take up (example: a request that has already been considered or rejected or a request that simply has no benefit to the City)?*

Options:

- *Require public hearing for all requests (either combine the 1st reading/consideration with a public hearing, or always require a follow-up hearing). This ensures that every land use regulation has a public hearing before the planning commission, as required by law. But this doesn't solve the issue of how to handle someone's inquiry that the City really doesn't want to address. I think it would be too much to impose a requirement that the PC must always hold a hearing on every single request that is submitted to it.*
- *Have some process by which the Council can ask the Planning Commission to hold a public hearing and make a recommendation. I like this method, since it allows for collaboration between the bodies and ensures that every request that has merit to the elected officials is heard and considered but doesn't throw the doors open to every single code change that could be requested.*

Recommendation

- *Adopt an informal appeal process. Provide that, if the Planning Commission does not act timely to hold a hearing/issue a recommendation or demonstrates that they will not hold a hearing/issue a recommendation, the Council can vote to issue a notice to the Planning Commission that (1) sets the item for a public hearing before the planning commission and (2) requests that the commission issue a recommendation. This could lead to tension, as*

the Council would be overriding the Commission's normal ability to decide what items are set for a hearing on the Commission's agenda, but I think this approach balances out the code's requirement that the Commission "shall" hold a hearing and "shall" make a recommendation with the code's statement that the failure of the Commission to make a recommendation shouldn't prohibit the Council from hearing and considering an item. It also doesn't throw the doors open to require the City consider every possible code change request.

Because the City does not currently have the informal appeal process adopted, the Planning Commission should consider any formally requested land use ordinance change. Staff does not have a specific recommendation for this item but recommends for the Planning Commission to consider the item and forward a recommendation to City Council. Staff also recommends adopting findings for the motion, so that the City Council is clear about the justification for the recommendation.

Agenda Item #9 & #10: Public Notice & Hearing Requirements

Description

Public Hearing: to receive comment on Ordinance 21-13: amendment to requirements related to Public Notice and Hearing Requirements

Discussion and Consideration: to make a recommendation for Ordinance 21-13: amendment to requirements related to Public Notice and Hearing Requirements

Department

City Planning

Action Type

Legislative

Recommendations

Recommend approval of Ordinance 21-13: amendment to requirements related to Public Notice and Hearing Requirements

Reviewed By

City Planner

Background

One of the Planning Commission Goals for 2021 is to review and update public hearing requirements and public involvement practices, spending more resources toward public involvement during earlier stages of the planning process. Utah State Code provides minimum requirements regarding public noticing and public hearings. In some cases, Nibley City Code exceeds or conflicts with these minimum provisions which change periodically. For example, in 2021, SB 201 made changes to public notices which eliminates some requirements to publish notices in newspapers. The existing code requires notification in the newspaper for certain notices. Conflicts between State Code and Nibley City Code become difficult for the City to administer as it requires constant cross-checking requirements between the two codes, which are often similar but with some nuances that need to be addressed.

Staff has determined that rather than listing out specific public notice requirements within Nibley City Code, it would be more appropriate to reference State Code and ensure compliance with this Code. This will better ensure that we meet minimum State requirements and allow City Staff to focus resources on involving the public in other meaningful ways. Staff is currently researching other standard methods to consider with various land use applications and planning processes.

Agenda Item #11: Miniature Pigs

Description

Workshop: Animal Land Use Regulations for provisions related to miniature pigs

Department

City Planning

Action Type

Workshop

Recommendations

Discuss potential changes to Animal Land Use Regulations for provisions related to miniature pigs

Reviewed By

City Planner

Background

Recently, a potential resident of the City expressed the desire to house two Juliana Pigs on a residential lot in Nibley City. Pigs are currently addressed within NCC 19.34: Animal Land Use Regulations. Under this provision of code, pigs are only allowed on a lot with more than $\frac{3}{4}$ acre and only 1 pig is allowed per $\frac{1}{2}$ acre. There is also no differentiation between different breeds of pigs within the Code. The petitioner has expressed that the pigs are approximately the size of an english bulldog, are very clean and have minimal impact to neighbors.

Although most communities prohibit large pigs from residential zones, some municipalities address miniature pigs differently than livestock. For example, Logan City defines potbelly pigs as ‘exotic pets,’ allowing up to 5 of such for each residence.

The purpose of this workshop is to discuss whether to consider amending Nibley City Code to treat pet miniature pigs differently than conventional livestock.

Considerations

- What is the anticipated impact of miniature pigs on residential neighborhoods (smell, noise, etc.)?
- Can anticipated impacts be reasonably mitigated?
- What are the potential benefits to the community to allowing the keeping of miniature pigs as pets?

Agenda Item #12: Open Space Plan Review

Description

Workshop: Open Space Plan Review

Department

City Planning

Action Type

Workshop

Recommendations

Discuss revisions to Nibley City Open Space Plan

Reviewed By

City Planner

Background

Nibley City has adopted a ‘Parks, Trails, Recreation & Open Space Master Plan.’ Regarding Open Space, this plan provides some guidance about how to approach open space preservation, including the following:

- Allow for developers to purchase bonus density
- Bonus density in lieu of TDR credits
- Prohibit Single-family HOAs
- Establish Agricultural Protection Areas

In support of this plan, the City will pursue the formulation of a Transfer of Development Rights (TDR) ordinance. The fundamental elements of a TDR ordinance is the establishment of sending and receiving zones. Sending zones are areas that the City would prefer to be preserved as open space and which the rights to develop could be transferred to receiving zones, which are more concentrated development areas. This requires the City to articulate which areas we would like to preserve and which areas we are comfortable with higher densities than conventional development.

Although the Future Land Use Map calls out some areas for preservation of open space, the currently adopted plan shows very limited areas, although there are strong values in Nibley City for the preservation of open space.

The purpose of this workshop is to discuss which attributes the City should prioritize in the preservation of open space. Based upon this discussion, Staff will then develop potential scenarios for open space preservation for the Planning Commission to consider. This will prepare the City to develop a robust TDR ordinance.



REZONE APPLICATION

MAY 17 3:18 PM

Office Use Only

Date Received 5/17

Fee Paid \$30

Rec'd By [Signature]

Property Owner Information

Name Derik and Jamie Page
Address 2560 W. 20 N. Hiram UT 84319
Phone (435) 757-5152 Cell (435) 757-5152 Fax _____
Email derik.page@jbssa.com

Property Owner Representative (If Applicable)

Name _____
Address _____
Phone _____ Cell _____ Fax _____
Email _____

PROJECT INFORMATION

Project Address 3105 S. 700 W. Nibley UT 84321
Tax I.D. Number (s) 03-021-0003
Project Size (Acres) 7.08
Current Zoning Industrial Proposed Zoning RZA

SUPPORTING MATERIALS

The following materials **must** be submitted with this Rezone Application, or the application will not be accepted by Nibley City:

____ **Survey.** The applicant shall submit a certified survey of land area to be rezoned. The applicant may submit a copy of the Cache County Recorder's plat map identifying the property proposed for rezone. The survey shall show the following:

1. Total acreage of land proposed for rezone _____
2. Adjacent land uses _____
3. Existing zoning of property _____
4. Vicinity map _____
5. Proposed project conceptual plan (if applicable) _____

____ **Applicant Statement.** A statement by the Applicant, explaining the rationale for the rezone request, shall accompany the application (attach additional sheets). The statement shall answer the following questions (please list each question and its answer underneath):

1. What is the need for the proposed zone change? _____
2. What will the public benefit be if the zone change is granted? _____
3. How does the proposal comply with the goals and policies of the Nibley City General Plan? _____
4. Is there any annexation of property necessary? _____
5. Is the anticipated use appropriate for the surrounding area? _____
6. What public infrastructure is in place to serve the type and intensity of the proposed use? If needed, could the infrastructure be reasonably extended, at the cost of the developer? _____
7. Does the proposed zone change constitute "spot zoning"? _____

_____ **Title Report.** Applicant shall provide a certified, preliminary title report listing the name of the property owner(s) and all liens, easements and judgments of record affecting the subject property. _____

_____ **Taxes.** A statement from the County treasurer showing the current tax status of the property. _____

_____ **Surrounding Property Owners.** Applicant shall provide the City with mailing labels showing the name and mailing address of all property owners of record within three-hundred (300') feet of the subject property. _____

_____ **Posting.** Not less than ten (10) days prior to the public hearing, Applicant is responsible for posting a sign in a prominent place on the property containing, in lettering that maybe reasonably read by passersby, the time, date and location of the public hearing. The posting shall not be required prior to the application being accepted. However, the City shall require that, not less than ten (10) days prior to the public hearing, Applicant provides the City with evidence of compliance with this requirement. _____

_____ **Application Fee.** All fees related to the rezone application shall be paid as part of the application submittal. _____

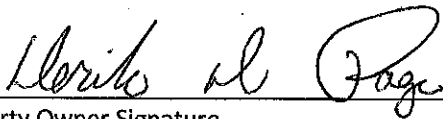
Please see staff for public hearing and notification requirements.

File the completed application at:

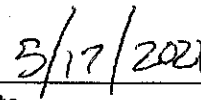
Nibley City
455 West 3200 South
Nibley, UT 84321
(435) 752-0431

Applicant Certification

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Grand County may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I have reviewed and understand the section from the Consolidated Fee Schedule and hereby agree to comply with this resolution. I also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.



Property Owner Signature



Date



Catche • Landmarks
Hingmire •
Sawtooth
Planners

25 Gable Court Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE 1 APR 02 2021
FILE
CULATED BY S EARL
CHECKED BY S CROOKSTON
PRINTED BY S EARL
PURCH NUMBER 2000PAG

717

TEACHING SURVEY CERTIFICATE

I, STEVEN C. SELLER, DO HEREBY CERTIFY THAT I AM A NON-COMMERCIAL LAND SURVEYOR AND THAT I HAD CERTIFICATE NO. 3083-9-2301 IS PRELIMINARY TO THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE MADE AND/OR SUPERVISED THE SURVEY OF THE ABOVE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF.



LEGAL DESCRIPTION

PAID 05-018-0017
PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 1 EAST,
COUNTY 13 EAST, RANGE 13 EAST, TOWNSHIP 13 NORTH, RANGE 13 EAST, DECEMBER 15,
1907.

[illegible]

1. 51°51'01" W 478.77 FEET;
2. 508°41'59" E 11.50 FEET;
3. 51°51'01" W 265.52 FEET;
4. BEARING 508°41'59" W 400.65 FEET;
TO THE POINT OF BEGINNING
CONTAINING 7.08 ACRES, MORE OR LESS

SURVEY NARRATIVE

[illegible]

STAMPED "STUDY C. EARL P. 8/16/61" HERE. SET WERE 30 NORTH
GIVEN. THE BASIS OF BEHAVIOR USED WAS THE UTAH STATE PLANE. NORTH
EAST. COORDINATE GRID.

LEGEND

- [illegible]



GRAPHIC SCALE 1" = 50'



PARCEL 03-018-0017

PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN NIBLEY CITY, CACHE COUNTY, UTAH, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION;
THENCE S0°13'27"E 2654.35 FEET TO THE WEST QUARTER CORNER OF SAID SECTION;
THENCE S89°47'39"E 659.94 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING;
THENCE S89°47'39"E 417.04 FEET ALONG SAID NORTH LINE TO THE WEST LINE OF THE UNION PACIFIC RAILROAD;
THENCE ALONG SAID WEST LINE THE FOLLOWING THREE COURSES:
1. S1°15'01"W 479.77 FEET;
2. S88°44'59"E 11.50 FEET;
3. S1°15'01"W 265.52 FEET;
THENCE S89°48'51"W 409.85 FEET;
THENCE N0°11'09"W 748.20 FEET TO THE POINT OF BEGINNING.
CONTAINING 7.06 ACRES, MORE OR LESS.

Applicant Statement

To whom it may concern,

As a part of the Nibley city Requirements for Rezoning application I, Derik Page, the owner of the property located at 3105 S. 700 West. As indicated in the Rezone Application sheet, the following statement should answer the seven questions below:

1. What is the need for the proposed zone change? - I am requesting that the zoning be changed from industrial to residential to allow for a small residential subdivision on the land. Prior to subdividing, the land needs to be in a residential zoning category.
2. What will the public benefit be if the zone change is granted? Changing from Industrial to residential will benefit the public by eliminating the possibility of a large industrial facility being built along with the noise, air and sound pollution that often comes with industrial areas, it will preserve the quiet nature of the area.
3. How does the proposal comply with the goals and policies of the Nibley City General Plan? In a November P&Z meeting a city official mentioned that it was the goal of the city to rezone this plot of land, furthermore, this rezone would more closely comply with the items that are prescribed in the Nibley City General Plan.
4. Is there any annexation of property necessary? No
5. Is the anticipated use appropriate for the surrounding area? Yes, There is residential area on the south and the west, the entrance to the property passes through a narrow residential street.
6. What public infrastructure is in place to serve the type and intensity of the proposed use? If needed could the infrastructure be reasonably extended at the cost of the developer? The city street goes right up to the south border of the property, power, water, are already extended onto the property with Natural Gas and Sewer just off the property line. Yes, all necessary infrastructure can be reasonably extended as it is in very close proximity. Utility easements are already in place.
7. Does the proposed zone change constitute "Spot Zoning"? No, there are adjacent residential parcels.

SCHEDULE A

1. Effective Date: April 8, 2021 at 2:37PM
2. Preliminary Title Report Only
3. The estate or interest in the land described or referred to in this Commitment and covered herein is: FEE SIMPLE
4. Title to the estate or interest in said land is at the effective date hereof vested in:

DERIK PAGE and JAMIE PAGE, husband and wife

5. The land referred to in this Commitment is in the State of Utah, County of Cache, and is described as follows:

A part of the Southwest Quarter of Section 21, Township 11 North, Range 1 East of the Salt Lake Base and Meridian, U.S. Survey. Beginning at a point in the North line of the Southwest Quarter of Section 21, being an existing fence corner located South 0°26'23" East along the Section line 2655.75 feet and North 89°57'21" East along an existing fence 660.00 feet from the Northwest Corner of said Section 21; running thence North 89°57'21" East along said existing fence 417.63 feet to an existing fence corner on the Westerly right-of-way line of the Wellsville Branch of the Oregon Short Line Railroad; thence along said Westerly right-of-way line the following three courses: South 1°01'07" West 479.00 feet (South 0°58' West by record); South 88°58'53" East 11.50 feet; (South 89°2' East by record) and South 1°01'07" West 269.35 feet (South 0°58' West by record); thence South 89°58'28" West 409.74 feet (West 398.45 feet by record); thence North 0°27'58" West along an existing fence 748.32 feet to the point of beginning.

We appreciate your business and thank you for choosing Hickman Land Title Company.
Please call your Title Officer, with any questions or concerns regarding this commitment.
Your Title Officer will be Tennille Forsberg (801) 416-8900

For informational purposes only.

The property address is purported to be:
3105 South 700 West, Nibley, UT 84321



112 North Main Street
Logan, UT 84321
www.HickmanTitle.com

KH

SCHEDULE B

Section 1

The following are the requirements to be complied with:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premium, fees and charges for the policy.
3. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded, as follows:
 - A) None
4. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
5. Release(s) or Reconveyance(s) of item(s): None
6. You must give us the following information:
 - A) Any off record leases, surveys, etc.
 - B) Statements of identity all parties.
 - C) Other

NOTES:

All parties in title within the last 8 years and all persons coming into title, including those listed below, have been checked for judgments and/or tax liens and there are none, unless listed in Schedule B Section 2.

DERIK PAGE and JAMIE PAGE



112 North Main Street
Logan, UT 84321
www.HickmanTitle.com

KH

EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
8. Taxes for the year 2021, and subsequent years, not yet due and payable.
Tax Parcel No. 03-021-0003. Taxes for the year 2020 were paid in the amount of \$2,872.32
9. Subject to all existing roads, streets, alleys, ditches, reservoirs, utilities, canals, pipe lines, power, telephone, sewer, gas or water lines, and right of way and easements thereof.
10. Record overlap of 0.17 feet on the Southwest portion thereof created by Warranty Deed executed March 28, 1973 by W.O. Floyd and Eva A. Floyd, husband and wife to Aiva Paul Howell and Beverly Howell, husband and wife. Recorded 2 April 1973 as Filing No. 372159 in Book 153 at Page 561 in the office of the Recorder of Cache County, Utah
11. Subject to the terms and conditions of that certain contract executed by Oregon Short Line Railroad Company, Union Pacific Railroad Company of Utah. Recorded July 11, 1969 as Filing No. 352534 in Book 119 at Page 719 in the office of the Recorder of Cache County, Utah
12. AGREEMENT
Between: NIBLEY BLACKSMITH FORK IRRIGATION COMPANY and HESSTON OF UTAH
Recorded: January 6, 1972
Entry No: 164491
Book/Page: 140/414



-
13. RIGHT OF WAY EASEMENT
Grantee: MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY
Recorded: May 21, 1981
Entry No: 443305
Book/Page: 285/784
14. Rights of tenants as tenants only.
15. Rights or claims of parties in possession.
16. The Company specifically excepts any and all matters pending against any lessee or tenant, being on or off record, including but not limited to, bankruptcies, judgment liens, Federal and State Tax Liens, etc., and makes no certification as to the checking of judgments, tax liens, or other encumbrances created by any lessee or tenant.
17. RIGHT OF WAY EASEMENT
Recorded: January 26, 2021
Entry No: 1274302
Book/Page: 2220/1678
- NOTICE OF MORTGAGE
Recorded: April 20, 2021
Entry No: 1283694
Book/Page: 2245/1358
-

NOTES:

Exception numbered 1-6 will be eliminated on the ALTA Extended Coverage Policy and the ALTA Homeowners Policy.

For informational purposes only, vesting document and a **24 month chain of title** is provided: A review of the records contained in the County Recorder's Office was conducted thru the effective date of this commitment as shown in Schedule "A" herein and the following Deeds of Conveyance and/or Real Estate Purchase Contracts were found:

Warranty Deed from JAKE THOMPSON to DERIK PAGE and JAMIE PAGE, husband and wife recorded September 4, 2020 as Entry No. 1258469 in Book/Page 2178/732

In the event this transaction fails to close, a minimum \$200.00 cancellation fee will be charged for services rendered in accordance with the rates that are on file with the Commissioner of Insurance of the State of Utah.



112 North Main Street
Logan, UT 84321
www.HickmanTitle.com

KH

NOTICE TO APPLICANT AND/OR PROPOSED INSURED:

Commitment is subject to such other and further requirements and exceptions as they appear necessary to the Company.

If you require copies of any documents identified in this commitment for Title Insurance, the Company will furnish the same upon specific request, either free of charge or for the actual cost of duplication for those copies requiring payment by the Company to obtain.

The land described in this Commitment may be serviced by services provided by cities, towns, public utility companies and other firms providing municipal type services which do not constitute liens upon the land and for which no notice of the existence of such service charges is evidenced in the Public Records. The applicant and/or purposed insured should directly contact all entities providing such services and make the necessary arrangements to insure payment for such services and continuation of services to the land.

The policy to be issued contains an arbitration clause. Any matter in dispute between you and the Company may be subject to arbitration as an alternative to court action. You may review a copy of the arbitration rules at <http://www.alta.org>. Any decision reached by arbitration shall be binding upon both you and the Company. The arbitration award may include attorney's fees, if allowed by state law, and may be entered as a judgment in any court of proper jurisdiction.



112 North Main Street
Logan, UT 84321
www.HickmanTitle.com

KH



Cache County

1857
www.cachecounty.org/treasurer

Website is updated nightly to reflect payments.

Additional answers and resources are available online.

Cache County Treasurer's Office
Craig McAllister - Treasurer
179 North Main Street, Room 201
Logan, Utah 84321
(435) 755-1500
(877) 690-3729 Phone Payments
USE JURISDICTION CODE: 3412

2020 TAX NOTICE

DUE Monday, November 30, 2020

Parcel Number: 03-021-0003



Tax Area: 008

Page 1 of 2 (OVER)

PROPERTY ADDRESS / LEGAL DESCRIPTION

3105 S 0700 W NIBLEY

BEG AT A PT IN THE N LNE OF SW/4 SEC 21 T 11N
R 1E LOCATED S 26'23" E 2655.75 FT & N
89°57'21"E 660 FT FROM NW COR SD SEC N
89°57'21"E 417.63 FT TO FENCE TH ALG WLY RR
R/W LNE FOLL 3 COURSES S 1°01'07" W 479 FT S
88°58'53"E 11.5 FT S 1°01'07"W 269.35 FT S
89°58'28"W 409.74 FT N 0°27'58"W 748.32 FT TO
BEG CONT 7.08 AC

THIS MAY NOT BE A COMPLETE LEGAL DESCRIPTION

TAXES HEREIN ENUMERATED FOR THE CURRENT YEAR ARE DUE AND PAYABLE IN TREASURER'S OFFICE, LAST NOTICE REQUIRED BY LAW.

PROPERTY TYPE	ACRES/COUNT	MARKET VALUE	TAXABLE VALUE	TAX AMOUNT
BUILDING AGRICULTURE		13,700	13,700	150.48
LAND AGRICULTURE	7.08	247,800	247,800	2,721.84
*** NEW PAYMENT OPTIONS ON BACK OF NOTICE ***				
TOTALS		7.08	261,500	2,872.32

ENTITY	TAXING UNIT	TAX RATE	TAX AMOUNT - BREAKDOWN
28	CACHE CO GENERAL FUND	0.001607	420.23
30	CACHE SCHOOL DISTRICT	0.005465	1,429.10
38	CACHE CO HEALTH FUND	0.000094	24.58
48	MULTI-CO A & C	0.000012	3.14
58	CACHE CO A & C	0.000325	84.99
60	CACHE SCHOOL STWDE LEVY	0.001628	425.72
06	MILLVILLE/NIBLEY CEMETERY	0.000073	19.09
08	NIBLEY CITY	0.001667	435.92
67	CACHE SCHOOL CHARTER LEVY	0.000051	13.34
70	CACHE MOSQUITO ABATE. DISTRICT	0.000062	16.21

Please see reverse side of this notice for additional information - Thank you for your timely payment.

PAID IN FULL

SUBJECT TO FUNDING FROM YOUR BANK

2020 TOTAL TAXES	0.010984	\$	2,872.32
2020 Last Payment Date: 11/27/2020	PREPAYMENTS		2,872.32
ADJUSTMENTS TO TAXES			0.00
2020 TAX DUE		\$	0.00
TOTAL DUE		\$	0.00

PLEASE BRING ENTIRE NOTICE WHEN PAYING IN PERSON IF MAILING IN PAYMENT, DETACH AND KEEP ABOVE PORTION FOR YOUR RECORDS.

If you are interested in making prepayments for 2021 on parcels that are \$100 or more, please COMPLETELY FILL IN THE TOP BOX BELOW. A coupon book will be sent to you at no additional charge by the end of February 2021. Payments may be sent or made on-line at www.cachecounty.org/treasurer

☐ **Yes, I am interested in a coupon book.**

Please include parcel number on all checks or correspondence.
Make check payable to: Cache County Treasurer

Parcel Number: 03-021-0003



☐ **PLEASE NOTE ONLY A CHANGE OF MAILING ADDRESS BELOW:**

PAGE, DERIK & JAMIE

Address _____

City _____ State _____ Zip _____

(OVER)

THIS PROPERTY MAY BE RE-APPRAISED

PARCEL NUMBER	03-021-0003
TOTAL DUE	\$0.00

**Taxes are delinquent at 5:00 p.m.
Monday, November 30, 2020**

Printed Wednesday, May 5, 2021

Page 1 of 2 (OVER) The Treasurer's website is updated nightly reflecting all posted payments.



Cache County
1857

2020 TAX YEAR

TREASURER

179 North Main St. Suite 201 • Logan, UT 84321 • (435) 755-1500

5/5/2021

03-021-0003

Parcel Number

Owner's Name & Address

Owner(s) List (1/1/2020)

Parcel **03-021-0003** Entry **1258469**
Name **PAGE, DERIK & JAMIE**
C/O Name
Address **256 W 20 N**

City, ST Zip **HYRUM, UT 84319-1508**
District **008 NIBLEY CITY W/CEM**
Year **2020** Status **TX**

1 PAGE, DERIK & JAMIE
1258469 2178/732

Property Address

Address **3105 S 0700 W**
City **NIBLEY**
Assr. Review **05/15/2020**

LEGAL DESCRIPTION FOR 2020

BEG AT A PT IN THE N LNE OF SW/4 SEC 21 T 11N R 1E LOCATED S 26°23' E 2655.75 FT & N 89°57'21"E 660 FT FROM NW COR SD SEC N 89°57'21"E 417.63 FT TO FENCE TH ALG WLY RR R/W LNE FOLL 3 COURSES S 1°01'07" W 479 FT S 88°58'53"E 11.5 FT S 1°01'07"W 269.35 FT S 89°58'28"W 409.74 FT N 0°27'58"W 748.32 FT TO BEG CONT 7.08 AC

PROPERTY INFORMATION

	2019			2020		
	Acres	Market	Taxable	Acres	Market	Taxable
BA BUILDING AGRICULTURE		12,700	12,700		13,700	13,700
LA LAND AGRICULTURE		247,800	247,800	7.08	247,800	247,800
TOTALS	7.08	260,500	260,500	7.08	261,500	261,500

BUILDING & TAX INFORMATION

	2019	(Final Tax Rate: 0.011521)	2020	(Final Tax Rate: 0.010984)
Square Footage: 2,460				
Year Built: 1982				
Building Type: Ag Bldg				
	Taxes:	3,001.22	Taxes:	2,872.32
	Special:+	0.00	Special:+	0.00
	Rollback:+	0.00	Rollback:+	0.00
	Pen/Int:+	94.90	Penalty:+	0.00
	Abatements:-	0.00	Abatements:-	0.00
	Payments:-	3,096.12	Payments:-	2,872.32
	Balance Due:	0.00	Balance Due:	0.00
	Last Payment Date:	2/6/2020	Last Payment Date:	11/27/2020

BACK TAX SUMMARY

NO BACK TAXES



Future Land Use

Update 3-25-2021

Legend

- Nibley Municipal Boundary 2020
- Annexation Declaration Boundary

Future Land Use

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



0 1,400 2,800 4,200 Feet



J-U-B ENGINEERS, INC.

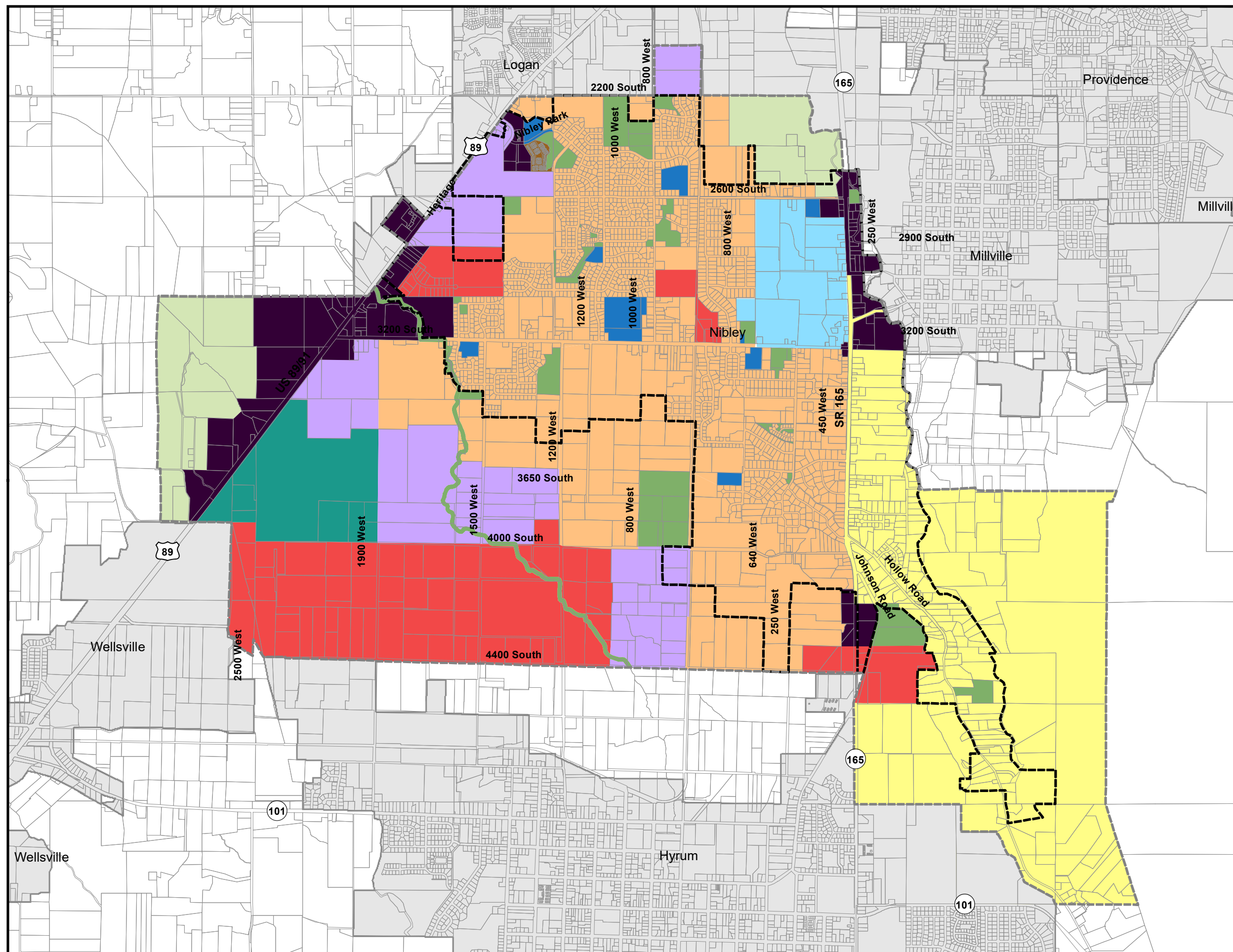


THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

J-U-B FAMILY OF COMPANIES



**NIBLEY CITY
DEVELOPMENT AGREEMENT
ADDENDUM 1**

THIS ADDENDUM 1 to the DEVELOPMENT AGREEMENT (“Agreement”) for RIDGELINE PARK SUBDIVISION, entered into this _____ day of _____, 20____, between _____, hereinafter referred to as “Developer” and Nibley City, here in after referred to as “City”, and

WHEREAS, Ridgeline Park, hereinafter referred to as “the Development” has obtained approval to be developed under a Residential Planned Unit Development (“R-PUD”) overlay zone under Nibley City Code Title 19, Chapter 32 (“R-PUD Ordinance”), which Development is governed by the terms and conditions of the approvals and agreements specific to the Development; and

WHEREAS, UCA 10-9a-530 provides that the Legislative Body of the City may contain terms within a development agreement which conflict with an existing land use regulation if the legislative body approved the development agreement in accordance with the same procedures for enacting a land use regulation under UCA 10-9a-502.

WHEREAS, the City has applied an alternative method for calculating required water for the Ridgeline Park Subdivision utilizing empirical data from the Nibley City Culinary Water Master Plan, which the City Engineer has reviewed and determined to be an appropriately applied method given the circumstances, terms, and conditions of the Development and R-PUD.

WHEREAS, the Parties intend to establish the specific terms and conditions related to water assessments for the property which deviate from Nibley City Code 21.12.020 Water Supply, which more appropriately apply to the Development.

NOW, THEREFORE, to induce Nibley City to approve the proposed ADDENDUM 1 to the DEVELOPMENT AGREEMENT, the Developer does hereby unconditionally promise and agree with Nibley City as follows:

1. Developer shall supply the City with water rights or shares transferred to the City’s name, as follows: 209.5 Acre-ft. of water shares or an equivalent amount of acre feet from an irrigation company located in Nibley City. This amount of water shares or rights shall apply to the entirety of the approved development of 498 residential units, commercial development, common open space and the 18.3 acre City-dedicated Park. The Developer shall provide a proportional amount of water shares or rights to City prior to the commencement of construction and recording of each phase, commensurate with the size and components of each phase. The City Engineer shall determine the quantity to be applied to each phase, not to exceed 204 Arce-ft. in totality.
2. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided,

however, that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

3. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.
4. Time is of the Essence. Time is of the essence to this Agreement and every right or responsibility shall be performed within the times specified.
5. Mutual Drafting. Each party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either party based on which party drafted any particular portion of this Agreement.
6. Entire Agreement. This Agreement, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.
7. No Third Parties. This Agreement, and all Exhibits thereto, is intended for the sole benefit of the named parties thereto. No third party, except for permitted successors and assigns, shall have any right to enforce any of the terms or obligations herein. Nothing in this Agreement may be construed as an amendment, modification, or waiver of Nibley City ordinances, regulations, or standards for any third party, except for permitted successors and assigns.
8. Recordation and Running with the Land. This Agreement shall be recorded in the chain of title for the Development. This Agreement shall be deemed to run with the land.
9. Attorney Fees. Both Parties shall pay for their own attorney fees and costs arising out of or connected in any way to the execution of this Agreement. Any Party that prevails in any legal proceeding, including court proceedings, arbitration, and administrative proceedings, to enforce this Agreement or adjudicate any issues under or in connection with this Agreement will be entitled to recover its reasonable attorney fees, costs, and expenses of such proceedings

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

NIBLEY CITY

DEVELOPER

By: Justin Maughan
Its: City Manager

By:

By:

STATE OF UTAH)
 :SS
County of Cache)

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

NOTARY PUBLIC

STATE OF UTAH)
 : ss
County of Cache)

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

NOTARY PUBLIC

19.24.060 Accessory Buildings in Residential Zones

- 1. General Requirements:
 - 1. A permit is required for accessory buildings greater than one hundred twenty (120) square feet in industrial, commercial or neighborhood commercial zone; or two hundred (200) square feet in a residential zone. A permit may be required for accessory buildings under the size stated above if improvements of the structure require further review from Nibley City Building Inspector as stated in the adopted building code. Accessory building in excess of 15' in height must obtain a building permit.
 - 2. All accessory buildings, regardless of size, shall comply with all the setback requirements found in NCC 19.22.010. Setbacks shall be measured from the outermost section of the building. In no case, shall any portion of the building, including overhangs, be located within 1 ft of an adjacent lot. For accessory buildings with a height greater than 20 feet, the minimum side or rear setback is 10 feet.
 - 3. The total square footage of all accessory buildings shall not occupy more than twenty five percent (25%) of the rear yard.
 - 4. Accessory buildings must be anchored to a concrete slab, or other methods approved by the building inspector.
 - 5. Accessory buildings shall not be located in front of the principal building.
 - 6. No accessory building or use shall be constructed or developed on a lot prior to construction of the principal building.
- 1. Size Restrictions: In order to preserve the residential character, the following shall serve as size restrictions on accessory buildings located in residential zones in Nibley City:

Lot Size	Maximum Square Footage	Maximum Building Height (Feet)
0 - 14,000 square feet	1,000	20
0.33 - 0.49 acre	1,200	20
0.5 - 0.74 acre	1,500	20
0.75 - 0.99 acre	3,000	30
1.0 - 1.99 acres	5,000	30
2.0 acres and above	No limit	30

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19.22.010 Space Requirements Chart

C.	Setback accessory uses									
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	20	20	50
	Side yard, interior	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	0(10) ⁴	0(10) ⁴	0(10) ⁴
	Side street yard,		25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	20	20	25(35) ³
	Rear yard	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	0(10) ⁴	0(10) ⁴	1(10) ⁴
D.	Height maximum									
	Principal uses	40	40	40	40	40	40	40	35 ¹²	50(70) ¹⁰
	Accessory uses	30	30	30	30	20	20	30	20	30
E.	Fences and walls maximum height									
-	Principal uses	40	40	40	40	40	40	40		50(70)10
-	Accessory uses	30	30	30	30	20	20	30		30

Commented [LR1]: Addressed in 19.24.060

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Commented [LR2]: Addressed in 19.24.090

21.02.130 Prohibition On Subdivision

1. It is unlawful for any person to subdivide any tract or parcel of land located wholly or in part in the Nibley City limits, and no application for any subdivision for any tract or parcel of land may be approved, if any of the following apply;
 1. The applicant or subdivider is a member of the City Council;
 2. The applicant or subdivider is a spouse of a City Council member;
 3. A member of the City Council owns an interest of any kind in the applicant or subdivider;
2. As set forth in NCC 1.10.030, the Mayor is a member of the City Council for the purpose of this Section.
3. Exceptions to this prohibition are as follows:
 - 2.1. Minor subdivision or amendment to an existing subdivision for the purpose of creating a legally conforming lot for a principal residence to be occupied by the subdivider.
- 3.4. A violation of this section is a Class B Misdemeanor.

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19.02.040 Changes and Amendments

This title, including maps, may be amended from time to time by the city council after holding a public hearing in order to correct manifest errors and to more fully carry out the policies of the ~~comprehensive plan~~ General Plan. Notice of such hearing shall be given in accordance with ~~NCC 19.02.120(G)~~ Utah State Code. All proposed amendments shall be proposed by or submitted to the planning commission for its recommendation. Such recommendations shall be forwarded to the city council for action within thirty (30) days of receipt by the planning commission. Failure of the planning commission to submit a recommendation within the prescribed time shall be deemed ~~approval~~ a negative recommendation by such commission of the proposed change or amendment. The city council may overrule the planning commission's recommendation by a majority vote of its members.

19.02.120 Public Notification Procedures

- A. Short Title: This section shall be known as the PUBLIC NOTIFICATION PROCEDURES ORDINANCE OF NIBLEY, UTAH.
- B. Purpose: This section is enacted for the purpose of ensuring that the residents of Nibley City and surrounding areas receive timely, adequate and proper notice of public hearings and meetings regarding those decisions which affect business licensing, land use, commercial and residential zoning and development, and the development and implementation of the Nibley City general plan.
- C. Conflicts: Wherever the notification requirements of this section are in conflict with any other legally adopted rules, this section shall prevail.
- D. Changes And Amendments: If, at any point, it is determined that this section needs to be changed or amended, such changes may be made by following the notification procedures outlined in this section.

~~D-E.~~ Public notification and hearing requirements for all land use applications shall follow Utah State Code. Any additional public notifications or public hearings conducted, in addition to the minimum requirements of State Code may be directed by the City Manager or chair of the pertinent review body.

E. Definitions:

~~AFFECTED ENTITY: Any municipality, school district, property owner, property owners' association, if:~~

- ~~1. The entity's services or facilities are likely to require expansion or significant modification because of the proposed land use;~~
- ~~2. The entity has filed with Nibley City a copy of their general or long range plan; or~~
- ~~3. The entity has requested notice of such public hearings.~~

~~GENERAL PLAN: The document adopted by Nibley City setting forth guidelines governing future development and land use within Nibley City.~~

~~LAND USE: Planning, zoning and development of land within Nibley City that falls within the normal course of development and within the general plan.~~

~~LAND USE AUTHORITY: A person, board, commission, agency or other body designated by the Nibley City council or Nibley City planning commission to act upon a land use application.~~

NOTICE: A document of such size and wording as to give the time, date, place and agenda of the meeting or hearing.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

F. Land Use Authority For Public Hearing: Unless otherwise specified, the governing land use

Land Use Application	Land Use Authority		
	City Council	Planning Commission	City Staff
Annexation petition	X1		
Annexation policy plan	X	X	
Conditional use permit		X2	X3
General plan	X	X	
Ordinance change (new or existing)	X	X	
Plat amendment		X1	
Proposal to vacate, alter or amend a public street or right of way	X	X	
Subdivision ordinance	X	X	
Subdivision; preliminary approval	X		
Zone changes		X1	

authority for hearings required by this subsection shall be as follows:

Notes:

1. The city council shall hear this matter after recommendation of the planning commission.
2. When required by the planning commission.

3. The planning commission may designate to city staff, its land use authority for those conditional use permit applications outlined in NCC 3.02.040.

G. Public Hearing Notification:

1. General Plan Hearing: For all public hearings regarding the adoption of or modification to any portion of the Nibley City general plan, notice is required as outlined below:
 - a. Notice shall be published in a newspaper circulated throughout Nibley City ten (10) days from the time of the hearing.
 - b. Notice shall be mailed ten (10) days prior to each affected entity.
 - c. Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.
 - d. Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.
2. Land Use Ordinance Hearing: For all public hearings regarding the adoption of or modification to any land use ordinance of Nibley City, notice is required as outlined below:
 - a. Notice shall be published in a newspaper circulated throughout Nibley City ten (10) days from the time of the hearing.
 - b. Notice shall be mailed at least ten (10) days prior to the hearing to all property owners directly impacted by a change in zone of their property or located within three hundred feet (300') in any direction of the property at issue.
 - c. Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.
 - d. Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.
3. Subdivision Hearing: For all public hearings regarding a proposed subdivision of property, an amendment to an existing subdivision, or pending approval of a preliminary subdivision plat, notice is required as outlined below:
 - a. Notice shall be mailed to all property owners within three hundred feet (300') in any direction of the property at issue at least ten (10) days prior to the hearing.
 - b. Notice shall be posted on the property proposed for subdivision, in a visible location, and of such a size and quality as to be readable by passers by at least ten (10) days prior to the hearing.
 - 1) The sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, or attached to another city manager approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.
 - 2) Centered at the top of the four foot by four foot (4' x 4') signboard(s) in six inch (6") letters shall be the words "City Of Nibley Public Hearing Notice". In addition, each sign will inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the proposal to be considered, a city contact phone number, the location of the development and the name of the applicant, and, if applicable, the proposed development. Each sign shall be painted white, and the letters shall be painted black and shall appear on both sides.

- c.—Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.
 - d.—Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.
 - e.—All costs incurred in the process of notifying those identified in subsection G,3,a of this section shall be paid by the person or persons seeking the subdivision.
- 4.—Hearing On Proposal To Vacate, Alter Or Amend A Public Street Or Right Of Way: For all public hearings regarding a proposal to vacate, alter or amend a public street or right of way, notice is required as outlined below:
- a.—Notice shall be published in a newspaper circulated throughout Nibley City once a week for four (4) consecutive weeks prior to the hearing.
 - b.—Notice shall be mailed to all property owners within three hundred feet (300') in any direction of the property at issue at least ten (10) days prior to the hearing.
 - c.—Notice shall be posted on the property proposed for vacation, alteration or amendment, in a visible location, and of such a size and quality as to be readable by passers-by at least ten (10) days prior to the hearing.
 - 1) The sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, or attached to another city manager approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.
 - 2) Centered at the top of the four foot by four foot (4' x 4') signboard(s) in six inch (6") letters shall be the words "City Of Nibley Public Hearing Notice". In addition, each sign will inform the public of the nature of the hearing, the date, time and address of the hearing location, a summary of the proposal to be considered, a city contact phone number, the location of the development and the name of the applicant, and, if applicable, the proposed development. Each sign shall be painted white, and the letters shall be painted black and shall appear on both sides.
 - d.—Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.
 - e.—Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.
- 5.—Conditional Use Permit Hearing: If it is determined by the Nibley City planning and zoning commission, or their designee, that a public hearing is warranted to aid in the issuance or denial of a conditional use permit, notice is required as outlined below:
- a.—Notice shall be mailed to all property owners within three hundred feet (300') in any direction of the property at issue not less than ten (10) days prior to the hearing.
 - b.—Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.
 - c.—Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.
 - d.—All costs incurred in the process of notifying those identified in subsection G,5,a of this section shall be paid by the person or persons seeking the conditional use permit.

~~6.—Other Public Hearings: For all other public hearings required by state or local ordinance and not mentioned above, notice is required as outlined below:~~

- ~~a.—Notice shall be published in a newspaper circulated throughout Nibley City ten (10) days from the time of the hearing.~~
- ~~b.—Notice shall be mailed at least ten (10) days prior to the hearing to all property owners directly impacted by and located within three hundred feet (300') in any direction of the property at issue.~~
- ~~c.—Notice shall be posted at a public location within the boundaries of Nibley City not less than ten (10) days from the time of the hearing.~~
- ~~d.—Notice shall be posted on Nibley City's website and on the Utah public notice website not less than ten (10) days from the time of the hearing.~~

H.F. Challenge To Notice: Any notice under this section not challenged within thirty (30) days after the hearing or meeting for which the notice was given, shall be deemed as proper.

19.28.030 Review Procedure

- A. The Planning Commission is the land use authority for Conditional Use Permits, but may appoint staff to review and approve conditional use permit application according to NCC 3.02.040.
- B. Application: Application for a conditional use permit shall be made to the City.
- C. Proposed Use: The applicant shall provide sufficient detail of the proposed use to allow the City to properly classify the use and gauge the proposed impact the use.
- D. Plans Required: Detailed location, site and any applicable building plans shall accompany the complete application forms provided by the city.
- E. Consideration By the City: The application, together with all pertinent information, shall be considered by the Planning Commission at its next regularly scheduled meeting according to application deadlines as adopted by the Planning Commission, or be reviewed by staff within a timely fashion.
- F. Public Hearing: The planning commission chair or City Manager may call a special public hearing on any application after adequate notice if it is deemed by the planning commission chair or the City Manager ~~staff~~ to be in the public interest. If a public hearing is deemed in the public interest, it shall be the responsibility of the applicant to pay a fee as set by the City Council to cover the costs incurred in advertising and notifying residents and neighbors. All property owners within three hundred feet (300') of the applicant's property must be notified by mail at least ten (10) days before the public hearing.

21.06.050 Public Notice And Hearing Required

- A. Subdivider shall post a sign on the property for the purpose of notifying the public of the proposed subdivision which complies with Utah State Code. The sign shall meet the following standards:
 - 1. The sign shall be posted on the property in a location visible and within 10' of an adjacent right-of-way.
 - 2. The sign(s) shall consist of four foot by four-foot(4' x 4') plywood or other hard surface and the bottom of the sign shall be at least three feet (3') above the ground.
 - a. Centered at the top of the four foot by four-foot (4' x 4') signboard(s) in six-inch (6") letters shall be the words "City Of Nibley Public Notice". In addition, each sign will

inform the public of the nature of the notice, the date, time and address of the location, a summary of the proposal to be considered, a city contact phone number, the location of the development and the name of the applicant, and, if applicable, the proposed development. Each sign shall be painted white, and the letters shall be painted black.

City of Nibley Public Notice

Preliminary Subdivision Plat For This Property

(Date and Time)

(Meeting address)

(City Hall Phone Number)

(Applicant Name)

- B. Notice of the proposed subdivision shall be mailed to all property owners within three hundred feet (300') in any direction of the property at issue at least ten (10) days prior to the meeting. The letter shall include the same information that is required for the sign.
- C. If a public hearing is required, notice of the public hearing shall be added onto the sign and included with letters sent to property owners within 300 ft. Other public hearing notices shall be followed as outlined in NCC 19.02.120

Commented [LR1]: I think we should keep this as it gives clearer guidance than State Code

21.06.060 Land Use Authority

- A. The Land Use Authority shall be established according to the table below for Preliminary Plats, Final Plats, and Development Agreements.

Subdivision Type	Approval Authority	Public Hearing Required
Standard Subdivision	Planning Commission	No
Minor Subdivision	Planning Commission	No
Rural Preservation Subdivision	City Council	Yes
Cluster	City Council	Yes
R-PUDs and other Overlay Zones Development	City Council	Yes

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- A. The Approval Authority shall have approval authority of the Preliminary Plat, Final Plat, and Development Agreement as required in Nibley City Code.
 - 1. The City Council shall approve any development agreement and Final Plat if said development agreement would obligate the City to build infrastructure over \$25,000.
 - 2. If the City Council is the Approval Authority, they shall not approve, approve with conditions, or deny a Preliminary or Final Plat until they receive a recommendation from the Planning Commission.
- B. Construction Drawings, Engineering Reports and Design Compliance shall be approved by the Nibley City Engineer, who shall consult with the City Planning Department and Public Works Departments before approval.
- C. Subdivisions shall follow the established process within the section of Nibley City Code that outlines the requirements and process for that type of development.