



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, June 10, 2021 – 6:30 p.m.

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 also participate in the meeting via the Zoom meeting link provided at www.nibleycity.com. Public comment should be submitted to cheryl@nibleycity.com by 6:30 p.m. and will be read into the public record.

1. Opening Ceremonies (Councilmember Beus)
2. Call to Order and Roll Call (Chair)
3. Approval of the May 13, 2021 Regular and Executive Session Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. Approval of Items on the Consent Agenda²
 - 6-a. **Resolution 21-15:** Amending Nibley City's Consolidated Fee Schedule (Updating Engineering Services & Development Inspections Fees)
 - 6-b. **Resolution 21-16:** Implementing a Fee for Emergency Medical Services
 - 6-c. **Resolution 21-17:** Regulating the Use of Fireworks Within Nibley City
7. **Public Hearing** – Ordinance 21-05: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City
8. **Public Hearing** – Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential
9. **Public Hearing** – Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision Regarding Water Assessment Requirements
10. **Public Hearing** – Ordinance 21-11: Amending Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for Accessory Buildings
11. **Public Hearing** – Ordinance 21-12: Amending Nibley City Code 21.02.130: Prohibition on Subdivision; Exceptions to Prohibitions for City Council/Mayor to Subdivide Property
12. **Public Hearing** – Ordinance 21-13: Amending Requirements Related to Public Notice and Public Hearing Requirements
13. **Public Hearing** – Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control
14. **Public Hearing** – Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES

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

² Items on the Consent Agenda are considered to be routine and/or non-controversial and will be approved in one vote.

15. **Discussion & Consideration** – Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading)
16. **Discussion & Consideration** – Ordinance 21-05: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City (First Reading)
17. **Discussion & Consideration** – Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential (First Reading)
18. **Discussion & Consideration** – Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision Regarding Water Assessment Requirements (First Reading)
19. **Discussion & Consideration** – Ordinance 21-11: Ordinance 21-11: Amending Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for Accessory Buildings (First Reading)
20. **Discussion & Consideration** – Ordinance 21-12: Amending Nibley City Code 21.02.130: Prohibition on Subdivision; Exceptions to Prohibitions for City Council/Mayor to Subdivide Property (First Reading)
21. **Discussion & Consideration** – Ordinance 21-13: Amending Requirements Related to Public Notice and Public Hearing Requirements (First Reading)
22. **Discussion & Consideration** – Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control (First Reading)
23. **Workshop** – Capital Projects Master Plan
24. Council and Staff Report
25. Adjourn to Closed Session – To Discuss the Purchase, Exchange, or Lease of Real Property 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.



Agenda Item #6 Approval of Items on the Consent Agenda

Description	Discussion & Consideration – 6-a. Resolution 21-15: Amending Nibley City's Consolidated Fee Schedule (Updating Engineering Services & Development Inspection Fees) 6-b. Resolution 21-16: Implementing a Fee for Emergency Medical Services 6-c. Resolution 21-17: Regulating the Use of Fireworks Within Nibley City
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve the items included on the June 10, 2021 City Council Consent Agenda.
Reviewed By	Mayor, City Manager, City Treasurer

Background:

With this agenda, the City will use a Consent Agenda. Items are placed on the consent agenda that are considered to be routine and/or non-controversial. Discussion is not anticipated on these items and all of the items on the consent agenda can be approved with a single vote. If a council member would like to discuss any of the consent agenda items during the meeting, a council member may request to move that item from the consent agenda to the regular portion of the agenda.

a. Resolution 21-15: Amending Nibley City's Consolidated Fee Schedule (Updating Engineering Services & Development Inspection Fees)

Engineering Services Fee

In the past, fees for engineering development reviews were charged by our contracted City Engineer, JUB. Those fees were collected by the City in the form of a deposit

when a developer submitted their application for a subdivision. As fees were charged by JUB for reviewing the subdivision, the deposit was debited by the City to pay JUB the fees. Recently, an inhouse engineer was hired. It is expected that the fees proposed, will not fully pay for the new City Engineers full salary, but will bring in some revenue to help. We also expect these fees to be quite low as a starting point. As time goes on and actual data becomes available, the fees will likely need to be reviewed and adjusted. Staff reviewed other municipalities, and how they handle these fees, and have proposed the following:

\$1,500.00 + \$50 per lot for two reviews.

To put into perspective, two recent, similar sized subdivisions paid about \$7,000 for the review process. Under the proposed fee structure, those same subdivisions would have cost about \$4,500.

As an incentive to not submit unfinished plans for reviews, the fee will be charged in blocks of two reviews.

Development Inspection Fee

As Nibley City grows, it is imperative that the infrastructure that is constructed adheres to APWA Standards and Specifications as approved by the City Council. With all the development that is happening and expected to continue into the future, the ability for current staff to adequately inspect projects has been brought into question. The proposed FY21/22 budget proposes additional staff, focused on Public Work Inspections, and will also assist in conducting building inspections as needed. The fee proposed is to help offset the cost of this additional employee. As with the Engineering Fee, it is not expected that this fee will cover the entirety of the salary proposed, but will help, and will need to be reviewed and updated as time goes on. This fee is set as a starting point, and will need to be reviewed and adjusted in the future. Staff has reviewed other municipalities across the State, and have proposed the following:

0.75% of the estimated construction cost as set forth by the Bond Summary Estimate prepared by the City Engineer, for the construction of the subdivision.

This would equate to be around \$15,000.00 for a 60 lot subdivision.

b. Resolution 21-16: Implementing a Fee for Emergency Medical Services

For nearly the past two decades, ambulance/emergency medical services have been provided through an interlocal agency called the Cache County Emergency Medical Services Authority (CCEMS). This organization was funded partially by Cache County and paid for through property taxes accessed by the County. Due to Logan and Smithfield City's decision to withdraw from CCEMS, CCEMS ceased to exist at the end of the 2020 calendar year.

At that time Cache County offered to lead countywide EMS operations through its fire department. The services offered, including ambulance transport to and between

hospitals, and to also oversee the Nibley/Millville first responder unit. Thereafter, Nibley City Council entered into an agreement with the County for these services.

There were a number of benefits and reasons to contract with the County:

1. The County has increased the level of service by
 - i. Having a licensed paramedic on staff
 - ii. Ambulance stationed in Hyrum for faster response times
2. Providing ongoing training to first responders
3. Ability for first responders to increase the level of their licenses

Cache County has continued to put the same portion of tax revenue into providing these services, as they were previously putting into the CCEMS organization. However this amount does not cover the costs. Therefore, the City Council agreed to pay \$15 per resident per year to Cache County for the services, with an increase of 3% per year thereafter. In addition, \$24,000 per year to the County for management of the Nibley/Millville First Responders Squad.

This puts an additional burden on the City budget that has not existed in the past. The most recent US Census estimate data is from 2019 with 7,135 residents in Nibley. This would put the fee to the County for the ambulance service at \$107,025. However, staff has concerns that the 2019 estimate may be low, and could possibly have a significant jump when the 2020 Census data comes out, which should be by next year.

To cover this additional burden, staff has proposed a \$6 per month per utility account. This number would bring in sufficient revenue to cover both the ambulance and the management of the First Responder Unit. It will also bring in enough to provide a bit of a buffer for next year, should the population data come in higher than expected and or absorb some of the 3% increase. Staff feels that charging the fee is more transparent, than absorbing the cost in the General fund through property taxes. However, this is an option, and the City Council could adopt a rate that would cover the increased burden through property taxes.

c. Resolution 21-17: Regulating the Use of Fireworks Within Nibley City

Dry summertime conditions increase fire hazards and necessitate special fire hazard mitigation measures. Utah Code Sections 15A-5-202.5 and 53-7-225 provide that municipalities may regulate and prevent the discharge of fireworks in certain areas with hazardous environmental conditions. New statutory requirements require the County to issue a map by June 1 of each year showing the areas where fireworks are prohibited. The recommendation from staff and Mayor Dustin is to continue the City's practice of prohibiting fireworks east of SR 165/Main Street in Nibley.

RESOLUTION 21-15

A RESOLUTION AMMENDING NIBLEY CITY'S CONSOLIDATED FEE SCHEDULE FOR ENGINEERING SERVICES AND DEVELOPMENT INSPECTION FEES

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

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

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 update the schedule as needed; and

WHEREAS, the city no longer contracts for engineering design reviews of subdivisions, and has hired an inhouse Engineer to conduct subdivision development reviews and inspections; and

WHEREAS, deposits for engineering fees to be charged against for cost of contracted engineering services are no longer needed.

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

1. Final Plat Deposit shall be removed from the Changes for Service portion of the 2020-2021 Fee Schedule.
2. Preliminary Plat Deposit shall be removed from the Charges for Service portion of the 2020-2021 Fee Schedule.
3. An Engineering Design Review Fee shall be added to the Charges for Service portion of the 2020-2021 Fee Schedule at \$1500 + \$50 per lot. The fee shall be paid prior to any comments from the City Engineer being returned to the applicant. The Fee shall cover the cost for two reviews by the City Engineer. Subsequent reviews will be charged the same fee, in blocks of two reviews.
4. A Public Works Inspection Fee shall be added to the Charges for Service portion of the 2020-2021 Fee Schedule equal to 0.75% of the cost to construct public improvements as determined by the City Engineer during the creation of the Bond Summary for the development.
5. This Resolution does not repeal, abrogate, annul, 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.
6. This Resolution shall become effective immediately upon passage.

ADOPTED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST:

Cheryl Bodily, Deputy 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
Water Stock/Right Contribution Waiver	\$ 2500.00 Per Acre-Foot Required
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 20-15)	\$ 2,433.00
Logan Wastewater Treatment Impact Fee Collection Fee	\$ 150.00

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	Proposed 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
Engineering Development Review	\$1500 + \$50 per lot
Public Works Inspection Fee	0.075% of Bond Summary
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
Sanitation Cleaning Fee	\$ 50.00
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
Single Use Athletic Field Rental (Per Field, Per Game/Practice)	\$ 35.00
Athletic Field Rental (Per Team, Per Season)	\$ 50.00
Anhder Park Field Lights (Per Day)	\$ 20.00
Field Preparation - Baseball/Softball (includes base setting, dragging, and lining the field)	\$ 25.00
Field Preparation - Athletic Field	\$ 45.00
Fitness Event Route Marking	\$ 30.00
Athletic field rental per camp/clinic/day up to 1-50 participants (may require pavilion rental)	\$ 50.00
Non-city recreation league field use per player	\$ 3.00
Tournament fee/DAY per athletic field use includes: 1 Baseball or Softball field, or 2 grass athletic fields, 1 baseball/softball field prep & pavilion rental if applicable, additional bathroom cleaning/day, and additional garbage removal @ athletic field	\$ 225.00
Tournament athletic field layout and lining (painted) on grass/per field (soccer, lacrosse, football, etc)	\$ 50.00
Tournament/Event Cleaning Deposit	\$ 300.00
Baseball portable mound placement/occurrence (dirt mound building for tournaments is NOT available)	\$ 20.00
Consessions permit/day (includes access to available onsite electrical outlets, however, a breaker reset for overloaded circuits incurs a \$25 fee per occurrence) Event/League organizers are required to have a copy of food handlers permits onsite throughout the duration of the event	\$ 20.00
Amphitheatre rental/day (includes access to electricity)	\$ 45.00
Pickleball court rental/day (includes both courts @ Anhder Park)	\$ 45.00
Tennis court rental/day (also lined for 4 Pickleball courts @ Anhder Park portable nets NOT provided)	\$ 45.00
Use of city streets, and or park space for a fun run/walk, includes pavilion rental. Fee also applies to parades. Route layout provided by the organizer, must be approved 14 days prior to the event.	\$ 75.00
Per hour, per person of paint marking of a fun run/walk or other fitness event (painting arrows and or start & finish line, with washable paint, does NOT include directional traffic cones, road closed, detours, or other signage). Organizer pays estimate prior to event, billed the difference if actual cost more than estimate	\$ 35.00
Traffic Control set up per hour per person. Cones, baracades, road closed/detour for an event (ie fun run/walk fitness events, parades or similar) Organizer pays estimate prior to event, billed the difference if actual cost more than estimate	\$ 75.00

Ticketed event (including entrance fees and suggested donations for participation or entrance)	\$ 200.00
General Notes regarding Parks and Recreation facility rentals/use/and fees	
Tournament/Event Cleaning Deposit	
Deposits are refundable if the facility/field is left clean and without damages. Deposits, if not refunded, are intended to cover the cost of additional cleaning or minor damage beyond normal use if such is needed. If the cost of cleaning or damage repairs resulting from use of any facility exceeds the deposit, the City reserves the right to charge the user for any additional costs incurred.	
Inclimate Weather & Refund Policy	
The event/league organizer assumes the risk of cancelation due to incimate weather, If event/league organizer requests re-scheduling due to incimate weather it is based on facility availability and will be at the discretion of Nibley City only if alternate dates are available. Facility fees are non-refundable unless a refund has been requested in writing 14 days prior to the event.	
Movies:	
Use of any city property to show a movie requires proof of movie licensing, at least 7 days prior to the event. If the event organizer requires an entrance fee including a suggested donation, a ticketed event fee applies. Nibley City audio/visual equipment and movie screen are NOT available to rent. Nibley City reserves the right to prohibit an outdoor movie if the proposed event is held with-in 30 days of a scheduled Nibley City outdoor movie in the park.	
Fun Runs and outdoor fitness events:	
A pavilion rental is required (included in fee), if the start or finish line is in Nibley, traffic safety provided by the Cache County Sheriff or equivalent is NOT included in the fee, The organizer may be required to provide additional porta-potties based on estimated #'s. Nibley City reserves the right to prohibit a fun run/walk or other fitness event if it is held with-in 45 days of a scheduled Nibley City outdoor fun run/walk or similar Nibley City outdoor fitness event.	
Field and street marking restrictions:	
All athletic field, event space, and or street marking must be performed by Nibley City employees, otherwise renter assumes costs for damages and or cleaning. Failure to comply may also result in becoming ineligible to rent facilities.	
Per Player Non-city recreation league fee and fee determination:	
Per Player fee available to leagues that do not require a tryout and allow anyone to sign up regardless of ability. The Nibley City Recreation Director will determine if a clinic/camp, per team, or per player fee is the most appropriate fee.	
Ticketed events	
All ticketed events must be pre-approved by the Nibley City Special Events Committee at least 30 days prior to the event. Event insurance is required for these events and the event may require a business license. Nibley City does NOT provide any access control in the form of fencing, gates, cones, or barriers, other than permeant structures (i.e.. fences) already available at facility.	
Cache County School District, and Thomas Edison Charter School Use	
Nibley City reserves the right to waive fees and or requirements except insurance requirement, for facility use by Thomas Edison Charter School and Cache County School District schools, and associated organizations including a school PTA. based on shared use interlocal agreements.	
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
Flag Football		
1st & 2nd Grade League	\$	35.00
3rd & 4th Grade League	\$	35.00
5th & 6th Grade League	\$	45.00
7th & 8th Grade League	\$	45.00
Late Fee	\$	10.00
Soccer Spring & Fall		
Kindergarten League	\$	30.00
1st & 2nd Grade League	\$	30.00
3rd & 4th Grade League	\$	45.00
5th & 6th Grade League	\$	45.00
7th & 8th Grade League	\$	45.00
Late Fee	\$	10.00
Reversible Soccer Jersey	\$	5.00
Cancellation fees for all youth recreation programs		
A registration refund for cancelation is available only if the cancelation request is prior to the coach meeting/jersey order. All cancelation requests are subject to the proposed 25% (of the total registration cost) fee.	\$	0.25
Other NEW Youth sports, programs, camps, and or classes		
The intial fee will be established at the discretion of the Recreation Director based on an evaluation of actual and estimated costs, fees for similar programs, known and projected program interest, and considerations of community benefit. Program offerings that continue beyond a trial phase, will utilize actual costs compared to registration fees to determine appropriate registration fees moving forward.		
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
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

Solid Waste		
Item	New Rate	Old Rate
60 Gallon can	\$ 14.15	\$ 13.15
60 Gallon Extra Empty	\$ 14.15	\$ 13.15
90 Gallon Can	\$ 16.40	\$ 15.40
90 Gallon Extra Empty	\$ 16.40	\$ 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

Water Share

RESOLUTION 21-16

IMPLEMENTING A FEE FOR EMERGENCY MEDICAL SERVICES

WHEREAS, Nibley City has contracted with Cache County for Emergency Medical Services, and

WHEREAS, the agreement for Emergency Medical Services (EMS) services has been deemed to be in the best interest and for the general welfare of the City, and

WHEREAS, Nibley City is desirous of ensuring EMS in the incorporated areas of Nibley City, and

WHEREAS, the agreement with Cache County stipulates that on January 1, 2021 seven dollars and fifty cents (\$7.50) per capita based on current U.S. Census estimates for persons living in the incorporated area of Nibley for EMS to be provided for January 2021-June 2021 and, thereafter, pay annually on July 1, fifteen (\$15.00) dollars per capita with an increase of 3% per year beginning July of 2021 based on current U.S. Census estimates for persons living in the incorporated area of Nibley City for EMS to be provided.

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

1. All utility billings sent by Nibley City shall be assessed \$6.00 Per month for Emergency Medical Services.
2. This EMS fee shall be in effect starting Jan 1, 2021.

ADOPTED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST:

Cheryl Bodily, Deputy City Recorder

RESOLUTION 21-17

A RESOLUTION REGULATING THE USE OF FIREWORKS WITHIN NIBLEY CITY

WHEREAS, dry summertime conditions increase fire hazards and necessitate special fire hazard mitigation measures; and

WHEREAS, Utah Code Annotated, Sections 15A-5-202.5 and 53-7-225 provide that municipalities may regulate and prevent the discharge of fireworks in certain areas with hazardous environmental conditions; and

WHEREAS, the Nibley City Council finds that it is in the interest of the health, safety and welfare of the inhabitants of Nibley City to prohibit the use of fireworks in areas that are more prone to dangerous and deadly wildfires.

NOW, THEREFORE, BE IT RESOLVED, by the Nibley City Council that use of fireworks east of SR 165/Main Street in Nibley is prohibited until further notice.

1. This resolution shall take effect immediately upon passage.

Dated this _____ day of _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
Cheryl Bodily, Deputy City Recorder

Agenda Item #7 through 14

Description	Public Hearing – Ordinance 21-05: An Ordinance Providing for the Compensation of Elected and Statutory Officers of Nibley City Public Hearing – Ordinance 21-09: Rezoning Parcel 03-021-0003, located at 3105 S 700 W, from I-Industrial to R-2A-Residential Public Hearing – Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision Regarding Water Assessment Requirements Public Hearing – Ordinance 21-11: Amending Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for Accessory Buildings Public Hearing – Ordinance 21-12: Amending Nibley City code 21.02.130: Prohibition on Subdivision; Exceptions to Prohibitions for City Council/Mayor to Subdivide Property Public Hearing – Ordinance 21-13: Amending Requirements Related to Public Notice and Public Hearing Requirements Public Hearing – Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control Public Hearing – Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES
Presenter	Justin Maughan, City Manager Levi Roberts, City Planner Jamie Gonzales, Office Specialist
Recommendation	Hold the public hearings and receive the public comments.

Reviewed By	Mayor, City Manager, City Treasurer, City Planner, Staff
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Background:

Background information for each item considered for public hearing is provided under agenda items #15-#22.

Agenda Item #15

Description	Discussion & Consideration – Resolution 21-14: A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Resolution 21-14: A Resolution Amending the Budget for Various Funds of Nibley City for the Fiscal Year 202-21, Adopting the Budget for the Various Funds of Nibley City and other Budgetary Matters for Fiscal Year 2021-22 and Adjusting Certain Fees and Payments for Services, for first reading.
Reviewed By	Mayor, City Manager, Treasurer, Department Heads

Background:

The first draft of the budget for the next fiscal year will be presented to the City Council and public. Staff will present and review various changes and proposals in the budget. A public hearing will be held. State law requires the City Council to adopt the first draft of the annual budget by the Council's first meeting in May, which was completed last meeting. Also by state law, the budget will also need to be adopted by the first meeting in June if there is not a tax increase, or by the second meeting in August if there is a tax increase. Upon final adoption, this resolution would adopt the budget for the next fiscal year, as well as make any final adjustments to the current-year budget. This resolution proposes to keep the property tax rate at its current rate of 0.001667. If Cache County certifies a tax rate lower than this rate, which is likely based on real estate value increases over the past year, this rate will not become the final adopted rate until after the City holds a truth in taxation hearing in August.

RESOLUTION 21-14

A RESOLUTION AMENDING THE BUDGET FOR VARIOUS FUNDS OF NIBLEY CITY FOR FISCAL YEAR 2020-21, AND ADOPTING THE BUDGET FOR THE VARIOUS FUNDS OF NIBLEY CITY AND OTHER BUDGETARY MATTERS FOR FISCAL YEAR 2021-22 AND ADJUSTING CERTAIN FEES AND PAYMENTS FOR SERVICES

BE IT RESOLOVED BY THE CITY COUNCIL OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

1. The attached Fiscal Year 2020-21 current-year budget is hereby adopted and approved as the amended budget for the current fiscal year ending June 30, 2021, with amendments, if any, as reflected in the attached budget document and the minutes of this meeting.
2. The attached budget, entitled Nibley City Budget Fiscal Year 2021-22, is hereby adopted and approved for the fiscal year ending June 30, 2022, with amendments, if, any, as reflected in the budget document and the minutes of this meeting.
3. The monthly charge for storm water shall be \$8.00 per month per residential utility customer effective July 1, 2021.
4. The adopted property tax rate is 0.001667.

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

Shaun Dustin, Mayor

ATTEST:

Cheryl Bodily, Deputy City Recorder

Agenda Item #16

Description	Discussion & Consideration – Ordinance 21-05: Providing for the Compensation of Elected and Statutory Officers of Nibley City (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve Ordinance 21-05: Providing for the Compensation of Elected and Statutory Officers of Nibley City, for first reading.
Reviewed By	Mayor, City Manager, City Treasurer

Background:

In 2015, the City Council established a policy of adjusting elected official stipends annually at the same rate as salaries are adjusted for other employees. A 2% cost of living adjustment (COLA) is being proposed in this year's budget for employees, therefore elected official compensation is proposed to be increased by an equal amount. The compensation of the elected and statutory officers is proposed as follows:

Office:	Proposed Salary:	Present Salary:	Increase:
Mayor	\$861/month	\$845/month	\$16/month
Councilmember	\$343/month	\$337/month	\$6/month
Treasurer	\$44,865-66,286/yr	\$44,002-65,011/yr	\$863-\$1,275/yr

ORDINANCE 21-05

AN ORDINANCE PROVIDING FOR THE COMPENSATION OF ELECTED AND STATUTORY OFFICERS OF NIBLEY CITY

WHEREAS, elected and statutory officers are required to devote a significant amount of time and talent to the effective administration of Nibley City; and

WHEREAS, elected and statutory officers should be fairly compensated for their time and expenses; and

WHEREAS, the Nibley City Council established a policy in 2015 of annually adjusting City Council Member compensation commensurate with the cost of living adjustment provided to other City employees; and

WHEREAS, a COLA of 2% is proposed this year for city employees.

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

1. All previous salary or compensation ordinances regarding the elected and statutory officers below are hereby repealed.
2. The compensation of the elected and statutory officers shall be as follows:

Office:	Present Salary:	Proposed Salary:	Increase:
Mayor	\$845/month	\$861/month	\$16/month
Councilmember	\$337/month	\$343/month	\$6/month
Treasurer	\$44,002-\$65,011/yr	\$44,865-66,286/yr	\$870-1,285/yr

3. Elected and statutory officers shall be paid on the same schedule as other municipal employees.
4. The compensation listed above is not inclusive of per diem, mileage, phone allowance or other expenses, which may be incurred in the course of conducting Nibley City business.
5. This ordinance shall become effective July 1, 2021.

PASSED BY THE NIBLEY CITY COUNCIL THIS 27 DAY OF June, 2021.

Shaun Dustin, Mayor

ATTEST: _____
Cheryl Bodily, City Recorder

Agenda Item #17

Description	Discussion & Consideration – Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Adopt Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential, Staff recommends waiving second reading.
Reviewed By	Mayor, City Manager, 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 rezoning 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.

ORDINANCE 21-09

AN ORDINANCE REZONING PARCEL 03-021-0003, LOCATED AT 3105 S 700 W FROM I-INDUSTIRIAL TO R-2A-RESIDENTIAL

BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

Parcel 03-021-0003, bearing the following legal descriptions, as shown in the office of the Cache County Recorder, is hereby rezoned from Industrial I & Residential R-2A:

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. S1015°01"W 479.77 FEET;

2. S88°44'59"E 11.50 FEET;

3. 51 °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.

Passed by the Nibley City Council this _____ day of _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
Cheryl Bodily, Deputy City Recorder



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. _____

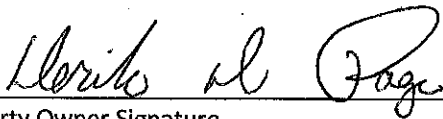
Please see staff for public hearing and notification requirements.

File the completed application at:

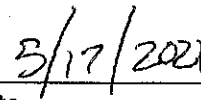
Nibley City
455 West 3200 South
Nibley, UT 84321
(435) 752-0431

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



Utah State Board of Surveyors
Derek Page
95 East County Rd.
Logan, UT 84301
435-711-0999

DATE: 1/10/2017
SCALE: 1" = 50'
UTAH STATE BOARD OF SURVEYORS
APPROVED BY: [Signature]
JANUARY 10, 2017

1/1

SURVEY CERTIFICATE

I, STEVEN S. EARL, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HAVE CONDUCTED A SURVEY OF THE LAND SHOWN ON THE ATTACHED MAP. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS. THE SURVEY WAS CONDUCTED ON THE 10TH DAY OF JANUARY, 2017, AT LOGAN, UT. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS.



LEGAL DESCRIPTION

PARCEL 03-021-0003, PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 11 NORTH, RANGE 1 EAST, SLM, 10TH MERIDIAN, LOCATED IN MIBLEY CITY, UT. THE CORNER IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION, THENCE S01°27'12" E 258.55 FEET TO THE WEST QUARTER CORNER OF SAID SECTION, THENCE S89°37'32" E 475.04 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING, THENCE S01°27'12" E 258.55 FEET, THENCE S89°37'32" E 475.04 FEET ALONG THE NORTH LINE OF THE WEST LINE OF THE PARCEL, THENCE S01°27'12" E 258.55 FEET, THENCE S89°37'32" E 475.04 FEET TO THE POINT OF BEGINNING, CONTAINING 106 ACRES, MORE OR LESS.

SURVEY NARRATIVE

THIS SURVEY WAS ORDERED BY DEREK PAGE TO DETERMINE THE BOUNDARIES IN PREPARATION OF A SUBDIVISION. THE SURVEY WAS CONDUCTED ON THE 10TH DAY OF JANUARY, 2017, AT LOGAN, UT. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE UTAH SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS.

LEGEND

- BOUNDARY
- SECTION LINE
- 1/4 SECTION LINE
- RIGHT-OF-WAY
- PARCEL LINE
- FENCE
- ASPHALT ROAD
- GRAVEL ROAD
- SECTION CORNER
- SET PEGS W/ STEVED C EARL CAP
- FOUND REBAR W/ EARL CAP



0 25 50 100
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.

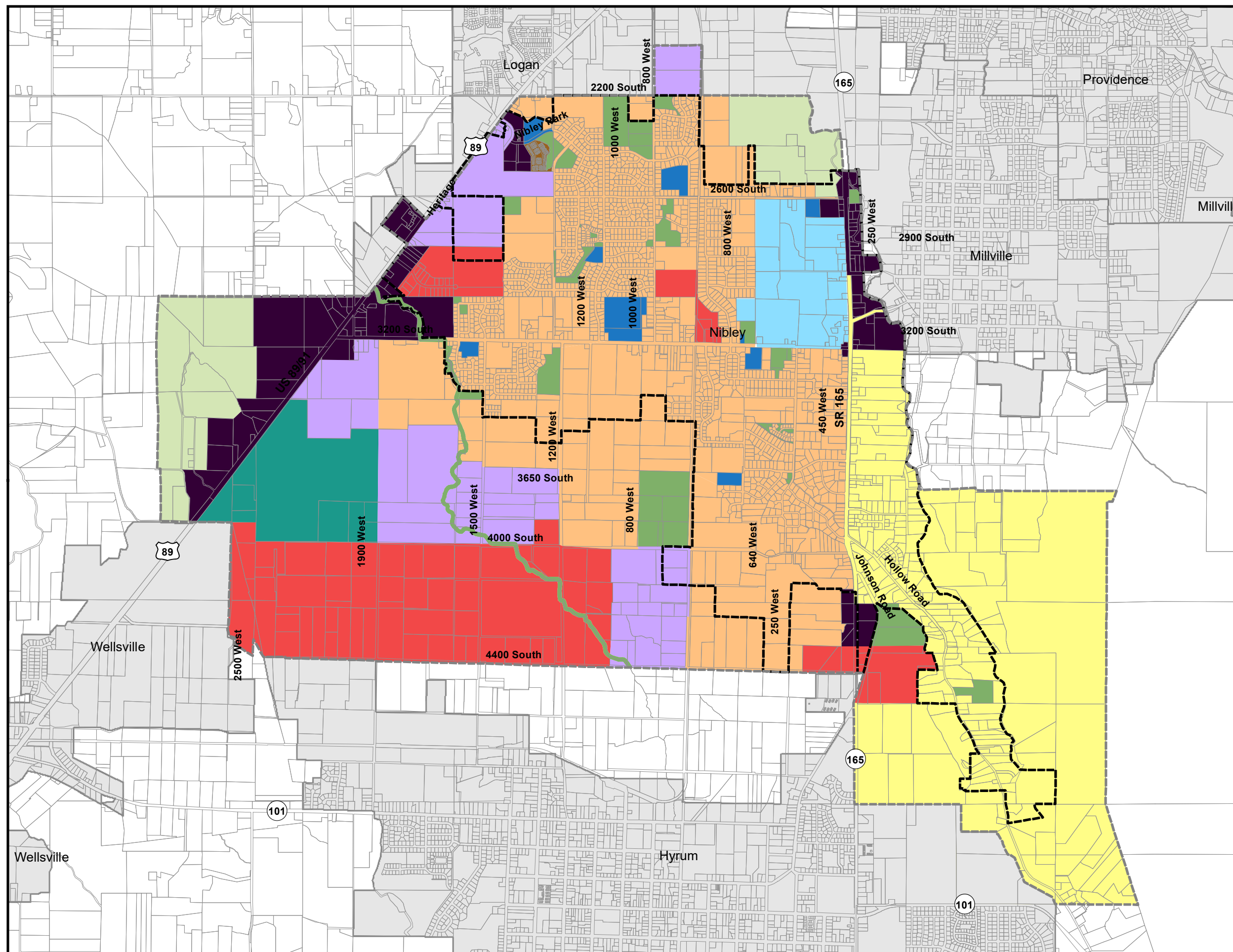


THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

J-U-B FAMILY OF COMPANIES



Agenda Item #18

Description	Discussion & Consideration – Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision Regarding Water Assessment Requirements (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Move to approve Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision Regarding Water Assessment Requirements, Staff recommends waiving second reading.
Reviewed By	Mayor, City Manager, City Planner, 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 an average household 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 acre-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.

ORDINANCE 21-10

ADDENDUM TO THE DEVELOPMENT AGREEMENT FOR RIDGELINE PARK SUBDIVISION REGARDING WATER ASSESSEMENT REQUIREMENTS

WHEREAS, Proposed water supply requirements for the Ridgeline Park subdivision are sufficient to meet the needs of Ridgeline Park Subdivision according to its size, units, and development type; and

WHEREAS, The methods used to determine water supply requirements are more consistent with the Nibley City Water Master Plan and are an appropriately applied method given the circumstances, terms, and conditions of the Development and R-PUD; and

WHEREAS, 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;

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

1. The attached Addendum to the Development Agreement for Ridgeline Park be approved
2. The Addendum shall be properly recorded as required by Nibley City Code.
3. All ordinances, resolutions and polices of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving and law, order, resolution or ordinance or part thereof.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____ 2021.

Shaun Dustin, Mayor

ATTEST:

Cheryl Bodily, Deputy City Recorder

**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

Agenda Item #19

Description	Discussion & Consideration – Ordinance 21-11: Amending Nibley City Code 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for Accessory Buildings (First Reading)
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve Ordinance 21-11: Amending Nibley City Code 19.24.060 Accessory Buildings in Residential Zones; Setback Standards for Accessory Buildings, for first reading.
Reviewed By	Mayor, City Manager, City Planner

Background:

The existing accessory building ordinance allows for buildings up to 20 ft for lots that are less than $\frac{3}{4}$ acre and up to 30 ft high for lots which are greater than $\frac{3}{4}$ acre. Minimum setback standards for accessory buildings are 1 ft for the rear yard and 3 ft for the side yard. There was general direction from the Planning Commission, that additional setback standards for accessory buildings over 20 feet in height are appropriate. Specifically, the Planning Commission 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. The existing ordinance provides maximum building size and height standards, based upon both lot size and zoning designation. This amendment recommends to base maximum building size and height upon lot size, rather than the underlying zone.

ORDINANCE 21-11
AMENDMENTS TO NIBLEY CITY CODE 19.24.060: ACCESSORY BUILDINGS IN RESIDENTIAL
ZONES; SETBACK STANDARDS FOR ACCESSORY BUILDINGS

WHEREAS, Nibley City regulates setbacks for accessory buildings within Nibley City boundaries; and

WHEREAS, In order to mitigate impacts upon adjacent properties, additional setback standards are needed for buildings taller than 20 feet.

WHEREAS, correcting inconsistencies in City Code will provide for more effective administration of the Code.

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

1. The proposed amendments to NCC 19.24.060 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
Cheryl Bodily, Deputy City Recorder

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

19.22.010 Space Requirements Chart

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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 yard, street		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
	↓	↓	↓	↓	↓	↓	↓	↓	↓	↓
↓										
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Agenda Item #20

Description	Discussion & Consideration – Ordinance 21-12: Amending Nibley City Code 21.02.130: Prohibition on Subdivision; Exceptions to Prohibitions for City Council/Mayor to Subdivide Property (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Move to deny Ordinance 21-12: Amending Nibley City Code 21.02.130: Prohibition on Subdivision; Exceptions to Prohibitions for City Council/Mayor to Subdivide Property, Staff recommends waiving second reading.
Reviewed By	Mayor, City Manager, 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;*
 - 4. *The applicant or subdivider is a member of the City Council;*
 - 5. *The applicant or subdivider is a spouse of a City Council member;*
 - 6. *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.*
- D.

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:

- E. *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*

In general, the Planning Commission expressed support for the existing ordinance and was not in support of the proposed exception. The Planning Commission considered this request and recommended denial of this request.

ORDINANCE 21-12

AMENDMENTS TO NIBLEY CITY CODE 21.02.130: PROHIBITION ON SUBDIVISION; EXCEPTIONS TO PROHIBITIONS FOR CITY COUNCIL/MAYOR TO SUBDIVIDE PROPERTY

WHEREAS, Nibley City prohibits the City Council and Mayor to subdivide property within Nibley City boundaries; and

WHEREAS, certain exceptions to this prohibition are necessary to more reasonably provide for opportunities to develop property on a small scale.

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

1. The proposed amendments to NCC 21.02.130 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
Cheryl Bodily, Deputy City Recorder

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:
 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.
4. A violation of this section is a Class B Misdemeanor.

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Agenda Item #21

Description	Discussion & Consideration – Ordinance 21-13: Amending Requirements Related to Public Notice and Public Hearing Requirements (First Reading)
Presenter	Levi Roberts, City Planner
Planning Commission Recommendation	Move to approve Ordinance 21-13: Amending Requirements Related to Public Notice and Public Hearing Requirements, Staff recommends waiving the second reading.
Reviewed By	Mayor, City Manager, City Planner, City Attorney

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.

ORDINANCE 21-13

AMENDING REQUIREMENTS RELATED TO PUBLIC NOTICE AND PUBLIC HEARING REQUIREMENTS

WHEREAS, Utah State Code provides appropriate requirements for public noticing and public hearings

WHEREAS, Aligning Nibley City's requirements with Utah State requirements will allow for more clarity and consistency in processing land use applications

WHEREAS, Allowing for more opportunities to exceed minimum requirements will provide for more effective public engagement for land use matters.

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

1. The proposed amendments to NCC 19.02.040, 19.02.120, 19.28.030, 21.06.050, and 21.06.060 be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
Cheryl Bodily, Deputy City Recorder

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 [General Plan](#). Notice of such hearing shall be given in accordance with [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 [the first meeting at which the planning commission considers the amendment](#). Failure of the planning

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Commented [RP1]: I think there may be other references in your code that may need to be updated. Example, 19.28.030 talks about

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Deleted: <#>Definitions: [AFFECTED ENTITY](#): Any municipality, school district, property owner, property owners' association, if: [The entity's services or facilities are likely to require expansion or significant modification because of the proposed land use](#); [The entity has filed with Nibley City a copy of their general or long range plan](#); or [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.

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Commented [RP3]: I think you still need this table in the code, as it's the designation of which body is the land use authority/decision maker for applications. There is overlap/duplication with the table from 21.06.060 though. Maybe combine those?

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Land Use Application	Land Use Authority
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commission to submit a recommendation within the prescribed time [may be deemed a negative recommendation](#) by such commission of the proposed change or amendment. The city council may, [after considering the planning commission's recommendation, adopt, adopt with any revision the city council considers appropriate, or reject the proposed amendment](#), by a majority vote of its members.

19.02.120 Public Notification Procedures

- Short Title: This section shall be known as the PUBLIC NOTIFICATION PROCEDURES ORDINANCE OF NIBLEY, UTAH.
- 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.
- Conflicts: Wherever the notification requirements of this section are in conflict with any other legally adopted rules, this section shall prevail.
- 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.
- [Public notification and hearing requirements for all land use regulations, applications, general plan considerations, and all other land use matters shall satisfy the minimum standards set forth in Utah State Code and any specific notice and hearing requirements set forth in this title.](#)
- [The City may provide additional public notifications or public hearings, in addition to the requirements of Utah State Code and this title, as may be directed by the City Manager or chair of the pertinent review body.](#)
- [Land Use Authority: Unless otherwise specified, the governing land use authority shall be as follows:](#)

Notes:

- The city council shall hear this matter after recommendation of the planning commission.
- When required by the planning commission.
- The planning commission may designate to city staff, its land use authority for those conditional use permit applications outlined in NCC 3.02.040.
- 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.

... [2]

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](#) 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.

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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.

Commented [RP5]: There is no sign standards or mail to neighbor requirements under state code, so the reference to state law doesn't really do anything here. We're requiring both, and state law simply allows that, but doesn't require it. I think it's fine to leave this notice in.

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 by the subdivider or at the subdivider's cost, 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.
- D. The failure of the subdivider to provide notice as set forth in this section shall not invalidate any decision or approval granted by the City, provided that the City provided notice of its meetings as required by Utah State Code and NCC 19.02.120.

21.06.060 Land Use Authority

- A. The Land Use Authority shall be established according to the table below for Land Use Applications.

Subdivision Type	Approval Authority	
Standard Subdivision	Planning Commission	
Minor Subdivision	Planning Commission	
Rural Preservation Subdivision	City Council	
Cluster	City Council	
R-PUDs and other Overlay Zones Development	City Council	

Commented [RP6]: I had this issue come up with another city: what happens if the subdivider posts a sign and removes it, or forgets to put up the sign and the City didn't double check it. I recommend making this notice clearly an non-mandatory thing for the City.

Commented [LR7]: I think we should keep this as it gives clearer guidance than State Code

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Annexation petition	City Council	
Annexation policy plan	City Council	
Conditional use permit	Planning Commission¹	
General plan	City Council	
Ordinance change (new or existing)	City Council	
Plat amendment	City Council	
Proposal to vacate, alter or amend a public street or right of way	City Council	
Subdivision ordinance	City Council	
Subdivision; preliminary approval	City Council	
Zone changes	City Council	

- 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.

1. ¹ [The planning commission may designate to city staff, its land use authority for those conditional use permit applications outlined in NCC 3.02.040.](#)

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Agenda Item #22

Description	Discussion & Consideration – Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control (First Reading)
Presenter	Justin Maughan, City Manager Jamie Gonzales, Office Specialist
Recommendation	Move to approve Ordinance 21-14: Amending Nibley City Code 9.02: Animal Control and waive the second reading.
Reviewed By	Mayor, City Manager, Office Specialist

Background:

Recently, with the development of Strata apartments in Logan, there have been more complaints regarding dogs at Firefly Park. Cache County Animal Control Deputy, Michelle Aguilar, visited City Hall to address the issue. She met with Jamie and informed her that they were unable to issue citations in accordance with NCC 13.16.040(E) because there was nothing in the animal control code. She advised adding a provision to 9.02.120 Prohibited Acts And Conditions. To maintain transparency, the citation fine schedule was added under 9.02.020 Fees.

ORDINANCE 21-14

AMENDMENTS TO NIBLEY CITY CODE 9.02: ANIMAL CONTROL

WHEREAS, Nibley City regulates animals within Nibley City boundaries; and

WHEREAS, Nibley City is concerned with ensuring conditions within the City are not deleterious, injurious, noxious or unsightly; and

WHEREAS, Utah Code provides limits for violations related animal control; and

WHEREAS, Nibley City contracts with Cache County for animal control services and desires to give Cache County Animal Control the ability to site individuals for animal control violations.

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

1. The proposed amendments to NCC 9.02; including 9.02.020 Fees and 9.02.120 Prohibited Acts and Conditions, be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2021.

Shaun Dustin, Mayor

ATTEST: _____
Cheryl Bodily, Deputy City Recorder

9.02.020 Fees

Any fees referenced herein including, but not limited to, fees for licensing, court fees, and impound fees, shall be established by resolution of the City Council, and shall be due and payable to Nibley City.

Animal Control Fine Schedule

<u>Rabies/Vaccine</u>	<u>\$150.00</u>
<u>Licensing Requirements</u>	<u>\$150.00</u>
<u>Animal Waste</u>	<u>\$150.00</u>
<u>Dogs in Prohibited Places</u> <u>(Set Fee w/Court)</u>	<u>\$150.00</u>
<u>Excessive Barking</u>	<u>\$150.00</u>
<u>Dogs At Large</u>	<u>\$150.00</u>
<u>Animals At Large</u>	<u>\$150.00</u>
<u>Dangerous Animal</u>	<u>\$150.00</u>
<u>Dogs Attacking</u>	<u>\$160.00</u>
<u>Animal Cruelty</u>	<u>\$160.00</u>
<u>Wild Animals</u>	<u>\$160.00</u>
<u>Interference With Impounding</u>	<u>\$160.00</u>

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9.02.120 Prohibited Acts And Conditions

- A. **Disposition Of Dead Animals; Violation:** The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten (10) hours after its death; provided, that no horse, cow, ox or other animal shall be buried within City limits.
- B. **Diseased Animals:** It shall be unlawful for any person to bring into the city for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.
- C. **Diseased Animals For Human Consumption:** It shall be unlawful for any person to bring into the city for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.
- D. **Female Dogs In Heat:** The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance. Any dog found in violation of the provisions of this subsection is hereby declared to be a nuisance and a menace to the public health and safety, and the dog may be taken up and impounded as provided in this chapter.
- E. **Harbor Stray Dogs:** It shall be unlawful for any person to harbor or keep within the city any lost or stray dog. Whenever any dog shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the city recorder or animal control officer, who shall impound such animal for running at large contrary to the terms of this chapter. If there shall be attached to such dog a license tag for the then current fiscal year, the animal control officer shall notify the person to whom such license was issued, at the address given on the license.

F. **Loud Or Offensive Animals:** No person shall own, keep or harbor any animal which by loud, continued or frequent barking, howling, yelping, meowing, or by noxious or offensive noise or odor shall annoy, disturb or endanger the health and welfare of any person or neighborhood, nor any dog which molests passersby, chases vehicles, attacks or destroys other domestic animals, or trespasses upon private property or upon public property in such a manner as to damage property. A violation of this subsection shall be unlawful and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall consisted a separate offense. This subsection shall not apply to the city dog pound, veterinary hospitals or medical laboratories.

G. **Trespassing Animals:** It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.

H. **Dogs in Prohibited Places:** Dogs are prohibited at Firefly Park and on athletic fields,

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Agenda Item #23

Description	Workshop – Capital Projects Master Plan
Presenter	Justin Maughan, City Manager
Recommendation	Discuss proposed projects and priority to be incorporated into Capital Projects Master Plan
Reviewed By	Mayor, City Manager, City Planner, City Engineer

Background:

Nibley City Staff is currently working with consultant, Lewis, Young, Robertson & Burningham to develop a Capital Projects Master Plan. The purpose of this Master Plan is to identify specific transportation, parks, trails and general public works projects that can reasonably be implemented within the next 10 years. The City has developed specific master plans for such improvements that have a longer time horizon. The Capital Projects Master Plan will include a more detailed analysis about feasible projects based upon more fine-tuned cost estimates and revenue projections. This document is meant to inform the City with budgeting such projects in the short-term.

To inform the financial analysis, which the consultant has started to perform, City Staff has reviewed projects in existing master plans and other necessary projects based upon existing needs and developed a proposed list of projects for the analysis. Staff has also recommended priority levels (high, medium, low), which will inform the timing of such projects. The purpose of this workshop is to review the proposed list and priorities and offer feedback to Staff, which may be incorporated into the analysis. Based upon this recommendation, Staff will direct the consultant to incorporate such projects and priorities into the Plan.

The next step in the process will be to perform the financial analysis, develop a phasing plan, incorporating costs, revenues and phasing. The final draft plan will then be presented to the public and ultimately the City Council for consideration of adoption.

Below is a list of proposed projects and priorities for discussion:

Recommended priority	Project	Cost
	Transportation/Trails	
H	1200 West Completion	\$5,110,000.00

L	450 West Half Road Extension	\$251,000.00
M	Hollow Road Striping	\$42,000.00
H	3200 South Sidewalk Completion	\$163,000.00
L	Firefly Park To 800 West Sidewalk	\$190,000.00
L	City Center Trail- South Section	\$135,000.00
H	Nature Way Trail (2600 South)	\$962,000.00
L	4000 South Trail	\$856,000.00
M	Regional Park Connector Trail	\$460,000.00
L	City Hall Trail	\$165,000.00
H	1350 West Half Road	\$287,000.00
	Parks	
M	Anhder Park Parking Lot	\$256,000.00
H	Elkhorn Park	\$220,115.57
H	Firefly Park (Doesn't Include 1000 W Half Road)	\$343,005.50
	1000 W Half Road	\$306,000.00
H	Regional Park Phase 1	\$3,850,084.08
*	Ridgeline Park- City Park	\$1,680,750.00
*	Nibley Meadows Park	\$614,250.00
L	Mt Vista Park Improvements	\$150,000.00
	Public Works	
M	Public Works Land Acquisition	\$480,000.00
L	City Hall Expansion	
L	Public Works Yard	