



NIBLEY CITY COUNCIL MEETING AGENDA

Thursday, February 10, 2022 – 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 Sweeten)
2. Call to Order and Roll Call (Chair)
3. Approval of the January 27, 2022 Meeting Minutes and the Current Agenda (Chair)
4. Public Comment Period¹ (Chair)
5. Planning Commission Report
6. **Discussion and Consideration:** Recommendation for Ridgeline Park East Preliminary Plat, containing 333 residential units (mix of single-family, townhome and condo units), located at approximately 250 W 3200 S. & Amending the Development Agreement (Applicant: Visionary Homes)
7. **Discussion & Consideration** – Agreement with Randy & Pam Fesser about property acquisition for 1200 West Roundabout Project
8. **Discussion & Consideration** – Agreement with Bob and Carry Stott about property acquisition for 1200 West Roundabout Project
9. **Discussion & Consideration** – Ordinance 22-03: Business License Procedure and Amending Nibley City Code 5.02.120 Exemption to License (First Reading)
10. **Discussion & Consideration** – Ordinance 22-05: Amending Duties, Discretion, and Control of the Nibley City Manager; NCC 1.12.070 (First Reading)
11. **Discussion** – Ordinance 22-04: Amending Administration Procedures, Nibley City Code (NCC) 1.10 Mayor and City Council
12. **Discussion** – 2022 Nibley City Planning Commission Goals
13. **Workshop** – Plans for Proceeding with City Property at 465 West and 3200 South
14. Council and Staff Report

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

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

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Agenda Item #6

Description	Discussion & Consideration – Preliminary Plat for Ridgeline Park East, containing 333 Residential Units, Located at Approximately 250 W 3200 S.
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve the Preliminary Plat for Ridgeline Park East with the conditions listed below
Reviewed By	Mayor, City Manager, City Planner, City Engineer

Background:

Update for February 10

This item was presented and continued at the January 27 meeting. The applicant has submitted an updated preliminary plat to address concerns raised by Staff and the Council. Specifically, the following changes have been made to the preliminary plat document:

1. The proposed treatment of 2900 S between the eastern border of the development and Highway 165 has been changed to a 20 ft asphalt public access roadway, in place of the 12 ft wide roadway proposed previously.
2. A commercial phase was added to the development with an extension of 3025 S to Highway 165, in conjunction with this phase.
3. Updates to stormwater and sewer plans to address Engineer's comments.

At this point in time, Staff's recommended conditions of approval include the following:

1. Development Agreement to be amended, striking requirement for 2965 S roadway connection to be continuous without need to turn onto another roadway.
2. Development Agreement to be amended to allow on-street parking on 250 W.

3. Record an easement and build Emergency access between Hwy 165 and the east boundary of the preliminary plat along the 3025 South alignment in conjunction with phase 5.
4. 2900 S right of way needs stamped survey, *including all necessary title work*, with required improvements shown for the entire right-of-way, as noted on the Development Agreement. *The City will indemnify Visionary with regards to legal challenges arising out of claims that the City does not own or lacks sufficient right-of-way for Visionary's construction of 2900 S from the project to Highway 165.*
5. Traffic Impact Study, Geotechnical study, sewer study, stormwater study and all other supporting materials must be provided or updated and appropriately addressed, as determined by City Engineer.
6. *The following to be incorporated into the amended Development agreement:*
 - a. 2900 S and 250 W must be completed before final plat approval of a third phase within phases 4-9. (Planning Commission Recommendation)
 - b. Construction of any remaining portion of 250 W and 2900 S (from 250 W to Highway 165) shall be completed in conjunction with construction of infrastructure on phase 7, 8, or 9, whichever develops first. (Staff Recommendation)

Previous background information

Visionary Homes has applied for Preliminary Plat approval for the remaining residential phases of the Ridgeline Park Subdivision. Ridgeline Park is located near 250 W 3200 S within an R-PUD overlay zone, approved by the City Council on April 9. Below is a summary of the development and requirements for the R-PUD:

	R-PUD Requirements*	Ridgeline Park Phase 4-9	Ridgeline Park Phase 1-9 (Total)
Listed on R-PUD Application Map	Parcels need to be listed on the map	Yes	Yes
Total Gross Acres	20	50.53	79.28
Net Developable Acres	N/A	38.69	58.66
Total Open Space Land	35%	42%	42%
Units Per Net Developable Acre	12 Max Units	8.6	7.9
Total Number of Single Family Lots	20% min	17%	28%
Min Lot Size for Single Family Lots	4,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
Total Lots	N/A	333	461
Total Park Space Required	7.5 acres, 2 pavilions, 2 swing sets, 3 playgrounds, 2 sports court/fields and 2 clubhouse, pool or splashpads	6.44 acres, 2 playgrounds, one swing set, 1 sports court, 1 pavilion, clubhouse and pool, dog park and station	9.77 acres, 3 playgrounds, 2 swing sets, 2 sports courts, 2 pavilions, clubhouse and pool, dog park and station
Parking	2 spaces for each unit (670), and one guest parking for every 3 units (112)	Condos- 1-car garage with 1 driveway space. Townhomes- 2-car garages with 2 spaces in driveways, 111 off-street guest parking spaces	Condos- 1-car garage with 1 driveway space. Townhomes- 2-car garages with 2 spaces in driveways, 130 off-street guest parking spaces

Zoning and Approved Development Plans Concurrence

As part of R-PUD approval, City Council approved amended development plans. This document acts as the zoning document for the development. Staff has determined that this application is supportive of these plans with regards to zoning, density, and layout and that the application meets minimum density requirements of the R-PUD zone, as noted in the chart above.

Utility Lines. Easements, Storm Water, Geotech

The applicant has shown a preliminary plan for connecting utilities to Nibley City's utility system, including locations of sewer, water lines and storm water management. A diagram of standard public utility easements and specific canal easements is also provided. The applicant proposes to provide a private lift station to be maintained by the HOA, which is to be abandoned when gravity sewer becomes available to the north. Nibley City engineer and public works director have reviewed the plans to ensure feasibility and compliance with City standards. Currently, they are exploring, with the applicant, an alternative design, which will allow a gravity-fed system, rather than a lift station.

A geotechnical investigation has been provided, which is currently under engineering review.

Canals

Several open ditches are currently located on the site. The applicant proposes to relocate/pipe some of these ditches, while keeping some open, including Clear Creek along the primary trail corridor.

NCC 21.08.010 states:

Except as outlined in NCC 21.10.040, prior to approval of the preliminary plat, the subdivider shall provide the City with signed documentation that any affected canal company has had the chance to review plans related to the alteration of affected canals, and further, that the canal company understands they have thirty (30) days from the date of notification to bring any concerns to the City.

The applicant has provided signed letters from all 3 affected irrigation companies (Nibley-Blacksmith Fork, College, Clear Creek), as required. No comments have been filed from any of the canal companies.

Transportation

Nibley City's Transportation Master Plan shows a local roadway extension of 2965 South between Elkhorn Subdivision and Hwy 165. A 2900 S connection between Hwy 165 and 250 West is also planned on the north edge of the development. In addition, 250 West is planned to continue northward through this development, between 3200 S and 2900 S.

Regarding the extension of 2965 South, the approved development agreement includes the following:

10. The Developer shall provide a public roadway to Highway 165 through the eastern neighborhood commercial property. This roadway shall be built when the commercial property is developed, or when traffic generated in the development warrants the intersection, as determined by Nibley City, and according to Nibley City traffic and design standards.

- a. *This roadway shall have direct east/west alignment with 2965 S intersection on the west side of the development. Meaning, 2965 S shall align with the intersection on Highway 165 without need to turn onto another roadway.*
- b. *After 250 West is developed, the public roadway connection to Highway 165 through the eastern neighborhood commercial property shall be brought up for consideration to determine the appropriate stage at which Developer shall be required to construct and improve the roadway.*

The design which the applicant has proposed is a deviation from section a above, as the roadway does require a turn onto 250 W to connect. The proposed roundabout design will help traffic continuously flow through this corridor. Staff believes that connectivity and traffic flow of the proposed design sufficiently serves the development, while making connections to adjacent development. However, an amendment to the development agreement is needed to approve the proposed design. At this time, the applicant does not propose a connection to Hwy 165. As noted in the development agreement, the connection will need to be brought up for consideration after 250 West is developed. If not required sooner, the connection will be required when the commercial land adjacent to Hwy 165 is development.

Regarding the 2900 South connection, the development agreement states the following:

9. *The Developer shall develop a half road of 2900 S adjacent to Ridgeline Park and also develop and pave the 2900 S right-of-way east of the Development to Highway 165, according to City standards, including curb, gutter, sidewalks and landscaping.*

The applicant has provided an exhibit of this corridor, which shows a 12' unimproved farm lane and a 25-27' gap between deeds. A stamped survey of the property is needed to verify the right-of-way. Currently, the applicant proposes that the 12' farm lane be paved with a gate installed and keys for affected property owners. Another option would be to require a fee-in-lieu of this required improvement that would be applied to the future improvement of this roadway. Another option would be to allow the developer to pave the 12' roadway, with the installation of a gate for property owners. However, this would negate the value of the connection. Staff recommends that a stamped survey be provided with verification about where the ROW exists. Then, the required improvements must be installed or a separate agreement regarding the improvement of this corridor must be reached.

The 250 West connection is provided in support of the Transportation Master Plan and the approved Development Plans. The design of this roadway is a slight deviation from the development agreement, which states the following:

12. *There shall be no residential driveway access or street parking on 250 W.*

The proposed design of 250 W matches the Transportation Master Plan but does include space for street parking. Staff believes that street parking along this roadway is appropriate and should be provided in conjunction with an amendment to the Development Agreement.

The remaining public streets provide further connectivity within the development. To allow for a potential connection of the adjacent parcel, east of the development, the applicant proposes to dedicate a 60' wide parcel, which could be used for a future connection. Staff believes this is necessary to potentially avoid access along Hwy 165, depending upon how this adjacent land develops.

The applicant also proposes private streets to provide access to several of the proposed townhomes, condos and several rear-loaded single-family homes. Each of these units will also be connected via a trail or public street, consistent with City standards.

The Applicant has submitted a Traffic Impact Study (TIS) for the development "to analyze traffic operations at key intersections for existing (2021), future (2026), and future (2040) conditions with and without the proposed project and to recommend mitigation measures as needed." The study concludes that "all intersections are anticipated to continue operating at acceptable levels of service during the evening peak hour in future (2026) plus project conditions." The TIS is currently under review and the Engineer has pending comments that need to be addressed. Staff recommends that all TIS comments be resolved as a condition of approval.

Nibley City's Parks, Trails, Recreation and Open Space Master Plan shows a north/south oriented 8' wide connecting trail through the proposed Ridgeline Park Development along the Clear Creek alignment. The applicant proposes to build and maintain the 8 foot trail and proposes an easement for this trail on the preliminary plat. A public trail easement will be dedicated along the length of this trail. In addition to this trail, several 5' wide walkways are proposed throughout the development, providing connections to units, open space and amenities.

Parking

NCC 19.32.080-B-5 states:

Parking: Each R-PUD shall provide 2 primary parking spaces for each unit. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-PUD shall provide one guest parking spot for every three units. Guest parking may be located in parking courts or on street parking maintained by the owner association.

The applicant proposes to provide 2-car garages with 2 spaces of driveway parking for each townhome unit and 1-car garage and 1 space of driveway parking for each condo unit. For this portion of the development, 111 guest parking stalls are proposed for a total of 130 guest parking stalls for the entire development. Staff has determined that parking minimums are met with this application.

Open Space and Maintenance Plan

NCC 19.32.050 provides that 7.5 acres, 2 pavilions, 2 swing sets, 3 playgrounds, 2 sports court/fields and 2 clubhouse, pool or splashpads is required for developments of 401-500 acres. In addition, 35% of open space is required per net developable acre. Including previous phases, the applicant proposes 9.77 acres, 3 playgrounds, 2 swing sets, 2 sports courts, 2 pavilions, clubhouse and pool. In total 42% of net developable land is dedicated as open space, meeting both the open space and amenities

requirements of Nibley City Code. The applicant also proposes a dog park in phase 5, near the proposed condo units and dog stations along the trail and the dog park, in accordance with the Development Agreement. According to the provided preliminary maintenance plan, all open space and amenities are proposed to be managed and maintained by the HOA.

Within the development are affected wetlands. The applicant has provided a wetland mitigation plan with approval from the Army Corp of Engineers for relocation of affected wetland areas. The mitigation area is located at the intersection of 250 W & 3200 S.

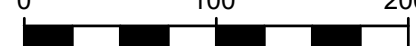
It is important to note in final plat approval there are more landscaping details needed as listed in NCC 19.32.080-B.

Planning Commission Recommended Conditions of Approval

1. Development Agreement to be amended, striking requirement for 2965 S roadway connection to be continuous without need to turn onto another roadway.
2. Development Agreement to be amended to allow on-street parking on 250 W.
3. Record an easement and build Emergency access between Hwy 165 and the east boundary of the preliminary plat along the 3025 South alignment in conjunction with phase 5 (this has been since addressed by the applicant).
4. 2900 S right of way needs stamped survey with required improvements shown for the entire right-of-way, as noted on the Development Agreement.
5. Traffic Impact Study, Geotechnical study, sewer study, stormwater study and all other supporting materials must be provided or updated and appropriately addressed, as determined by City Engineer.
6. 2900 S and 250 W must be completed before final plat approval of a third phase within phases 4-9.

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LOCATED IN THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 11 NORTH,
RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, COUNTY OF CACHE,
STATE OF UTAH



TOWNHOME TYPE "A" LOTS: ALL OTHERS Diagram of Townhome Type A showing a width of 21'0" and a height of 47'0".	TOWNHOME TYPE "C" 3-STORY REAR-LOAD LOTS: 914-941 Diagram of Townhome Type C showing a width of 22'0" and a height of 42'0".
TOWNHOME TYPE "B" FRONT-LOAD LOTS: 407-434 Diagram of Townhome Type B showing a width of 25'0" and a height of 42'0".	TOWNHOME TYPE "D" 3-STORY REAR-LOAD COMPACT LOTS: 901-913 Diagram of Townhome Type D showing a width of 25'0" and a height of 28'0".

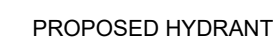
- * PROPERTY TAX IDENTIFICATION #: 03-025-0001, 03-020-0017, 03-026-0001
- * PROPOSED NUMBER OF RESIDENTIAL UNITS: 333
- * PROPOSED NUMBER OF PHASES: 6 RESIDENTIAL, 1 COMM.
- * TOTAL AREA: 50.53 ACRES
- * TOWNHOMES: 137
- * CONDOS: 140
- * SINGLE FAMILY: 56
- * ALL COMMON SPACES AND PRIVATE DRIVES WILL BE MANAGED BY MANAHOA, MA.
- * PRIVATE DRIVES WITH UTILITIES IN THEM WILL BE A WATER STORMWATER, AND SEWER EASEMENT
- * THERE IS ONE WELL LOCATED ON THE COMMERCIAL PAD. THIS WELL IS TO BE ABANDONED.
- * OPEN SPACE CALCULATION:
 - * RAW OPEN SPACE PROVIDED: 16.26-AC (ASSUMES 20% OPEN SPACE ON COMMERCIAL PHASE)
 - * DEDICATED RIGHTS OF WAY: 11.84-AC
 - * TOTAL AREA: 50.53-AC
 - * NET DEVELOPABLE LAND: 50.53-11.84 = 38.69-AC
 - * OPEN SPACE PERCENTAGE: 16.26/38.69 = 42%
- * UNIT GUEST PARKING
 - * REQUIRED STALLS: 93
 - * PROVIDED STALLS: 111
- * PARKING FOR CLUBHOUSE
 - * GUEST STALLS: 29

SUBDIVIDER/OWNER: VISIONARY HOMES
ADDRESS: 50 E 2500 N STE 101, NORTH LOGAN, UT 84341-3090
C/O BEN STEELE, PROJECT MANAGER, 208-559-4016

CIVIL ENGINEER: CIVIL SOLUTIONS GROUP, MICHAEL E. TAYLOR, PE
LICENSE #: 8243189-2202
ADDRESS: 498 WEST 100 SOUTH, PROVIDENCE, UTAH, 84332
PHONE #: 435-890-4498

SURVEYOR: CIVIL SOLUTIONS GROUP, DENNIS CARLISLE, PLS
LICENSE #: 172675
ADDRESS: 498 WEST 100 SOUTH, PROVIDENCE, UTAH, 84332
PHONE: 435-753-1910

PHASE LINE
 PROPERTY BOUNDARY
 BUILDING SETBACK
 EASEMENT - CONSERVATION & CANAL
 EX. SEWER LINE
 EX. WATER LINE
 PROPOSED SEWER SERVICE
 PROPOSED WATER LINE
 EXISTING EASEMENT LINE
 5440
 CONTOUR EXISTING
 EXISTING BUILDING

[illegible]

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT I AM THE RECORD OWNER OF OF THE
SUBJECT PROPERTY PROPOSED ON THIS MAP FOR SUBDIVISION, AND I CONSENT TO THE
FILING OF THIS PRELIMINARY PLAT MAP.

OWNER _____ DATE _____

***RIDGELINE PARK EAST
SUBDIVISION
PRELIMINARY PLAT***
LOCATED IN THE NW 1/4 OF SECTION 21, T11N, R1E, SLB&S
NIBLEY, UTAH



CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

[illegible]

PROJECT #: 19-384
DRAWN BY: M. RIGBY
PROJECT MANAGER: M. TAYLOR
ISSUED: 2/3/2022

1 OF 9

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
401	987.00	47.00 21.00 47.00 21.00	N88° 54' 25.65"W S31° 05' 34.35"E N88° 54' 25.65"E S31° 05' 34.35"E	
402	987.00	47.00 21.00 47.00 21.00	N88° 54' 25.65"W S31° 05' 34.35"E N88° 54' 25.65"E S31° 05' 34.35"E	
403	987.00	21.00 21.00 47.00 2.00	N31° 05' 34.35"E S88° 04' 25.65"E N88° 54' 25.65"W S31° 05' 34.35"E	
404	987.00	47.00 2.00 21.00	N88° 54' 25.65"W S88° 04' 25.65"E S31° 05' 34.35"E	
405	987.00	21.00 47.00 21.00 2.00	N31° 05' 34.35"E S88° 04' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
406	987.00	21.00 47.00 21.00	N31° 05' 34.35"E S88° 04' 25.65"E S31° 05' 34.35"E	
407	1050.00	42.00 38.00 25.00	N31° 05' 34.35"E S88° 04' 25.65"E N88° 54' 25.65"W	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
408	1050.00	25.00 42.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
409	1050.00	25.00 42.00 25.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
410	1050.00	42.00 25.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E S31° 05' 34.35"E	
411	1050.00	25.00 25.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
412	1050.00	42.00 25.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E S31° 05' 34.35"E	
413	1050.00	25.00 42.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
414	1050.00	42.00 42.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E N88° 54' 25.65"W	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
415	1050.00	25.00 42.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
416	1050.00	25.00 42.00 25.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
417	1050.00	42.00 25.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E S31° 05' 34.35"E	
418	1050.00	25.00 25.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
419	1050.00	42.00 25.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E S31° 05' 34.35"E	
420	1050.00	25.00 42.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
421	1050.00	42.00 42.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E N88° 54' 25.65"W	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
422	1050.00	25.00 42.00 42.00	S31° 05' 34.35"E N88° 54' 25.65"W S31° 05' 34.35"E	
423	1050.00	25.00 42.00 25.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
424	1050.00	42.00 25.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E S31° 05' 34.35"E	
425	1050.00	25.00 25.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
426	1050.00	42.00 25.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E S31° 05' 34.35"E	
427	1050.00	25.00 42.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
428	1050.00	25.00 25.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
429	1050.00	42.00 25.00 42.00	N31° 05' 34.35"E N88° 54' 25.65"W S31° 05' 34.35"E	
430	1050.00	25.00 42.00 25.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
431	1050.00	42.00 25.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E S31° 05' 34.35"E	
432	1050.00	42.00 25.00 25.00	N31° 05' 34.35"E S88° 54' 25.65"E S31° 05' 34.35"E	
433	1050.00	25.00 42.00 42.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
434	1050.00	25.00 42.00 25.00	S88° 54' 25.65"E S31° 05' 34.35"E N88° 54' 25.65"W	
601	987.00	47.00 21.00 21.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
602	987.00	21.00 47.00 21.00 45.00	N31° 05' 34.35"E N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E	
603	987.00	47.00 21.00 45.00 21.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E S31° 05' 34.35"E	
604	987.00	21.00 47.00 47.00	N31° 05' 34.35"E N88° 06' 47.54"E N88° 06' 47.54"E	
605	987.00	21.00 45.00 2.00	N31° 05' 34.35"E S31° 05' 34.35"E S31° 05' 34.35"E	
606	987.00	21.00 47.00 2.00	N31° 05' 34.35"E S31° 05' 34.35"E S31° 05' 34.35"E	
607	987.00	47.00 21.00 21.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E	
608	987.00	47.00 47.00 21.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
609	987.00	21.00 47.00 21.00 45.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E S31° 05' 34.35"E	
610	987.00	47.00 21.00 45.00 21.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E S31° 05' 34.35"E	
611	987.00	21.00 47.00 47.00	N31° 05' 34.35"E N88° 06' 47.54"E N88° 06' 47.54"E	
612	987.00	21.00 45.00 2.00	N31° 05' 34.35"E S31° 05' 34.35"E S31° 05' 34.35"E	
613	987.00	21.00 47.00 2.00	N31° 05' 34.35"E S31° 05' 34.35"E S31° 05' 34.35"E	
614	987.00	21.00 21.00 21.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E	
615	6200.02	100.00 100.00 62.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W	

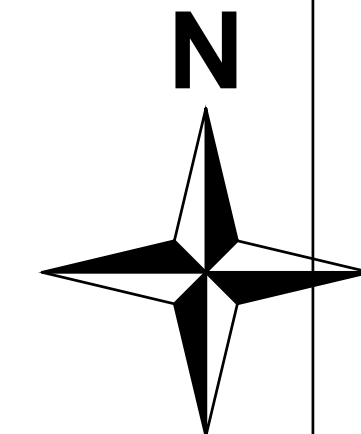
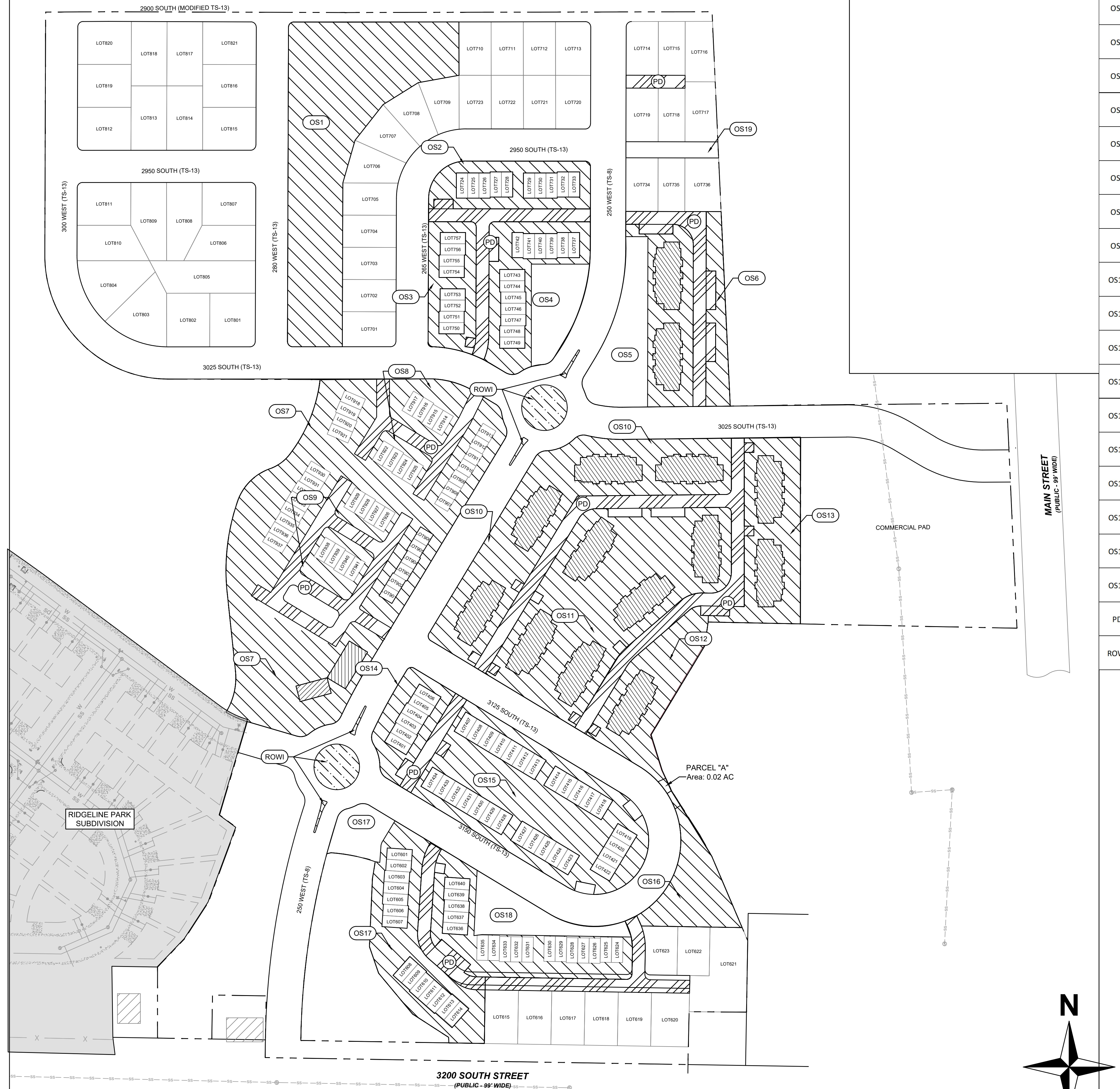
Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
616	6200.08	100.00 62.00 100.00 62.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	
617	6200.13	47.00 21.00 100.00 62.00	N88° 06' 47.54"E S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	
618	6200.19	100.00 62.00 62.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W	
619	6200.24	100.00 100.00 62.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W	
620	7052.47	65.61 70.21 70.81 34.40	S31° 11' 34.00"E N88° 03' 07.19"W S88° 03' 07.19"E S31° 11' 34.00"E	
622	5459.72	91.00 91.00 36.00	N88° 03' 07.19"W S88° 03' 07.19"E S88° 03' 07.19"E	
623	5550.02	15.71 42.87 68.11	N44° 02' 11.67"W N88° 03' 07.19"W S88° 03' 07.19"E	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
624	987.00	47.00 21.00 47.00 21.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	
625	987.00	47.00 21.00 47.00 21.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	
626	987.00	21.00 21.00 47.00 21.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	
627	987.00	47.00 21.00 47.00 21.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	
628	987.00	47.00 21.00 47.00 21.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	
629	987.00	21.00 47.00 47.00 21.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	
630	987.00	21.00 47.00 47.00 21.00	S88° 04' 25.65"W S31° 05' 34.35"E S88° 04' 25.65"W S31° 05' 34.35"E	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
631	987.00	21.00 47.00 21.00 47.00	S88° 03' 10.22"E S88° 06' 47.54"E N88° 06' 47.54"E S88° 03' 10.22"E	
632	987.00	21.00 47.00 21.00 47.00	N88° 03' 10.22"E S88° 06' 47.54"E N88° 06' 47.54"E S88° 03' 10.22"E	
633	987.00	21.00 47.00 21.00 47.00	N88° 03' 10.22"E S88° 06' 47.54"E N88° 06' 47.54"E S88° 03' 10.22"E	
634	987.00	21.00 47.00 21.00 47.00	N88° 03' 10.22"E S88° 06' 47.54"E N88° 06' 47.54"E S88° 03' 10.22"E	
635	987.00	21.00 47.00 21.00 47.00	N88° 03' 10.22"E S88° 06' 47.54"E N88° 06' 47.54"E S88° 03' 10.22"E	
636	987.00	47.00 21.00 21.00 47.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E N88° 06' 47.54"E	
637	987.00	47.00 21.00 21.00 47.00	N88° 06' 47.54"E S31° 05' 34.35"E S31° 05' 34.35"E N88° 06' 47.54"E	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
638	987.00	21.00 45.00 21.00 47.00	N31° 05' 34.35"E S88° 06' 47.54"E S31° 05' 34.35"E N88° 06' 47.54"E	
639	987.00	21.00 47.00 21.00 47.00	N31° 05' 34.35"E S88° 06' 47.54"E S31° 05' 34.35"E N88° 06' 47.54"E	
640	987.00	47.00 21.00 47.00 21.00	N88° 06' 47.54"E S88° 06' 47.54"E N88° 06' 47.54"E S88° 06' 47.54"E	
701	6499.72	55.04 15.67 2.00 65.42	S01° 11' 30.00"W S45° 04' 18.56"W S88° 06' 47.54"E N01° 11' 30.00"E	
702	6000.00	60.00 100.00 60.00	S01° 11' 30.00"W N88° 48' 30.00"E S01° 11' 30.00"E	
703	6000.00	100.00 60.00 100.00	N88° 48' 30.00"E S01° 11' 30.00"E N88° 48' 30.00"E	
704	6000.00	60.00 100.00 100.00	S01° 11' 30.00"E N88° 48' 30.00"E N88° 48' 30.00"E	

Parcel Area Table				
Parcel #	Area	Segment Lengths	Segment Bearings	
705	6029.91	28.74	S01° 31' 27.37"W	
		31.50	S01° 11' 30.00"W	
		100.00	N88° 06' 47.50"E	
		101.16	N01° 11' 30.00"E	
		103.16	S89° 45' 30.00"E	
706	6171.26	40.49	S21° 44' 18.13"W	
		104.39	N88° 49' 30.00"W	
		82.81	N15° 04' 22.22"E	
		104.39	S88° 06' 47.13"E	
707	6308.66	40.49	S39° 37' 22.93"W	
		104.39	N88° 50' 12.50"W	
		84.54	N88° 03' 10.22"E	
		104.00	S41° 27' 17.86"E	
708	5978.37	40.49	S37° 28' 01.72"W	
		104.00	N44° 07' 13.00"E	
		77.32	N88° 03' 10.22"E	
		104.00	S31° 05' 34.35"E	
709	5871.25	40.49	S75° 18' 40.34"E	
		104.39	N88° 49' 30.00"W	
		77.26	N01° 40' 14.37"E	
		100.06	S01° 26' 48.22"E	
710	5976.61	60.00	N89° 52' 31.82"W	
		99.53	N07° 06' 25.42"E	
		99.59	N89° 52' 31.82"E	
		99.69	S07° 06' 25.42"E	
711	5985.95	60.00	N89° 58' 31.82"W	
		99.59	N07° 06' 25.42"E	
		60.00	N89° 52' 33.58"E	
		99.84	S07° 06' 25.42"E	



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***RIDGELINE PARK EAST
SUBDIVISION
PRELIMINARY PLAT***
LOCATED IN THE NW1/4 OF SECTION 21, T11N, R1E, SLB&M
NIBLEY, UTAH

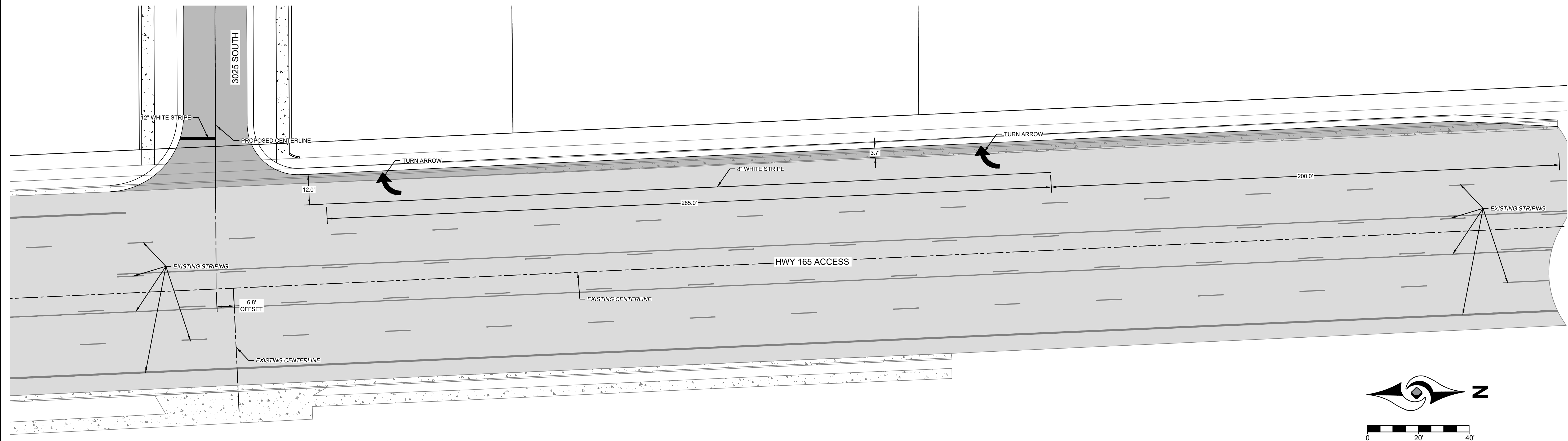
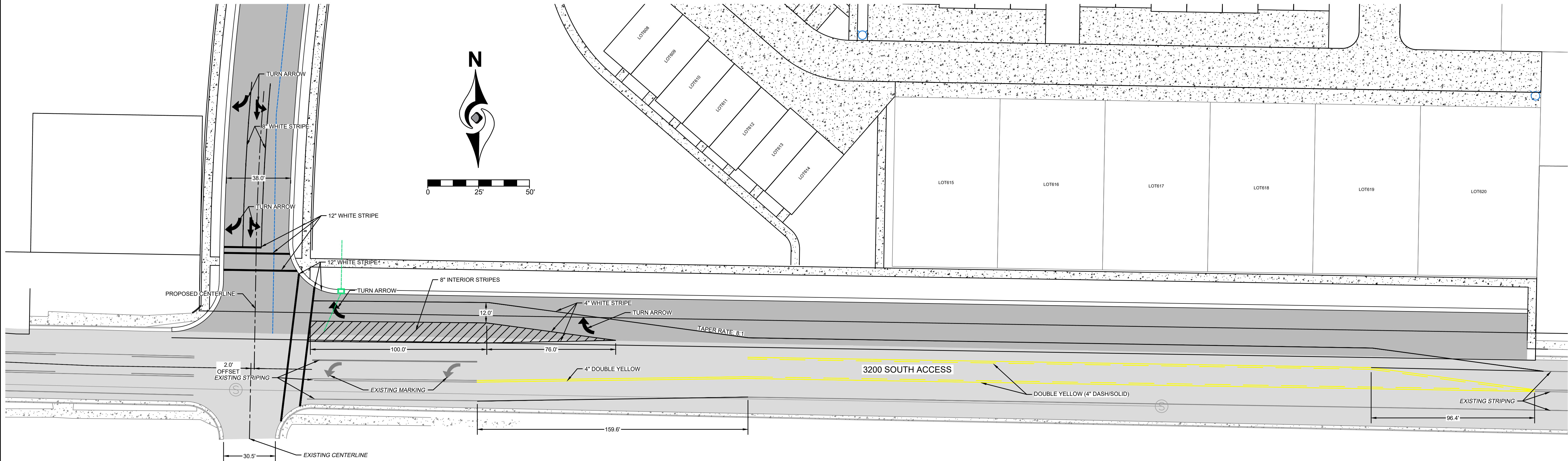
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PROJECT #: 19-384
DRAWN BY: M. RIGBY
PROJECT MANAGER: M. TAYLOR
ISSUED: 2/3/2022

PROFESSIONAL ENGINEER
2/3/2022
No. 8243188-2202
MICHAEL E. TAYLOR
Michael E. Taylor
STATE OF UTAH

NON-LOT & ROW TRACTS

3 OF 9



**RIDGELINE PARK EAST
SUBDIVISION
PRELIMINARY PLAT**

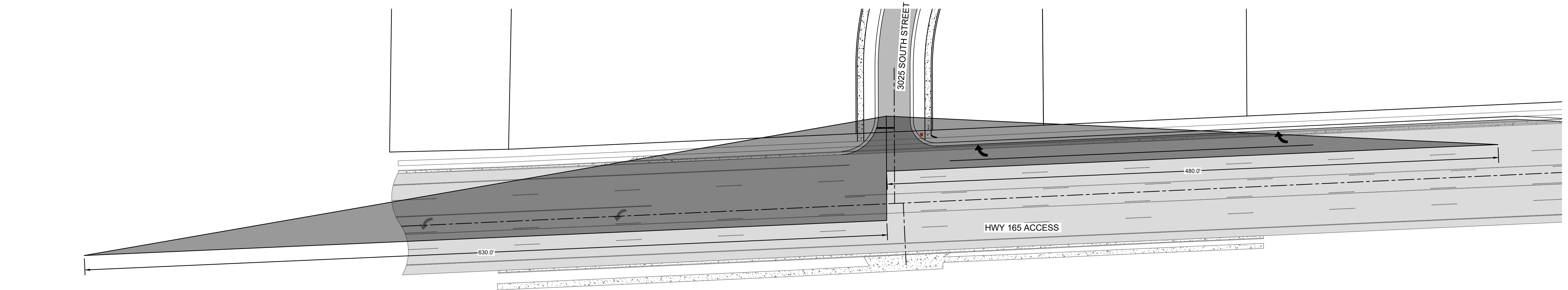
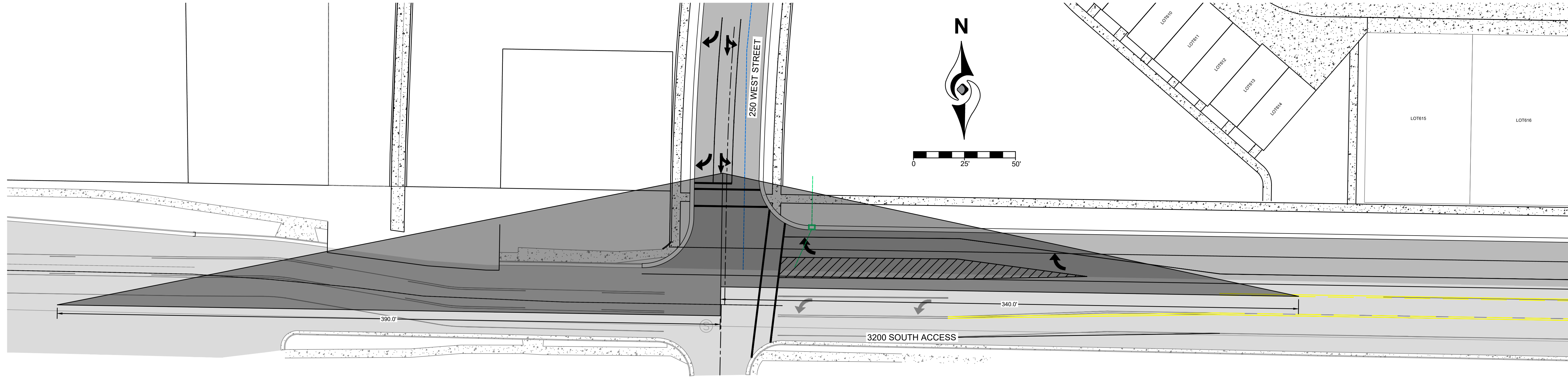
LOCATED IN THE NW 1/4 OF SECTION 21, T11N, R1E, S1B&M
NIBLEY, UTAH

MARK DATE	DESCRIPTION

PROJECT #: 19-384
DRAWN BY: M. RIGBY
PROJECT MANAGER: M. TAYLOR
ISSUED: 2/3/2022



**INTERSECTION
& STRIPING
PLAN**

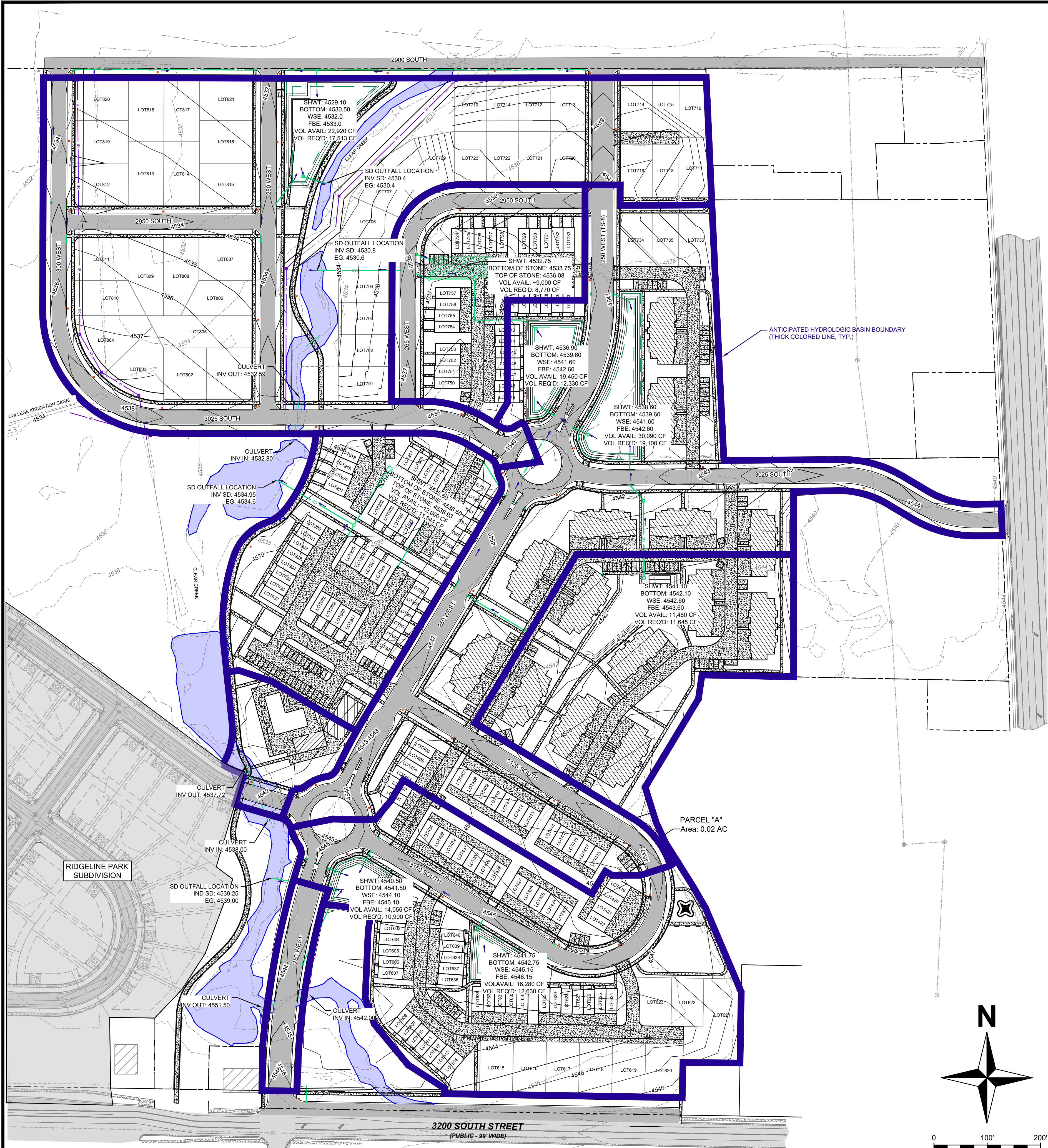


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ISSUED: 2/3/2022

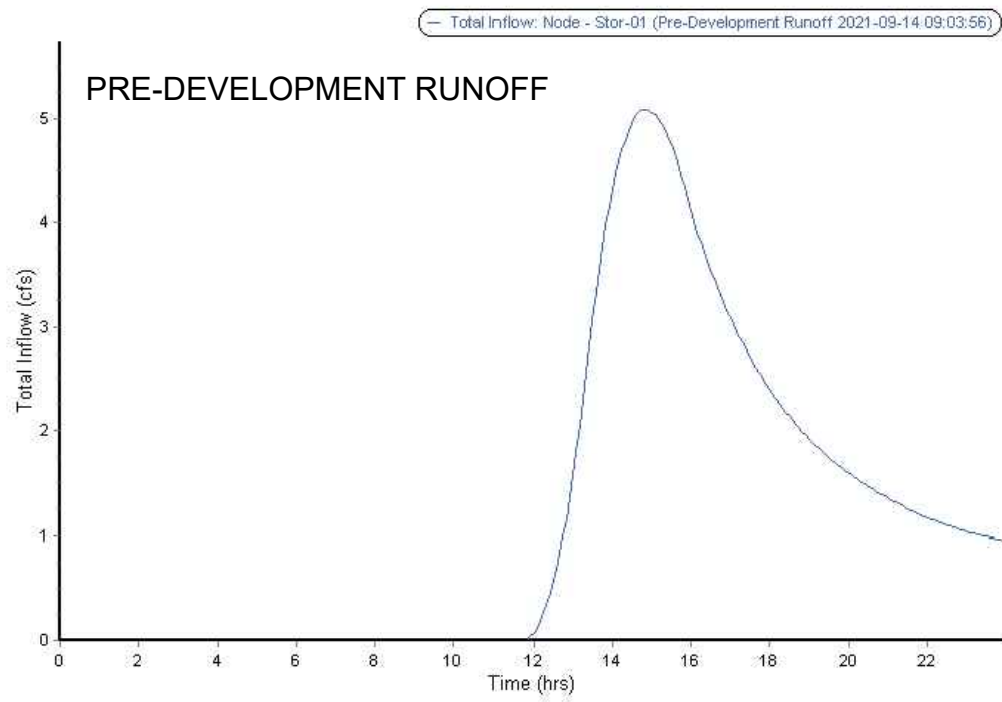


**SIGHT
TRIANGLES**



PRELIMINARY PLAT
OF
RIDGELINE PARK EAST
SUBDIVISION

LOCATED IN THE NORTHWEST CORNER OF SECTION 21, TOWNSHIP 11 NORTH,
RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, COUNTY OF CACHE,
STATE OF UTAH



STORMWATER NARRATIVE

THIS PROJECT WILL DETAIN THE 100-YR 24-HR STORM AND RETAIN THE 80TH-PERCENTILE STORM. ALL STORM WATER WILL BE COLLECTED VIA CATCH BASINS AND WILL BE CONVEYED THROUGH A NETWORK OF UNDERGROUND PIPING TO ABOVE-GROUND OR UNDERGROUND RETENTION/DETENTION FACILITIES. EACH FACILITY WILL RELEASE THE STORM WATER AT A CONTROLLED RATE (0.12 CFS/ACRE, THE PRE-DEVELOPMENT RUNOFF RATE) THROUGH AN ORIFICE PLATE, OR OTHER FLOW CONTROL DEVICE, AFTER THE REQUIRED 80TH PERCENTILE STORM WATER RETENTION IS ACHIEVED. 1-FT MIN. VERTICAL SEPARATION BETWEEN THE SEASONAL HIGH WATER TABLE AND THE STORAGE FACILITIES WILL BE MAINTAINED.

REQUIRED RETENTION STORAGE = 77.095 CF
REQUIRED DETENTION STORAGE = 118.165 CF
PROVIDED STORAGE (MAXIMUM HOLDING VOLUME AT WSE SHOWN) = 122.275 CF

PIPE DIAMETER ASSUMED TO BE 15". PIPES TO INCREASE IN SIZE PENDING RUNOFF ANALYSIS.

STORM WATER WILL ULTIMATELY BE DISCHARGED TO CLEAR CREEK. THE SITE IS INTENDED TO DISCHARGE CONTROLLED RUNOFF INTO CLEAR CREEK AT LOCATIONS CONSISTENT WITH THE SITE STORM DRAIN OUTFALL SYSTEM(S).

THE COMMERCIAL PADS WILL DETAIN/RETAIN THEIR OWN STORMWATER WHEN THEY DEVELOP.

BASED ON REGIONAL TOPOGRAPHY, OFF-SITE STORMWATER IS NOTE EXPECTED TO ENTER THE PROJECT FROM THE EAST. THESE AREAS ARE EITHER LOWER OR EQUAL TO THE EXISTING GRADE OF PHASES 4-8.

DESIGN CONTOURS SHOWN ARE STILL CONCEPTUAL AND SUBJECT TO CHANGE.

DETENTION BASIN NOTES:

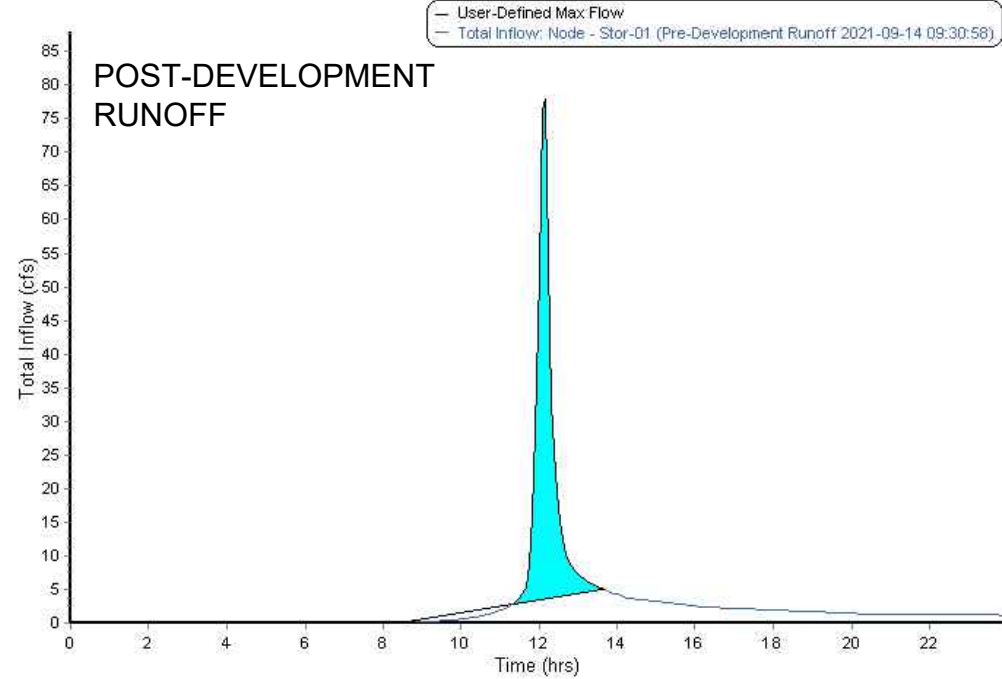
- THE CALCULATED HOLDING VOLUME OF EACH BASIN IS BASED ON THE INDICATED WATER SURFACE ELEVATION (WSE) AND THE PROPOSED BASIN GEOMETRY AS INDICATED ON THIS PLAN.
- THE VOLUME REQUIRED IS BASED ON A HYDROLOGIC EVALUATION UTILIZING A SIMILAR HYDROLOGIC MODEL, AND STORM PRECIPITATION DISTRIBUTION AS EVALUATED FOR THE OVERALL SITE.
- THE HYDROLOGY FOR EACH INDIVIDUAL TRIBUTARY AREA TO EACH BASIN(S) CATCHMENT ASSUMES CN VALUES AS INDICATED FOR THE OVERALL SITE. THE RELATIVE SURFACE AREA FOR EACH CN VALUE HAS BEEN ESTIMATED FOR EACH BASIN BASED ON THE PROPOSED PLAN INDICATED.
- THE TIME OF CONCENTRATION (TOC) HAS BEEN EVALUATED FOR EACH BASIN.
- AN ALLOWABLE RELEASE RATE OF 0.12 CFS/ACRE HAS BEEN UTILIZED FOR EACH STORAGE BASIN TO ESTIMATE THE REQUIRED VOLUME(S). THE CUMULATIVE REQUIRED STORAGE FOR THE INDIVIDUAL BASINS WILL DIFFER FROM THE OVERALL SITE EVALUATION DUE TO DIFFERING HYDROLOGIC CONDITIONS (WEIGHTED CN VALUE & TOC) IN EACH BASIN.
- BASIN-SPECIFIC ESTIMATED SEASONAL HIGH WATER TABLE LISTED ON THE PLANS WERE GARNERED FROM THE "ESTIMATED SEASONAL HIGHWATER TABLE STUDY" DATED 01.20.2022.

LEGEND:

- ← STORM DRAIN FLOW DIRECTION
- HYDRAULIC SUB-BASIN BOUNDARY

Total Inflow Summary Table		
Time period	Element ID	Stor-01
From: 09/14/2021, 12:00:00 AM	Maximum Total Inflow (cfs)	5.09
To: 09/15/2021, 12:00:00 AM	Minimum Total Inflow (cfs)	0.00
Thresholds	Event Mean Total Inflow (cfs)	1.38
Exceedance: 0	Duration of Exceedance (hrs)	N/A
Deficit: 0	Number of Exceedances	N/A
Detention storage	Number of Deficits	N/A
Max flow: 0	Volume of Exceedance (BF)	N/A
	Volume of Deficit (BF)	N/A
	Total Inflow Volume (BF)	30,691.17
	Detention Storage (BF)	N/A

Total Inflow (cfs): 875.2237



Total Inflow Summary Table		
Time period	Element ID	Stor-01
From: 09/14/2021, 12:00:00 AM	Maximum Total Inflow (cfs)	77.78
To: 09/15/2021, 12:00:00 AM	Minimum Total Inflow (cfs)	0.00
Thresholds	Event Mean Total Inflow (cfs)	2.73
Exceedance: 0	Duration of Exceedance (hrs)	N/A
Deficit: 0	Number of Exceedances	N/A
Detention storage	Number of Deficits	N/A
Max flow: 5.09	Volume of Exceedance (BF)	N/A
	Volume of Deficit (BF)	N/A
	Total Inflow Volume (BF)	235,025.68
	Detention Storage (BF)	118,165.36

STORMWATER CALCULATIONS

Ridgeline Park Eastside		CN (Group		(SubArea /
Description	Area (sq ft)	Area (ac)	32% B, 68% C)	TotalArea)*CN
Single-Family Yards	394,797	9.06	70	15
Open Space (Other)	499,586	11.47	70	19
Single-Family House				
(1,600sf) + Driveway	117,600	2.70	98	6
Impervious Area (Other)	838,298	19.24	98	44
Total Area*	1,850,281	42.48	84	
80th-Percentile Storm				
Volume (0.5-in):	77,095	cu-ft		
Initial Abstraction		0.37	inches	
Precipitation (10 Yr)	24 hour storm	2.04	inches	
Precipitation (25 Yr)	24 hour storm	2.41	inches	
Precipitation (100 Yr)	24 hour storm	3.02	inches	
Direct Runoff (10 Yr)	24 hour storm	0.79	total runoff depth	
Direct Runoff (25 Yr)	24 hour storm	1.07	total runoff depth	
Direct Runoff (100 Yr)	24 hour storm	1.56	total runoff depth	

Post Development			
10-Year Direct Runoff	2.80	acre-ft	122,164 ft3
25-Year Direct Runoff	3.79	acre-ft	164,955 ft3
100-Year Direct Runoff	5.52	acre-ft	240,621 ft3

*Excludes 3200 South, commercial pieces, Clear Creek bed, and mitigation areas. Includes the half-width of 2900S.

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RIDGELINE PARK EAST

SUBDIVISION

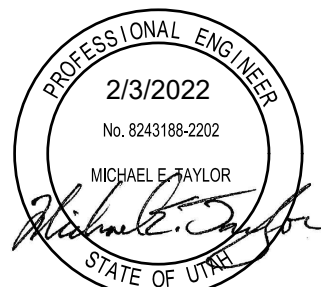
PRELIMINARY PLAT

LOCATED IN THE NW 1/4 OF SECTION 21, T11N, R1E, S16&M

NIBLEY, UTAH

MARK: DATE: DESCRIPTION:

PROJECT #: 19-384
DRAWN BY: M. RIGBY
PROJECT MANAGER: M. TAYLOR
ISSUED: 2/3/2022



**STORMWATER
PLAN**

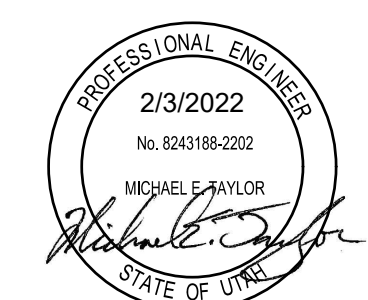
1.00' 5.00' 13.00' 49.50' 28.00' WIDTH VARIES SEE PLAN 2.50' SIDEWALK APWA TYPE A CURB & GUTTER 3200 SOUTH (99-FT ROW) IMPROVEMENTS N.T.S.

1.00' 5.00' 7.00' 2.50' 2% 30.00' 20.0' ROAD IMPROVEMENT 14.5' 3:1 DAYLIGHT TO EXISTING SIDEWALK APWA TYPE A CURB & GUTTER 2900 SOUTH (60-FT ROW) IMPROVEMENTS N.T.S.

PROPOSED DRIVEWAY SEE GRADING PLAN FOR ELEVATIONS 1' RIBBON CURB 2% ASPHALT DRIVEWAY 24.0' 12.0' PRIVATE DRIVES N.T.S.

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PROJECT #: 19-384
DRAWN BY: M. RIGBY
PROJECT MANAGER: M. TAYLOR
ISSUED: 2/3/2022



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RIDGELINE PARK EAST - PRELIMINARY PLAT

OUTSTANDING COMMENT	STATUS	EFFECTS TO THE PRELIMINARY PLAT
2900 S Improvements		
Per the Development Agreement, Visionary is to construct asphalt, curb & gutter, and sidewalk along their frontage and within the existing right-of-way between the project and Highway 165.	1) Visionary has agreed to improve their frontage as required but are proposing to pave only 12' of the road from the project to the highway. 2) Visionary supports this by claiming that the City doesn't technically own the 26' to 27' wide gap between properties. 3) Staff has documented maintenance of the roadway for more than 15 years and per our legal council this has standing to claim the property as City Right-of-way. 4) A Quit Claim Deed provided by property owners would give firm ownership to the City.	1) A change here could result in the requirement to change the preliminary plat layout.
Traffic Impact Study		
The Traffic Impact Study (TIS) will need to be updated to include the connections onto Highway 165, and include traffic from the park and all commercial properties.	1) The original TIS submitted included the two roadway connections to Highway 165 contemplated in the RPUD concept plan. 2) An updated TIS submitted at 3rd review removed the two Highway 165 connections which resulted in a lower Level of Service (LOS) in the surrounding intersections. 3) The updated TIS erroneously removed traffic from the existing commercial properties located in phase 1 off of 3200 S. 4) The updated TIS removed the traffic from the future commercial properties on Highway 165. 5) Neither traffic study included the city park in the study analysis. 6) An emergency access is proposed to be constructed through the commercial property.	1) A change here could result in the requirement to change the preliminary plat layout.

RIDGELINE PARK EAST - PRELIMINARY PLAT

OUTSTANDING COMMENT	STATUS	EFFECTS TO THE PRELIMINARY PLAT
The TIA shall match the City's master plan rather than the Cache County model. We have met with the County and they recognize that work needs to be done in the area to straighten things out between Nibley and Millville. Please adjust the model to match the City's master plan. Feel free to make a note that this change was made to match the City Master Plan per the City's request.	1) The TIS is modeled based on the Cache County Transportation Model which is different from the City's Transportation Master Plan in regards to 3100 S and 3200 S eastern alignments. 2) Staff has requested that the TIS be modeled based on the City's master plan.	1) A change here would not likely impact the preliminary plat but Staff feels it is important to follow the City's master plan in this case.
There is concern regarding the amount of traffic and the LOS at the 3200 S and Hwy 165 in the peak AM for EB traffic turning Left. Please model this scenario so we can understand this better. Afterward, please tabulate in the report all individual movements in all scenarios that have a LOS of E or worse and include the associated average delay.	1) The TIS only evaluated the impact of evening peak hour trips. 2) While staff recognizes this to be the highest volume, staff and Planning & Zoning Commission recognize that there is concern with the level of service for morning peak hour traffic turning north onto Highway 165 from 3200 S and feels that this should be modeled. 3) Specific concern is that the UDOT controls the signal and Nibley citizens may experience uncomfortable wait times as a result of the project with little power for the City to improve the condition. 4) Summerizing the LOS at movements gives a clearer picture of the impacts.	1) A change here could result in the requirement to change the preliminary plat layout.
It is noted in some instances that the LOS or average delay at an intersection movement is shown to go down with the addition of project traffic. This seems counter intuitive. Provide a narrative in the report that explains this phenomenon. A specific case is the EB left turn in 2040 going from LOS E to a better LOS of D after adding in RPA traffic to the background traffic.	1) Staff is interested in understanding this condition where the level of service gets better in some cases when adding project traffic to background traffic. The results can add to the discussion.	1) A change here could result in the requirement to change the preliminary plat layout.

RIDGELINE PARK EAST - PRELIMINARY PLAT

OUTSTANDING COMMENT	STATUS	EFFECTS TO THE PRELIMINARY PLAT
After reviewing the recent changes proposing to eliminate the two previously proposed roadway connections to highway 165, City staff is not supportive of this change. Staff believes removing the connections places a significant traffic burden on 3200 S and likely the Elkhorn Ranch Subdivision given the high housing densities that are being proposed. While it is recognized that a final resolution with UDOT regarding the configuration of the 3025 intersection continues to be unresolved, and there continues to be question regarding the ability to pave a safe width of 2900 S; the project still needs to show at least one of these driveways as facilities to be constructed with the preliminary plat.	1) The plan to remove the commercial lots on Highway 165 and the roadway connection through that property was provided to staff on the 3rd and final submittal. 2) Staff is concerned with how this will impact traffic in the surrounding areas including the Elkhorn Ranch Subdivision and requests that at least one connection be included as a requirement of the preliminary plat.	1) A change here could result in the requirement to change the preliminary plat layout.
In the TIA, the driveway into Mavrick appears as a roadway extending east past the development. Adjust this illustration to match the existing conditions.	1) The TIA shows an incorrect roadway condition that should be modified. 2) The Traffic Engineer did not want to make the change.	1) This would not have a significant impact on the development layout. This comment was made while reviewing the report and should be updated for the final report.
STORMWATER		
The recent information provided regarding stormwater retention does not adequately demonstrate that the preliminary drainage plan complies with City standards. Specifically there is concern that there may not be sufficient separation between the bottom of the basins and the historic high groundwater elevations. This will be reviewed in greater detail with the construction plans but it should be noted that if more area is required for stormwater management, it has the possibility of resulting in a reduction of lots, usable openspace, etc.	1) The City needs to verify that the planned bottom elevations of stormwater basins are a minimum 1' above the existing high groundwater elevation.	1) If sufficient separation is not available, basins may have to move or increase in size and has the potential to change the configuration of the preliminary plat layout.

RIDGELINE PARK EAST - PRELIMINARY PLAT

OUTSTANDING COMMENT	STATUS	EFFECTS TO THE PRELIMINARY PLAT
The final stamped drainage report to be submitted with construction plans shall include a narrative documenting offsite stormwater impacts to the project, provide specific details on how the storm tech system will function, and other information that is unique to this project.	1) The City needs the engineer to confirm that any stormwater impacting the project from adjacent properties is being managed. This condition may exist on the north and at the commercial property if not included in the preliminary plat. 2) Visionary has stated there isn't a concern but have not included any language in the preliminary plat.	1) Additional drainage features (channels, basins, etc) may be required to manage stormwater from offsite areas.
It is difficult to understand how the use of stormtech chambers will be possible given the shallow depth of groundwater. This will need to be clearly explained in the stormwater study and may result in the requirement to construct stormwater basins to replace the chambers.	1) Stormtech chambers hold stormwater below a parking lot. They have never been used in Nibley because of high groundwater. It is unclear that the design will be able to meet City Standards. 2) The engineer is not ready to provide sufficient detail to confirm that the chambers can meet City standards.	1) If the chambers do not meet City standards, new basins may have to be created and has the potential to change the configuration of the preliminary plat layout.
SEWER		
After further review with the additional sewer elevation information provided, the option to eliminate the lift station & force main and to extend sewer west across the park area is the City's preferred option. Further evaluation of this option will be reviewed with the detailed information provided with Construction Plans.	1) After receiving requested sewer design information with the 3rd submittal, Staff was able to determine that the proposed sewer lift station will likely not be needed as sewer can flow to an existing manhole through the park area. 2) The preliminary plat still shows a lift station site. 3) Visionary is supportive of moving in this direction.	1) This would remove the sewer lift station site from the preliminary plat
Is there enough slope in the sewer system to construct the proposed bypass around the commercial area? It would seem as though the southwestern most condos could more easily sewer to the east rather than south to west to north to east.	1) The City is concerned about sufficient slope being available to design the sewer system as proposed. 2) The City is also concerned about the proposed sewer layout in the Condo area. 3) Visionary believes there is sufficient slope to build the bypass and is willing to look at changing the sewer lines in the condo area.	1) If the slope isn't sufficient, they would need to reconfigure the proposed sewer system. 2) The City will likely change the sewer system configuration in the Condo area to sewer in a better manner.

RIDGELINE PARK EAST - PRELIMINARY PLAT

OUTSTANDING COMMENT	STATUS	EFFECTS TO THE PRELIMINARY PLAT
GEOTECHNICAL		
There are a couple of notes that talk about the possibility of liquefaction being a concern, however there is no further analysis or recommendations provided. Provide justification for why further analysis isn't needed and relative construction recommendations given.	1) An analysis needs to be completed in regards to the design requirements related to liquifacation. 2) Visionary is working on this update.	1) This shouldn't have a significant impact on the development unless they chose to change the location of buildings to achieve a more cost effective building scenario.
Given the swampy conditions of the project and that foundation could realistically be in the water table, the 1,500 psf bearing capacity of the soil seems high. Confirm that this bearing pressure is correct.	1) The proposed allowable soil bearing pressure in the report appears high given the swampy condition of the area. 2) Visionary is working on this update.	1) This shouldn't have a significant impact on the development layout. This comment was made while reviewing the report and needs to be followed up on prior to construction plan approval.
Experience with soils in the area is that a 6% CBR value may be pretty high. Please provide documentation to support the use of this value.	1) The proposed 6% CBR in the report appears high given the City's experience with soils in the area. This can impact roadway designs. 2) Visionary is working on this update.	1) This shouldn't have a significant impact on the development layout. This comment was made while reviewing the report and needs to be followed up on prior to construction plan approval.
MISCELANEOUS		
On sheet 3 an open space area was designated as a prive drive and a private drive has been labeled as an openspace. Both are incorrect.	1) This is a correction that hasn't been made yet. 2) Visionary wants it shown correctly.	1) This error should be noted to avoid misunderstanding once approved.

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**NIBLEY CITY
R-PUD DEVELOPMENT AGREEMENT**

FIRST AMENDMENT – FEBRUARY 2022

THIS FIRST AMENDMENT (“Amendment”) to that certain DEVELOPMENT AGREEMENT (“Agreement”) previously recorded on July 15, 2020, between Visionary Home, 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,” was previously approved as a Residential Planned Unit Development (“R-PUD”) under Nibley City Code Title 19, Chapter 32 (“R-PUD Ordinance”) pursuant to the Agreement and other approvals issued by Nibley City; and

WHEREAS, the parties desire to amend the Agreement and prior approvals of the R-PUD and Development to adjust the obligations and rights of Developer regarding the development of 2900 South, 250 West, and the public roadway connecting 2965 S to Highway 165 through the neighborhood commercial property; and

NOW, THEREFORE, the parties agree as follows:

1. Paragraph 9 of the Agreement is amended as follows, with underlined portions added:

The Developer shall develop a half road of 2900 S adjacent to Ridgeline Park and also develop and pave the 2900 S right-of-way east of the Development to Highway 165, according to City standards, including curb, gutter, sidewalks and landscaping. Construction of any remaining portion of 250 W and 2900 S (from 250 W to Highway 165) shall be completed in conjunction with construction of infrastructure on phase 7, 8, or 9, whichever develops first. The City will indemnify Visionary with regards to legal challenges arising out of claims that the City does not own or lacks sufficient right-of-way for Visionary’s construction of 2900 S from the project to Highway 165.

2. Paragraph 10 of the Agreement is amended as follows, with struck through portions removed:

The Developer shall provide a public roadway to Highway 165 through the eastern neighborhood commercial property. This roadway shall be built when the commercial property is developed, or when traffic generated in the development warrants the intersection, as determined by Nibley City, and according to Nibley City traffic and design standards.

- ~~a. This roadway shall have direct east/west alignment with 2965 S intersection on the west side of the development. Meaning, 2965 S shall align with the intersection on Highway 165 without need to turn onto another roadway.~~
 - b. After 250 West is developed, the public roadway connection to Highway 165 through the eastern neighborhood commercial property shall be brought up for consideration to determine the appropriate stage at which Developer shall be required to construct and improve the roadway.
3. Paragraph 12 of the Agreement is amended as follows, with struck through portions removed:

There shall be no residential driveway access ~~or street parking~~ on 250 W.

4. All other provisions, terms, rights, and obligations of the Agreement and all related approvals of the Development and R-PUD not expressly amended herein remain in effect and are unaltered by this Amendment.

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 _____, 2022, 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 _____, 2022, personally appeared before me, _____, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

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RIDGELINE PARK EAST - PRELIMINARY PLAT

OUTSTANDING COMMENT	STATUS	EFFECTS TO THE PRELIMINARY PLAT
2900 S Improvements		
Per the Development Agreement, Visionary is to construct asphalt, curb & gutter, and sidewalk along their frontage and within the existing right-of-way between the project and Highway 165.	1) Visionary has agreed to improve their frontage as required and are proposing to pave 20' of the road from the project to the highway. 2) Title work needs to be completed for the off property portion by Visionary. 3) Staff has documented maintenance of the roadway for more than 15 years and per our legal council this has standing to claim the property as City Right-of-way. 4) City attorney has agreed that it would be acceptable to provide Visionary an indemnity based on current land status. 4) A Quit Claim Deed provided by property owners would give firm ownership to the City. City to be responsible to obtain	1) A change here could result in the requirement to increase the road to beyond the 20' identified.
Traffic Impact Study		
The Traffic Impact Study (TIS) will need to be updated to include the connections onto Highway 165, and include traffic from the park and all commercial properties.	1) The most recent TIS submitted does not include the two roadway connections to Highway 165 shown on the preliminary plat. 2) The most recent TIS submitted removed the two Highway 165 connections which resulted in a lower Level of Service (LOS) in the surrounding intersections. 3) The most recent TIS submitted does not include traffic from the commercial properties. 4) The most recent TIS submitted does not include the city park in the study analysis.	1) With the updated Preliminary Plat showing connections to highway 165 at 2900 S and the commercial area, changes to the traffic study are not anticipated to affect the preliminary plat.

RIDGELINE PARK EAST - PRELIMINARY PLAT

OUTSTANDING COMMENT	STATUS	EFFECTS TO THE PRELIMINARY PLAT
The TIA shall match the City's master plan rather than the Cache County model. We have met with the County and they recognize that work needs to be done in the area to straighten things out between Nibley and Millville. Please adjust the model to match the City's master plan. Feel free to make a note that this change was made to match the City Master Plan per the City's request.	1) The TIS is modeled based on the Cache County Transportation Model which is different from the City's Transportation Master Plan in regards to 3100 S and 3200 S eastern alignments. 2) Staff has requested that the TIS be modeled based on the City's master plan.	1) A change here would not likely impact the preliminary plat but Staff feels it is important to follow the City's master plan in this case.
There is concern regarding the amount of traffic and the LOS at the 3200 S and Hwy 165 in the peak AM for EB traffic turning Left. Please model this scenario so we can understand this better. Afterward, please tabulate in the report all individual movements in all scenarios that have a LOS of E or worse and include the associated average delay.	1) The TIS only evaluated the impact of evening peak hour trips. 2) While staff recognizes this to be the highest volume, staff and Planning & Zoning Commission recognize that there is concern with the level of service for morning peak hour traffic turning north onto Highway 165 from 3200 S and feels that this should be modeled. 3) Specific concern is that the UDOT controls the signal and Nibley citizens may experience uncomfortable wait times as a result of the project with little power for the City to improve the condition. 4) Summerizing the LOS at movements gives a clearer picture of the impacts.	1) With the updated Preliminary Plat showing connections to highway 165 at 2900 S and the commercial area, changes to the traffic study are not anticipated to affect the preliminary plat.
It is noted in some instances that the LOS or average delay at an intersection movement is shown to go down with the addition of project traffic. This seems counter intuitive. Provide a narrative in the report that explains this phenomenon. A specific case is the EB left turn in 2040 going from LOS E to a better LOS of D after adding in RPA traffic to the background traffic.	1) Staff is interested in understanding this condition where the level of service gets better in some cases when adding project traffic to background traffic. The results can add to the discussion.	1) With the updated Preliminary Plat showing connections to highway 165 at 2900 S and the commercial area, changes to the traffic study are not anticipated to affect the preliminary plat.
In the TIA, the driveway into Mavrick appears as a roadway extending east past the development. Adjust this illustration to match the existing conditions.	1) The TIA shows an incorrect roadway condition that should be modified. 2) The Traffic Engineer did not want to make the change.	1) This would not have a significant impact on the development layout. This comment was made while reviewing the report and should be updated for the final report.

RIDGELINE PARK EAST - PRELIMINARY PLAT

OUTSTANDING COMMENT	STATUS	EFFECTS TO THE PRELIMINARY PLAT
GEOTECHNICAL		
There are a couple of notes that talk about the possibility of liquefaction being a concern, however there is no further analysis or recommendations provided. Provide justification for why further analysis isn't needed and relative construction recommendations given.	1) An analysis needs to be completed in regards to the design requirements related to liquifacation. 2) Visionary is working on this update.	1) This shouldn't have a significant impact on the development unless they chose to change the location of buildings to achieve a more cost effective building scenario.
Given the swampy conditions of the project and that foundation could realistically be in the water table, the 1,500 psf bearing capacity of the soil seems high. Confirm that this bearing pressure is correct.	1) The proposed allowable soil bearing pressure in the report appears high given the swampy condition of the area. 2) Visionary is working on this update.	1) This shouldn't have a significant impact on the development layout. This comment was made while reviewing the report and needs to be followed up on prior to construction plan approval.
Experience with soils in the area is that a 6% CBR value may be pretty high. Please provide documentation to support the use of this value.	1) The proposed 6% CBR in the report appears high given the City's experience with soils in the area. This can impact roadway designs. 2) Visionary is working on this update.	1) This shouldn't have a significant impact on the development layout. This comment was made while reviewing the report and needs to be followed up on prior to construction plan approval.

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**NIBLEY CITY
R-PUD DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT ("Agreement"), entered into this 30 day of JUNE, 2020, between Visionary Home, 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" seeks to obtain approval as a Residential Planned Unit Development ("R-PUD") under Nibley City Code Title 19, Chapter 32 ("R-PUD Ordinance"); and

WHEREAS, the approval of an R-PUD requires the City, by legislative act, to apply the R-PUD overlay zone to the Development, which act is preconditioned on the Developer entering into and complying with the terms of this Agreement; and

WHEREAS, the Developer has prepared preliminary plans for the Development, including a preliminary site plan, proposed amenity improvements, proposed open space, total number of units to be developed, maintenance plans, and other supporting documentation as required by the City and the R-PUD Ordinance, ("Preliminary Plans") which plans are attached hereto and made part of this Agreement as Exhibit "A"; and

WHEREAS, it is necessary for the interest of the public welfare that the Development be developed and improved according to the specifications set forth in Nibley City Ordinances and Design Standards and this Agreement; and

NOW, THEREFORE, to induce Nibley City to approve the proposed R-PUD development and rezoning, the Developer does hereby unconditionally promise and agree with Nibley City as follows:

1. Developer hereby acknowledges receipt of a copy of the Nibley City Subdivision Ordinance, Nibley City Code Title 21, the R-PUD Ordinance and the Nibley City Design Standards. Developer hereby acknowledges that Developer, or an agent of Developer, has read and understands the provisions of the ordinances and standards and that Developer will fully and completely comply with the provisions and requirements therein contained.

2. Developer hereby acknowledges that the execution of this Agreement, on its own, does not constitute final plat approval, approval of the R-PUD rezone, or permission to begin development, and that any such approvals granted by the City may be granted only upon Developer's compliance with the terms of the Nibley City Ordinances, Design Standards, and this Agreement.

Ent 1252624 Bk 2162 Pg 404
Date: 15-Jul-2020 09:14 AM Fee \$40.00
Cache County, UT
Michael Gleed, Rec. - Filed By NLG
For VISIONARY-HOMES

Nibley City |
Development Agreement | Ridgeline
Park

3. This Agreement, including the Preliminary Plans attached hereto, shall govern the Development. The Developer shall develop, construct, improve, and maintain the Development in a way that is substantially similar to the Preliminary Plans. In no event may the number of units in the Development exceed the number of units described in the Preliminary Plans.

4. Developer shall develop and construct all open space, landscaping, housing units, utilities, amenities, roadways, and all other improvements in accordance with the standards listed within Nibley City Design Standards, Nibley City Code Title 21, Nibley City Code Title 21 Chapter 32.

5. Developer shall develop the park and amenities in proportional phases as required in NCC 19.32.050(A).

6. The Developer shall dedicate 18.3 acres to the City as consideration for this Agreement, free and clear as shown in the attached Preliminary Plans for a City Park. The City and Developer shall then enter into a separate Park Development Agreement for improvement of said park space, as described herein.

~~Page 1252624~~ # 2162 Pg 405

- a. The City and Developer shall enter into a future agreement to develop the City Park Space. This agreement shall cover amenities, infrastructure, landscaping, and development. The City shall design the future City Park Space and all improvements incorporated therein.
- b. The Developer shall develop and construct the City Park Space as determined and designed by the City.
- c. Funding: The Developer shall pay for the design, development, and construction of the City Park Space as described in the Preliminary Plans through park impact fees generated from the Development. The Park Development Agreement shall review and allocate the park impact fees generated from the Ridgeline Park Development in accordance with this section. At least 75% of park impact fees generated from the Development shall be used to fund the design, development, and construction of the City Park Space. All other impact fees may be assessed, collected, and used as set forth in Nibley City Code. The City may waive, offer a credit for, or reimburse impact fees as set forth in Nibley City Code for Developer's provision of park amenities, infrastructure, landscaping, and improvements, provided that the Developer shall not receive a waiver, credit, or reimbursement of any impact fees due to the dedication of the park space.
- d. The park construction shall be proportionally phased in construction with each phase of development of Ridgeline Park R-PUD. The Park Development Plan shall contain a phasing plan for construction of the park space.

7. Developer shall provide dog parks and areas within the common or open space within the HOA property in the development.

8. Developer shall provide a preliminary maintenance plan with the Preliminary Plans for the maintenance of amenities as required by NCC 19.32.050(B).

9. The Developer shall develop a half road of 2900 S adjacent to Ridgeline Park and also develop and pave the 2900 S right-of-way east of the Development to Highway 165, according to City standards, including curb, gutter, sidewalks and landscaping.

10. The Developer shall provide a public roadway to Highway 165 through the eastern neighborhood commercial property. This roadway shall be built when the commercial property is developed, or when traffic generated in the development warrants the intersection, as determined by Nibley City, and according to Nibley City traffic and design standards.

- a. This roadway shall have direct east/west alignment with 2965 S intersection on the west side of the development. Meaning, 2965 S shall align with the intersection on Highway 165 without need to turn onto another roadway.
- b. After 250 West is developed, the public roadway connection to Highway 165 through the eastern neighborhood commercial property shall be brought up for consideration to determine the appropriate stage at which Developer shall be required to construct and improve the roadway.

Ent 1252624 Bk 2162 Pg 406

11. The Developer shall construct 250 W on the south edge of its development to align with 250 W south of the development as shown on the Transportation Master Plan.

12. There shall be no residential driveway access or street parking on 250 W.

13. This Agreement and the Preliminary Plans may be revised or amended only upon the approval of the Nibley City Council, with the recommendation of the Planning Commission.

14. Developer shall ensure that there are no holders of interests that are superior in title to this Agreement, and that all interests, including but not limited to liens, mortgages, deeds of trust, and other similar devices, have been made subordinate to this Agreement. Developer shall provide such documentation as is necessary to establish these facts prior to receiving final plat approval or approval of the R-PUD rezone.

15. Developer shall comply with all applicable federal, state, county and City requirements, regulations and laws for each aspect of this Development, including payment of fees, provision of bonds and other guarantees, and compliance with design and construction standards. Nothing in this Agreement shall be deemed to relieve Developer from the obligation to comply with all such applicable laws, ordinances and requirements as now existing and as enacted and/or amended prior to construction. In the event of a conflict between this Agreement and any applicable federal, state, county, or city requirement, regulation, or law, the federal, state, county, or city requirement, regulation, or law shall prevail to the extent of such conflict.

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

17. 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 including all parties who acquire title to any portion of the Development; provided, however, that this Agreement cannot be otherwise assigned, transferred or conveyed by either party, without the express, written consent of the other party.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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 and bind all future owners of any part of the Development.

24. 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.

Ent 1252624 Bk 2162 Pg 406-A

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

NIBLEY CITY

DEVELOPER


By: DAVID N. ZOOK
Its: City Manager

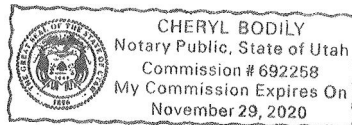

By: _____
Its: MANAGING MEMBER

By:

STATE OF UTAH)
 :SS
County of Cache)

1252624 Bk 2162 Pg 407

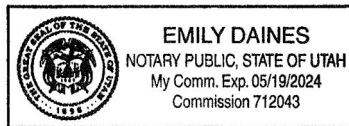
On this 13 day of July, 2020, personally appeared before me DAVID N. ZOOK, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.




NOTARY PUBLIC

STATE OF UTAH)
 : SS
County of Cache)

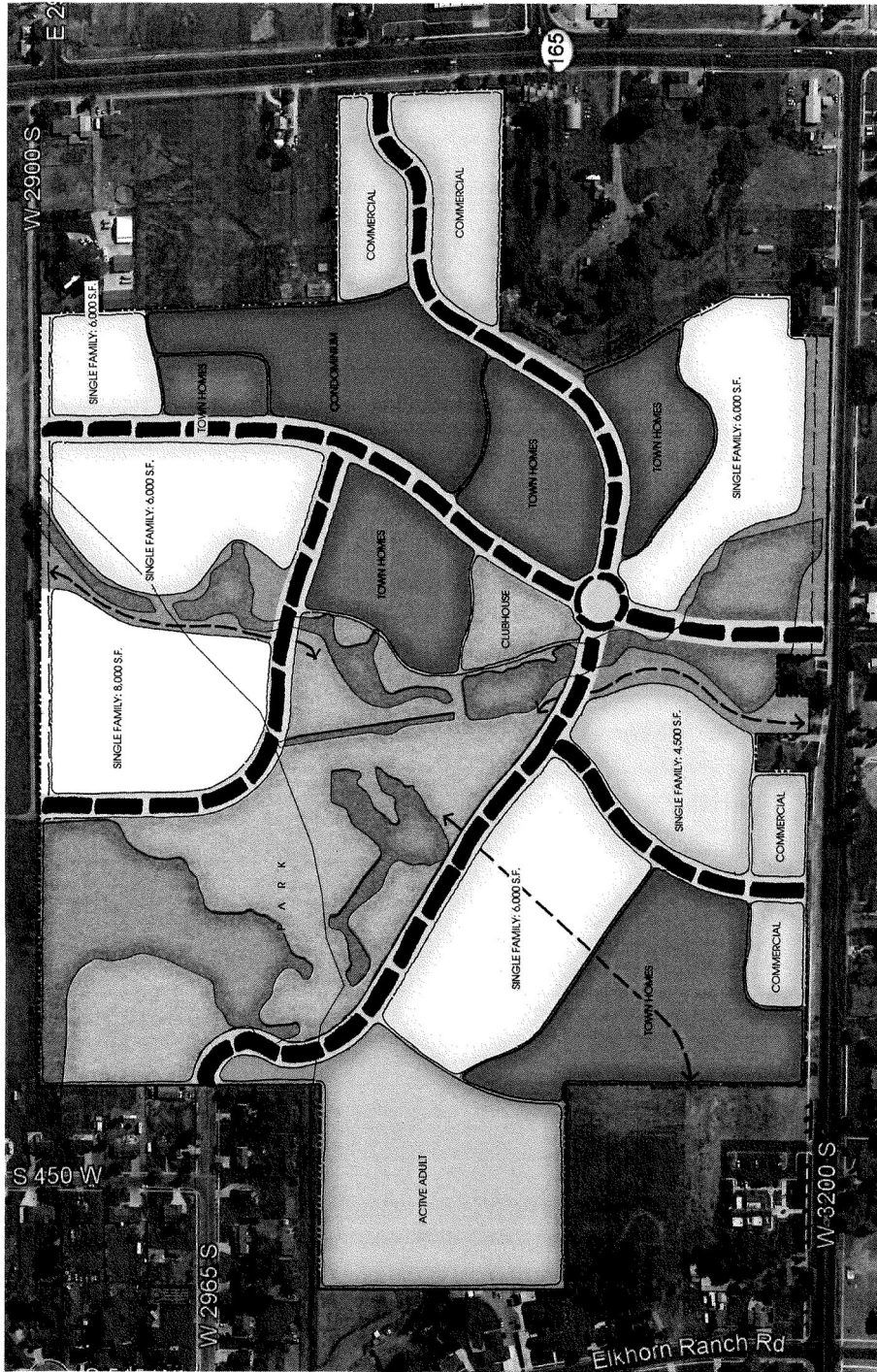
On the 30 day of June, 2020, personally appeared before me, Jeff Jackson, Developer, the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.




NOTARY PUBLIC

Exhibit A
Preliminary Plans

Ent-1252624 Bk 2162 Pg 408

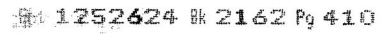


Parcels: 03-022-0002
 03-025-0012
 03-020-0010
 03-020-0017
 03-025-0001
 03-026-0001

Site Summary

Category	Quantity	Area (S.F.)	Area (Acres)
Single Family	5	30,000	0.69
Town Homes	10	10,000	0.23
Condominiums	10	10,000	0.23
Clubhouse	1	1,000	0.02
Active Adult	1	1,000	0.02
Commercial	2	2,000	0.05
Total	29	56,000	1.28

RIDGELINE PARK
 Visionary Homes, 50 East 2600 North, North Logan, Utah
 R. MICHAEL KENY
 2010-2011



Ironwood Construction, 50 East 2500 North, North Logan, Utah

 **R. MICHAEL KELLY**
CONSULTANTS
LAND PLANNING • LANDSCAPE ARCHITECTURE
205 Ross Ave., Suite 100, UT 84202 435.743.2056

Legal Description

For 03-020-0017

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **6/28/1990**

BEG S 28 FT & S 88°46'54"E 617.63 FT FROM NW COR OF SE/4 SEC 21 T 11N R 1E TH S 88°46'54"E 550.92 FT S 1°17'30"W 383.31 FT S 89°07'E 714.36 FT N 2°20'W 402.01 FT S 89° 58'E 69.79 FT N 2°34'23"W 736.30 FT W 1239.12 FT TH S 2°53'E 184.80 FTS 28°33'17"W 205.96 FT S 8°30"E 369.56 FT TO BEG SUBJ TO R'S/W CONT 28.29 AC
SUBJ TO BNDRY LN AGREEMENT W/03-020-0031 ENT 882175 BK 1337 PG 1927

Legal Description

For 03-020-0010

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **6/28/1990**

BEG AT NW COR OF SE/4 SEC 21 T 11N R 1E & TH S 28 FT TO INTERSECTION OF TWO BNDRY FENCE LINES TH S88°46' 54" E 617.63 FT TH N 8°00'30" W 369.56 FT TH N 28°33'17" E 205.96 FT TH N 2°53' W 184.80 FT TH WEST 655.16 FT TO W LN OF NE/4 SD SEC 21TH S 690.29 FT M/L TO BEG 10.23 AC

Legal Description

For 03-025-0001

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **9/26/2000**

BEG 432.83 FT S & 1157.0 FT E OF NW COR OF SW/4 OF SEC 21 T 11N R 1E & TH S 89°02' E 727.10 FT TH S 10°45'34" W 45.0 FT TH S 30°54'52" W 193.55 FT TH SE'LY ALG FENCE IN 5 COURSES: S 17°34'41" E 68.99 FT S 25°04'55" E 42.82 FT S 32°36'34" E 97.91 FT S 29°08'22" E 44.17 FT S 23°16'26" E 171.57 FT S 1°05'06" W 134.31 FT TH N 89°02' W 107.12 FT TH S 1°05'06" W 101 FT TO N LN OF 3200 S ST (66 FT WIDE) TH N 89°02' W 737.78 FT ALG ST TH N 3°23'37" E 828.21 FT TO BEG CONT 14.03 AC M/B

Set 1252624 Bk 2162 Pg 411

Legal Description

For 03-022-0002

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **6/28/1990**

BEG AT THE NE COR SW/4 SEC 21 T 11N R 1E, S 9.14 CHS N 89°2' W 7.5 CHS N 9.075 CHS TO A PT
7.50 CHS W OF BEG E 7.50 CHS TO BEG WITH R/W CONT 7.16 AC A2286B

Legal Description

For 03-026-0001

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **10/30/1991**

BEG 457.09 FT & E 2467.83 FT FROM NW COR OF SE/4 SEC 21 T 11N R 1E N 2°30'W 402.1 FT N
88°54'04" W 523.05 FT N 89°58'W 69.79 FT S 2°20'E 402.01 FT S 89°02'E 594 FT TO BEG NET 5.47
AC LESS 0.05 AC TO UDOT 505/277 NET 5.42 AC SUBJ TO BNDRY LN AGREEMENT W/03-020-
0012 & 0031 ENT 882175 BK 1337 PG 1927

Legal Description

For 03-025-0012

Owner: **STERLING LAND HOLDINGS LLC**

Effective: **11/2/2000**

BEG S 1°50' W 28 FT FROM NW COR OF SE/4 OF SEC 21 T 11N R 1E & TH S 88°46'54" E 1165.97
FT TH S 1°18'34" W 380.83 FT TH S 3°23'37" W 828.21 FT TO N LN OF 3200 S ST TH N 89°02' W
49.42 FT ALG ST TH N 0°58' E 115 FT TH N 89°02' W 100 FT TH S 0°58' W 82.0 FT TO N LN OF SD
ST (99 FT WIDE) TH N 89°02' W ALG ST 101.2 FT TH N 0°03'20" E 132.5 FT TH N 89°03'47" W 84.4
FT TH S 0°45'59" E 132.5 FT TH N 89°02' W ALG ST 586.37 FT TH N 0°02'17" E 182 FT TH N 89°02'
W 160 FT TH S 0°02'17" W 167 FT TH SE'LY ALG CURVE TO LEFT 23.7 FT TO N LN OF 3200 S ST
TH N 89°02' W 45 FT TO W LN OF SE/4 SD SEC TH N 0°02'17" E 1179.88 FT TO BEG CONT 30.00
AC M/L

~~1252624~~ Bk ~~2162~~ Pg **412**



FUTURE CITY PARK

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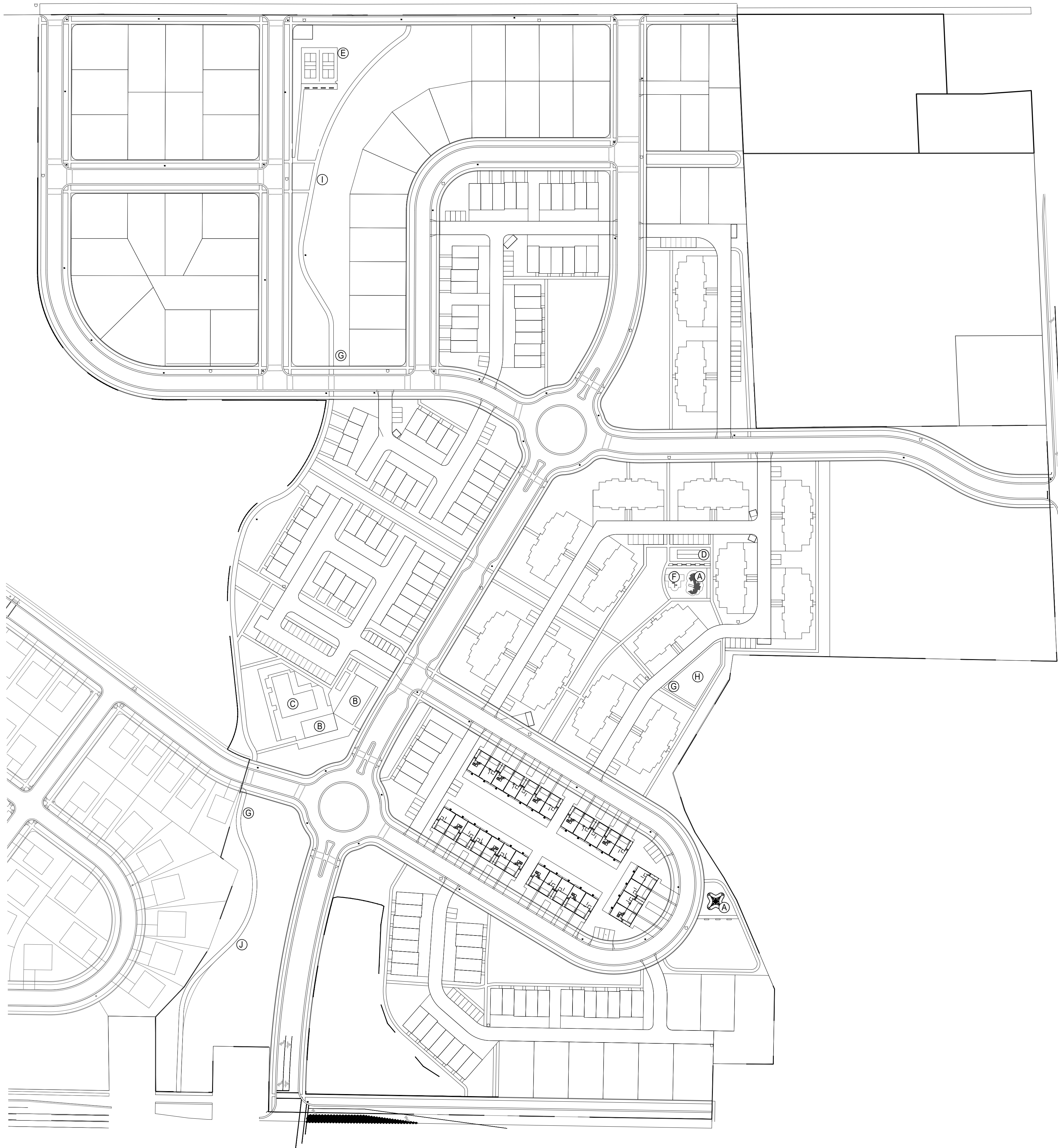


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Dec 08, 2021 - 2:45pm
E:\Users\Gordon\Projects\Loca\Temp\Loca\Site_2021\0131 - LS - Planning Phase.dwg



- AMENITIES KEY
- (A) PLAYGROUND
 - (B) CLUBHOUSE
 - (C) POOL
 - (D) PAVILION
 - (E) SPORT COURT
 - (F) SWING SET
 - (G) DOG STATION
 - (H) DOG PARK
 - (I) CITY CENTER TRAIL
 - (J) CLEAR CREEK TRAIL



PROJECT NAME:
Ridgeline Park East
Phases 4-10
Nibley, Utah

loci

801 906 0399
www.loci-slc.com
569 East 2nd Avenue
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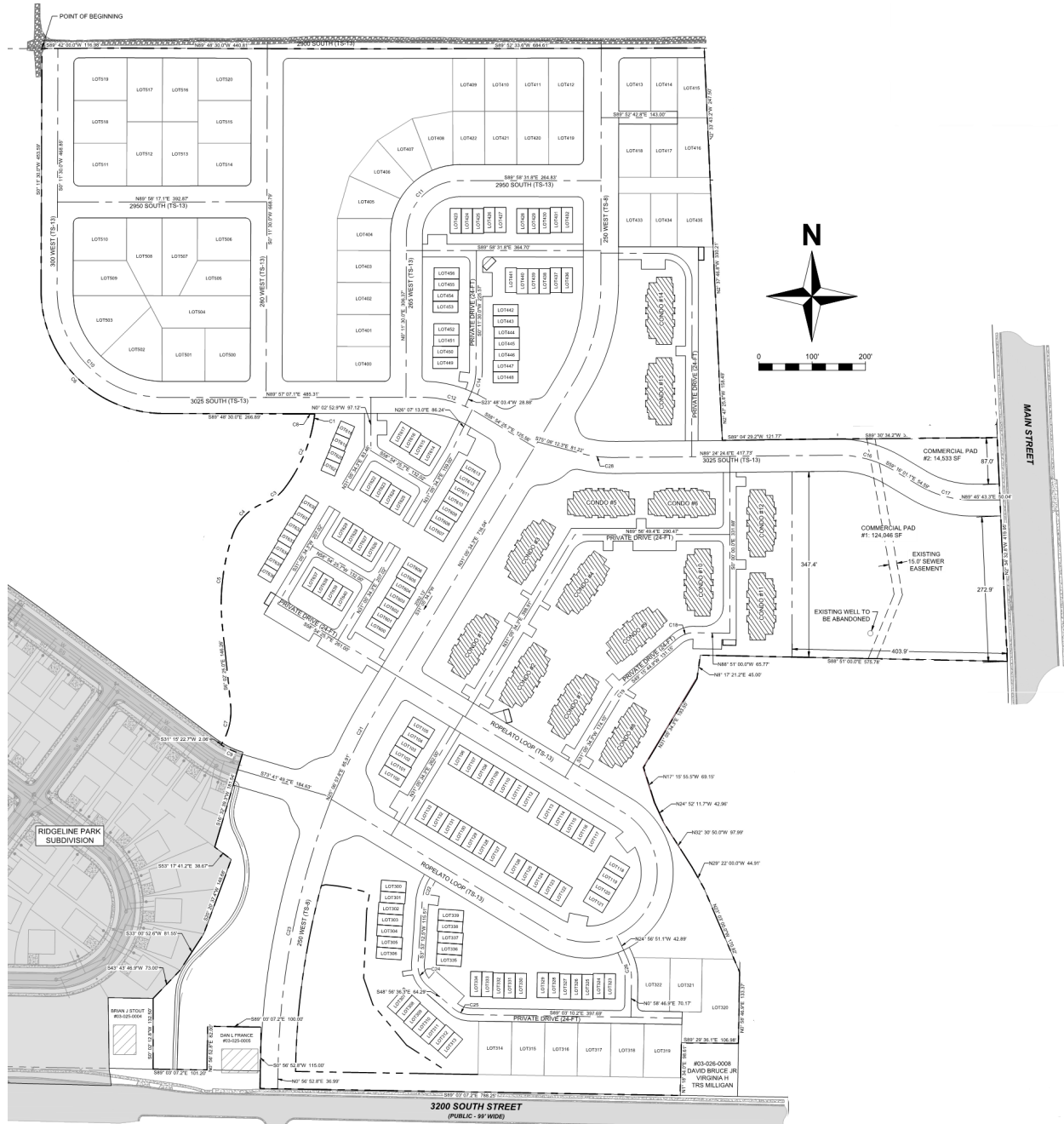
Principal M. Budge
Project Manager A. Rhodes
Drawn By D. Slater
A. Rhodes

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Creation Date _____
Edit Date Dec 08, 2021

Preliminary
Landscape Plans

COMMUNITY
AMENITIES
PLAN

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Introduction

The following maintenance plan was prepared in accordance with § 19.32.050(B)(3) of the Nibley City Municipal Code (NCC). The purpose of this document is to 1) outline the ownership and responsibility for maintenance of the amenities, 2) show the proposed use of each amenity and how each parcel of amenities meets the standards listed in Chapter 32 of Title 19 of the NCC, 3) outline the type of each amenity, and 4) the proposed plan for landscaping of the amenities. A copy of the preliminary landscape plan is attached as exhibit 'A' at the conclusion of this document. Where there are inconsistencies with this maintenance plan and the Final Plat, the plat controls.

Common Area Ownership

Each parcel of open space and the private drives contained within this subdivision will be common area and owned by the Ridgeline Park Homeowners Association. Of the total 50.53 acres contained within phases 4-10, there is planned as raw open space 16.26 acres (assumes 20% open space on the commercial phase). The dedicated ROW equates to 11.84 acres granting 38.69 acres of Net Developable Land. The total open space percentage of 42% is found by dividing 38.69 acres into the total open space of 16.26 acres. The required open space amount is 35%. Note the 42% provided open space calculation is net of park strip space found within the ROW's, even though the code defines open space to include sidewalks and landscaping found within ROW's.

The preliminary plat is divided up into 18 different open space parcels, private drives and ROWs denoting HOA maintained area inside the curb of the Roundabouts. An illustration of which is found on page 3 or 8 of the Preliminary Plat and is titled Non-lot & ROW Tracts. See the Amenity Sheet of the Landscape Plans for the location of amenities throughout the project.

Guest Parking

The Ridgeline Park Homeowners Association will also maintain the guest parking stalls located throughout the development servicing the townhome and condominium communities. The code requires 1/3 parking stalls per unit. We are currently providing 111 stalls towards the 93 required for the 277 Townhomes and Condominiums. Presently we also show stalls to support the clubhouse/pool area, and this in addition to the 1/3 required per unit.

Maintenance Responsibility

The Common Area located within Ridgeline Park will be owned by the Ridgeline Park Homeowners Association. All maintenance will be the responsibility of this entity directly, or its assigns as directed by Board and Officers of the HOA. At the moment, Visionary Homes contracts through FCS Community Management, a professional management company that specializes in working with developer/owners through the comprehensive creation and management of Homeowner Associations. Formation of potential budgets, determination and allocation of HOA/unit owner responsibilities, and the continued smooth operation of the HOA organization during the construction phase is part of their services to Ridgeline Park.

This organization will also help with the transition of the HOA to the residents and Board after the project is fully built out. FCS will be responsible for establishing the necessary HOA dues and collecting said dues in order to pay those hired by the HOA to maintain the property. All maintenance of the common area parcels will be done by private maintenance companies that are contracted through that FCS Community Management. Although we are planning to allocate office space (within the clubhouse) for HOA utilization, the HOA for this subdivision is not planned to require any employees.

All long-term maintenance and improvement projects will be funded by HOA fees as well as a reinvestment fee that will be collected from each homeowner at the time of closing. The monthly HOA fee is presently estimated to be \$76 for single family residences, townhomes \$165, active adult homes \$206, and condominiums at approximately \$207. The reinvestment fee is intended to be 0.50% of the home purchase price. The fee schedule will be sufficiently robust for the HOA to have the financial ability to manage the proposed facilities without concern and to keep the common area maintained in a prompt and professional manner.

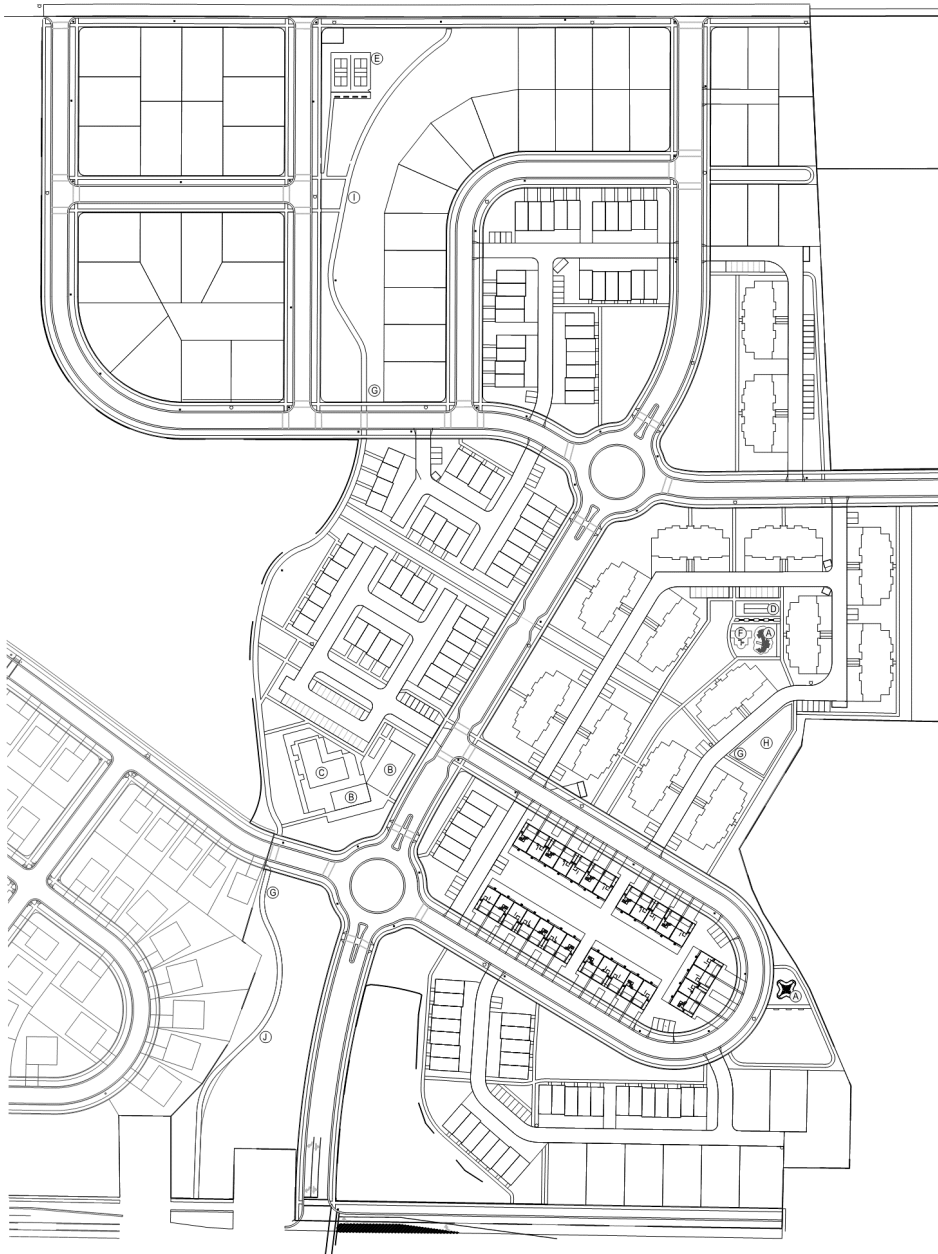
Insurance Requirements

The Ridgeline Park Homeowners Association will maintain liability insurance on the common areas that are privately owned and will be paid for out of the HOA's monthly budget from membership dues. The HOA will also maintain Directors and Officers insurance as the case demands.

Amenities

Section 19.32.050 of the Nibley City Municipal Code describes the minimum open space amenities that should be provided in each development. The amount and type of amenity required under the NCC is determined by the total number of units. As Ridgeline Park EAST with its 6 residential phases contains 333 units in total. The entire Ridgeline Park project with all phases falls between the 401 – 500 category for minimum amenities.

In total, 7.5 acres of park area is required with 2 pavilions, 2 swing sets, and 3 playgrounds, a clubhouse and pool, 2 sports court/fields and dog stations/parks as agreed during the R-PUD approvals. See Figure 1 on the following page for the anticipated future development amenity pattern for phases 4-10 of Ridgeline Park Subdivision. A pavilion, playground, swing-set, dog station and sports court will be installed with phases 1-3 of Ridgeline Park (West).



AMENITIES KEY

- (A) PLAYGROUND
- (B) CLUBHOUSE
- (C) POOL
- (D) PAVILION
- (E) SPORT COURT
- (F) SWING SET
- (G) DOG STATION
- (H) DOG PARK
- (I) CITY CENTER TRAIL
- (J) CLEAR CREEK TRAIL

Figure 1. Anticipated Future Amenities and Trails

Clubhouse & Pool

A Clubhouse is planned to be installed with phases 4. The clubhouse is scheduled to be open by year end 2022 with the opening of the pool and jacuzzi the following Summer 2023. The pool will be at least 800 square feet as the code requires. Pergolas and/or awnings will also be utilized within the clubhouse/pool complex.

Pavilion/Pergola

A traditional roofed or pergola type pavilion is planned in phase 5. This structure will offer benches for sitting and offer some respite from the elements and shade from the sun. The location of this pavilion is located within the heart of the Condominiums area.

Sport Courts

An additional sport court is planned in phase 8.

Playground & Swing Set

Two playground sets and 1 swing-set is planned for the East side. The NCC requires at a minimum of 8 features, which these playgrounds will provide. You'll note that one playground will be installed with phase 4 and an additional playground with swing set to be placed with phase 5.

Clear Creek Trail

A trail will be built that connects pedestrian traffic from 3200 South along the Clear Creek corridor. This trail leads to the City Center Park Space. This trail picks up again on the northside of the Park Space and jogs north crossing Clear Creek via boardwalk/bridge and crossing College Irrigation canal ending at 2900 South.

Mini Dog Park and Station

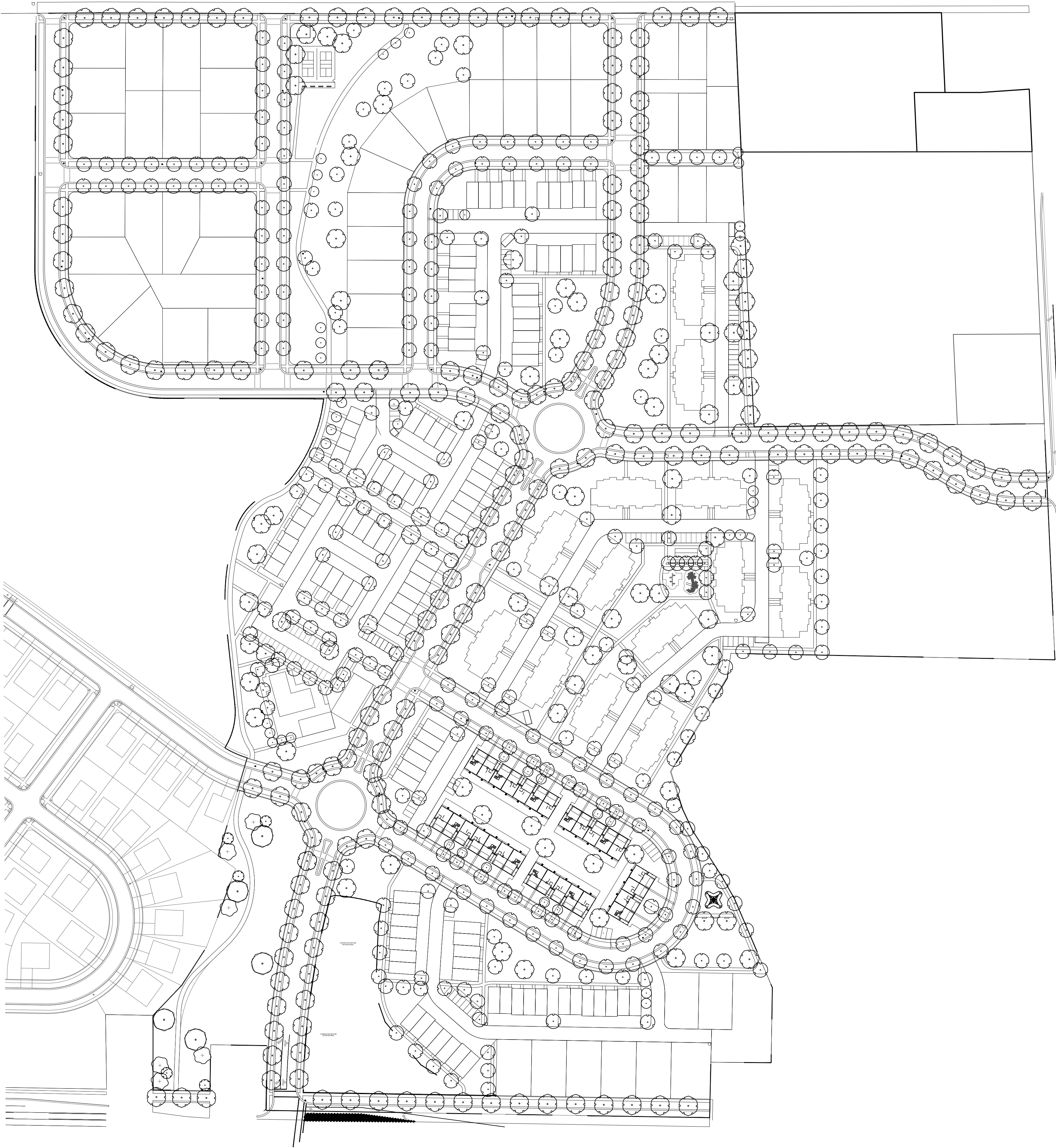
A mini dog park is also planned as a requirement of the City Council, with 2 dog stations along Clear Creek Trail, to be installed with phase 5. The mini dog park will provide a small fenced area for resident dog use. The dog stations provide a convenient and sanitary system for properly disposing of pets' waste while walking the sidewalks, City Center and Clear Creek Trails. These stations will help to improve the overall cleanliness of the common area and park sites.

Lighted Monument

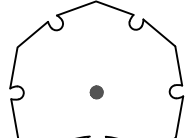
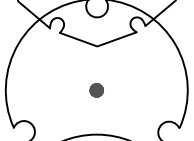
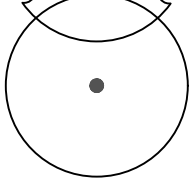
A lighted monument sign is planned at each entrance with surrounding greenscape.

Exhibit ‘A’
Landscape Plan

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CONCEPT PLANT SCHEDULE

	<u>LARGE TREE</u>	276
	<u>MEDIUM TREE</u>	293
	<u>SMALL TREE</u>	44

NOTE:
ANY TREE PLANTED WITHIN A SIGHT VISIBILITY TRIANGLE MUST
HAVE A CANOPY HEIGHT OF 7' OR GREATER AT PLANTING.



PROJECT NAME:
RidgeLine Park East
Phases 4-10
Nibley, Utah

loci

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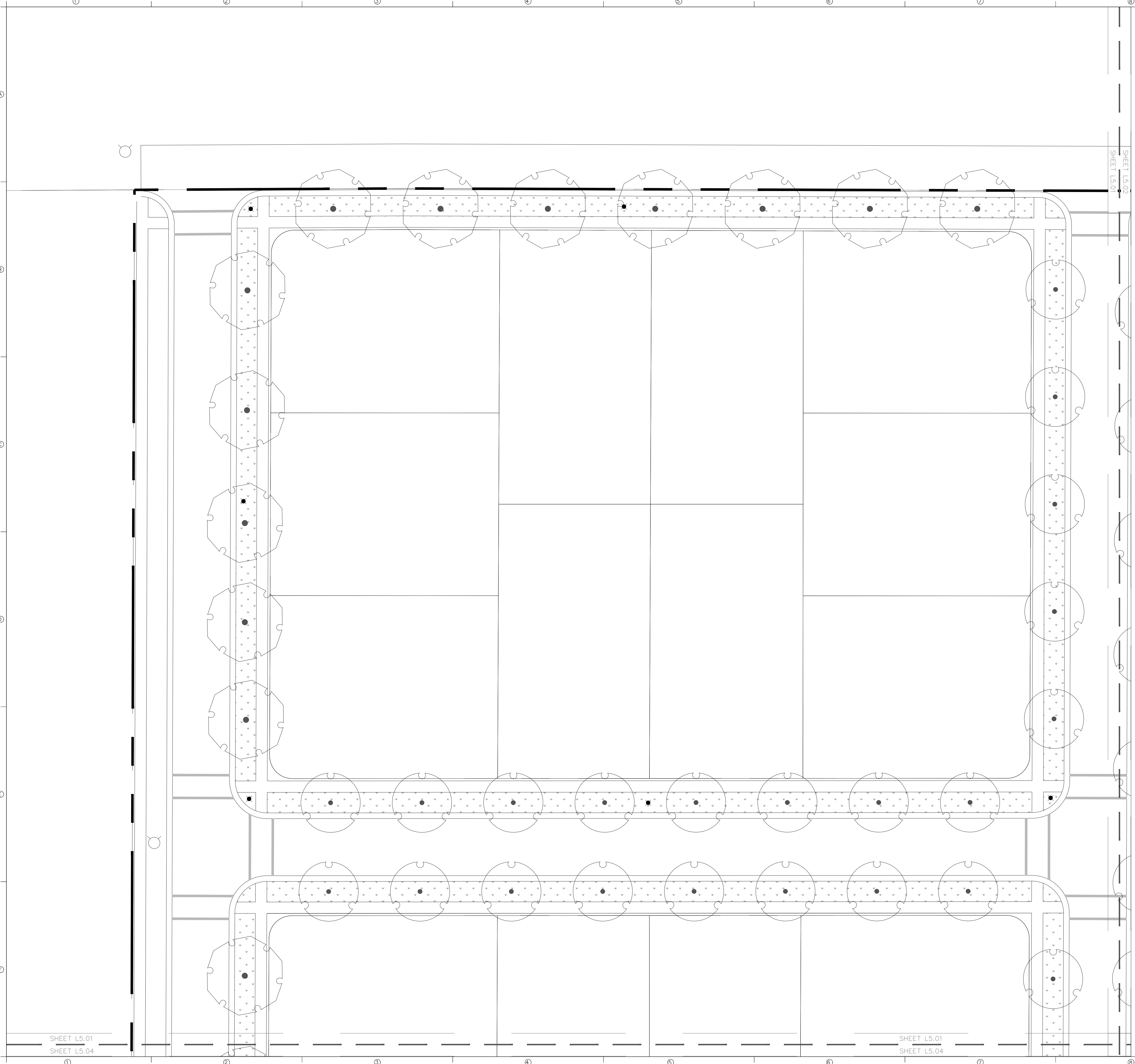
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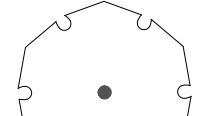
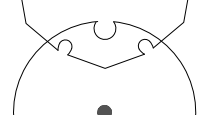
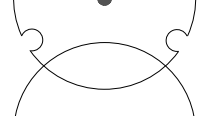
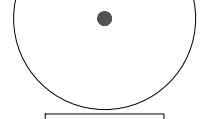
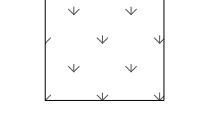
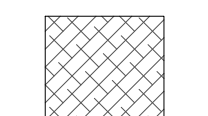
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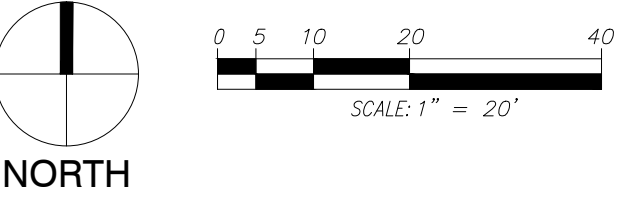
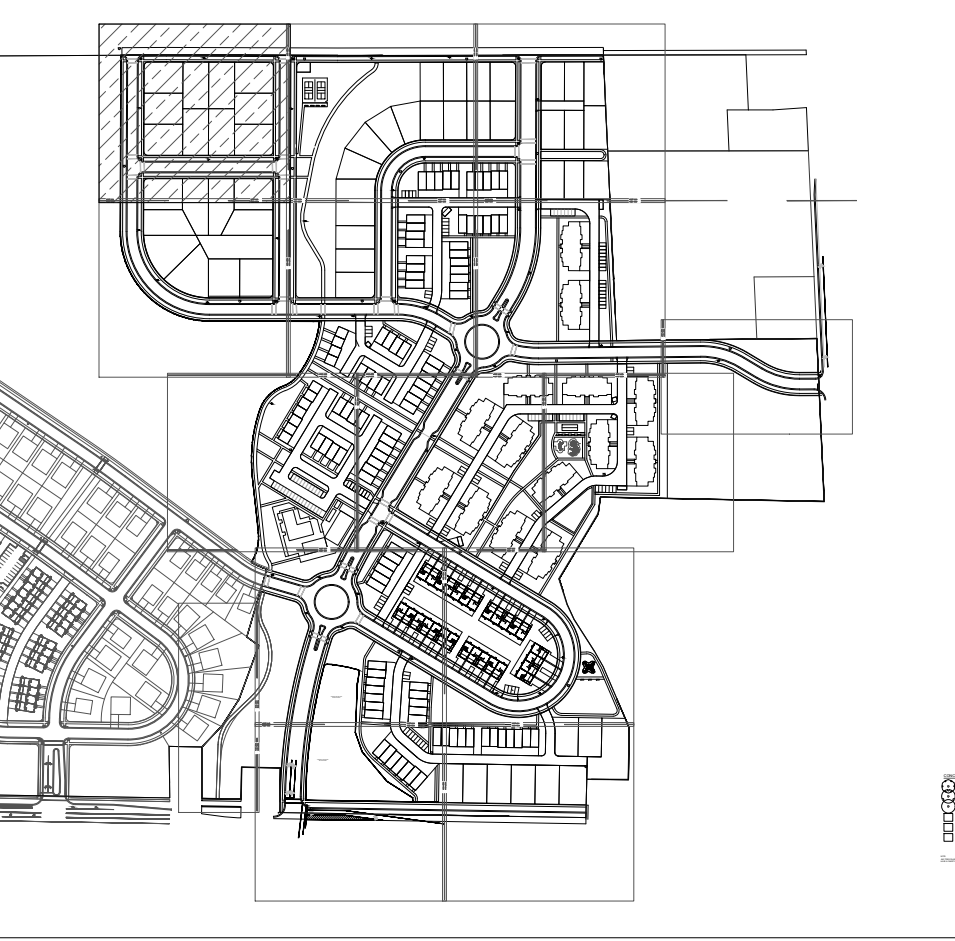
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CONCEPT PLANT SCHEDULE

	LARGE TREE	276
	MEDIUM TREE	293
	SMALL TREE	44
	LAWN	412,695 SF
	PERENNIALS/SHRUBS	93,246 SF
	NATIVE PLANTING	151,440 SF

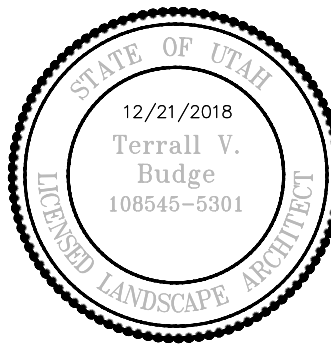
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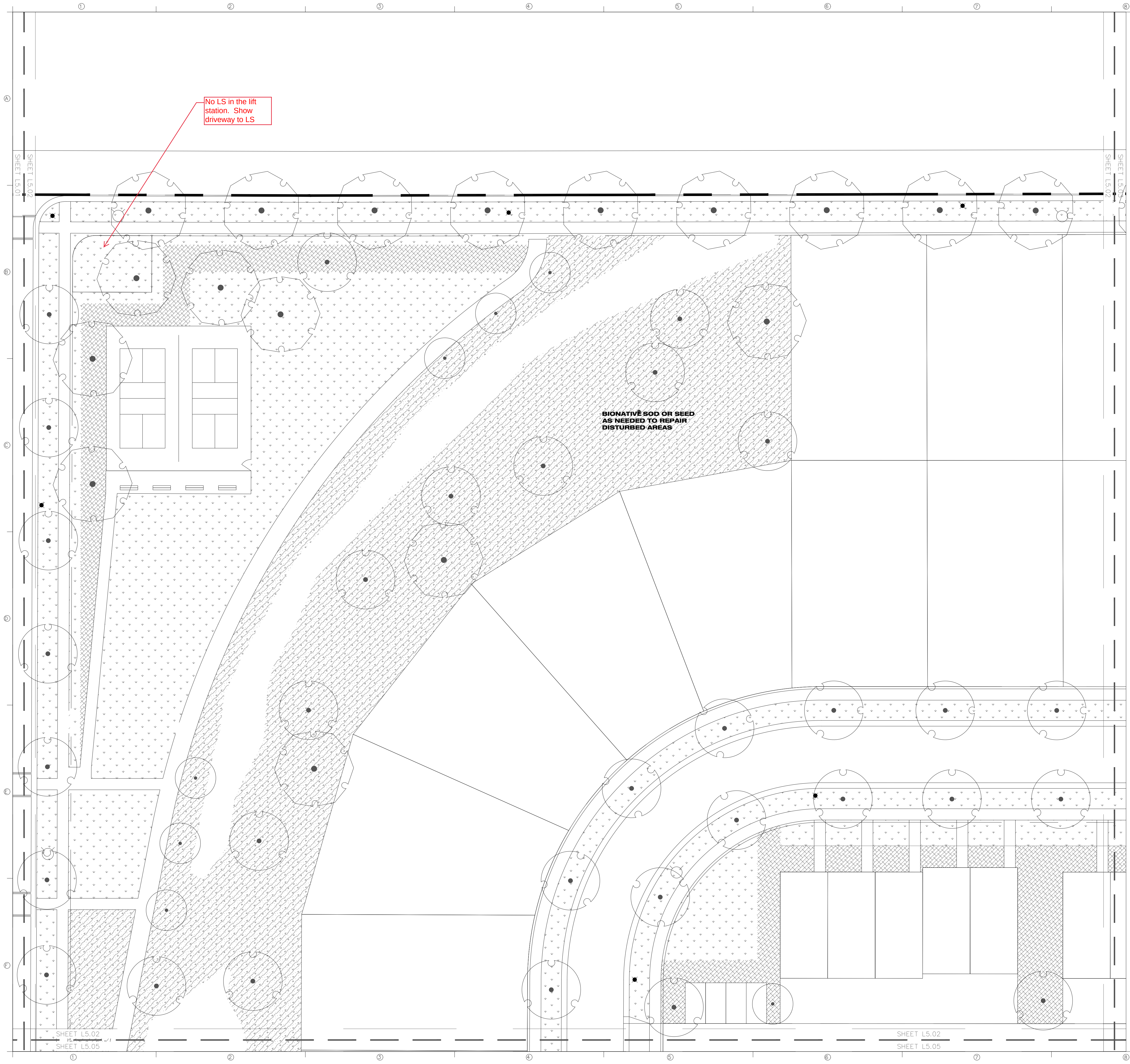
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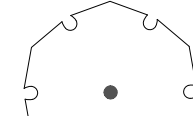
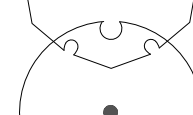
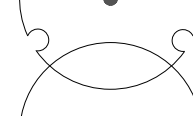
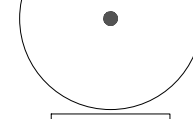
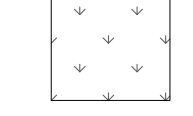
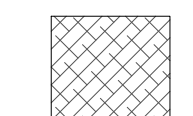
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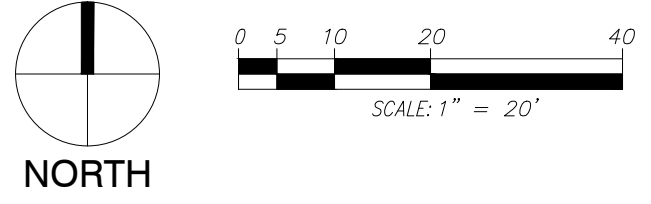
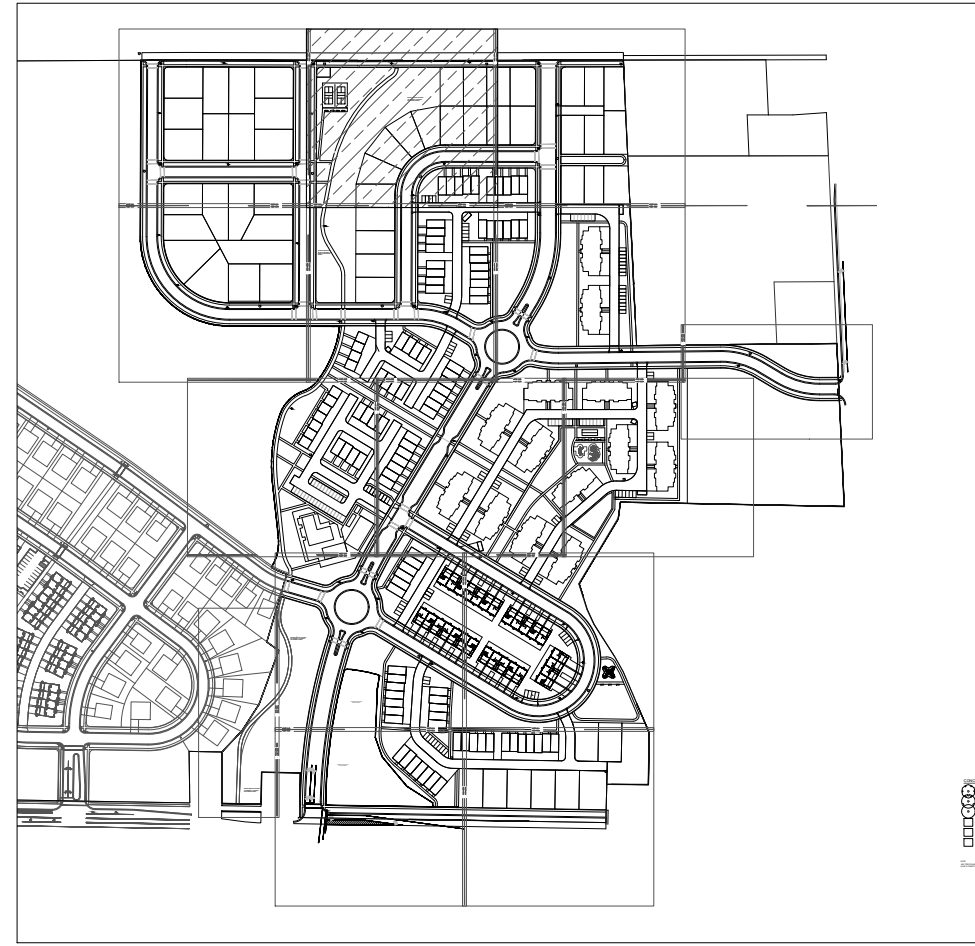
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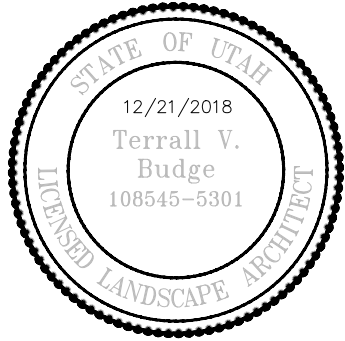
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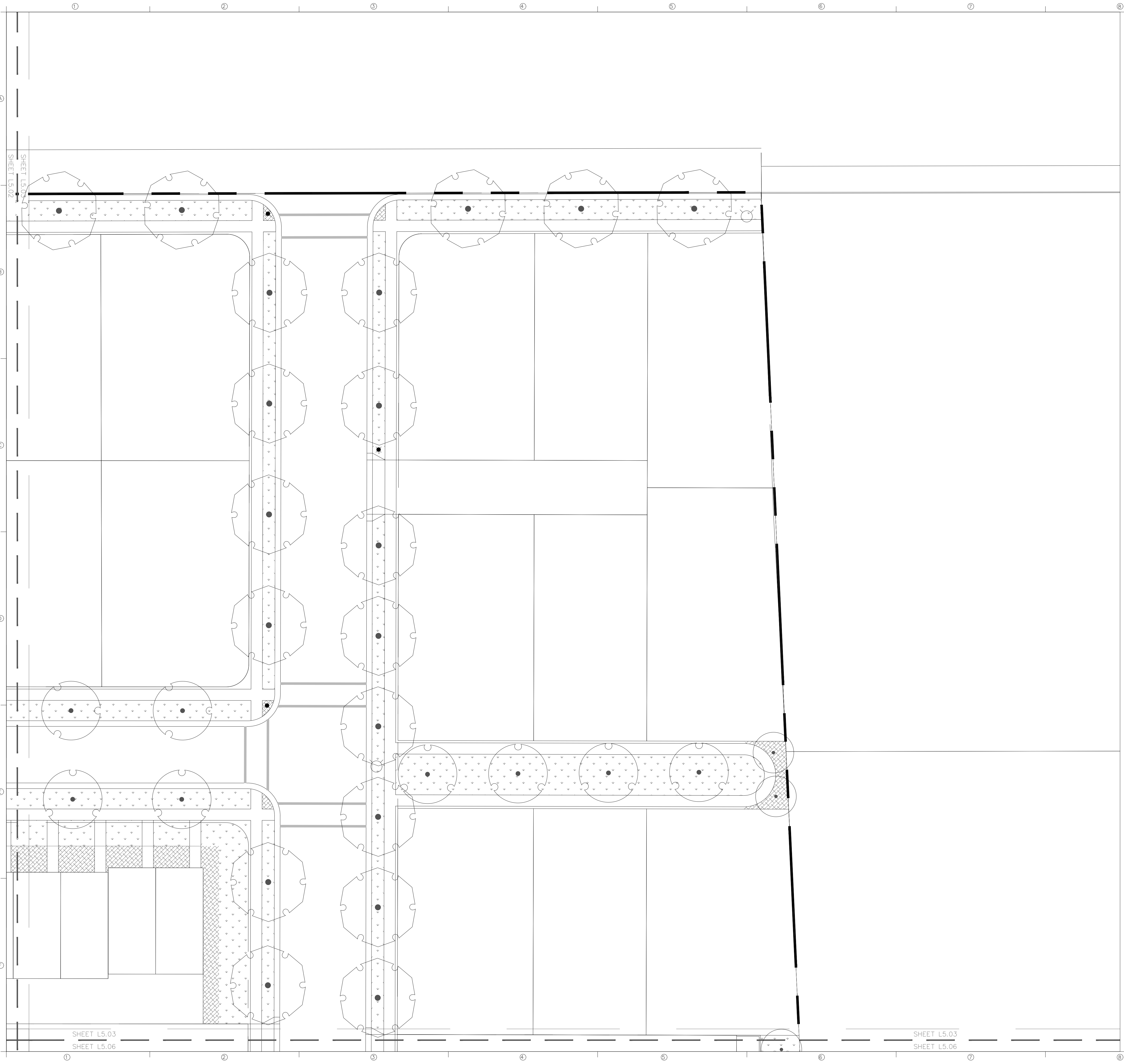
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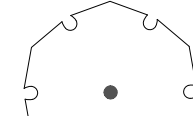
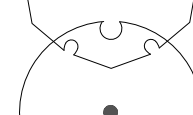
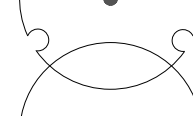
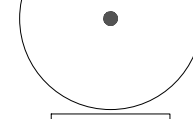
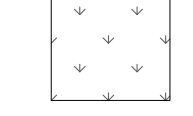
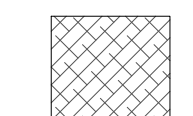
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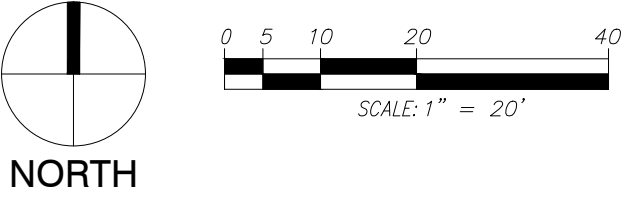
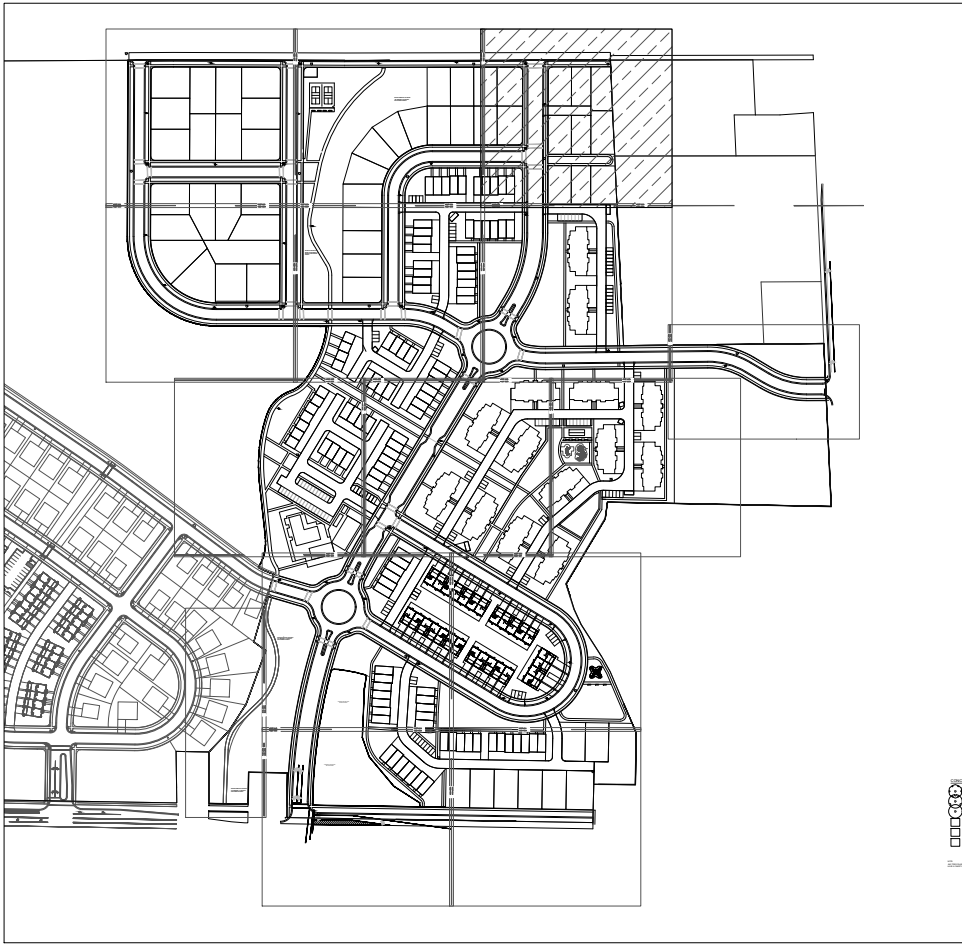
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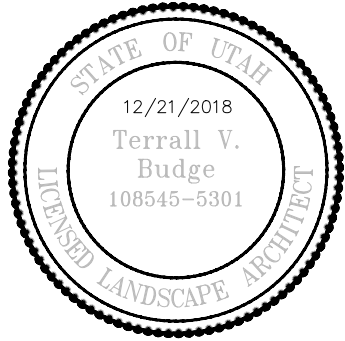
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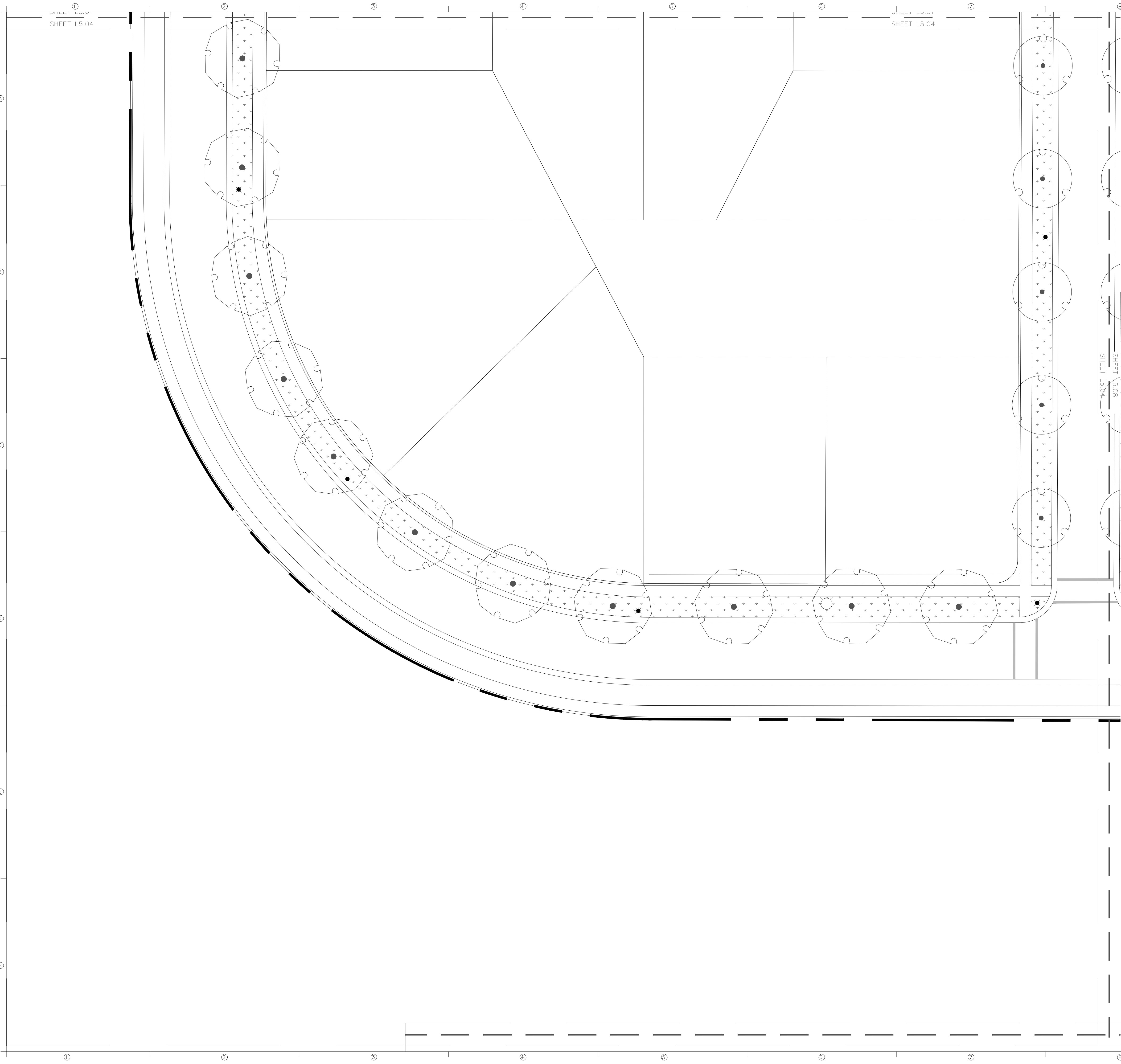
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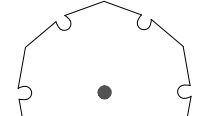
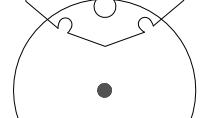
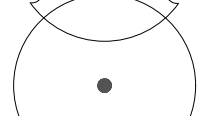
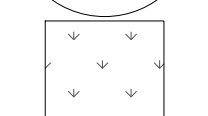
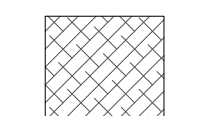
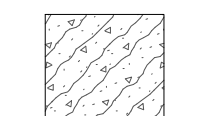
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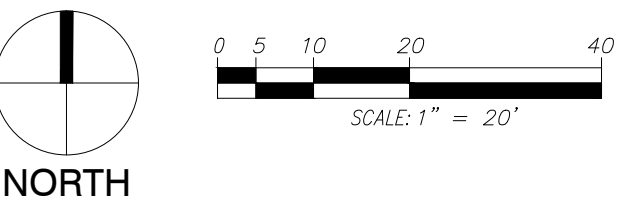
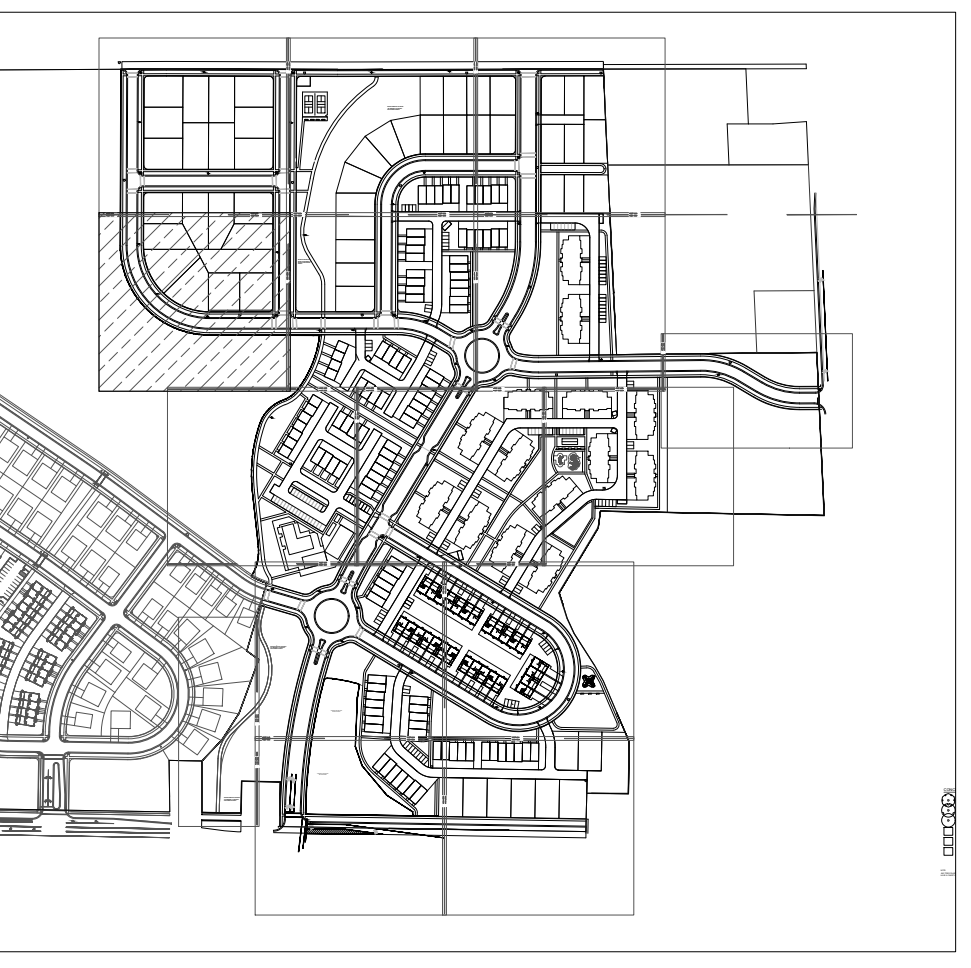
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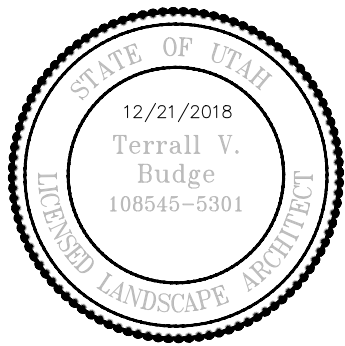
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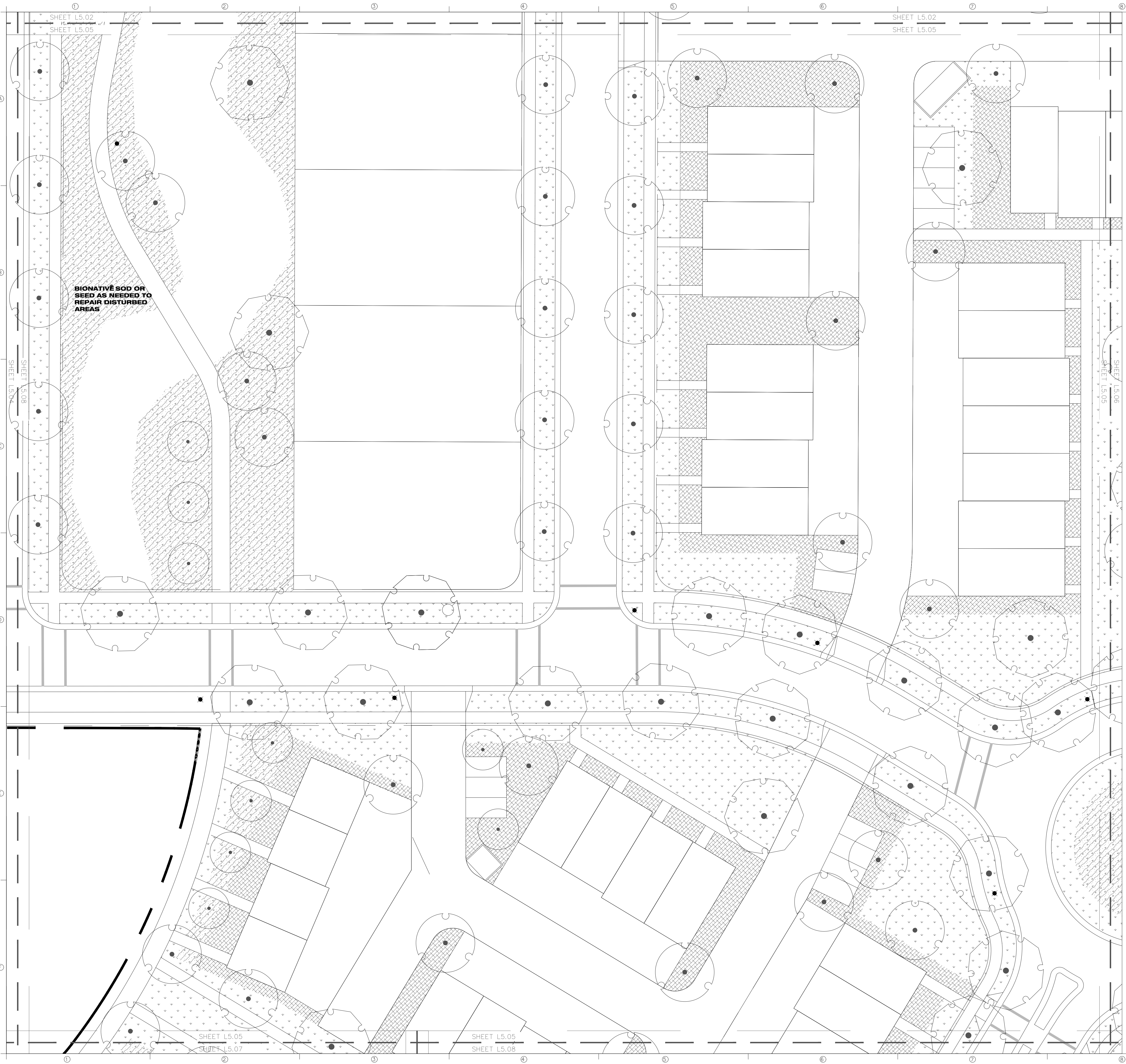
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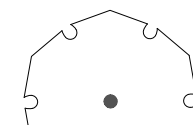
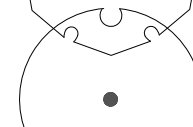
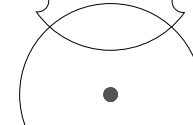
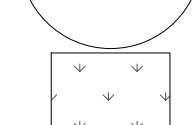
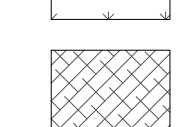
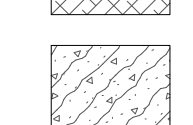
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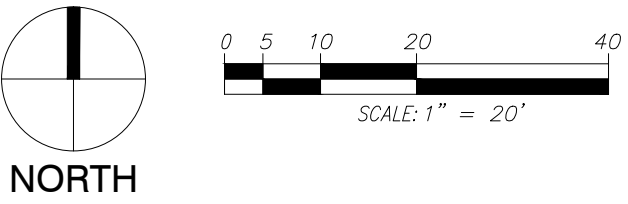
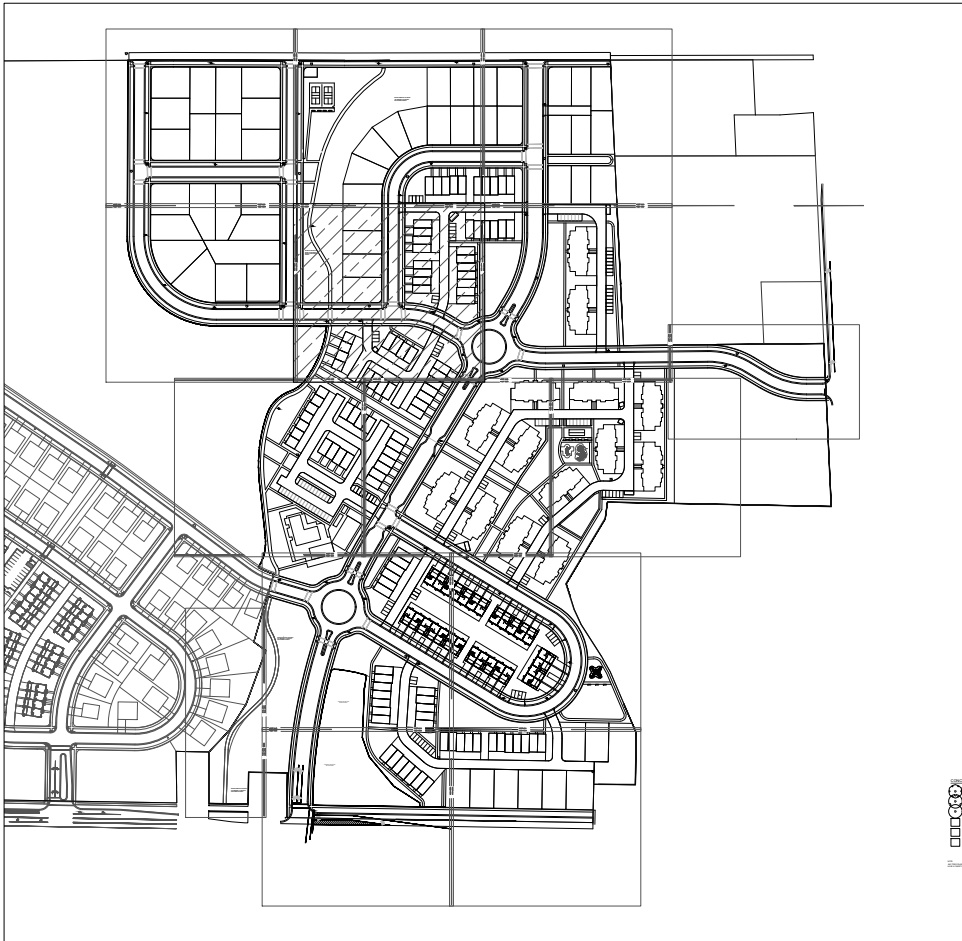
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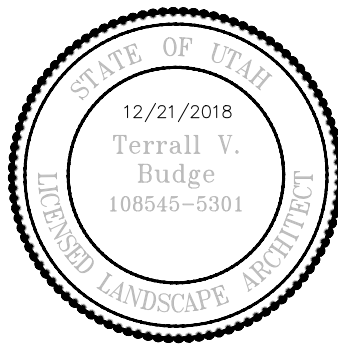
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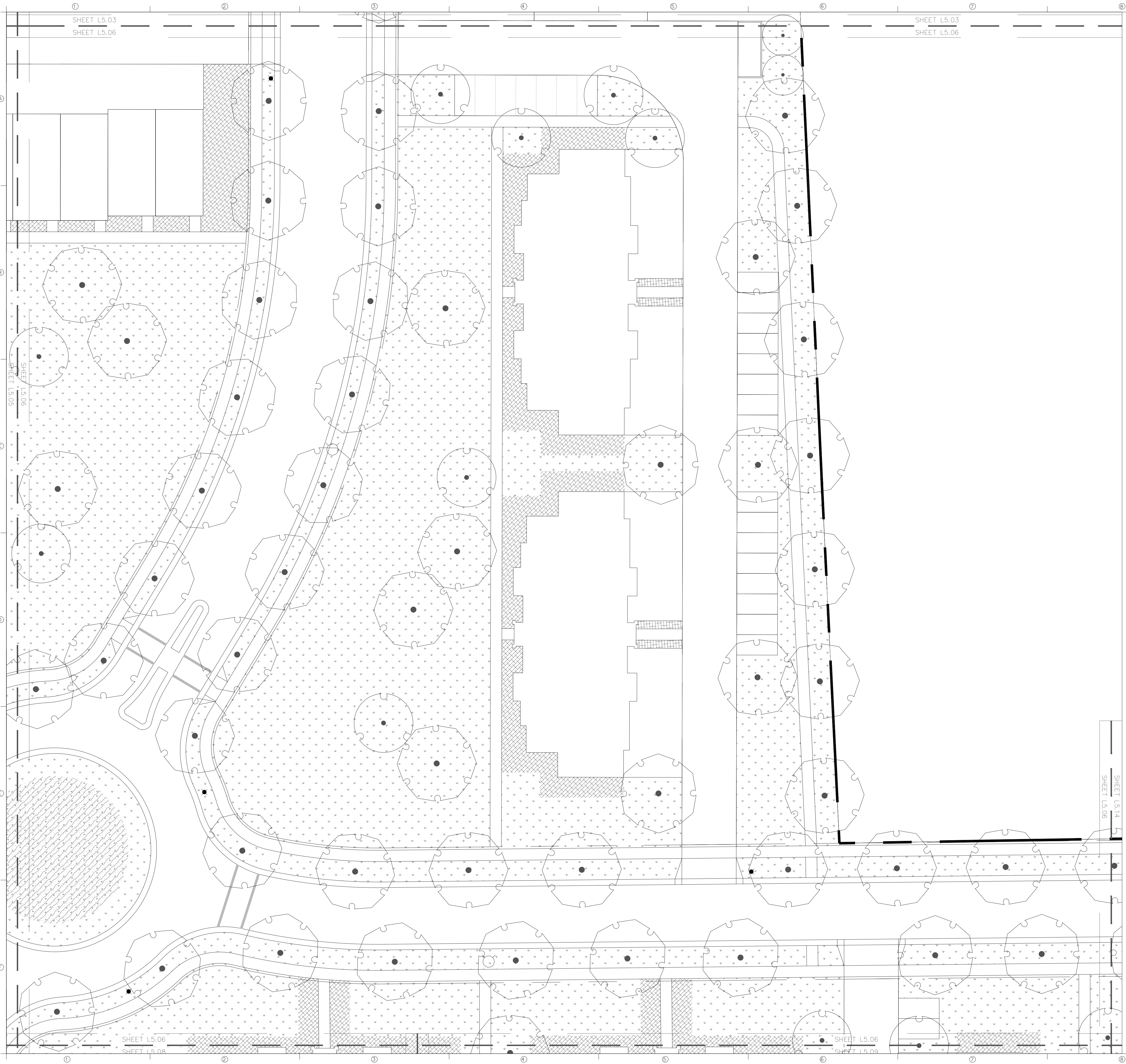
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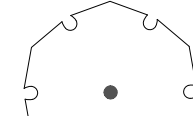
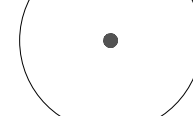
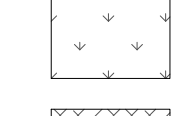
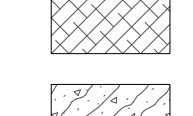
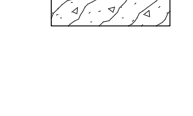
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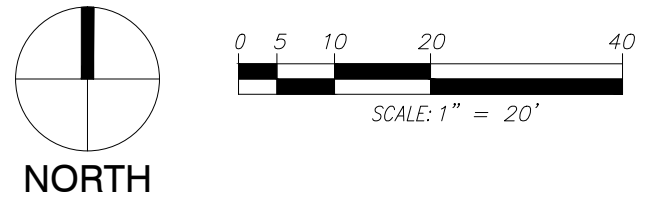
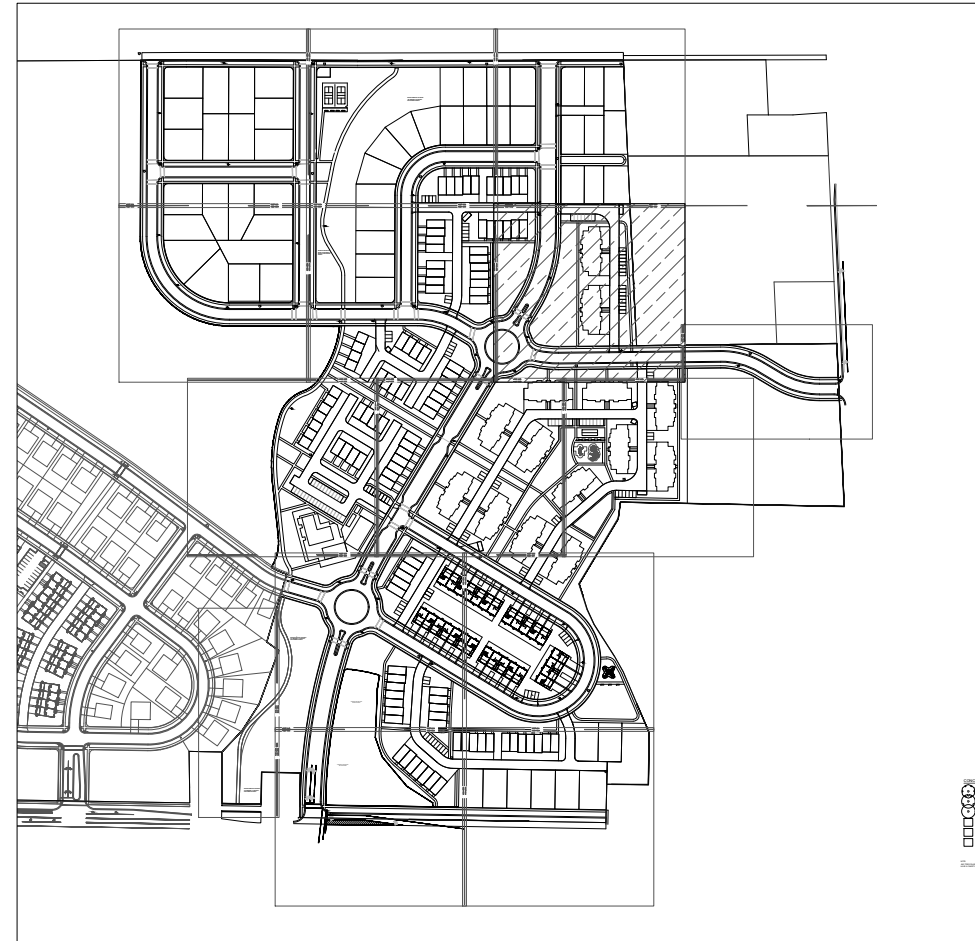
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CONCEPT PLANT SCHEDULE

	LARGE TREE	276
	MEDIUM TREE	293
	SMALL TREE	44
	LAWN	412,695 SF
	PERENNIALS/SHRUBS	93,246 SF
	NATIVE PLANTING	151,440 SF

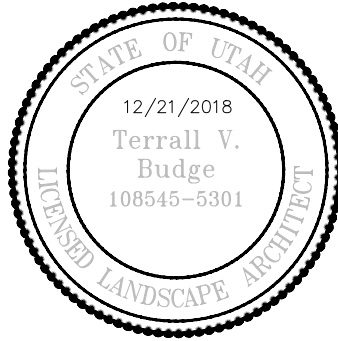
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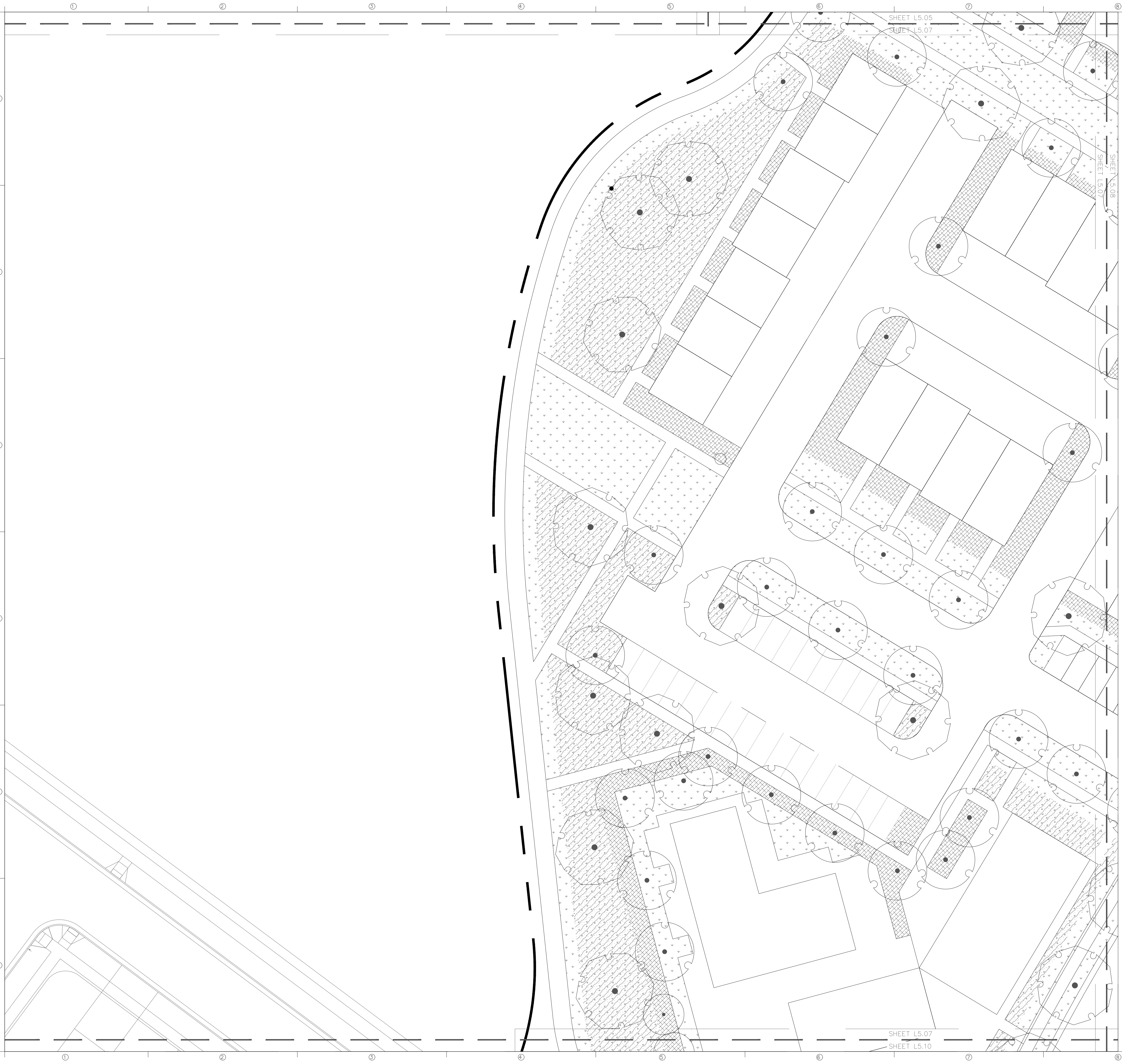
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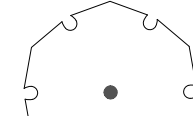
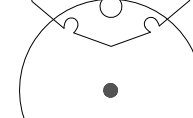
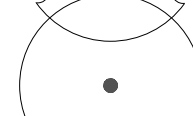
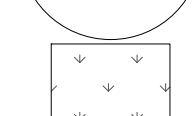
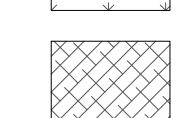
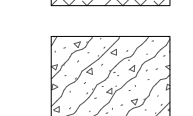
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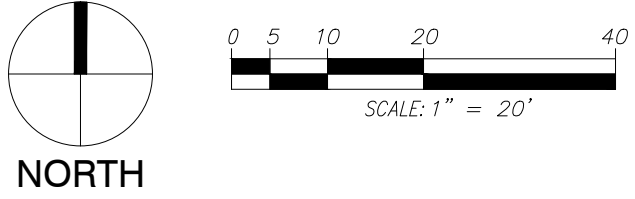
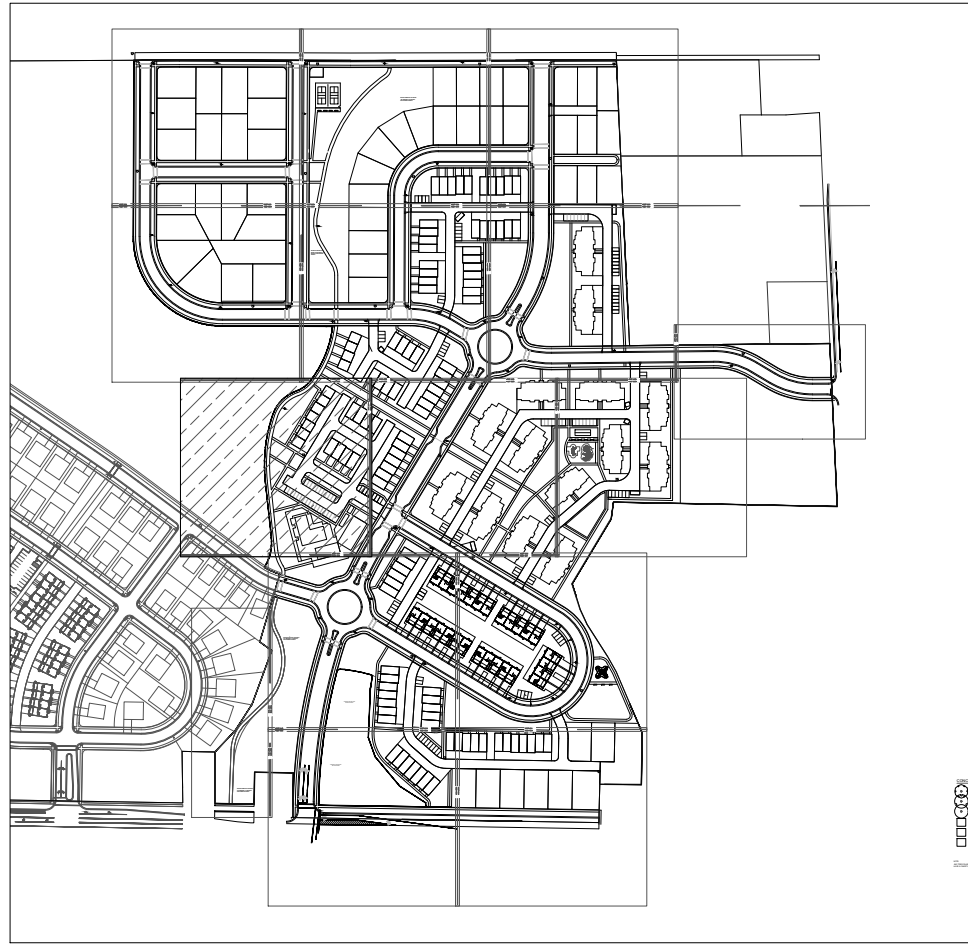
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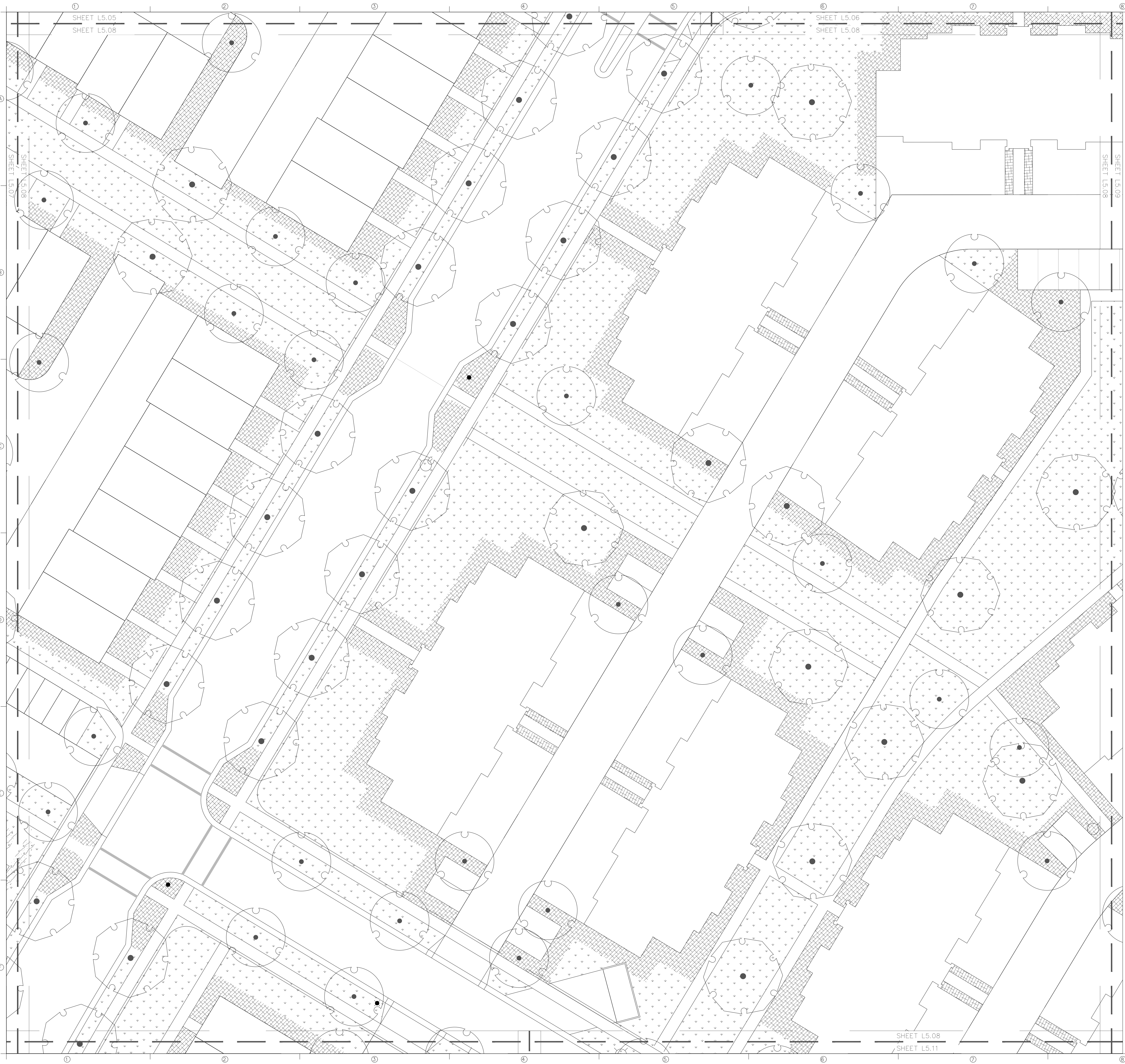
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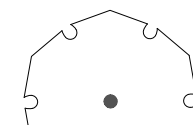
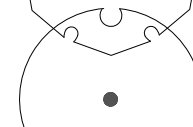
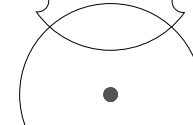
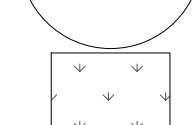
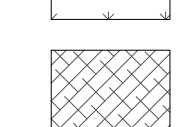
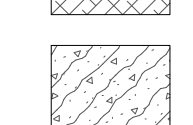
PLANTING
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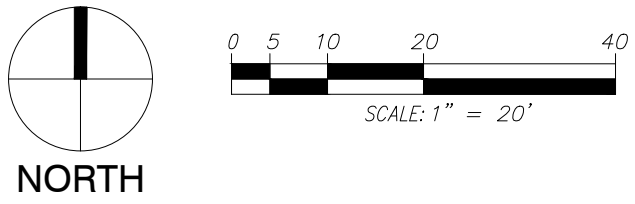
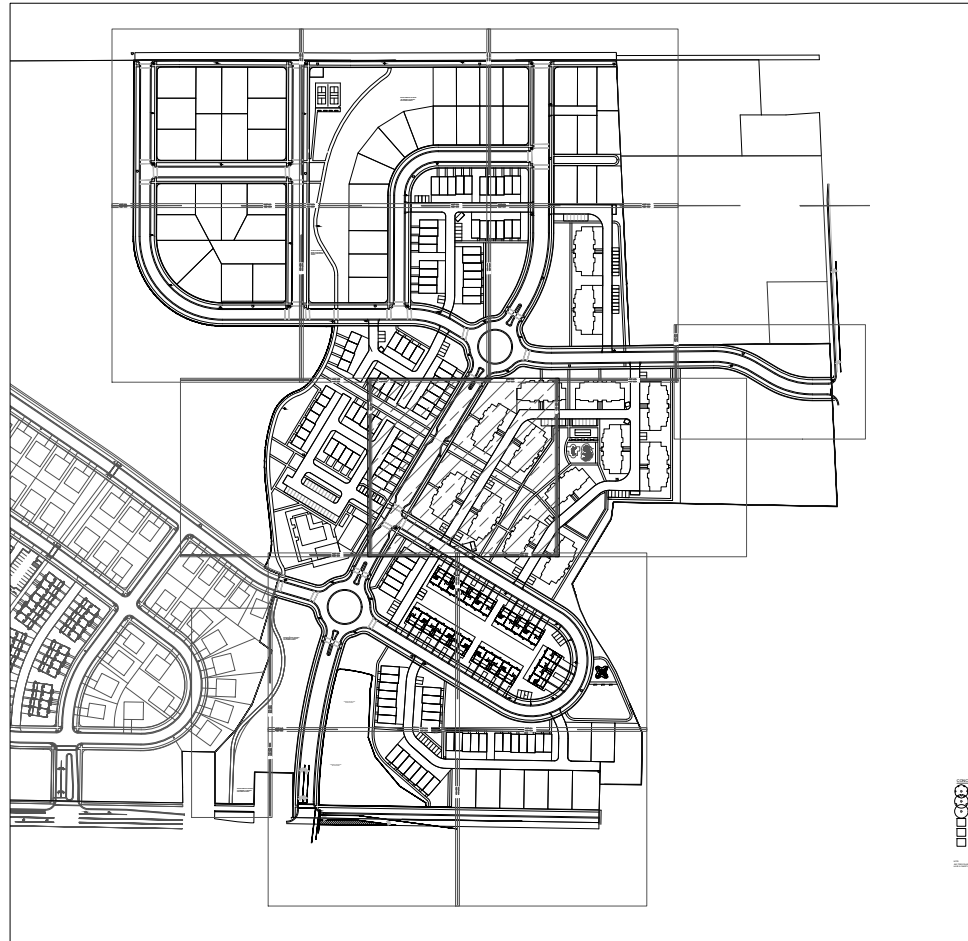
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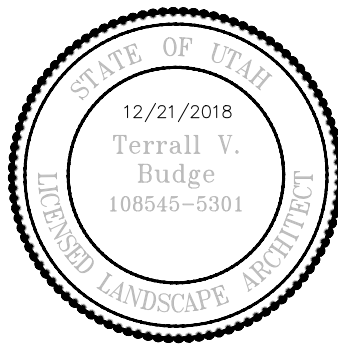
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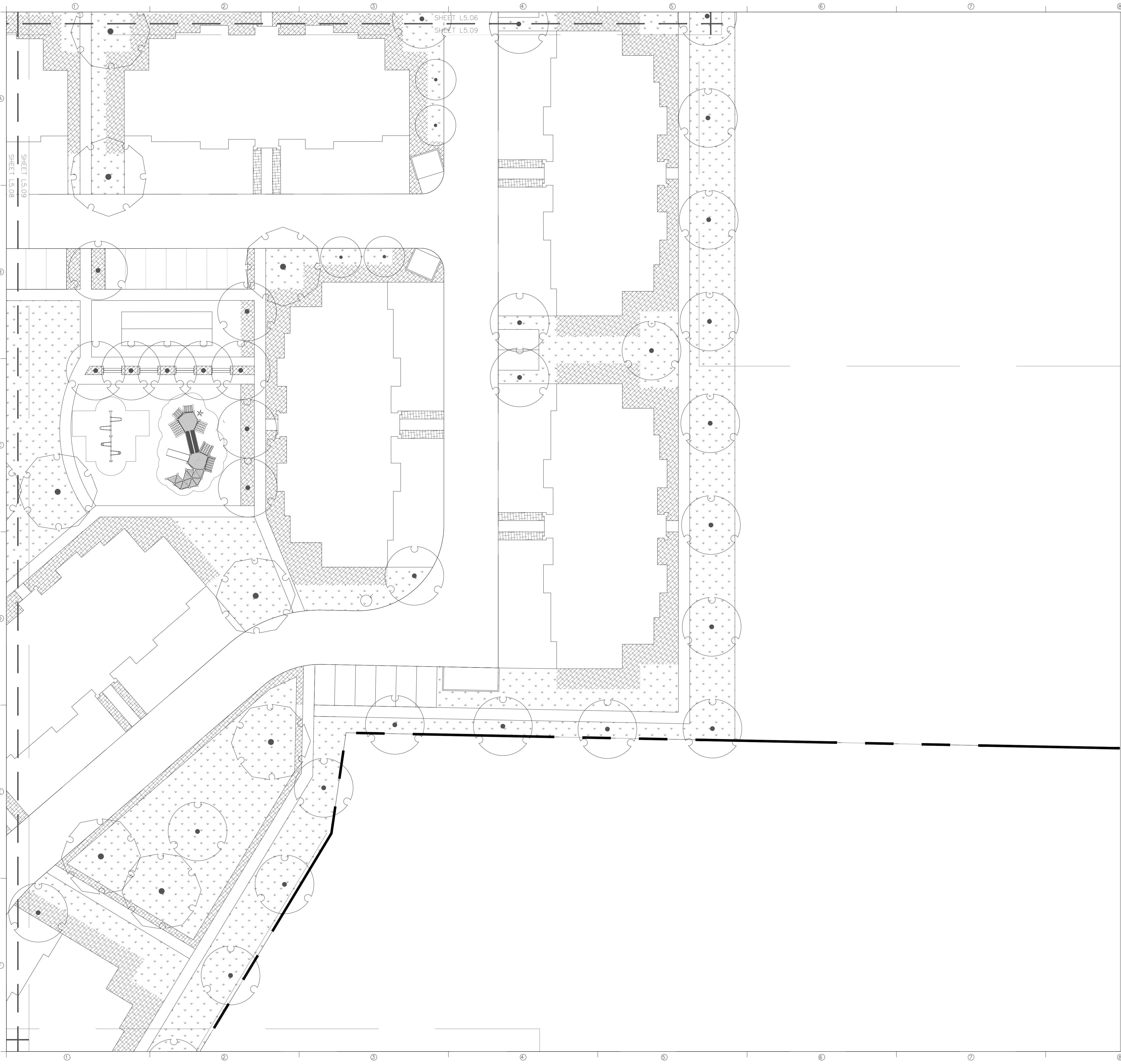
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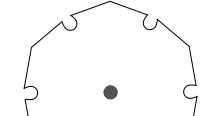
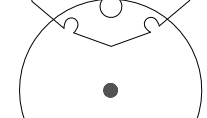
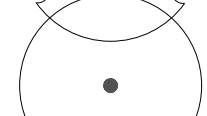
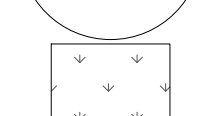
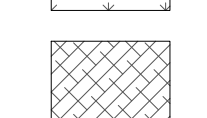
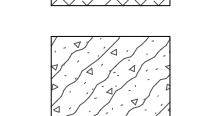
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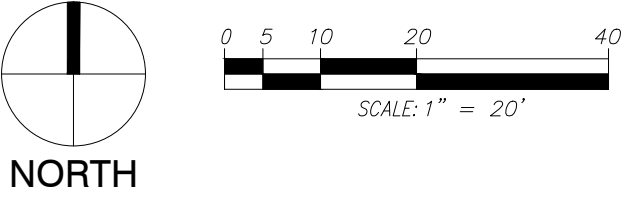
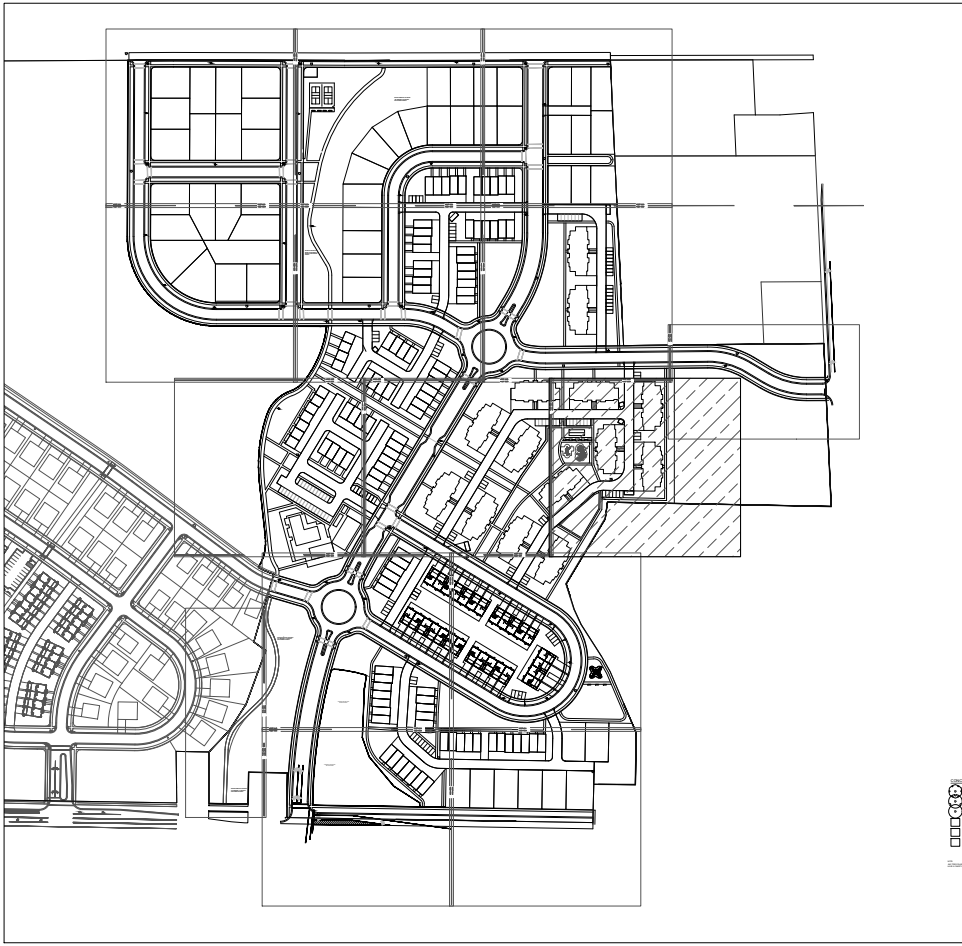
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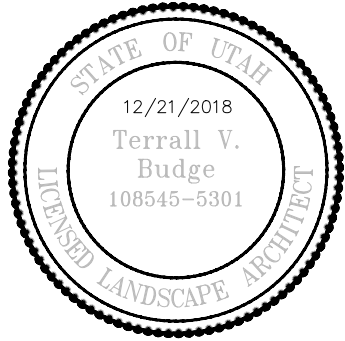
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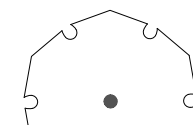
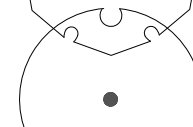
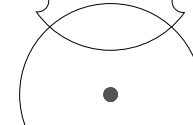
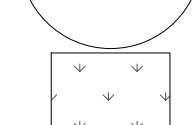
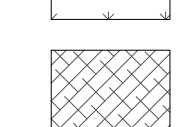
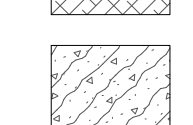
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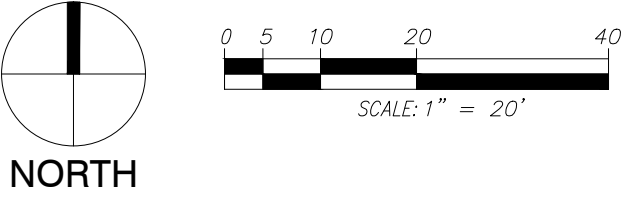
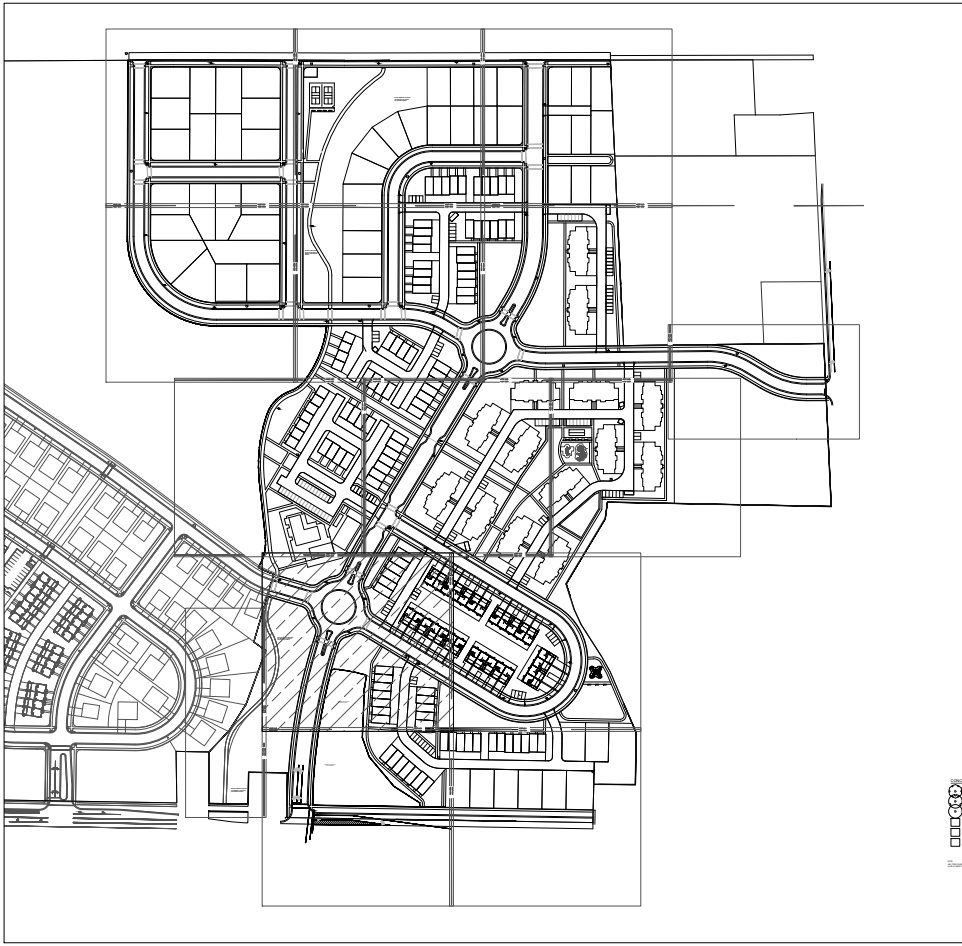
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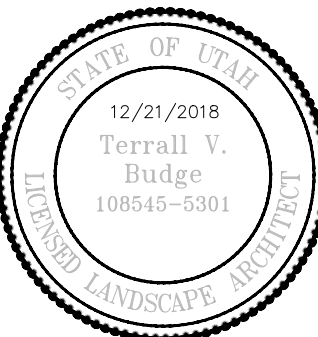
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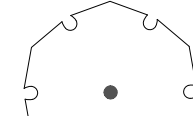
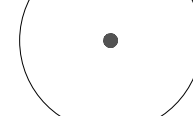
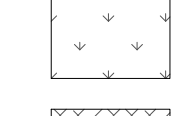
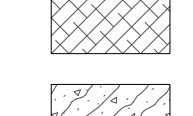
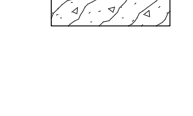
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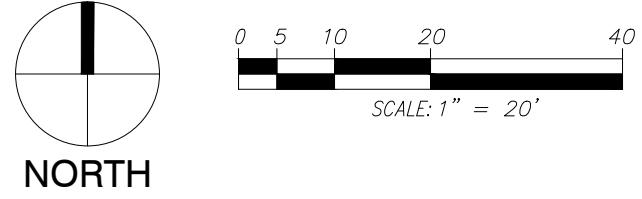
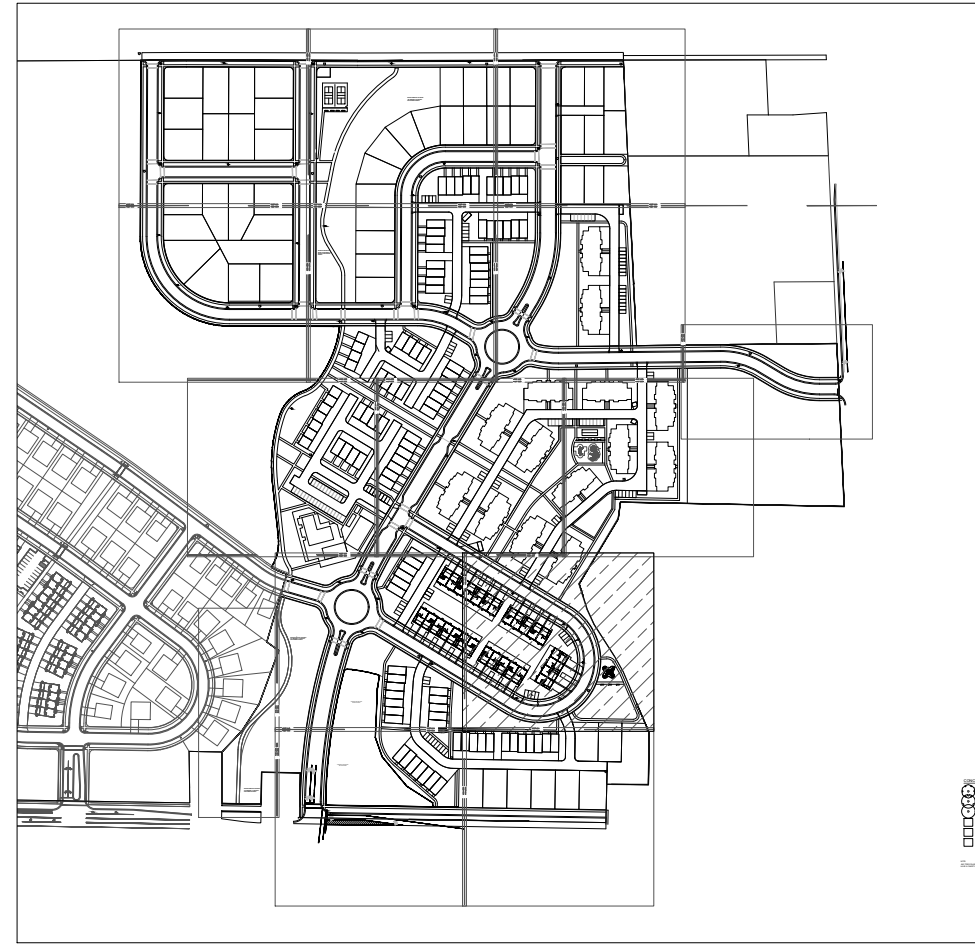
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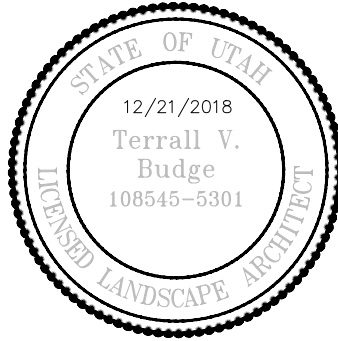
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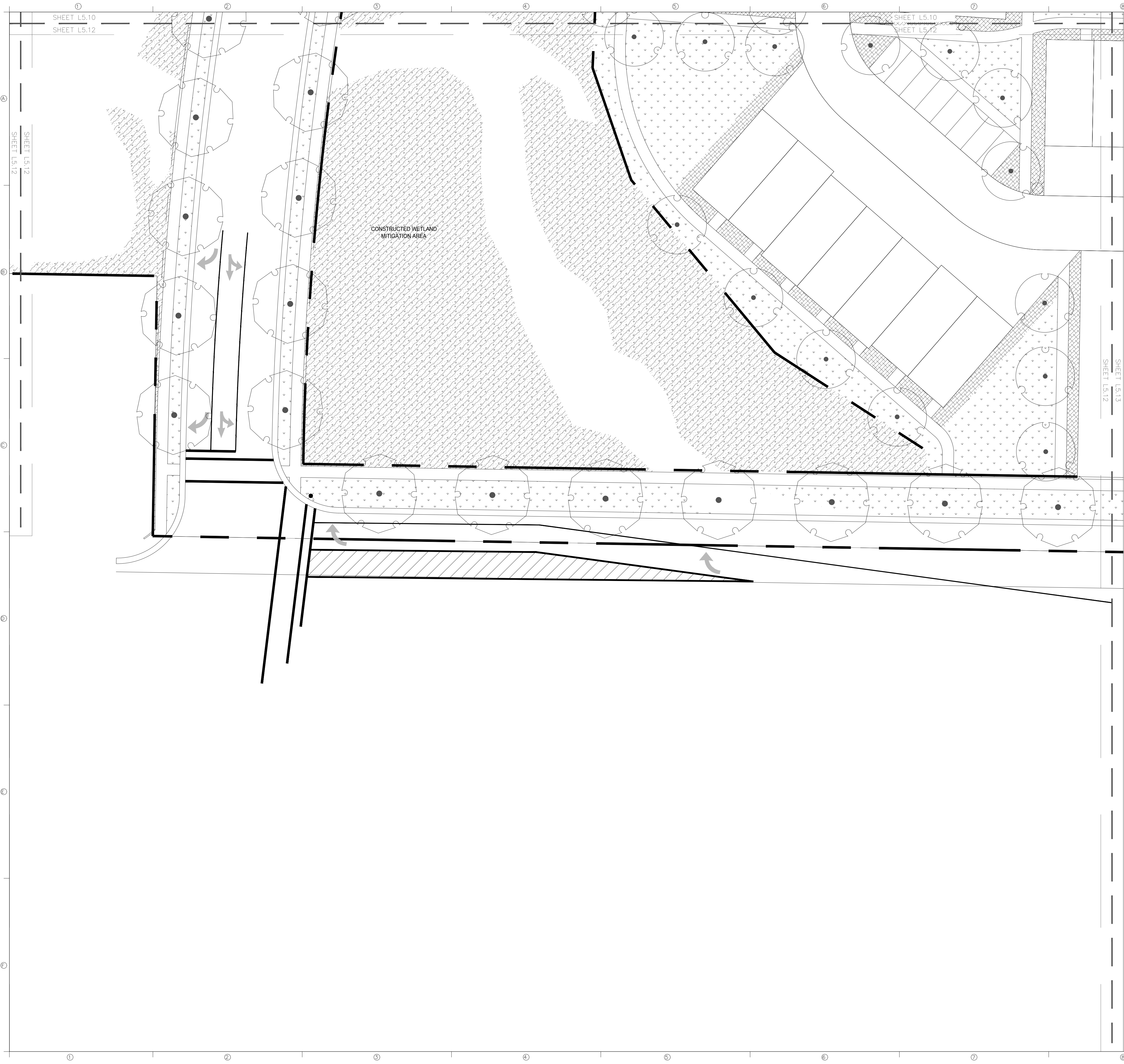
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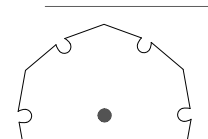
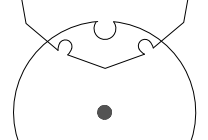
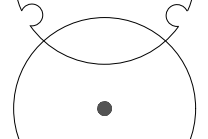
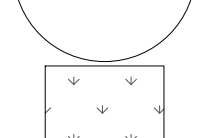
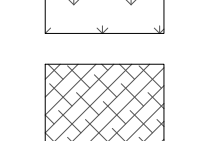
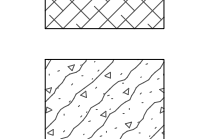
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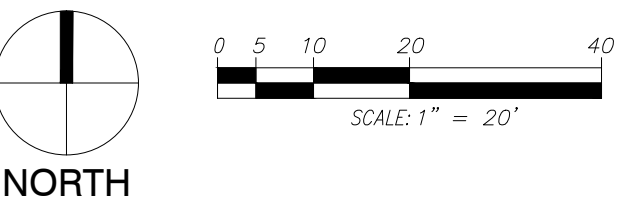
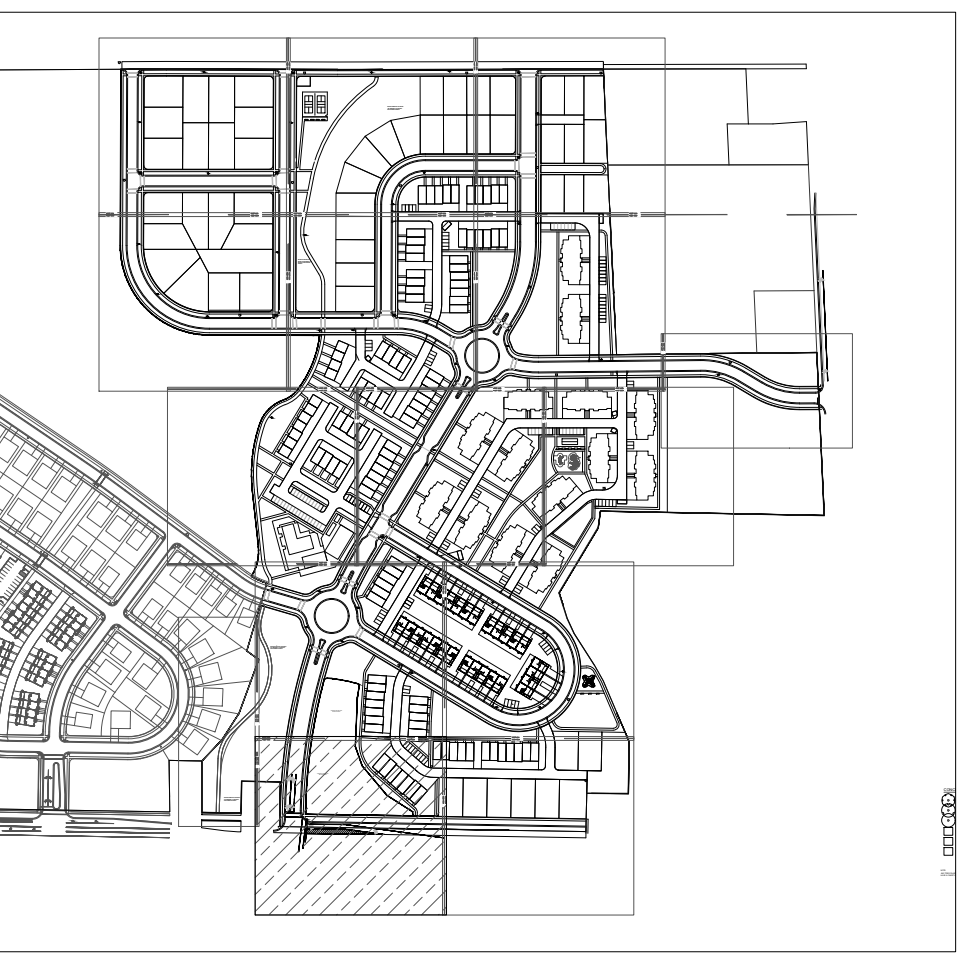
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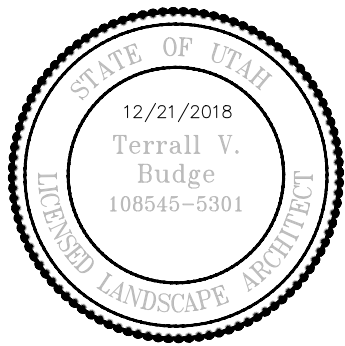
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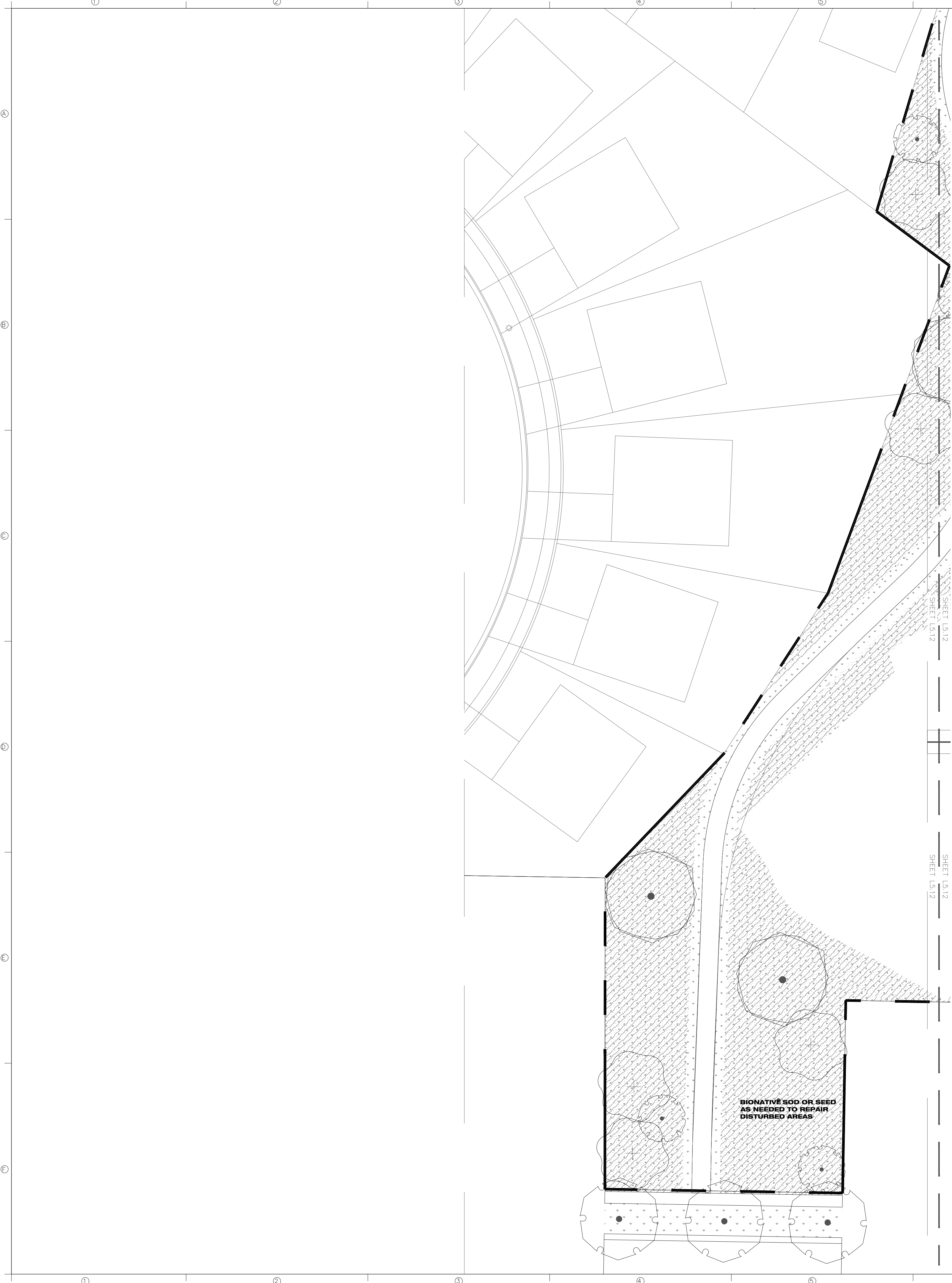
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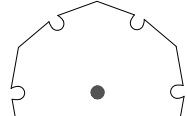
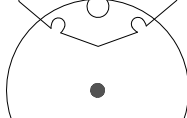
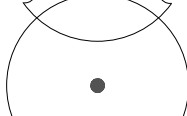
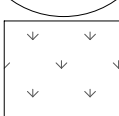
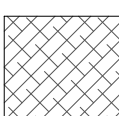
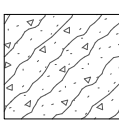
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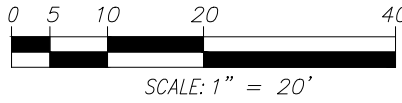
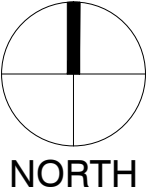
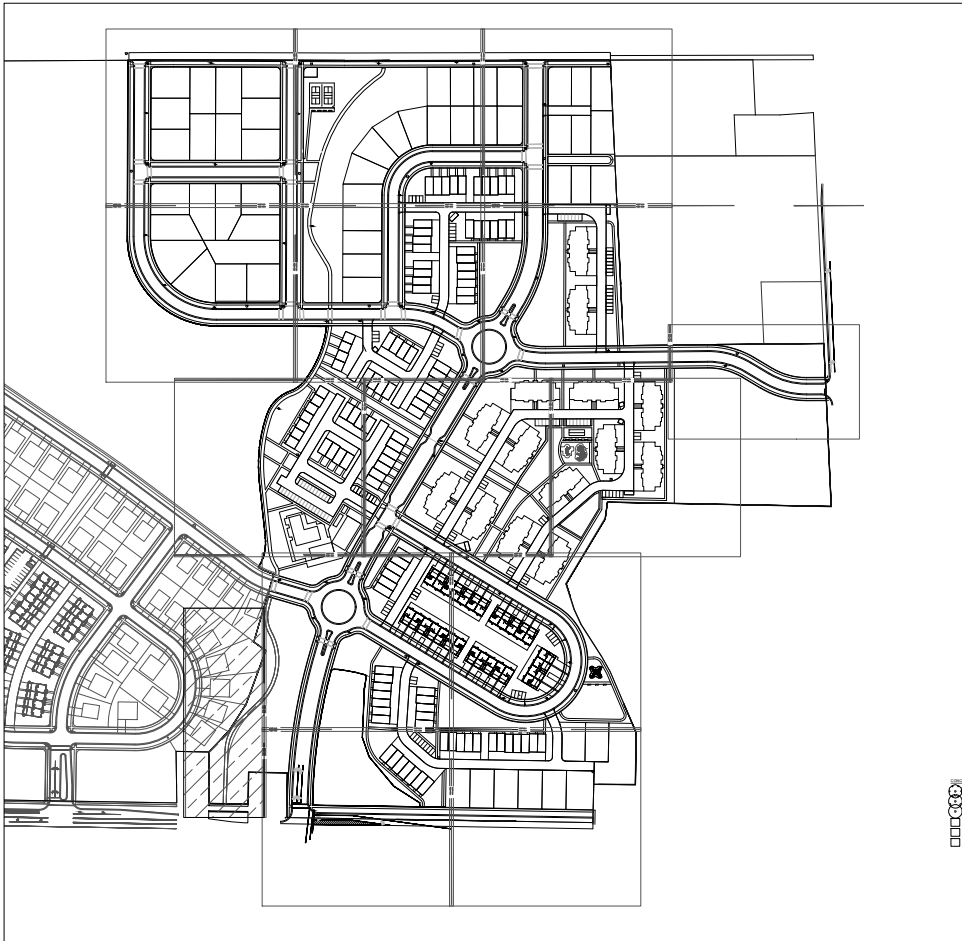
Dec 09, 2021 - 2:37pm
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CONCEPT PLANT SCHEDULE

	LARGE TREE	276
	MEDIUM TREE	293
	SMALL TREE	44
	LAWN	412,695 SF
	PERENNIALS/SHRUBS	93,246 SF
	NATIVE PLANTING	151,440 SF

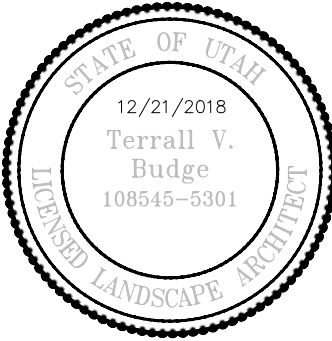
NOTE:
ANY TREE PLANTED WITHIN A SIGHT VISIBILITY TRIANGLE MUST
HAVE A CANOPY HEIGHT OF 7' OR GREATER AT PLANTING.



PROJECT NAME:
RidgeLine Park East
Phases 4-10
Nibley, Utah

loci

801 906 0399
www.loci-slc.com
569 East 2nd Avenue
Building B
SLC, UT 84103



Principal M. Budge
Project Manager A. Rhodes
Drawn By D. Slater
A. Rhodes

Job No. _____
Creation Date _____
Edit Date Dec 09, 2021

Preliminary
Landscape Plans

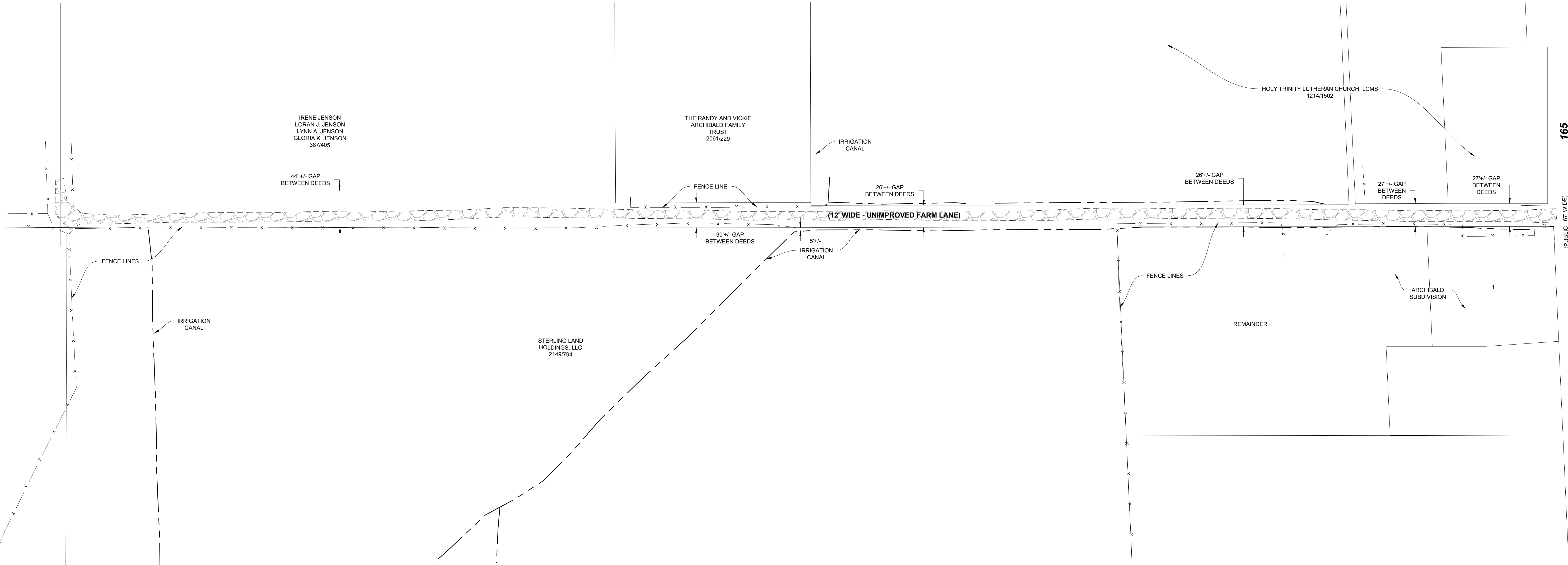
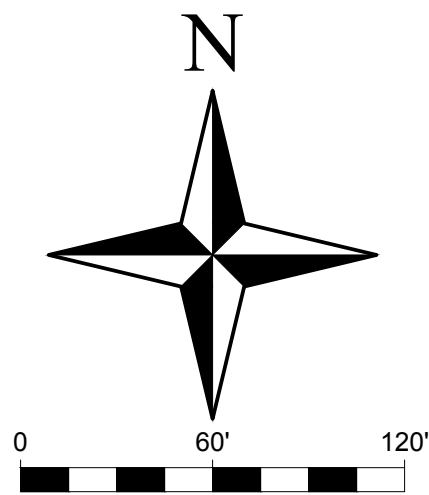
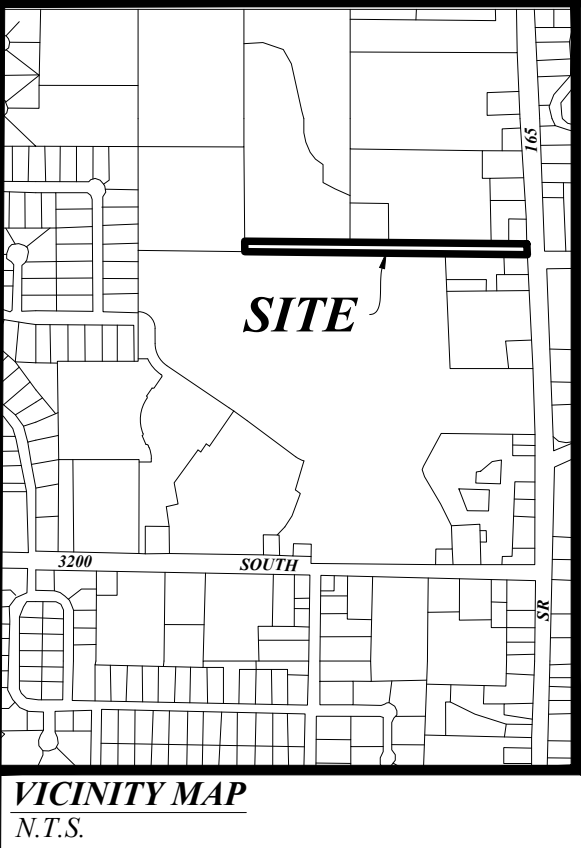
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NOTES

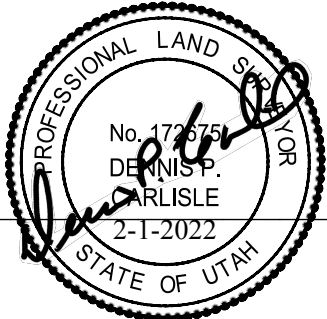
- 1) THIS EXHIBIT REPRESENTS THE RELATIONSHIP BETWEEN THE CURRENTLY RECORDED DEEDS AND PLATS ALONG THE UNIMPROVED FARM LANE DESIGNATED AS 2900 SOUTH, AND THE EXISTING IMPROVEMENTS, I.E. THE DIRT LANE, IRRIGATION CANALS/DITCHES, FENCE LINES, ETC.
- 2) THIS EXHIBIT DOES NOT PURPORT TO REPRESENT AN INCLUSIVE REPRESENTATION OF ALL THE INTERESTS, EASEMENTS, RIGHTS, ETC. OF ANY PARTIES OR ENTITIES THAT HAVE HISTORICALLY UTILIZED THIS LANE FOR ACCESS AND/OR OTHER PURPOSES. IT IS STRONGLY RECOMMENDED THAT TITLE AND LEGAL COUNSEL BE RETAINED TO BETTER UNDERSTAND THE UNDERLYING OWNERSHIP AND OTHER INTERESTS IN THIS AREA.

SURVEYOR'S CERTIFICATE

"I, Dennis P. Carlisle, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 172675 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have supervised the preparation of this Exhibit based on a Survey of the lands shown hereon and that it correctly represents the existing conditions as shown. This Exhibit does not represent a certification to the title or ownership of the lands shown hereon."

Dennis P. Carlisle
Professional Land Surveyor
Certificate No. 172675

February 1, 2022
Date



civilsolutionsgroup inc.

CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

2900 SOUTH EXHIBIT
LOCATION: THE NE1/4 OF SECTION 21, T11N, R1E, SLB&M
NIBLEY, UTAH
PREPARED FOR: VISIONARY HOMES

REVISION BLOCK	
NO.	DESCRIPTION:

SCALE: 1" = 60'	DRAWN BY: C.BOWN
DATE: 1-3-22	PROJECT #: 19-384

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From: [Ben Steele](#)
To: [Darren Farar](#)
Subject: FW: RPA East dumpster enclosure
Date: Friday, January 7, 2022 8:26:32 AM
Attachments: [RPA0 PrelimPlat Eastside 1-6-22.pdf](#)

---CAUTION--- This email originated from outside of the organization.

Darren,

Please see acknowledgement from Any of Logan Environmental that we are in accordance with them on dumpster locations.

Including the changes made recently to the townhome placement in phase 9.

My plan is to get you as much of the comments answered as possible today/Monday.

To enable us to advertise starting today (or Monday is that is sufficient) for P&Z mtg January 20th. Is that amenable to you?

Really appreciate your time yesterday and the collaborative efforts made by you and staff.

Ben Steele
PM - Land Development
m: 208.559.4016



From: Amy Anderson <amy.anderson@loganutah.org>
Sent: Thursday, January 6, 2022 1:14 PM
To: Ben Steele <bsteeler@visionaryhomes.com>
Subject: Re: RPA East dumpster enclosure

Ben,

These dumpster locations look good for us. If any of these change please let me know.

Just as a reminder these are the minimum standards that need to be met for dumpster enclosures:

- 1) Minimum 60 ft. straight on access required. Approach must be level, no down or uphill slopes.
- 2) Minimum inside measurement for a double enclosure is 24 ft. wide by 10 ft. deep. Minimum inside measurement for a single enclosure is 12 ft. wide by 10 ft. deep.
- 3) Place bollards in the back of the enclosure to protect walls.
- 4) Gates are not required, however if desired, they must be designed to stay open during the collection process.

5) Barrel hinges are suggested for the gates. We need the full 12 ft. clearance so gates must be designed to open completely.

Thank You,
Amy

On Thu, Jan 6, 2022 at 9:34 AM Ben Steele <bsteele@visionaryhomes.com> wrote:

Amy,

I hope 2022 is treating you right; I've got my fingers crossed it's not as crazy as 2021!

Please see attached updated pre-plat of our Ridgeline Park project Eastside.
Phase 9 has seen some shifting around of townhome buildings and it has changed the dumpster enclosure location.

If everything looks good, please acknowledge via email.
That way I can forward to Nibley City for their records.

Much thanks,

Ben Steele
PM - Land Development
m: 208.559.4016



--

Amy Anderson
Solid Waste Route Manager
Logan City Environmental Department
435-716-9761

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Ridgeline Park Subdivision Project: Wetland Mitigation Plan

Located Approximately at:

200 West 3200 South
Nibley, Utah 84321

Submitted to:

US Army Corps of Engineers
Sacramento Region
Michael Pectol, Project Manager
533 West 2600 South
Bountiful, Utah 84010

Original Submission: May 2021

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1.0 INTRODUCTION

On behalf of Visionary Homes (applicant), Civil Solutions Group, Inc. proposes a compensatory mitigation plan for the proposed Ridgeline Park Subdivision Project (Project Area) in Nibley, Cache County, Utah (Figure 1).

The Project Area is an approximately 95.3-acre subdivision consisting of residential homes and mixed-use lots. As found in the Nationwide Permit (NWP) 29 application, the proposed Project would permanently impact 0.291 acres of emergent marsh, 0.097 acres of wet meadow, and 385 linear feet of the Clear Creek stream channel across 7 impact areas.

As of Winter 2021, the proposed Project location does not fall within any mitigation bank or in-lieu fee program service areas. The applicant therefore proposes on-site permittee responsible mitigation (PRM) to account for the permanent losses of WoUS associated with the Project. Three mitigation areas establishing new wetland habitat are proposed near the southern Project Area boundary.

1.1 Responsible Parties

1. Applicant/permittee
Visionary Homes
Benjamin Steele, Project Manager
50 East 2500 North
North Logan, UT 84341
(208)559-4016
bsteale@visionaryhomes.com
2. Applicants Designated Agent
Civil Solutions Group, Inc.
3. Preparers of the Proposal/Plan
Civil Solutions Group, Inc.

2.0 PROJECT LOCATION AND DESCRIPTION

2.1 Project Location

The proposed Project is located along 3200 South in Section 21 Township 11 North Range 1 East Salt Lake Base and Meridian in Nibley, Cache County, Utah (Figure 1). The Project Area was historically flood irrigated pasture and farmland with numerous flood irrigation ditches and canals throughout the property. The proposed mitigation areas are located along the existing Clear Creek/ wetland corridor near the southern Project Area boundary (Figure 2).

2.2 Project Description

The proposed Project will result in the permanent loss of 0.388 ac of WoUS. The applicant is therefore proposing an on-site PRM project to offset the proposed loss of WoUS. Freshwater emergent marshes and freshwater meadows are the impacted resources, therefore freshwater emergent marshes and freshwater meadows will be created. This is an in-kind mitigation effort. Three mitigation areas (Mitigation Area 1-3) are proposed along either side of the existing Clear Creek corridor and will directly tie-in to existing emergent marshes on-site.

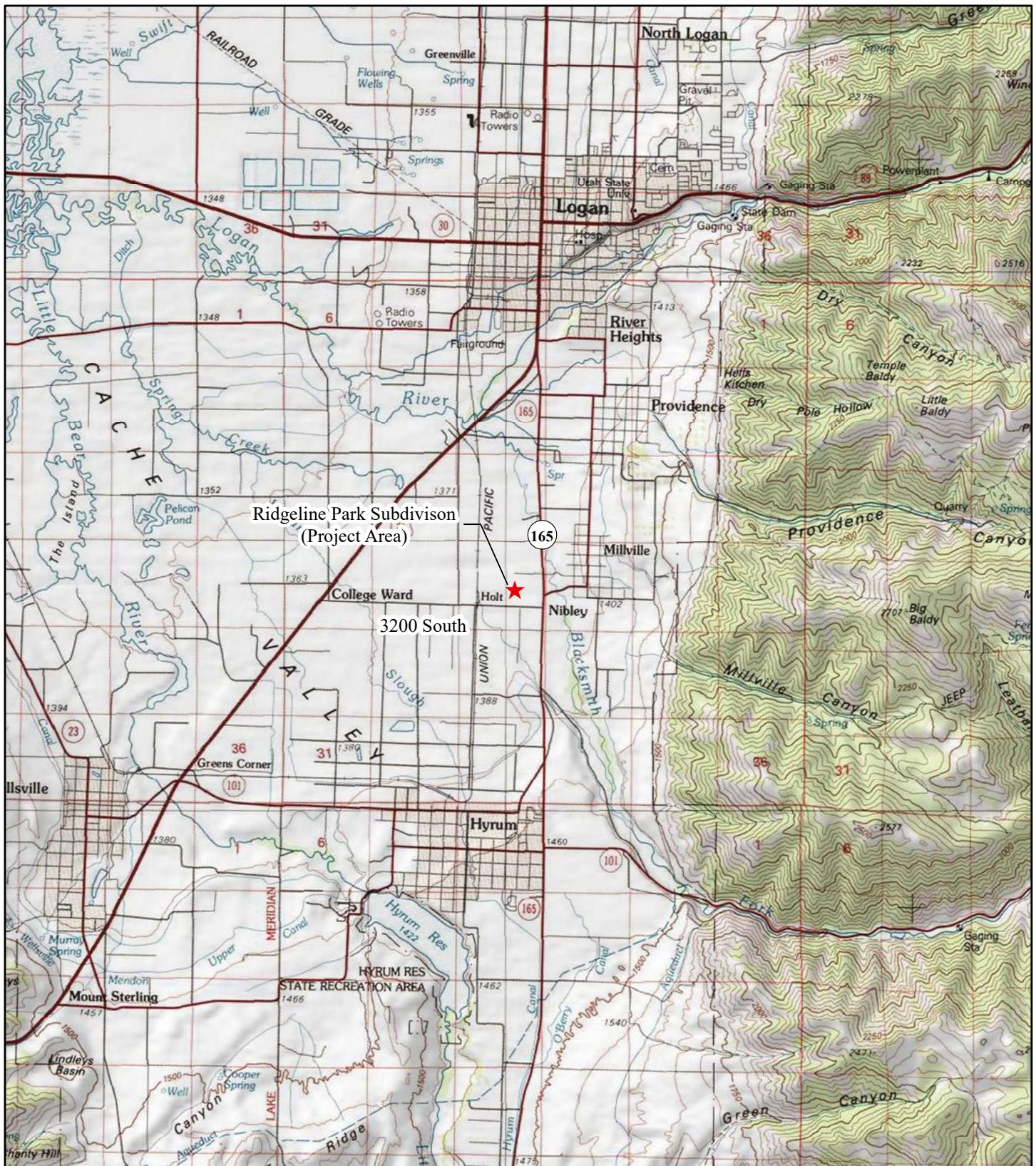
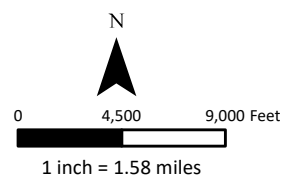


Figure 1. Project Location Map

Base layer: USGS Topo

★ Project Area




civilsolutionsgroupinc.

WETLAND MITIGATION PLAN

RIDGELINE PARK

NIBLEY, UTAH

[illegible]

PROJECT #:	19-384
DRAWN BY:	L. CHUGG
PROJECT MANAGER:	M. TAYLOR
ISSUED:	5/20/2021

VICINITY

FIGURE 2

Because the mitigation areas will need to establish both emergent marsh and wet meadow conditions (i.e. different wetland hydrology, plant communities, etc.), two separate, topographically distinct areas will be graded within the newly established wetland areas. Newly established marshes will be graded down to match the average elevation of the existing emergent marshes along Clear Creek. The newly established freshwater wet meadows will be located above the marshes on an elevated bench (approximately 6 inches above proposed marsh grade). A tolerance of +/- 3 inches is proposed for each prescribed mitigation area elevation to allow for microtopography often found in naturally occurring wetlands. A shrubby plant buffer (i.e. dogwoods) will be planted along the outside extents of the mitigation areas. Lastly, the mitigation area will be fenced to discourage human encroachment, unintentional filling to mitigation area, etc.

3.0 MITIGATION OBJECTIVES

The objective of this proposed plan is to successfully perform a PRM project within the boundaries of the proposed Ridgeline Park Subdivision Project. The proposed mitigation areas will provide an on-site in-kind establishment of emergent marsh and freshwater wet meadows to replace proposed permanent impacts to existing WoUS. The proposed mitigation areas are intended to be low maintenance after initial establishment and do not require complex, over-engineered structures to maintain wetland hydrology, hydric soils, and hydrophytic vegetation.

4.0 DETERMINATION OF CREDIT

The permittee proposes a 2:1 mitigation ratio for the establishment of wetlands on-site. The 0.388 acres of permanent WoUS impact is proposed to be replaced with 0.778 acres of newly established wetlands. Proposed permanent impacts are broken down as 0.291 acres of emergent marsh, 0.097 acres of wet meadow, and 385 linear feet of Clear Creek. New wetland establishment (mitigation areas) is broken down as 0.584 acres of freshwater emergent marsh and 0.194 acres of freshwater wet meadow.

The applicant acknowledges the project uncertainty and temporal loss associated with this PRM plan. Project risk has been reduced by selecting a site with sufficient groundwater hydrology, grading months prior to wetland planting to ensure proper grading elevations, as well as planting already established wetland sod in order to gain a vegetative advantage over aggressive invasive and noxious plant species. The Project has also been designed with simplicity in mind. There are no complicated, highly engineered solutions needed to preserve and maintain the newly established wetlands. Based upon this rationale, we believe that a 2:1 mitigation ratio is a fair and acceptable proposal for this proposed mitigation plan.

5.0 SITE SELECTION CRITERIA

Per rule 33 CFR 332.3, mitigation sites utilizing the watershed approach should provide a similar “suite of functions typically provided by the affected aquatic resource”. The proposed mitigation areas were selected due to their proximity to existing wetlands that have an elevated water table.

The majority of the proposed WoUS impacts occur in wetlands abutting Clear Creek, therefore establishing wetlands along the Clear Creek corridor was a logical choice. The establishment of new wetlands along the existing Clear Creek corridor should replace the environmental services lost by impacted wetlands. The exact locations of the mitigation areas along the Clear Creek stream corridor were selected based upon constraints on-site (Figure 3).

WETLAND MITIGATION PLAN

RIDGELINE PARK NIBLEY, UTAH

[illegible]

PROJECT #: 19-384
DRAWN BY: L. CHUGG
PROJECT MANAGER: M. TAYLOR
ISSUED: 5/20/2021

EXISTING CONDITIONS

FIGURE 3

6.0 BASELINE INFORMATION

6.1 Existing Hydrology

Hydrology is arguably the most crucial aspect of wetland mitigation. Without proper wetland hydrology, no wetlands will form or able to sustain themselves. The proposed mitigation areas will primarily rely on groundwater as the source of wetland hydrology.

Nibley is known for having a shallow groundwater table. Groundwater and saturated soils were observed during the 2019 aquatic resources delineation fieldwork for the site, and signs of a seasonally elevated groundwater table such as saturated soils, redoximorphic features, and depleted soil matrices can be observed when the groundwater has seasonally dropped. In early March 2021, Saturated soils, redoximorphic features, and depleted soil matrices were generally observed 12 to 24 inches below the existing grade in the existing uplands where mitigation areas are proposed. Soils remain saturated in the existing wetlands on-site throughout most, if not all, of the year.

6.2 Existing Soils

Uplands are widely loams and silty loams on top of a saturated clay layer. The wetlands along the Clear Creek corridor are primarily saturated clayey soils

7.0 MITIGATION WORK PLAN

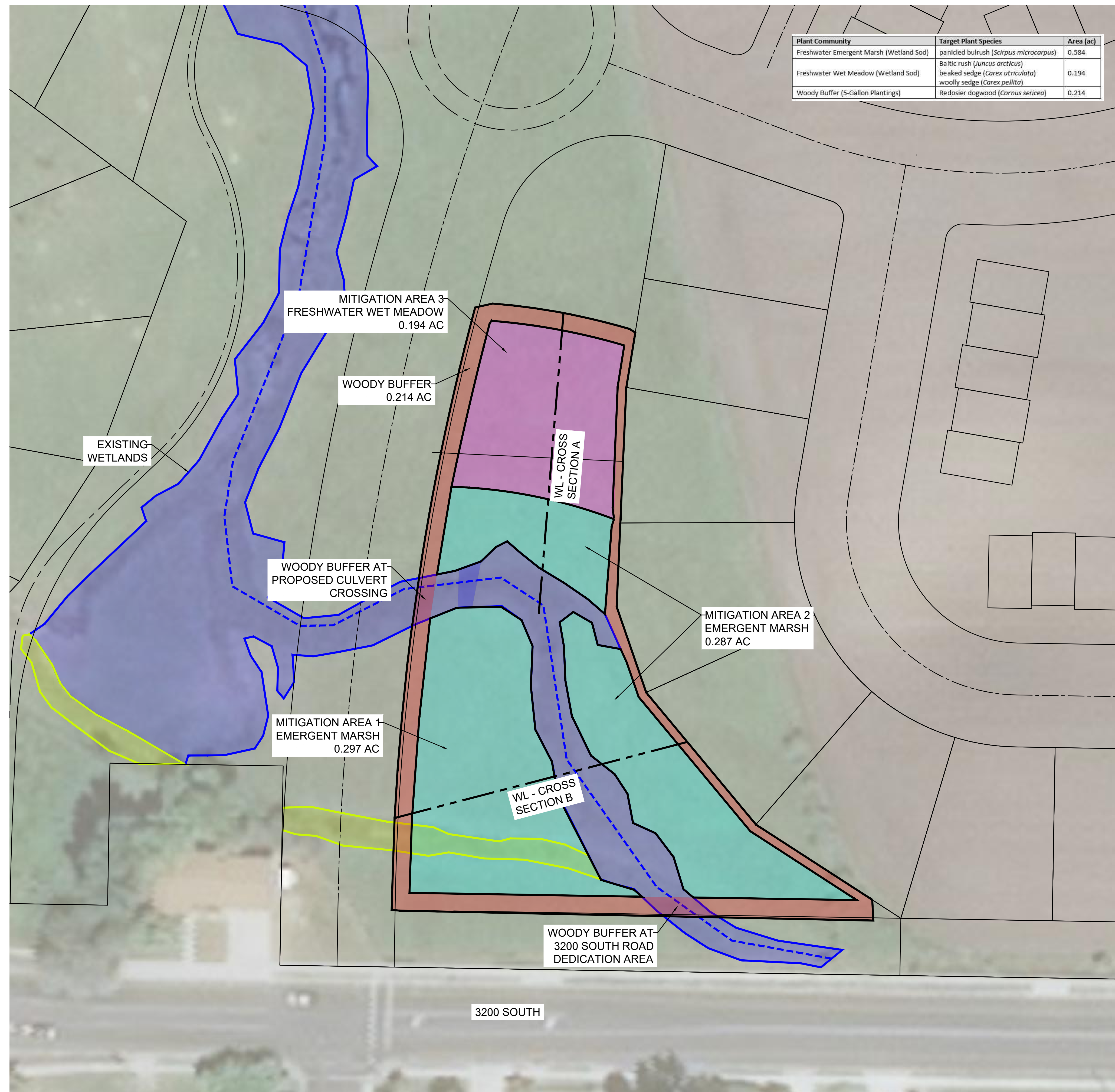
The overall construction timeline for the proposed mitigation area establishment is Fall 2021 to Spring 2022. Initial grading using heavy machinery of the mitigation areas will take place Fall 2021. Planting will occur in Spring of 2022. This schedule allows for time to evaluate the hydrologic condition of the graded mitigation areas. If changes to grading need to occur, they will be coordinated with the USACE and can be made prior to planting vegetation.

This grading/planting timeline is intended to reduce the overall project risk by confirming the proper design elevations that create wetland hydrology prior to planting. Identifying any grading changes prior to wetland planting will save time, reduce the risk of further temporal wetland loss, and improve the likelihood of a successful mitigation project.

The proposed mitigation work will occur along the existing wetland boundaries that shall not impact the existing wetlands. In order to avoid any unintentional impacts, silt fence will be installed along the existing wetland boundaries. In areas where mitigation construction will occur and “tie-in” to an existing wetland boundary, the silt fence will be staked in place directly on the existing wetland boundary so that no impacts are made to the existing wetland. Some adaptive management techniques discussed below in Section 13.0 would impact existing wetland areas if proper wetland hydrology is not achieved. See Figure 4 for proposed conditions and planting plan.

7.1 Hydrology Plan

Wetland hydrology will be achieved within the mitigation areas by grading with heavy machinery. As previously stated, the mitigation areas will consist of two topographically distinct areas: 1) A low lying marsh located slightly below grade of existing wetlands along the Clear Creek corridor and 2) a slightly elevated wet meadow bench, approximately at-grade with existing wetlands along the Clear Creek corridor. The wet meadow area (Mitigation Area 3) is located further away from the Clear Creek corridor and has a slightly increased depth to saturated soils than Mitigation areas closer to the corridor. This design relies primarily on intercepting the fluctuating water table on-site. The proposed design elevations



Plant Community	Target Plant Species	Area (ac)
Freshwater Emergent Marsh (Wetland Sod)	panicked bulrush (<i>Scirpus microcarpus</i>)	0.584
Freshwater Wet Meadow (Wetland Sod)	Baltic rush (<i>Juncus arcticus</i>) beaked sedge (<i>Carex utriculata</i>) woolly sedge (<i>Carex pellita</i>)	0.194
Woody Buffer (5-Gallon Plantings)	Redosier dogwood (<i>Cornus sericea</i>)	0.214

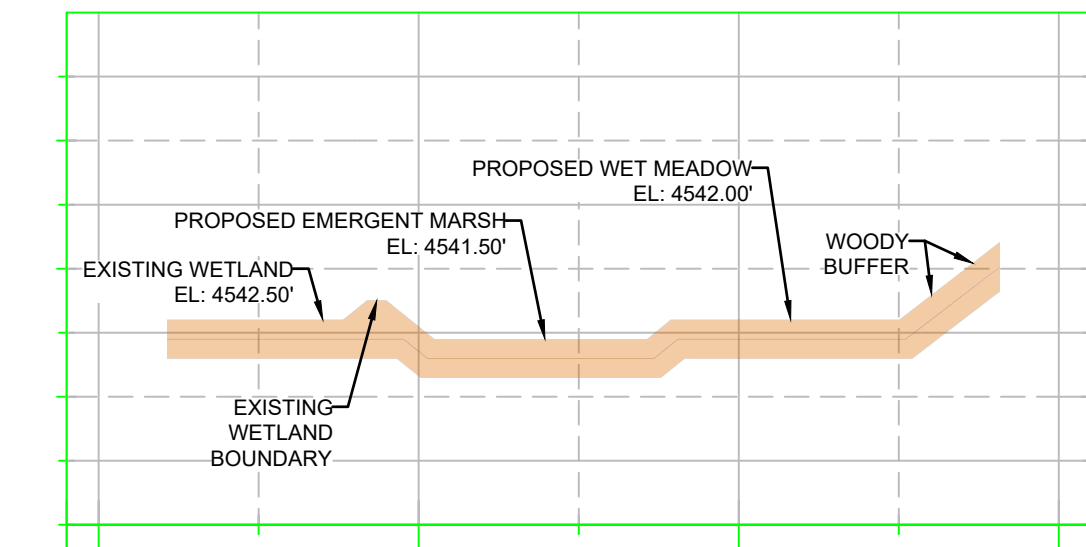
GENERAL NOTES:

1. MITIGATION AREAS WILL BE RECORDED IN DEED RESTRICTION.
2. PROVIDE TEMPORARY IRRIGATION TO ESTABLISH WOODY BUFFER PLANTS IN YEAR 1.
3. FENCING WILL BE INSTALLED AROUND THE PERIMETER OF THE WOODY BUFFER.
4. PROPOSED MARSH AND MEADOW AREAS SHALL MATCH PROPOSED ELEVATIONS $\pm 3"$ TO ALLOW FOR MICROTOPOGRAPHY.
5. EXISTING WETLANDS SHALL BE LEFT UNDISTURBED. MITIGATION AREAS SHALL TIE INTO EXISTING WETLAND BOUNDARY.
6. WETLAND SOD AND 5-GALLON PLANTINGS SHALL BE INSTALLED PER MITIGATION AREA PLANTING TABLE.

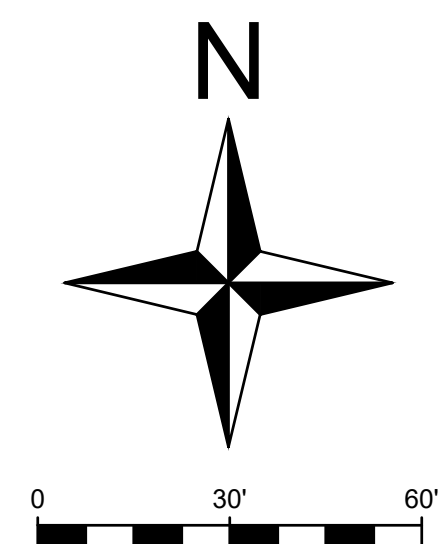
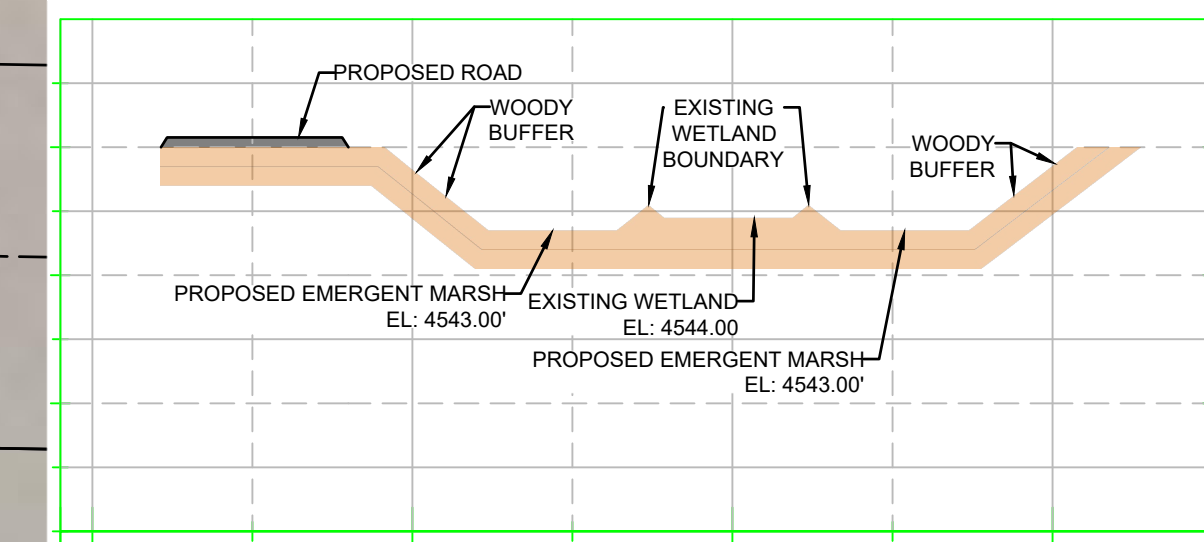
LEGEND:

- | | |
|---|------------------------------------|
|  | PROPOSED WET MEADOW [0.194 AC] |
|  | PROPOSED EMERGENT MARSH [0.584 AC] |
|  | PROPOSED WOODY BUFFER [0.214 AC] |

WL - CROSS SECTION A



WL - CROSS SECTION B



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PROJECT MANAGER:	M. TAYLOR
ISSUED:	5/20/2021

for the mitigation areas are based off of elevations observed and surveyed in the existing Clear Creek corridor wetlands.

7.2 Soils Plan

The proposed design elevation of the mitigation areas are predominately clay soils. In order to ensure the proper root establishment of the proposed wetland sod, the mitigation areas will be over excavated by six inches and backfilled with six inches of loamy topsoil excavated on-site. The loamy topsoil layer will provide better soil conditions for root establishment than the existing clay soils.

Microtopography shall be included in the proposed mitigation areas. The microtopography will mimic hummocks and natural undulation that naturally occurs in many wetland environments. This will give the wetlands a more aesthetically pleasing look, along with fulfilling critical functions such as varied habitat and a potential for more water retention by reducing evaporation of surface water. The microtopography will vary +/- 3 inches from the prescribed design elevations.

7.3 Vegetation Plan

Plantings will be installed in early Spring of 2022. Installation materials will likely be purchased from North Fork Native Plants and consist of wetland sods for the newly established marsh and meadow areas. Quickly establishing native species in the mitigation areas is a primary goal because managing invasive species in mitigation areas is often difficult, time consuming, and costly. Wetland sod establishes its roots quickly, will provide almost immediate erosion control functions, and will provide pleasing wetland aesthetics much more quickly than the application of root wads and/or hydroseeding alternatives. 5-gallon plantings of redosier dogwood will be installed within the woody buffer area to provide a natural buffer between the proposed subdivision and proposed mitigation areas.

Table 1. Mitigation Area Planting Table

Plant Community	Target Plant Species	Area (ac)
Freshwater Emergent Marsh (Wetland Sod)	panicled bulrush (<i>Scirpus microcarpus</i>)	0.584
Freshwater Wet Meadow (Wetland Sod)	Baltic rush (<i>Juncus arcticus</i>) beaked sedge (<i>Carex utriculata</i>) woolly sedge (<i>Carex pellita</i>)	0.194
Woody Buffer (5-Gallon Plantings)	Redosier dogwood (<i>Cornus sericea</i>)	0.214

The proposed planting schedule for each community type is as follows:

Freshwater Emergent Marsh Community: The newly established marsh wetlands will be planted with a wetland sod consisting of panicled bulrush (*Scirpus microcarpus*). Panicled bulrush is an excellent species for the marshy environments because of its tolerance to changing water levels, potential habitat, and its aesthetically pleasing flowers in the spring. It also is a rhizomatously spreading plant that is excellent for erosion control purposes. Depending on the depth of the groundwater and baseflows in Clear Creek, temporary irrigation may also be necessary through the fall of the first growing season. Considering the dry year of 2020 and 2021, temporary irrigation may be necessary for initial plant establishment.

Freshwater Wet Meadow Community: The newly established wet meadows will be planted with a wetland sod consisting of woolly sedge (*Carex pellita*), beaked sedge (*Carex utriculata*), and arctic rush (*Juncus arcticus*). Considering the dry year of 2020 and 2021, temporary irrigation may also likely be a necessity for initial plant establishment.

Woody Buffer Community: Plant with redosier dogwood (*Cornus sericea*) in 5-gallon buckets, planted at 8-ft spacing along the edge of the established wetland mitigation areas. Redosier dogwood is a multi-stemmed shrub generally growing from 4 to 20 feet tall. The dogwood will act as a natural barrier between the proposed subdivision and mitigation areas (i.e people and pets). Soils will be amended with compost and fertilized at planting time. Temporary irrigation will likely need to be established for the woody buffer plants in year 1.

Any modification to the suggested planting plan above must be approved by the USACE.

7.3 Construction Cost Estimate

Construction cost estimates are based upon 2020 pricing from North Fork Native Plants. See table below for approximate construction estimates.

Table 2. Approximate Wetland Mitigation and Establishment Estimate

APPROXIMATE WETLAND MITIGATION & ESTABLISHMENT ESTIMATE				
ITEM	UNIT	QUANTITY	UNIT COST	ITEM TOTAL
Site Excavation to Finished Grade	CU YD	2,325	\$6	\$13,950
Wetland Plants & Installation*	LUMP	1	\$174,060	\$174,060
Wetland Construction Administration	EA	1	\$3,500	\$3,500
Annual Wetland Mitigation Area Monitoring and Report	EA	5	\$8,000	\$40,000
Fencing	LF	1,200	\$20	\$24,000
As-built Topographic Survey	LUMP	1	\$2,800	\$2,800
Contingency (10%)				\$25,551
GRAND TOTAL:				\$283,861

*This fee is based on estimate from 2020 Intermountain Aquatics bid provided for the Noorda Medical College Mitigation Project.

8.0 SITE PROTECTION INSTRUMENT

The mitigation areas will be protected by a deed restriction instrument which will be recorded against the property as directed by the anticipated Section 404 permit. The approximately 1.162-acre deed restriction area includes 0.778 acres of newly established wetlands (Mitigation Areas 1-3), 0.214 acres of woody buffer surrounding the mitigation areas, and approximately 0.170 acres of the existing wetlands which the mitigation areas are built around. A legal description and deed restriction exhibit is provided in Appendix A. After the deed restriction is recorded, a copy will be sent to the USACE for their records.

9.0 MAINTENANCE PLAN

Maintenance and management of the mitigation areas will be undertaken by the Ridgeline Park Homeowner's Association (HOA). The HOA will ensure the replacement and installation of plants, trash removal, and noxious weed spraying as necessary.

It is estimated that the annual budget to maintain the wetland mitigation area is approximately \$2,036. This cost will be included into the HOA fees associated with the proposed subdivision project. This is based on an annual plant replacement of approximately 1% of the wetland area and annual noxious weed spray for approximately 25% of the site at a cost of \$1,000 per acre. An itemized list follow:

- Plant Replacement and Installation (1% of planting estimate): \$1,741
- Trash Removal (roughly 4-man hours): \$100
- Noxious Weed Spray (\$1,000 per acre, 25% of total mitigation area of 0.778-ac): \$195
- **TOTAL: \$2,036**

10.0 ECOLOGICAL PERFORMANCE STANDARDS

Table 3. Ecological Performance Standards

Site functions	Mitigation Activity	Performance Standard	Applicable Target Communities
Physical-1	Grade proposed mitigation areas per proposed Grading Plan to ensure proper hydrologic function	GPS as-built topographic survey to ensure compliance	Woody Buffer, Freshwater Marsh, Freshwater Wet Meadow
Physical-2	Install wetland sod in mitigation areas	>85% vegetation cover by year 5 of implementation	Freshwater Marsh, Freshwater Wet Meadow
Physical-3	Woody buffer along mitigation areas	Stem density (150 stems/acre) and height requirements (5' minimum)	Woody Buffer
Hydrologic-1	Ensure proper wetland hydrology for all three mitigation areas	Hydrophytic vegetation will be observed for signs of proper hydrology and/ or stressors (i.e insufficient hydrology).	Freshwater Marsh, Freshwater Wet Meadow
Flora-1	Ensure target of 80% total native vegetation cover across the entirety of mitigation areas	With sod install, coverage will have to be maintained and demonstrated for 5 years.	Woody Buffer, Freshwater Marsh, Freshwater Wet Meadow
Flora-2	Ensure target of >75% of relative cover of native wetland species (OBL, FACW, or FAC) by end of year 5.	75% wetland species must be reached by year 5 of implementation.	Freshwater Marsh, Freshwater Wet Meadow

Site functions	Mitigation Activity	Performance Standard	Applicable Target Communities
Flora-3	Control of Utah noxious plant species by the end of year 5.	<5% relative cover of noxious plant species by year 5 of implementation. Owner will contract for noxious weed spraying services on an annual basis for 5 years via contract. After year 5 spraying may have to continue.	Woody Buffer, Freshwater Marsh, Freshwater Wet Meadow

11.0 MONITORING REQUIREMENTS

A five-year monitoring plan is being proposed to the Corps. Monitoring will occur on a yearly basis, and a yearly monitoring report will be completed per the Corps monitoring report standards. Vegetation transects using the Point Intercept Method, as well as assigned photo locations allowing for the reviewer to easily track changes to the mitigation area over time. Presence/absence of hydrology and noxious weeds will also be recorded throughout the mitigation area. Photo location coordinates shall be recorded during the year 1 monitoring report for repeatable yearly photographs. Sample points and photo locations will also be accompanied by the South Pacific Division mitigation monitoring report form. See Figure 5 for the proposed photo locations and transect locations.

The applicant's mitigation requirements will not be considered fulfilled until the permittee has received written concurrence from the district engineer. The permittee may request an early concurrence from the district engineer if performance standards are met for two consecutive years without human intervention. Intervention does not include routine maintenance of the mitigation areas.

12.0 LONG-TERM FUNDING

Rather than a non-wasting endowment, the applicant proposes long-term funding for the maintenance of the mitigation areas is raised through HOA fees in the Ridgeline Park Subdivision. The anticipated yearly budget for maintenance is \$2,036, which includes vegetation replacement, trash removal, and noxious weed spraying as needed.

13.0 ADAPTIVE MANAGEMENT PLAN

Adaptive management considerations are important with any mitigation plan. Clearly every potential problem cannot be identified as part of a project, but key considerations can be identified and discussed.

Key considerations as part of this project include hydrology, vegetation, and other assorted situations. Potential problems with the wetland mitigation areas can be identified during construction, yearly monitoring fieldwork, and post-construction maintenance. After identification of the problem, an adaptive management approach can be implemented.

13.1 Hydrology Considerations

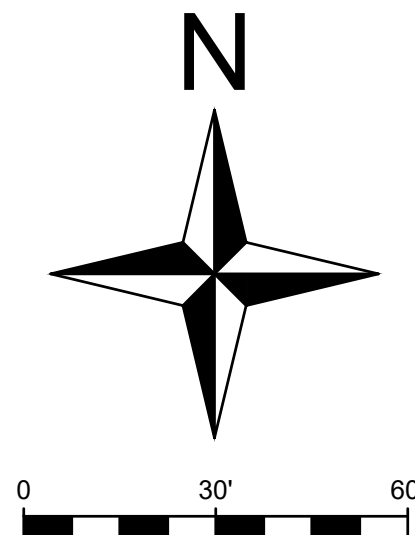
Hydrology is a critical component of any wetlands. Although an adaptive management mindset will need to be applied to the hydrology aspect of the mitigation areas, a proactive approach which ensures



1. OBSERVATION & MONITORING TO FOLLOW THE POINT-INTERCEPT METHOD. TRANSECT LINES ARE SHOWN ON THIS PLAN FOR THE MITIGATION AREAS 1-3. DATA POINTS WILL BE COLLECTED EVERY 10-FT ALONG TRANSECT LINE.

1. YEARLY PHOTOGRAPHS WILL ALSO BE TAKEN AT AREAS SHOWN ON PLAN AND INCLUDED IN YEARLY MONITORING REPORT. APPROXIMATE PHOTO POINT COORDINATES AND VIEW DIRECTION WILL BE ADDED TO INITIAL ANNUAL MONITORING REPORT AND REPEATED EACH YEAR.

	PROPOSED WET MEADOW [0.194 AC]
	PROPOSED EMERGENT MARSH [0.584 AC]
	PROPOSED WOODY BUFFER [0.214 AC]



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PROJECT #: 19-384
DRAWN BY: L. CHUGG
PROJECT MANAGER: M. TAYLOR
ISSUED: 5/20/2021

OBSERVATION & MONITORING PLAN

FIGURE 5



CACHE VALLEY | P: 435.213.3762
SALT LAKE | P: 801.216.3192
UTAH VALLEY | P: 801.874.1432
info@civilsolutionsgroup.net
www.civilsolutionsgroup.net

hydrology is correct the first time will save time and reduce the risk of costly corrections. The key aspect of this approach is completing the necessary grading for both mitigation areas in the fall and then planting in the spring. This allows for inspection of elevations in regards to wetland hydrology prior to the planting of wetland sod in the spring. If acceptable wetland hydrology is not observed throughout the graded mitigation areas, there will be opportunities for the appropriate regrading to occur.

Additionally, if the groundwater component does not provide enough wetland hydrology to the mitigation areas, small swales can be cut through the outside extents of the existing wetland into the proposed mitigation areas. Swales would be able to convey additional surface water flows into the mitigation areas and improve wetland hydrology.

In the unlikely instance where the grading does not correctly meet the hydrology needs of the mitigation areas after wetland sod installation, the area would like need to be regraded. This is costly and delays the completion of the mitigation requirements and would therefore be an absolute last resort in terms of corrective action.

13.2 Vegetation Considerations

The installation of wetland sod in the proposed mitigation areas is beneficial for a number of reasons. Rooting occurs within a matter of a few weeks, the mitigation areas are established from an erosion control perspective, and it makes the establishment of invasive species less likely.

Should invasive or noxious species be identified in the mitigation area, spraying of herbicide, etc by a qualified professional may need to occur.

If the wetland sod does not root and take within the mitigation areas, re-planting of wetland vegetation will need to occur; however, this is unlikely if proper wetland hydrology and soil conditions are established.

Overall, any large-scale adaptive management decisions will be discussed with the USACE prior to implementation.

14.0 CONCLUSION

On behalf of Visionary Homes (applicant), Civil Solutions Group, Inc. proposes a compensatory mitigation plan for the proposed Ridgeline Park Subdivision Project (Project) in Nibley, Cache County, Utah (Figure 1).

The Project consists of an approximately 95.3-acre subdivision project consisting of residential homes and mixed-use lots. As found in the Nationwide Permit (NWP) 29 application, the proposed Project would permanently impact 0.291 acres of emergent marsh, 0.097 acres of wet meadow, and 385 linear feet of the Clear Creek stream channel across 7 impact areas.

As of Winter 2021, the proposed Project does not fall within any mitigation bank or in-lieu fee program service areas. The applicant therefore proposes on-site permittee responsible mitigation (PRM) to account for the permanent losses of WoUS associated with the Project. Three mitigation areas establishing new wetland habitat are proposed near the southern Project Area boundary.

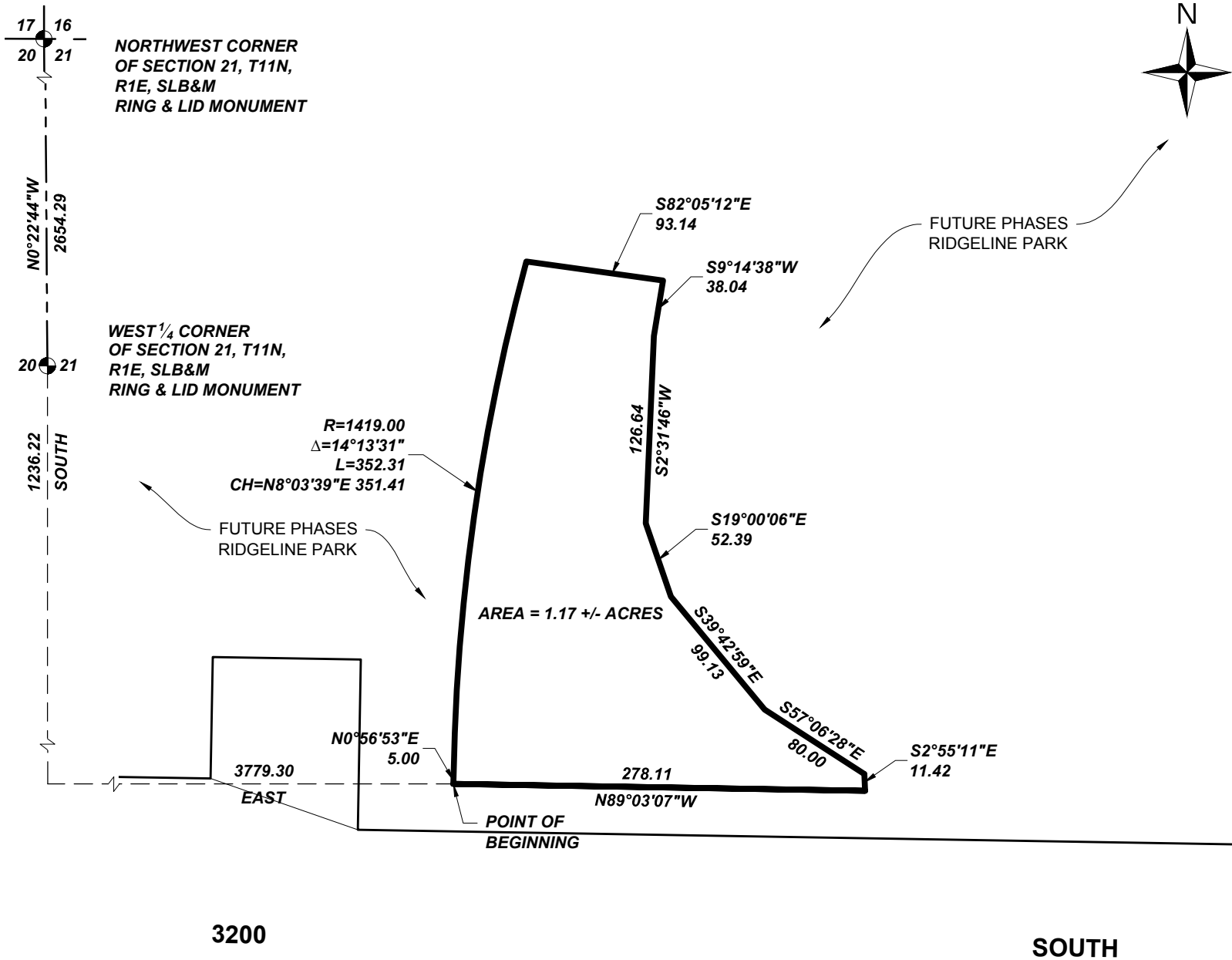
Appendix A – Draft Deed Restriction

Ridgeline Park Subdivision
Nibley, Cache County, Utah
WoUS Impact Plan

[illegible]

SHEET 3 OF 3

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info@civilsolutionsgroup.net
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WETLAND MITIGATION EXHIBIT

LOCATION: SE1/4 SECTION 21, T11N, R1E, SLB&M
NIBLEY, UTAH
PREPARED FOR: UNITED STATES ARMY CORPS OF ENGINEERS
PROPERTY OF: STERLING LAND HOLDINGS, LLC

SCALE:	DRAWN BY:
NTS	C. BOWN
DATE:	PROJECT #:
4-7-21	19-384

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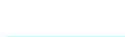


Plant Community	Target Plant Species	Area (ac)
Freshwater Emergent Marsh (Wetland Sod)	panicked bulrush (<i>Scirpus microcorpus</i>)	0.584
Freshwater Wet Meadow (Wetland Sod)	Baltic rush (<i>Juncus articticus</i>) beaked sedge (<i>Carex utriculata</i>) woolly sedge (<i>Carex pellucida</i>)	0.194
Woody Buffer (5-Gallon Plantings)	Redosier dogwood (<i>Cornus sericea</i>)	0.214

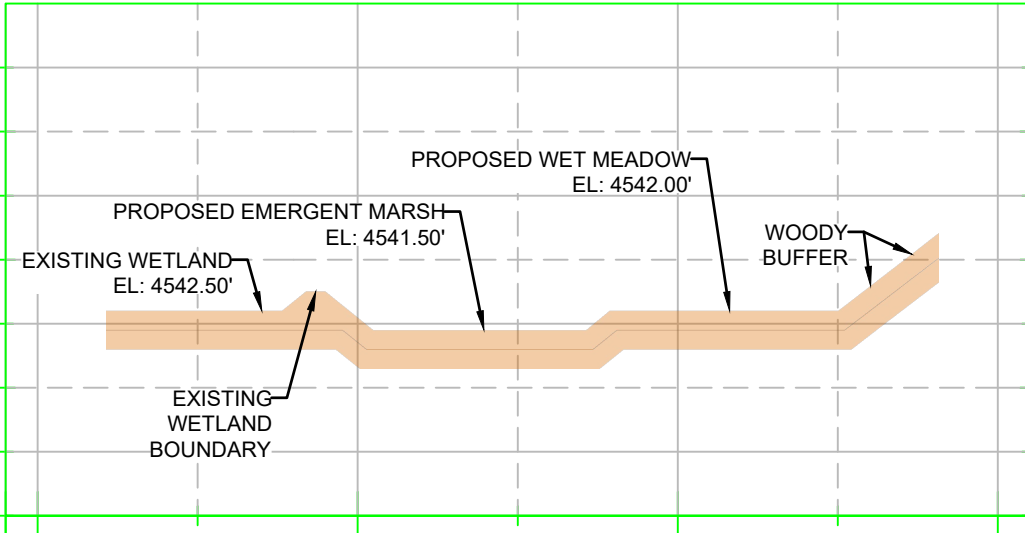
GENERAL NOTES:

1. MITIGATION AREAS WILL BE RECORDED IN DEED RESTRICTION.
2. PROVIDE TEMPORARY IRRIGATION TO ESTABLISH WOODY BUFFER PLANTS IN YEAR 1.
3. FENCING WILL BE INSTALLED AROUND THE PERIMETER OF THE WOODY BUFFER.
4. PROPOSED MARSH AND MEADOW AREAS SHALL MATCH PROPOSED ELEVATIONS ±3" TO ALLOW FOR MICROTOPOGRAPHY.
5. EXISTING WETLANDS SHALL BE LEFT UNDISTURBED. MITIGATION AREAS SHALL TIE INTO EXISTING WETLAND BOUNDARY.
6. WETLAND SOD AND 5-GALLON PLANTINGS SHALL BE INSTALLED PER MITIGATION AREA PLANTING TABLE.

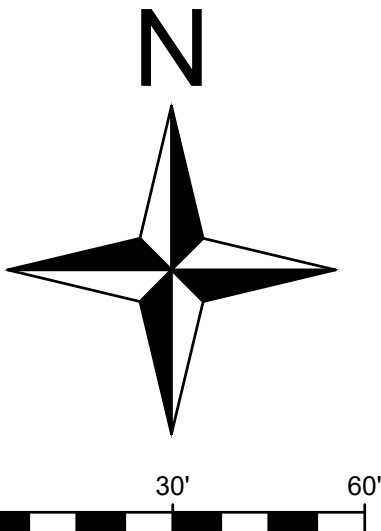
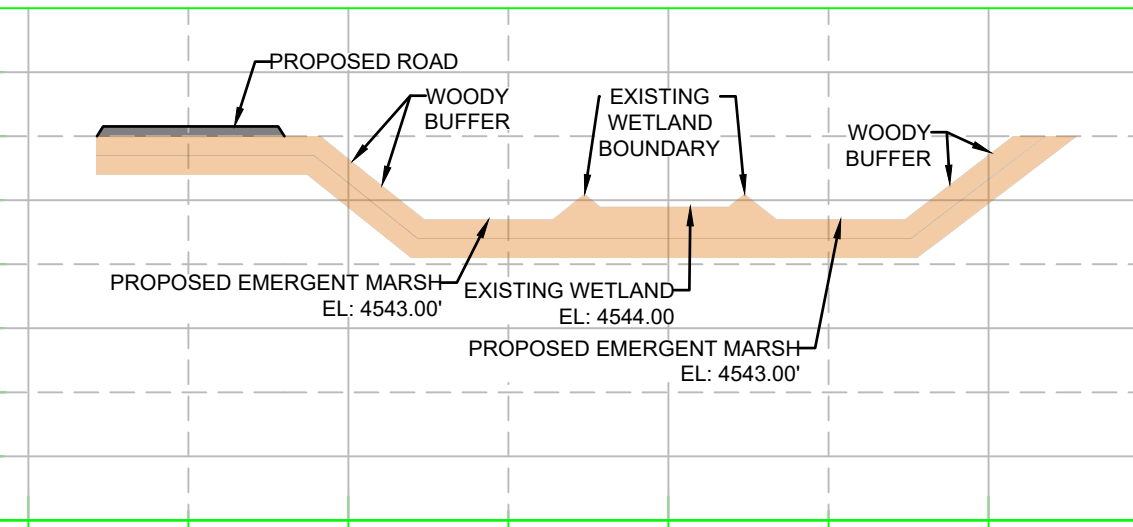
LEGEND:

- | | |
|---|------------------------------------|
|  | PROPOSED WET MEADOW [0.194 AC] |
|  | PROPOSED EMERGENT MARSH [0.584 AC] |
|  | PROPOSED WOODY BUFFER [0.214 AC] |

WL - CROSS SECTION A



WL - CROSS SECTION B



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WETLAND MITIGATION PLAN
RIDGELINE PARK
NIBLEY, UTAH

[illegible]

PROJECT #: 19-384
DRAWN BY: L. CHUGG
PROJECT MANAGER: M. TAYLOR
ISSUED: 5/20/2021

PROPOSED CONDITIONS & PLANTING PLAN

FIGURE 4

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civilsolutionsgroup inc.

GEOTECHNICAL ENGINEERING INVESTIGATION

Ropelato Subdivision Geotechnical Investigation

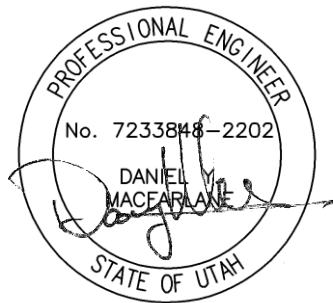
Prepared For:

Visionary Homes
Attn: Dallas Nicoll
50 E 2500 N
North Logan, UT 84341

Prepared By:

Civil Solutions Group, Inc.
Danny Macfarlane, P.E.
John Powell, Field Engineer
540 West Golf Course Rd, Suite B1
Providence, Utah 84332

Original Submittal: February 5, 2020
Job Number: 19-384



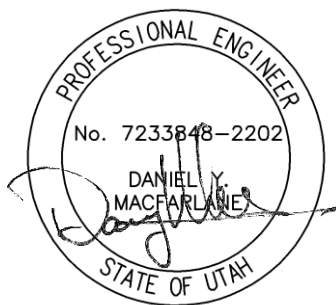
RE: Ropelato Subdivision Geotechnical Investigation

Dear Mr. Nicolls,

Per your request this geotechnical engineering investigation is submitted for the subject property located approximately at 3200 S 250 W in Nibley, UT. This report contains the findings of the field investigation and the analysis conducted by Civil Solutions Group. This report also contains recommendations pertaining to construction and design of earth related portions of this project.

Civil Solutions Group completed the field investigation on January 3, 2020 and January 8-9, 2020 at which time one bore hole and fifteen test pits were drilled/excavated, examined, and recorded in detail. The bore and excavation locations were selected based upon the proposed location of the building footprint and other site features. Civil Solutions Group recommends the site is suitable for proposed construction within the parameters defined within this report. Thank you for the opportunity to provide these services to you.

Sincerely,



Danny Macfarlane, P.E.
Civil Solutions Group, Inc.

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Executive Summary

A geotechnical study was performed for the subject property at 3200 S 250 W in Nibley, UT. Our scope of services included drilling one bore hole designated B-1, and excavating fifteen test pits designated TP-1 to TP-15. The boreholes were drilled with hollow stem augers, or excavated with a backhoe, and advanced to a maximum depth of 16-feet below existing site grade. All field work was contained in the proposed development area and was completed on January 3, 2020 and January 8-9, 2020.

The findings and recommendations generated from this exploration are summarized below:

- Onsite Soil – The site is composed mostly of silty sand in gravels and cobbles, and silty clay. Thick layers of gravels/cobbles were encountered throughout most of the site. Groundwater was encountered between 4.0 and 9.0-feet below existing grade.
- Foundations - The planned structure should be supported entirely on continuous spread footings or spot footings. The recommended bearing capacity of in-situ soil is 1,500 pounds per square foot.
- Seismic Considerations - The 2018 International Building Code Seismic Design Category for this site is Category D (Risk Category II), with a soil site class of D. The site is located in an area with high to moderate liquefaction potential according to the Utah Geological Survey. Sandy soils and groundwater were encountered during the field investigation. A full liquefaction analysis was not performed for this site.
- Pavement - Minimum pavement sections are as follows:

Seems high for the swamp conditions.

Why not?

Section	Recommended Pavement Sections (Inches)				
	Asphalt Concrete	Portland Cement Concrete	Untreated Base Course	Granular Borrow	Total
Local Street	3.0	-	6.0	6.0	15.0
Collector Street	3.0	-	6.0	10.0	19.0
Parking Area	3.0	-	8.0	-	11.0
Private Road	3.0	-	8.0	-	11.0
	-	5.0	6.0	-	11.0
Dumpster Pads	-	6.0	6.0	-	12.0

This summary should be used in conjunction with the entire report for design purposes. It should be recognized that details were not included or fully developed in this section, and the report must be read in its entirety for a comprehensive understanding of the items contained herein. The entire report should be read for an understanding of the report limitations.

Introduction

General

Civil Solutions Group, Inc. (CSG) was contacted by Mr. Nicolls and was asked to conduct a geotechnical engineering investigation on the subject property located at 3200 S 250 W in Nibley, UT. The general location of the site may be seen in Figure 1, Vicinity Map. A more detailed location of the site showing the proposed development and surrounding improvements is shown in Figure 2, Site Map. It was described that the proposed construction for the Ropelato Subdivision is anticipated to be one to two stories in height and of wood frame construction.

Objectives and Scope

The objectives and scope of our study were defined between Mr. Nicolls and Mr. Michael Taylor of Civil Solutions Group. In general, the objectives of this study were to:

- Define and evaluate subsurface soil and groundwater conditions across the site
- Provide foundation, earthwork, drainage, and geo-seismic recommendations

To accomplish these objectives, our scope has included the following:

- A field program consisting of the drilling/excavating, logging, and sampling of the boring and test pits
- A laboratory testing program
- An office program consisting of correlating available data, engineering analyses, and report preparation

Authorization

Civil Solutions Group, Inc. (CSG) was authorized to proceed with this scope of work through an executed contract returned to our office by Mr. Nicolls of Visionary Homes. The executed contract was dated November 27, 2019.

Professional Statements

We at CSG certify that our professional services have been performed, our findings developed, and our recommendations prepared in accordance with generally accepted engineering principles and practices in this area at this time. Supporting data upon which our recommendations are based is presented in the subsequent sections of this report. Recommendation made herein are governed by the physical properties of the soils encountered in the exploration borings, observed and projected groundwater conditions, and the layout and design data as summarized in the Proposed Construction section of this report. If subsurface conditions other than those described in this report are encountered and/or if design and layout changes are implemented, CSG must be informed so that our recommendations can be reviewed and amended, if necessary.

Proposed Construction

The proposed construction is as follows: a mixture of singly family and multi-family residential and roadways. It is anticipated that the structures will be one to two stories of height of typical wood frame construction. If structural engineering plans are different than assumed, they should be provided to our office for review.

The site development will likely require moderate earthwork. It is estimated that in certain areas 5 to 6-foot cuts and/or fills will be required to achieve site grades and tie in-to the adjacent properties.

Traffic is assumed to consist of automobiles and occasionally medium to heavy weight trucks.

Column and wall loadings are anticipated to be on the order of 10-24 kips and 1-2.25 kips per lineal foot respectively.

Existing Site Conditions

General

The site lies approximately at 3200 S 250 W in Nibley, UT. The existing property contains several old barns and storage sheds for livestock feed. The site is divided by fences and waterways. The properties to the west are used for residential, while the north properties and some along the east are used for agriculture. More residential homes are along the east side of the site. Several areas within the site are currently (or very recently) have been used for agricultural farming. The majority of the site is relatively flat, with a few spots within the property, and along the south, that slope steeply before leveling off again. On-site there were streams, canals, and standing water observed at the time of the site visit. There are large areas of wetland located throughout the site.

Site Soils

The soil conditions encountered in each of the test pits and the boring, to the depths explored, had two general soil profiles. In bore hole number 1 (B-1), there was approximately 1.5-feet of topsoil with roots extending from vegetation. From approximately 1.5-feet beneath existing grade to 7-feet we encountered brown gravels and small cobbles with silty sand. From 7-feet to 12-feet, we encountered a coarse sandy gravel with some cobbles. From 12-feet to 15-feet coarse to medium grain sand was encountered. From 15-feet to the full depth explored, 16-feet, silty sand was encountered. In test pit number 11 (TP-11), there was approximately 1.5-feet of topsoil with roots extending from vegetation. From 1.5-feet to 10-feet silty clay was encountered. From 10-feet to the full depth explored, 11.5-feet, silty sand in gravels and cobbles was encountered. TP-12 had similar characteristics as TP-11, and the remaining test pits throughout the site had similar characteristics as B-1. Groundwater was encountered between 4.0 and 9.0-feet. Soil encountered during the investigation can be referenced in the Soil Logs in the Appendix of this report. Materials encountered in the bore holes will exhibit required strength and compressibility characteristics under the anticipated loading range.

Subsurface Exploration and Testing Programs

General

To define and evaluate the subsurface soil and groundwater conditions across the site, one boring and fifteen test pits were drilled or excavated to depths of up to 16-feet below existing grade. The test pits were excavated with a back hoe, while the boring was drilled using a truck mounted drilling rig equipped with 3.25-inch inside diameter hollow stem augers. Soil sampling equipment was advanced through the hollow stem to retrieve disturbed samples of the in-situ soil. Locations of the boring and test pits are presented in Figure 2.

Field Program

The field portion of our study was conducted on January 3, 2020 and January 8-9, 2020. Continuous logs of the subsurface findings were created and maintained as part of the field program. The field portion of our study was under the direct control and continual supervision of an experienced member of our geotechnical staff. Field classifications were logged, and any adjustments made once the laboratory data and analyses were received.

The CSG geotechnical team collected both disturbed samples of typical soils that were found in the bore holes. The disturbed samples were taken using bagged grab samples and a SPT split spoon sampler. The SPT split spoon sampler had an outside diameter of 2-inches and an inside diameter of 1.38-inches. The sampler was driven into the undisturbed soil a total of 18-inches utilizing a 140-pound auto hammer falling a vertical distance of 30-inches. The blow counts recorded on the Soil Logs represent the total number of blows from the safety hammer that were required to drive the sampler a vertical distance of 6-inches.

Graphical depictions of the subsurface findings are shown in the Soil Logs contained within the Appendix of this report.

Laboratory Program

CSG partnered with RB&G Engineering to conduct a laboratory testing program on the samples retrieved from the sites. This laboratory testing program was conducted to provide data necessary for our engineering analyses. The program included partial gradation (sieve) analysis, Atterberg limits (if applicable), and chemical tests. The following describes the tests and summarize the test data. Samples from the field will be maintained in our office for a period of 90 days at which time they will be disposed of unless a written request is received from Visionary Homes that they should be retained.

Sieve Analysis

Gradation tests (sieve analysis) were conducted on disturbed samples which were collected from the site. The gradation test aids in classifying the soils and can provide general index parameters. Gradation tests aid the design team in determining the overall composition of the soil and behaviors that the soil may exhibit under certain situations. The results of the tests are shown in Table 1 below:

Table 1 - Gradation & Soil Classifications

Boring/Excavation Number	Depth (feet)	Percent Passing #200 Sieve	Soil Classification
B-1	9-11	7	SP-SM
TP-4	7-7.5	65	ML
TP-8	9-9.5	96	MH
TP-11	4-4.5	83	CL
TP-12	6-7	98	CL

Atterberg Limits

Atterberg Limits were performed on relatively undisturbed samples to understand the plastic and liquid limits of the cohesive soil. Atterberg limits allow the design team to understand the potential for the soil to shrink and expand based on water content. The results are presented in Table 2 below:

Table 2 - Atterberg Limits

Boring Sample No.	Depth (feet)	Classification	Liquid Limit (LL)	Plastic Limit (PL)	Plasticity Index (PI)
B-1	9-11	SP-SM	--	--	NP
TP-4	7-7.5	ML	--	--	NP
TP-8	9-9.5	MH	67	33	34
TP-11	4-4.5	CL	30	20	10
TP-12	6-7	CL	37	23	14

Chemical

To determine if the site soils will react detrimentally with concrete, chemical Sulfate tests were performed on a representative sample of the natural soils at approximately the depth of the soil that will come into direct contact with concrete improvements for the proposed development. The results of the chemical tests are shown in Table 3 below:

Table 3 - Chemical Properties of Soil

Boring Sample No.	Depth (feet)	Sulfate (mg/kg)
TP-8	2.5-3	15.3
TP-12	3-4	<6.05

Discussions & Recommendations

Summary of Findings

It is recommended that the owner have a CSG field engineer or a qualified assistant oversee the site work, especially the footing excavation and preparation. Also, the building code requires inspection and reports on all structural site work.

Detailed discussions pertaining to earthwork, structural considerations, geoseismic setting, and groundwater are included in the following sections:

Earthwork

Site Preparation

Initial site preparation will consist of the removal of surface vegetation, topsoil, root balls, sod or any other deleterious materials extending at least three feet beyond the perimeter of all areas to be developed. Non-engineered fills will be completely removed three feet beyond the extents of all spread and continuous footings, rigid pavement areas, floor slabs and other areas that require a

stabilized foundation. Stripped materials consisting of vegetation and organic materials should be wasted from the site or used to revegetate landscape areas.

Non-engineered fills may remain in areas where flexible pavements are to be placed if they are properly prepared. Proper preparation will consist of scarifying and moisture conditioning the upper nine inches and recompacting to the requirements of structural fill. It should be noted that compaction of fine-grained soils (silts and clays) as structural site fill will be very difficult, if not impossible, during wet and cold periods of the year.

The exposed natural subgrade should be proof-rolled prior to the placement of structural site grading fill, footings, floor slabs, or any other structural improvement made to the site. The proof-roll should be completed by driving a loaded piece of construction equipment, mounted with rubber tires, over the exposed natural subgrade surface at least twice. A CSG field engineer should oversee the proof roll and provide recommendations as needed. Soft spots should be completely excavated and removed if they are discovered. The soft spots should be replaced with granular structural fill. It is not anticipated that removal depth would be more than 2 vertical feet. If an excavation of more than 2 vertical feet is required, CSG should be notified to provide further recommendation.

In flexible pavement areas, unsuitable materials encountered during compaction and proof-rolling operations must be removed to a maximum depth of two feet and replaced with compacted granular structural fill.

Although evidence of underground facilities such as utilities, septic tanks, cesspools, basements, etc. was not observed during the field investigation, such features could be encountered during construction. If unexpected fills, debris or underground facilities are encountered, such features should be removed, and the excavation thoroughly cleaned prior to backfill placement and/or construction.

Temporary Excavations

All temporary excavations should follow OSHA Sloping and Benching – 1926 Subpart P App B requirements, which take precedence over any recommendations presented in this report.

Temporary excavations in cohesive soil, above or below the water table, not exceeding four feet in depth, may be excavated with nearly vertical sideslopes. Excavations within loose and/or cohesionless soils will be very difficult as they tend to flow into the excavation. They will require very flat sideslopes and/or shoring, bracing and dewatering.

All excavations must be inspected periodically by qualified personnel. If any signs of instability, excessive sloughing or other signs of potential failure are noted, immediate remedial action shall be initiated.

Structural Fill

The on-site native soils were either finer by nature, or very rocky and cannot be used as structural fill. However, the on-site soils can be used as fill in landscape areas that are not expected to carry a load. The use of fine-grained soils (silts and clays) as landscape fill will be very difficult, if not impossible, during wet and cold periods of the year. Proper moisture control and conditioning will be required.

Fine-grained soils (silts and clays) are not recommended as structural fill in confined areas, such as around foundations and within utility trenches. This fill material should be composed of granular material.

All imported granular structural fill should consist of a fairly well-graded mixture of sand and gravel containing less than 15 percent fines (percent by weight of material passing the No. 200 sieve).

To stabilize soft subgrade conditions (if required), a mixture of coarse gravels and cobbles (stabilizing fill) should be utilized. A layer of 12 to 18 inches thick of stabilizing fill is typically sufficient to stabilize most soft/disturbed areas.

Table 4 shown below is indicative of the material that should be used as structural fill and road base throughout the site:

Table 4 – Structural Fill Gradation Requirements

Fill Type *	Application	Requirements		
		Gradation		Plasticity
		Size	% Finer by Weight	
Structural Fill	Required for all fill under foundations and floor slabs	3-inch No. 4 Sieve No. 200 Sieve	100 25 - 60 15-max	Liquid Limit 30-max Plasticity Index 6-max
Site Grading Fill	Fill in pavement and non-structural areas	4-inch No. 200 Sieve	100 35-max	Liquid Limit 36-max Plasticity Index 10-max
Stabilization Fill	Fill used to stabilize soft, potentially pumping subgrade	5-inch No. 200 Sieve	100 5-max	NA
Free Draining Granular Backfill	Retaining Walls	1½-inch 1-inch ½-inch No. 4	100 95 – 100 25 – 60 5-max	NA
Road Base	Fill used under the pavement sections	¾" ⅜" No. 10 No. 40 No. 200	100 78-92 55-67 28-38 7-11	Non-Plastic

*All fill should consist of approved materials that are free of organic matter and debris. Frozen material should not be used, and fill should not be placed on a frozen subgrade. A sample of each material type should be submitted to the geotechnical engineer for evaluation.

Fill Placement and Compaction

All fill should be placed in lifts not exceeding 8 inches in loose thickness. Moisture should be adjusted to within $\pm 2\%$ of optimum moisture content. Lifts will need to be compacted in thinner lifts if smaller compaction equipment is used. Structural fills should be compacted in accordance

with the percent of maximum dry density as determined by the AASHTO T-180 (ASTM D-1557) compaction criteria and according to Table 5 below:

Table 5 - Fill Compaction Requirements

Location	Total Fill Thickness (feet)	Minimum Percentage of Maximum Dry Density
Beneath an area extending at least 3 feet beyond the footprint of a structure	0 to 8	95
Beneath pavements and travelled ways	0 to 8	95
Landscaped areas or areas not expected to carry a load	0 to 5	85
Landscaped areas or areas not expected to carry a load	5 to 8	92
Road Base	-	96

Prior to placement of fills, the subgrade must be prepared as discussed in the Site Preparation section of this report. In confined areas, subgrade preparation should consist of the removal of all loose and disturbed soils. Fill should be tested frequently for moisture content and compaction during placement. Should the results of the in-situ density tests indicate the specified moisture or compaction limits have not been met, the area represented by the test should be reworked and retested as required until the specified compaction is achieved. This may require adjustment of the moisture content.

Utility Trenches

We recommend that all utility trenches on-site or as a part of this site, should utilize a Type A-1a or A-1b (AASHTO Designation) soil as backfill material. The on-site materials can be used for trench backfill if they meet these classifications and are properly moisture conditioned. This should be verified by the materials testing agency. All utility trenches which will ultimately bear structural loads should be compacted at the structural density requirements established in Table 5.

Drainage

Positive drainage should be provided during construction and maintained throughout the life of the development. Infiltration of water into utility trenches or foundation excavations should be prevented. Planters and other surface features which might retain water in areas adjacent to the buildings or pavements should be sealed, mechanically drained, or eliminated. In areas where sidewalks or paving do not immediately adjoin the structure, we recommend that protective slopes be provided with a minimum grade of approximately five percent for at least 10 feet from perimeter walls. Backfill against footings, exterior walls, and in utility and sprinkler line trenches should be well compacted and free of all construction debris to reduce the possibility of moisture infiltration. Roof runoff should be collected in rain gutters and downspouts. Downspouts, roof drains or scuppers should discharge into extensions when the ground surface beneath such features is not protected by exterior slabs or paving to divert collected water a minimum of 10 feet away from structures. Sprinkler systems should not be installed within five feet of foundation walls. Landscaped irrigation adjacent to the foundation systems should be minimized.

Infiltration

An infiltration test was not performed on site. However, it was observed that in all areas with gravels and cobbles near the surface, the groundwater flowed into the test pits so quickly that the excavator could not remove the water faster than it was entering the test pit. In areas where silty clayey soils were encountered, the infiltration was very slow. These areas were encountered at TP-11 and TP-12, and would not be good for storm water storage or infiltration unless over excavated and replaced with free draining material to the existing gravel layer.

Structural Considerations

Spread and Continuous Wall Foundations

It is understood that the proposed structure will be supported on conventional spread and continuous wall foundations. These foundations should be established on undisturbed native soils. Under no circumstances shall footings be placed overlying non-engineered fills, loose soils, frozen soils, soil containing foreign debris, and any other deleterious material. Unsuitable material must be removed and replaced with an adequate structural fill as discussed in this report. For structural fill replacement beneath footings, the width of the structural fill shall be equal to width of the footing plus one foot on each side for each foot of fill thickness. For example, if the depth of structural fill is three feet then three feet of structural fill needs to extend past the edge of the footing on each side.

The footing should be placed such that there is a minimum of 4 feet of separation between groundwater and the bottom of footing.

For design, the following parameters are provided:

Table 6 - Structural Design Parameters

Design Element	Standard
Recommended minimum depth of embedment for frost conditions	30 inches
Recommended minimum depth of embedment for non-frost conditions	15 inches
Recommended maximum bearing capacity of in-situ soil	1,500 pounds per square foot
Recommended width for continuous wall footings	18 inches
Recommended width for isolated spread footings	36 to 48 inches
Recommended bearing pressure increase for seismic loading	33%
Coefficient of friction between footing and native gravelly soils	0.55
Coefficient of friction between footing and native clayey soils	0.35

Settlement of foundation elements are expected to be on the order of 1" or less with approximately 50% occurring during construction. This settlement can be expected if the project is constructed in accordance with recommendations found within this report.

Lateral Resistance

Passive resistance provided by properly placed and compacted structural fill above the water table may be considered to a fluid with a pressure of 442 pounds per cubic foot ($K_p = 3.69$). Active resistance may be considered equivalent to a fluid with a pressure of 33 pounds per cubic foot ($K_a = 0.27$). Lateral earth pressure can be assumed to be much higher if material behind structural walls is

not free draining. Passive and active resistance pressures will vary if groundwater is encountered. At this site, structures should be constructed such that the groundwater is below the depth of foundations, and therefore should not affect lateral resistance.

Floor slabs

Due to the intended use and anticipated loading, floor slabs should be constructed with a minimum of 4" of concrete (4,000 psi, air-entrained – 6% $\pm$ 1%) over 4" of clean gravel material. The subgrade material shall be properly prepared as discussed previously in this report. Under no circumstances should floor slabs be established over non-engineered fill, loose or disturbed soils, sod, rubbish, construction debris, other deleterious materials, frozen soils, or soils with ponded water. If constructed in accordance with this section, settlements of at-grade floor slabs supporting loads of 200 pounds per square foot should be on the order of 1/4" or less.

Where appropriate, saw-cut control joints should be placed in the slab to help control the location and extent of cracking. For additional recommendations refer to the ACI Design Manual. If any cracks that develop should be sealed with a water-proof, non-extruding compressible compound specifically recommended for heavy duty concrete pavement and wet environments.

The use of a vapor barrier should be considered beneath concrete slabs on grade that will be covered with wood, tile, carpet or other moisture sensitive or impervious coverings, or where the slab will support equipment sensitive to moisture. When conditions warrant the use of a vapor barrier, the slab designer should refer to ACI 302 and/or ACI 360 for procedures and cautions regarding the use and placement of a vapor barrier.

This seems high for the type of soils encountered. Provide actual data or justification for the % used. Please talk with the City if you have questions.

Pavements

Pavement sections were designed using AASHTO 93 design methodologies and assumed traffic volumes from the traffic study completed by our office. Based on laboratory test results, N-values obtained from the SPT tests during the field exploration, and the in-situ soils, a CBR value of 6% was used for the underlying subgrade soils. This resulted in a subgrade resilient modulus (M_{RSG}) of 8,000 pounds per square inch. The anticipated traffic loading consists of mostly automobiles with the occasional medium to heavy weight truck. The following design traffic (18-k Equivalent Single Axle Loads) were assumed.

Section	Total Design ESALs*	Reliability Level	Design Life
Local Street	240,000	90%	20 years
Collector Street	700,000	90%	20 years
Parking Area	60,000	90%	20 years
Private Road	60,000	90%	20 years

*If the traffic anticipated on site is different from that assumed, Civil Solutions Group should be notified.

Considering the underlying subgrade material and anticipated traffic and loading, the following pavement sections are recommended as shown in Table 7:

Table 7 - Pavement Recommendations

Section	Recommended Pavement Sections (Inches)				
	Asphalt Concrete	Portland Cement Concrete	Untreated Base Course	Granular Borrow	Total
Local Street	3.0	-	6.0	6.0	15.0
Collector Street	3.0	-	6.0	10.0	19.0
Parking Area	3.0	-	8.0	-	11.0
Private Road	3.0	-	8.0	-	11.0
	-	5.0	6.0	-	11.0
Dumpster Pads	-	6.0	6.0	-	12.0

The rigid pavement section is for non-reinforced Portland cement concrete. Concrete should be designed in accordance with the American Concrete Institute (ACI). The concrete should have a minimum 28-day unconfined compressive strength of 4,000 pounds per square inch and contain 6 percent $\pm$ 1 percent air entrainment.

Public pavement areas are to follow minimum design standards set by the reviewing authority, or the recommendations found in this report if they are greater than the minimum design standards.

Pavement Maintenance

All paved areas should have adequate crown and slope to provide positive drainage and prevent ponding of surface water and infiltration below the pavement section. Water collection devices such as gutters and ditches should be incorporated into the parking lot design to prevent percolation of surface water below the pavement section.

Pavement sections have not been designed to support construction equipment. As such, the contractor should protect pavement areas from damage that may result from construction traffic.

The pavement sections provided in this report are minimums for the given design criteria. Periodic maintenance is critical to the long-term performance of the pavement sections. A maintenance program that includes surface sealing, joint cleaning and sealing, joint grinding, repair and replacement of cracked slabs and timely repair of cracks and deteriorated areas will be critical to the pavement meeting its design life.

Soil Corrosiveness

The soil was sampled for Sulfate levels at soil depths that will come into direct contact with the footings and foundations. These chemical levels are shown in Table 3 for reference.

Cement Use

Type I or IA mixes may be used in the design of these improvements. The soil tested contained a negligible amount of water soluble sulfates. Based on our test results, concrete in contact with the in-situ soils will have a low potential for sulfate reaction and therefore the mix types of I or IA are acceptable. Other types of mixtures may be used by the design team if other strength/functionality parameters are desired.

Construction Considerations

On most project sites, the site grading is generally accomplished early in the construction phase. However, as construction proceeds the subgrade may be disturbed due to utility excavations, construction traffic, desiccation, rainfall, etc. As a result, the floor slab or footing subgrade may not be suitable for placement of crushed gravel and concrete and corrective action will be required. We recommend areas underlying floor slabs and footings be rough graded and then thoroughly proof-rolled with a loaded tandem axle water or dump truck prior to final grading and placement of crushed gravel or concrete. Attention should be given to high traffic areas that were rutted and previously disturbed and to areas containing backfilled trenches. Areas where unsuitable conditions are located should be repaired by removing and replacing the affected material with properly compacted structural fill. All structural subgrade areas should be moisture conditioned and properly compacted to the recommendations in this report immediately prior to placement of the gravel and concrete.

Geoseismic Setting

Faulting

Based on a review of Utah Geological Survey fault maps, the site is approximately 1.7 miles east of the East Cache fault zone central section.

Soil Class

The soil site class is D ($S_1 = 0.32 \text{ g}$ & $S_s = 0.999 \text{ g}$), with a Seismic Design Category D (Risk Category II) in accordance with Chapter 20 of ASCE 7 and IBC 2018.

Liquefaction

The site is in an area that has been classified as high to moderate liquefaction potential by the Utah Geological Survey. Liquefaction requires water, seismic activity, and loose sandy soils. Water and sandy soils were encountered during the site investigation. Due to the nature of the project, a full liquefaction analysis was not completed for the site.

Estimated Historic High Water Table

In order to determine the Estimated Historic High Water Table (EHHWT) elevation for the site, test pits were excavated with a back hoe excavator to a depth of 12-feet, or until the EHHWT was encountered. The EHHWT was observed in the soil pit based upon the soil characteristics of reduction/oxidation cycles that occur in soil over many years, possibly even centuries. The accepted methodology for determining the EHHWT is observing the soil layer where mottling occurs. Mottling can be described as contrasting or blotchy color patterns within a dominant soil horizon. Mottling is formed when the seasonal water table rises into soil with aerobic conditions changing the conditions in the soil from aerobic (oxygen rich) to anoxic (lacking oxygen).

Another indicator of anoxic soil conditions is the presence of ferrous iron in the soil. The prolonged soil-saturation results in anaerobiosis leading to the formation of ferrous iron. As the groundwater migrates from the historic high water mark and below the ferrous iron is distributed throughout the soil profile. This type of occurrence is referred to as redoximorphic features. The EHHWT measurements (as measured down from existing grade) are tabulated in Table 9 below:

Table 8 - Estimated Historic High Water Table

Bore Hole Number	EHHWT Depth (feet)
TP-1	3.5
TP-2	4.5
TP-3	4.5
TP-4	3.0
TP-5	4.0
TP-6	3.5
TP-7	*
TP-8	*
TP-9	*
TP-10	*
TP-11	6.0
TP-12	3.5
TP-13	4.5
TP-14	2.8
TP-15	*

*Due to in-situ soil conditions, typical EHHWT indicators were difficult to determine. Due to seasonal changes, we recommend using an EHHWT level of 1.0 feet above the encountered groundwater depth shown in Table 9.

Groundwater

Immediately following drilling operations, the groundwater was measured in each boring. Seasonal and longer-term groundwater fluctuations on the order of one and one-half to three feet are projected, with the highest seasonal levels generally occurring during the late spring and early summer months. The groundwater measurements (as measured down from existing grade) are tabulated in Table 9 below:

Table 9 - Groundwater Depth

Bore Hole Number	Time of Drilling (feet)
B-1	4.5
TP-1	4.5
TP-2	5.5
TP-3	8.5
TP-4	4.5
TP-5	4.7
TP-6	4.6
TP-7	4.0
TP-8	5.5
TP-9	4.5
TP-10	6.5
TP-11	9.0
TP-12	6.0
TP-13	5.5

TP-14	3.2
TP-15	4.5

Closure

Civil Solutions Group should be retained to provide observations during grading, excavation, foundation construction, and other earth-related construction activities related to this project. The conclusions and recommendations presented in this report are based on the results of the field and laboratory tests which, in our opinion, define the characteristics of the soils at this site in a satisfactory manner. However, this report does not reflect variations that may occur between borings, across the site, or due to the modifying effects of construction or weather. The nature and extent of such variations may not become evident until during or after construction. If during or after construction, conditions are encountered which appear to be different than those presented in this report, it is requested that our office be advised, in order that appropriate action be taken.

Our professional services have been performed, our findings obtained, and our recommendations prepared in accordance with generally accepted geotechnical engineering principles and practices. Any persons using this report for bidding or construction purposes should perform independent investigations as they deem necessary to determine subsurface conditions. The scope of services for this project does not include either specifically or by implication any environmental or biological (e.g., mold, fungi, bacteria) assessment of the site or identification or prevention of pollutants, hazardous materials or conditions. If the owner is concerned about the potential for such contamination or pollution, other studies should be undertaken.

This report has been prepared for the exclusive use of our client for specific application to the project discussed and has been prepared in accordance with generally accepted geotechnical engineering practices. No warranties, either express or implied, are intended or made. Site safety, excavation support, and dewatering requirements are the responsibility of others. If changes in the nature, design, or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless Civil Solutions Group reviews the changes and either verifies or modifies the conclusions of this report in writing.

Glossary/Explanation of Terms or Procedures

Throughout this report, we have used a number of words or phrases which may be unfamiliar in nature. Also, several procedural concepts have been mentioned repeatedly. For this reason, we have decided to define or discuss these items to better communicate with the reader(s).

Compaction and Lift Size - Contractors should be aware that there is direct relationship between lift size and size of the compacting equipment. The smaller the compactor, the smaller the maximum lift height. With “wacker” compactors, the maximum lift should be held at about 3-4-inches. With walk-behind trench compactors (2-tons or so), the lifts should be no more than 6-inches thick. Eight-inch lifts can be used with large ride-on devices (7-10-tons or greater) that roll and vibrate/pound. Hoe pack devices on track hoes or backhoes can compact 6-8-inch lifts depending on size. However, the maximum lift size should not exceed 8-inches for most compactors. Note: a lift is defined as the loose or un-compacted thickness of the soil layer being compacted

Groundwater level - The groundwater level is a “rough guess” of where the uppermost water level is in a soil. We look for the first sign of free water coming in from the trench walls or appearing on the soil. In the soil logs, the groundwater level is identified by a solid or darkened triangle with a wavy line below it.

Liquefaction - Loss of bearing strength of saturated and very fine-grained silts and sands during severe earthquakes. This strength-loss is due to the slow dissipation of pore pressure (due to low permeability) and the subsequent reduction of particle-to-particle contact induced by the shaking motion of the earthquake.

Piezowater or Piezometer - To measure the groundwater level after a soil test pit is excavated, a pipe (a piezometer) is placed in the pit and left for at least 48-hours. The bottom 12-inches of the piezometer is slotted and capped to keep soil from entering and plugging up the pipe. The piezometer is then backfilled. After 48-hours, the water level in the piezometer is recorded. This level is the piezowater level. It is often higher than the point where water is first seen in a test pit during excavation. The importance is that the piezometer level is the potential depth of the groundwater for a site location should a ‘dig’ be done at the site. However, this level may change over time depending on weather conditions (wet or dry years and periods); rust or mottling of the soils may indicate an historical level of the water. In the soil logs, the piezowater level is a line with an “open” triangle above it and a wavy line below the triangle. The “open” triangle signifies the fact that the overlying soil “cap” has been removed.

Topsoil - It is generally defined as surface soils (silts or clays) with greater than 2-percent organics; this soil is often dark brown to black in color. It generally has visible roots or organic matter and is highly compressible. Topsoil should never be used under a footing or load bearing structure; it is generally, too compressible and with loading, settles over time. It should be stockpiled for use in landscaped areas, used for wetland mitigation/re-seeding, as a pond liner, or exported from the site.

Undisturbed soil - This is soil in its natural state, undisturbed by past excavation, farming, construction, or perturbation of any type. It is a most important feature. Areas that have been filled are always considered disturbed. On the other hand, “cut” areas can be considered undisturbed if the soil was cut with a straight bladed bucket edge, and not tines. If soils are disturbed, and footings or walls will be bear on these soils, they must be re-compacted.

Non-Engineered Fill – Non-engineered fill material is non-native (imported) material that has not been tested in the lab for engineering properties nor has a record of proper placement and compaction. Therefore, it should not be used for structural fill. This material can be used if properly prepared, but Civil Solutions Group recommends any non-engineered material in which loads will bear on be tested prior to placement. Once placed, this material should be tested to ensure structural properties are met. Recommendations in this report are based upon the materials encountered during the field investigation.

[illegible]Visionary Homes
Ropelato Subdivision Geotechnical Investigation

- 1 - 3.5
- 2 - 4.5
- 3 - 4.5
- 4 - 3
- 5 - 4
- 6 - 3.5
- 7 - 3
- 8 - 4.5
- 9 - 3.5
- 10 - 5.5
- 11 - 6
- 12 - 3.5
- 13 - 4.5
- 14 - 2.8
- 15 - 3.5



Figure 2 - Site Map

How does the shallow water table work with retention basins.



Figure 3 - Looking North



Figure 4 – Looking North

WATER LEVEL		U S C S		DESCRIPTION										DEPTH (FT.)		BLOW COUNT		SAMPLE SYMBOL		MOISTURE (%)		DRY DENSITY (PCF)		% PASSING 200		LIQUID LIMIT (%)		PLASTICITY INDEX		REMARKS	
1	2	3		4	5	6	7	8	9	10	11	12																			
COLUMN DESCRIPTIONS																															
1 Water Level: Depth to measure groundwater table. See symbol below. 2 USCS: Graphic depiction of subsurface material encountered; typical symbols are explained below. 3 Description: Description of material encountered; may include color, moisture, grain size, and density/consistency. 4 Depth (ft.): Depth in feet below the ground surface. 5 Blow Count: Number of blows required to advance SPT sampler (12") beyond first 6" using a 140-lb hammer with a 30 inch drop. 6 Sample Symbol: Type of soil sample collected at depth interval shown; sampler symbols are explained below. 7 Moisture (%): Water content of soil sample measured in laboratory; expressed as percentage of dry weight of specimen. 8 Dry Density (pcf): The density of a soil measured in laboratory; expressed as pounds per cubic foot. 9 % Passing 200: Fines content of soil sample passing a No. 200 sieve measured in laboratory, expressed as a percentage. 10 Liquid Limit (%): Water content at which a soil changes from plastic to liquid behavior. 11 Plasticity Index (%): Range of water content at which a soil exhibits plastic properties. 12 Remarks: Comments and observations regarding drilling or sampling made by driller or field personnel. Other field and laboratory test results; using the following abbreviations:																															
CEMENTATION MODIFIERS MOISTURE CONTENT (FIELD TEST)																															
Weakly: Crumbles or breaks with handling of slight finger pressure. Moderately: Crumbles or breaks with considerable finger pressure. Strongly: Will not crumble or break with finger pressure. Trace <5 % Some 5 - 12% With >12% Dry: Absence of moisture, dusty, dry to the touch. Moist: Damp but no visible water. Saturated: Visible water, usually soil below water table.																															
Descriptions and stratum lines are interpretive; field descriptions may have been modified to reflect lab test results. Descriptions on the logs apply only at the specific boring locations and at the time the borings were advanced; they are not warranted to be representative of subsurface conditions at other locations or times.																															
UNIFIED SOIL CLASSIFICATION SYSTEM																															
MAJOR DIVISIONS SYMBOLS Graph Letter TYPICAL DESCRIPTIONS																															
COARSE-GRAINED SOILS GRAVELS CLEAN GRAVELS (little or no fines) GRAVELS WITH FINES (appreciable amount of fines) SANDS CLEAN SANDS (little or no fines) SANDS WITH FINES (appreciable amount of fines) SW SP SM SC Well-Graded Gravels, Gravel-Sand Mixtures, Little or No Fines Poorly Graded Gravel, Gravel-Sand Mixtures, Little or No Fines Silty Gravels, Gravel-Sand-Silt Mixtures Clayey Gravels, Gravel-Sand-Clay Mixtures Well-Graded Sands, Gravelly Sands, Little or No Fines Poorly Graded Sands, Gravelly Sands, Little or No Fines Silty Sands, Sand-Silt Mixtures Clayey Sands, Sand-Clay Mixtures																															
FINE-GRAINED SOILS SILTS AND CLAYS SILTS AND CLAYS ML CL OL MH CH OH Inorganic Silts and Very Fine Sands, Rock Flour, Silty or Clayey Fine Sands or Clayey Silts with Slight Plasticity Inorganic Clays of Low to Medium Plasticity, Gravelly Clays, Sandy Clays, Silty Clays, Lean Clays Organic Silts and Organic Silty Clays of Low Plasticity Inorganic Silts, Micaceous or Diatomaceous Fine Sand or Silty Soils Inorganic Clays of High Plasticity, Fat Clays Organic Clays of Medium to High Plasticity, Organic Silts																															
HIGHLY ORGANIC SOILS PT Peat, Humus, Swamp Soils with High Organic Contents																															
STRATIFICATION DESCRIPTION THICKNESS Seam Layer up to 1/8" 1/8" - 12" STRATIFICATION Occasional: One or less per 6" of thickness Numerous: More than one per 6" of thickness. TYPICAL SAMPLER GRAPHIC SYMBOLS Bulk/Bag Sample Standard Penetration Split Spoon Sampler Rock Core No Recovery 3.25" OD 2.42" ID D&M Sampler 3.0" OD 2.42" ID D&M Sampler California Sampler Thin Wall LOG KEY SYMBOLS Water Level																															
Note: Dual Symbols are used to indicate borderline soil classifications																															

Figure 5 – Key to Soil Logs

GEOTECHNICAL INVESTIGATION BORE LOG

civilsolutionsgroup inc.

PROJECT NAME: ROPELATO SUBDIVISION

LOCATION:

3200 S 250 W
NIBLEY UT, 84321

PROJECT NUMBER: 19-384

CLIENT:

VISIONARY HOMES

DATE DRILLED: 1/3/2020

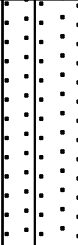
LOGGED BY:

JP

METHOD OF DRILLING: CME 45C

BORE NUMBER:

B-1

DEPTH (FT)	DESCRIPTION	GRAPHIC LOG	SAMPLE TYPE	SAMPLE NUMBER	FIELD VALUES			LAB RESULTS				
					COMPRESSIVE STRENGTH (TSF)	SHEAR STRENGTH (TSF)	N-VALUE	N'	DRY DENSITY (PCF)	MOISTURE (%)	LIQUID LIMIT (%)	PLASTIC LIMIT (%)
	TOPSOIL DARK BROWN											
	GRAVELS AND COBBLES WITH SOME FINES (GP), BROWN, MEDIUM DENSE											
5				1.1			5 6 9	15				
	COURSE SAND WITH GRAVELS AND COBBLES (SP-SM), BROWN, MEDIUM DENSE											
10				1.2			2 6 12	18		7.8	--	NP
	COURSE TO MEDIUM GRAIN SAND (SP-SM), BROWN, MEDIUM DENSE											
15				1.3			2 3 5	8				

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: B-1

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-1

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-2

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-3

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

LOGGED BY: JP

BORE NUMBER: TP-4

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-5

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-6

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-7

[illegible]

civilsolutionsgroup inc.

BORE NUMBER: TP-8

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

LOGGED BY: JP

BORE NUMBER: TP-9

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-10

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

BORE NUMBER: TP-11

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-12

[illegible]

civilsolutionsgroup inc.

BORE NUMBER: TP-13

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-14

[illegible]

civilsolutionsgroup inc.

LOCATION: 3200 S 250 W
NIBLEY UT, 84321

CLIENT: VISIONARY HOMES

LOGGED BY: JP

BORE NUMBER: TP-15

[illegible]

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October 7, 2021

Sid Zollinger
Nibley, Utah 84321
m. 435.512.1892

RE: Nibley Blacksmithfork Company and Ridgeline Park Subdivision

Dear Sid Zollinger:

Thank you for your time in working with us to date on the Ridgeline Park project. Please see below the paragraph Nibley City is desiring you sign off on and the enclosed pre-liminary plat of Ridgeline Park East.

“The Developer of Ridgeline Park subdivision has contacted us regarding the proposed development. We understand that we have thirty (30) days from the date of this letter to contact Nibley City regarding the canals on this property. Failure to do so constitutes the canal company’s acceptance of improvements to said canals.”

Signed,

A handwritten signature in blue ink, appearing to read "Sid Zollinger", written over a horizontal line.

Sid Zollinger
President
Nibley Blacksmithfork Irrigation Company

Please reach out to me for any questions or concerns.
I look forward to further working with you on this development.

Regards,

Benjamin Steele
m. 208.559.4016



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October 7, 2021

Gordon Zilles
Nibley, Utah 84321
m. 435.881.9298

RE: College Irrigation Company and Ridgeline Park Subdivision

Dear Gordon:

Thank you for your time in working with us to date on the Ridgeline Park project. Please see below the paragraph Nibley City is desiring you sign off on and the enclosed pre-liminary plat of Ridgeline Park East.

“The Developer of Ridgeline Park subdivision has contacted us regarding the proposed development. We understand that we have thirty (30) days from the date of this letter to contact Nibley City regarding the canals on this property. Failure to do so constitutes the canal company’s acceptance of improvements to said canals.”

Signed,

A handwritten signature in blue ink, appearing to read "Gordon Zilles", written over a horizontal line.

Gordan Zilles
President
College Irrigation Company

Please reach out to me for any questions or concerns.
I look forward to further working with you on this development.

Regards,

Benjamin Steele
m. 208.559.4016



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October 7, 2021

Bruce Jenson
601 W. 2600 S.
Nibley, Utah 84321
m. 435.770.5874

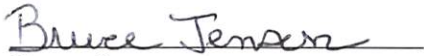
RE: Clear Creek and Ridgeline Park Subdivision

Dear Bruce:

Thank you for your time in working with us to date on the Ridgeline Park project. Please see below the paragraph Nibley City is desiring you sign off on and the enclosed pre-liminary plat of Ridgeline Park East.

“The Developer of Ridgeline Park subdivision has contacted us regarding the proposed development. We understand that we have thirty (30) days from the date of this letter to contact Nibley City regarding the canals on this property. Failure to do so constitutes the canal company’s acceptance of improvements to said canals.”

Signed,


Bruce Jenson
President
Clear Creek Irrigation Company

Please reach out to me for any questions or concerns.
I look forward to further working with you on this development.

Regards,

Benjamin Steele
m. 208.559.4016



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Agenda Item #7

Description	Discussion & Consideration – Agreement with Randy & Pam Fesser about property acquisition for 1200 West 3200 South Roundabout Project
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve agreement with Randy and Pam Fesser
Reviewed By	City Manager, City Recorder

Background:

On Aug 27, 2020, an executive session of Council was held after the regular scheduled council meeting. The purpose of the executive session was to continue discussing the property negotiations that had been going on for some time in relation to the 1200 West 3200 South roundabout project. This was the fourth time that an executive session had been called. During that session, an update was given by Mayor Dustin and Staff. They recommended offering Randy and Pam Fesser \$128,000.00 for their property and associated easements. The City Council agreed at that time to make the offer.

In the following days and weeks, staff made the offer to the Fesser's, and the offer was accepted. The agreement was executed, recorded and the Fesser's have been paid the agreed upon amount. However, the agreement was never brought back to the Council during an open meeting for approval. Staff felt it was important to bring the issue back in an open session for the council to approve.

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RIGHT OF WAY CONTRACT

Partial Acquisition and Easement

Project No:		Parcel No.(s):	
Project Location	3200 South & 1200 West Roundabout		
County of Property	CACHE	Tax ID / Sidwell No:	03-017-0022
Property Address:	1268 West 3200 South, Nibley, Utah 84321		
Owner / Grantor (s):	Randy & Pam Feser		
Owner's Address:	1268 West 3200 South, Nibley, Utah 84321		
Owner's Home Phone	435-770-3132	Owner's Work Phone	

IN CONSIDERATION of the foregoing and other consideration hereinafter set forth, it is mutually agreed by the parties as follows:

The Owner/Grantor hereby agrees to sell a portion of the property located at 1268 West 3200 South, Nibley, Utah 84321, which portion is more particularly described on Exhibit A hereto (the "Property") and to grant a perpetual and temporary construction easement on and over the easement area more particularly described on Exhibit B hereto (the "Easement Area"), to Nibley City, a body corporate and politic of the State of Utah (hereinafter "City"), for Transportation Purposes for the amount of \$127,500.00.

1. Upon signing this Right of Way contract, Owner consents to allow City to enter the Property and Easement Area in order to conduct any necessary testing (such as environmental or geotechnical), surveying, or other due diligence.
2. Owner shall leave the Property and Easement Area in the same condition as it was when this contract was signed. No work, improvement, or alteration will be done to the Property or Easement Area other than what is provided for in this Contract. Owner agrees to maintain the Property and the Easement Area until County takes possession. Owner agrees not to sell the Property or the Easement Area to anyone else, or to enter into any contract that will affect the use of the Property and the Easement Area when City takes possession.
3. Owner agrees to transfer the Property and Easement Area free of all debris and toxic materials (including paint or other household products).
4. The Property will be conveyed from Owner to City by Warranty Deed in the form attached hereto as Exhibit A, free of all liens and encumbrances. The Easement Area will be granted by the Owner to the City by the Perpetual Easement and Temporary Construction Easement in the form attached hereto as Exhibit B.
5. Owner understands and agrees that City will not accept delivery of the Warranty Deed or the Temporary Construction Easement from the Right of Way Agent, and will not take ownership of the Property, unless and until City is satisfied with (a) the status of title to the Property and the Easement Area, and (b) the physical and environmental condition of the Property and the Easement Area.
6. Owner agrees to pay any and all taxes assessed against the Property to the date of closing. City agrees to pay all taxes assessed against the Property from and after the date of closing.
7. Owner understands that at Closing, at its discretion, City may pay the full amount of \$127,500.00 directly to Owner. In that event, it is Owner's responsibility to understand and fulfill any obligations to lienholders, mortgagees, or others who may have an interest in the Property or the proceeds from its sale. At the option of City the transaction may be handled through a title and escrow company selected by City and at City's expense, in which event at closing, the title company will disburse funds to lienholders, mortgagees or others having an interest in the Property, with the remainder of the purchase price paid to Owner.
8. "Transportation Purposes" means public use for street and road purposes, together with the right to use the same for water, sewer, gas, power, telephone and other public utilities and all those other uses that are ordinarily associated with streets or roads or vital to the public's health, safety and welfare.
9. Owner is aware that Utah Code Ann. § 78B-6-520.3 provides that in certain circumstances, the seller of property, which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor waives any right under Utah Code Ann. § 78B-6-520.3 that Grantor may have to repurchase the property being acquired herein.
10. Nibley City needs to purchase from the seller's the following square footage for the project:
 - A. 18,683 square feet in Fee
 - B. 5,841 square feet as a Perpetual Easement
 - C. 2,824 square feet as a Temporary Construction Easement
 - D. Please find attached the legal description for the road dedication and the public utility easement / perpetual slope easement for the property to be acquired.
11. Property owner will have salvage rights to the impacted white vinyl fencing currently located on the impacted property.

12. Nibley City will remove the yard hydrant located on the east side of the front yard and repair the water line located in the back yard as part of the project.
13. Nibley City will grant a perpetual irrigation easement over the City's property located south of the property owners parcel and will be for irrigation purposes only.
14. Nibley City or its Contractor leave the slope and construction easement area level and will re-seed the area with a pasture grass seed mixture.
15. This Right of Way Contract contains the entire agreement between Owner and City and each party agrees that they are not relying on any representations or understandings not expressly set forth herein, and it shall be governed by the laws of the State of Utah.
16. The undersigned represent and warrants that he/she/they have authority to sign on behalf of Owner.
The value of these improvements is included in the Total Settlement.

Total Settlement \$127,500.00

Owner understands and acknowledges that this Contract is not binding until approved by the City's Real Estate Manager and the City Mayor.

Owner's Initials RE

IN WITNESS WHEREOF, the parties have executed this Contract as of this the 14 day of December, 2020.

Acquisition Agent

Real Estate Manager

Mayor or Designee

David J. [Signature]
City Manager

Owner/Grantor

Date

Date

12/16/2020
Date

Owner/Grantor

Owner/Grantor

12/14/20
Date

12/14/20
Date

Exhibit A

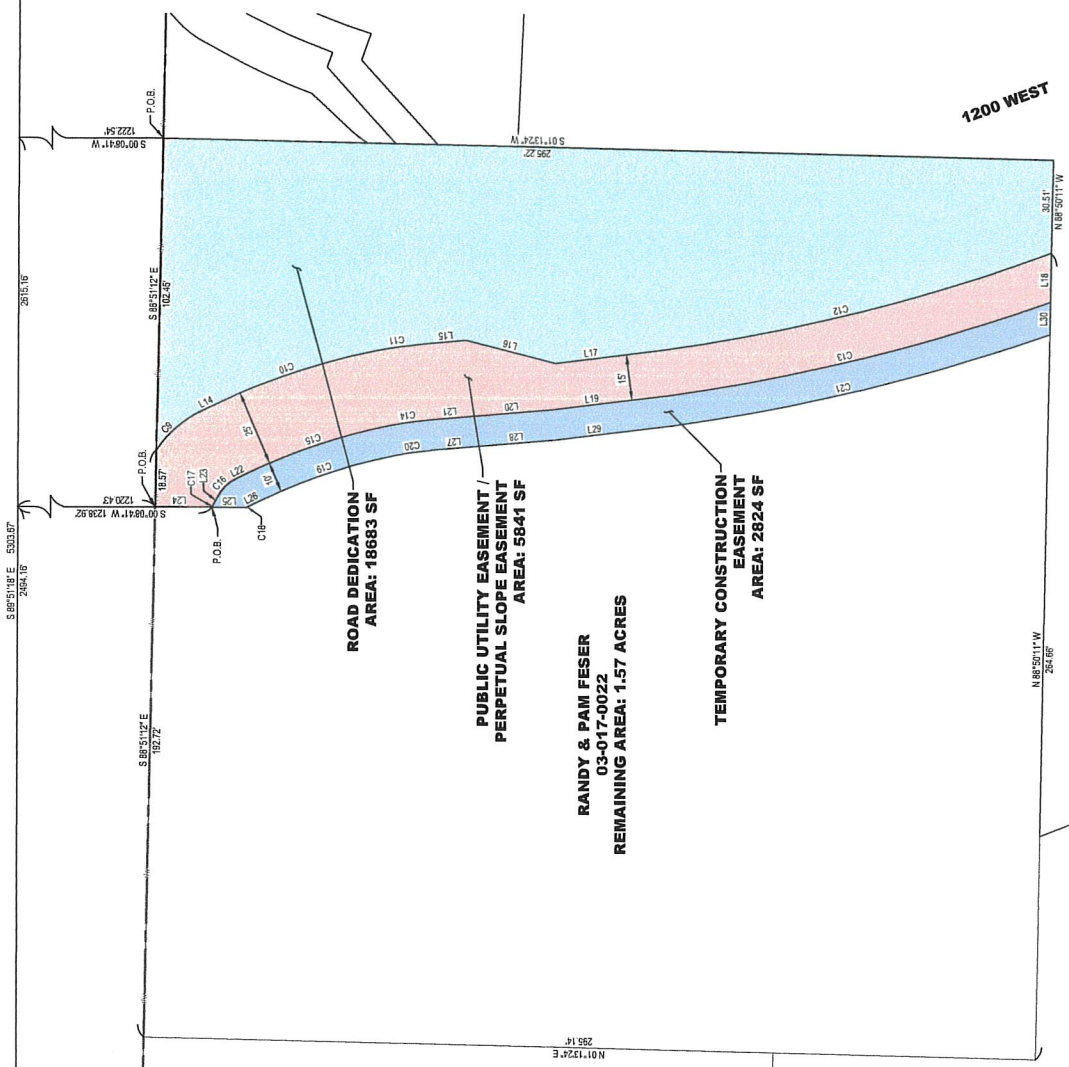
WEST 1/4 CORNER, SECTION 20
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASE & MERIDIAN

LINE TABLE

LINE #	LENGTH	BEARING
L14	4.30	N25° 40' 45"W
L15	14.39	N04° 52' 20"W
L16	30.62	N14° 04' 02"E
L17	23.84	N35° 59' 35"W
L18	16.07	N36° 50' 11"W
L19	25.63	N35° 59' 35"W
L20	25.02	N04° 46' 58"W
L21	15.20	N04° 52' 20"W
L22	4.30	N25° 40' 45"W
L23	3.01	N32° 24' 08"W
L24	15.50	N30° 42' 08"E
L25	11.47	N30° 42' 08"E
L26	4.30	N25° 40' 45"W
L27	15.22	N04° 52' 20"W
L28	26.11	N04° 46' 58"W
L29	26.82	N36° 50' 35"W
L30	10.08	N36° 50' 11"W

CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DELTA (Δ)	CHORD BEARING
C9	20.13	38.00	030° 20' 42"	N40° 51' 09"W
C10	56.01	225.23	014° 14' 48"	N18° 33' 20"W
C11	15.17	141.21	009° 33' 37"	N35° 09' 09"W
C12	145.34	554.00	013° 08' 09"	N13° 33' 30"W
C13	142.84	548.00	012° 37' 11"	N13° 18' 15"W
C14	13.31	116.21	009° 33' 37"	N35° 09' 09"W
C15	48.79	203.23	014° 14' 48"	N18° 33' 20"W
C16	8.33	13.00	009° 43' 24"	N44° 02' 26"W
C17	1.02	189.66	000° 21' 59"	N82° 30' 09"W
C18	0.74	3.00	014° 11' 28"	N22° 46' 29"W
C19	47.30	193.23	014° 14' 48"	N18° 33' 20"W
C20	12.45	108.21	009° 33' 37"	N35° 09' 09"W
C21	141.36	558.00	012° 17' 24"	N13° 08' 19"W



WEST 1/4 CORNER, SECTION 20
TOWNSHIP 11 NORTH, RANGE 1 EAST
SALT LAKE BASE & MERIDIAN

2018-0381

1 2

2A

3200 SOUTH & 1200 WEST ROUNDABOUT
DEDICATION EXHIBIT
RANDY & PAM FESER
03-017-0022

CRS ENGINEERS
Answers to Infrastructure®

PO Box 286 | 150 S Main, Ste 200 | Farmington, UT 84201 | P: 801.393.5555 | www.crsengineers.com

DATE: 03-01-2018

BY: J. METZGER

FOR: RANDY & PAM FESER

PROJECT: 03-017-0022

IF THE ABOVE IS NOT A TRUE AND CORRECT STATEMENT OF THE FACTS, THE ENGINEER SHALL BE RESPONSIBLE FOR THE CONSEQUENCES THEREOF.

THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF CRS ENGINEERS. IT IS TO BE USED ONLY FOR THE PROJECT AND PURPOSE SPECIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CRS ENGINEERS.

(A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT GRANTORS NORTHEAST PROPERTY CORNER SAID POINT BEING LOCATED SOUTH 89°51'18" EAST, A DISTANCE OF 2615.16 FEET ALONG THE CENTER SECTION LINE AND SOUTH 00°08'41" WEST, A DISTANCE OF 1222.54 FEET FROM THE WEST QUARTER CORNER OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, S.L.B.M.; THENCE N.88°50'11"W. 30.51 FEET; THENCE NORTHERLY 145.34 FEET ALONG THE ARC OF A 634.00 FEET RADIUS CURVE TO THE RIGHT (NOTE: CHORD TO SAID CURVE BEARS N.13°33'39"W. 145.02 FEET. CENTRAL ANGLE EQUALS 13°08'05"); THENCE N.06°59'36"W. 23.84 FEET; THENCE N.14°04'02"E. 30.65 FEET; THENCE N.04°52'20"W. 14.39 FEET TO A POINT OF CURVATURE WITH A 141.21 FEET RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 16.17 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.08°09'08"W. 16.16 FEET. CENTRAL ANGLE EQUALS 06°33'37") TO A POINT OF COMPOUND CURVATURE WITH A 225.23 FEET RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 56.01 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.17°33'20"W. 55.86 FEET. CENTRAL ANGLE EQUALS 14°14'48"); THENCE N.25°40'45"W. 4.30 FEET TO A POINT OF CURVATURE WITH A 38.00 FEET RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 20.13 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.40°51'06"W. 19.89 FEET; CENTRAL ANGLE EQUALS 30°20'42") TO A POINT OF TANGENCY; THENCE S.88°51'12"E. 102.45 FEET TO THE POINT OF BEGINNING. CONTAINING 18,683 SQUARE FEET OR 0.429 ACRES.

A POINT ON GRANTORS NORTH PROPERTY LINE, SAID POINT BEING
 11.16 FEET EAST OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, BEGINNING AT A POINT ON GRANTORS NORTH PROPERTY LINE, SAID POINT BEING
 1220.43 FEET FROM THE WEST QUARTER CORNER OF
 SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, S.L.B.M.; RUNNING THENCE S.88°51'12"E. 18.57 FEET ALONG SAID NORTH PROPERTY LINE; THENCE SOUTHEASTERLY 20.13 FEET ALONG THE ARC OF A
 138.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (NOTE: CHORD TO SAID CURVE BEARS S.40°51'06"E. 19.89 FEET, CENTRAL ANGLE EQUALS 30°20'42"); THENCE S.25°40'45"E. 4.30 FEET TO A POINT
 OF CURVATURE WITH A 225.23-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 56.01 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.48°33'20"E. 55.86 FEET,
 CENTRAL ANGLE EQUALS 14°14'48"); TO A POINT OF COMPOUND CURVATURE WITH A 141.21 FEET RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 16.17 FEET ALONG THE ARC OF SAID CURVE (NOTE:
 CHORD TO SAID CURVE BEARS S.08°09'08"E. 16.16 FEET, CENTRAL ANGLE EQUALS 06°33'37"); THENCE S.04°52'20"E. 14.39 FEET; THENCE S.14°04'02"W. 30.65 FEET; THENCE S.06°59'36"E. 23.84 FEET TO A
 POINT OF SAID CURVE WITH A 634.00 FEET RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY 145.34 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.13°33'39"E. 145.02
 FEET, CENTRAL ANGLE EQUALS 13°08'05") TO A POINT OF TANGENCY; THENCE N.88°50'11"W. 16.07 FEET; THENCE NORTHERLY 142.94 FEET ALONG THE ARC OF A 649.00-FOOT RADIUS NON-TANGENT
 CURVE TO THE RIGHT (NOTE: CHORD TO SAID CURVE BEARS N.13°18'12"W. 142.66 FEET, CENTRAL ANGLE EQUALS 12°37'11"); THENCE N.06°59'36"W. 26.63 FEET; THENCE N.04°46'58"W. 25.92 FEET; THENCE
 N.04°52'20"W. 15.23 FEET TO A POINT OF CURVATURE WITH A 116.21-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 13.31 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE
 BEARS N.08°09'08"W. 13.30 FEET, CENTRAL ANGLE EQUALS 06°33'37") TO A POINT OF COMPOUND CURVATURE WITH A 200.23-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 4.19 FEET ALONG THE
 ARC OF SAID CURVE BEARS N.12°01'52"W. 4.19 FEET, CENTRAL ANGLE EQUALS 01°11'52"); THENCE CONTINUE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE
 OF 13°02'58", A DISTANCE OF 45.80 FEET; THENCE N.25°40'45"W. 4.40 FEET TO A POINT OF CURVATURE WITH A 130.00-FOOT RADIUS CURVE TO THE LEFT; THENCE N.62°24'08"W. 8.33 FEET ALONG THE
 ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.44°02'26"W. 8.19 FEET, CENTRAL ANGLE EQUALS 36°43'24") TO A POINT OF TANGENCY; THENCE N.28°24'08"W. 3.01 FEET TO A POINT OF
 CURVATURE WITH A 160.56-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 1.02 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.62°35'06"W. 1.02 FEET,
 CENTRAL ANGLE EQUALS 00°21'56") TO A POINT OF TANGENCY; THENCE N.00°42'08"E. 18.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.841 SQUARE FEET OR 0.134 ACRES.

1. A PART OF THE SW 1/4 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT ON AN EXISTING FENCE LINE LOCATED S.89°51'18"E. 2,494.16 FEET ALONG THE SECTION LINE AND S.00°08'44"E. 1,238.92 FEET FROM THE WEST QUARTER CORNER OF SECTION 20; THENCE SOUTHEASTERLY 1.02 FEET ALONG THE ARC OF A 160.66-FOOT RADIUS CURVE TO THE RIGHT (NOTE: CHORD TO SAID CURVE BEARS S.62°35'08"E. 1.02 FEET, CENTRAL ANGLE EQUALS 00°21'56"); TO A POINT OF TANGENCY; THENCE S.62°24'08"E. 3.01 FEET TO A POINT OF TANGENCY WITH A 13.00-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHEASTERLY 8.33 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.44°02'26"E. 8.49 FEET, CENTRAL ANGLE EQUALS 36°43'24") TO A POINT OF TANGENCY; THENCE S.25°40'45"E. 4.30 FEET TO A POINT OF CURVATURE WITH A 200.23-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 49.79 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.18°33'20"E. 49.66 FEET, CENTRAL ANGLE EQUALS 14°14'48") TO A POINT OF COMPOUND CURVATURE WITH A 116.21-FOOT RADIUS CURVE TO THE RIGHT; THENCE SOUTHERLY 13.31 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.08°09'08"E. 13.30 FEET, CENTRAL ANGLE EQUALS 06°33'37"); THENCE S.04°52'20"E. 15.23 FEET; THENCE S.04°48'58"E. 25.92 FEET; THENCE S.06°59'38"E. 26.63 FEET TO A POINT OF CURVATURE WITH A 649.00-FOOT RADIUS CURVE TO THE LEFT; THENCE SOUTHERLY 442.94 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S.13°18'12"E. 142.66 FEET, CENTRAL ANGLE EQUALS 12°37'11") TO A POINT OF TANGENCY; THENCE N.88°50'11"W. 10.68 FEET; THENCE NORTHERLY 141.36 FEET ALONG THE ARC OF A 659.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (NOTE: CHORD TO SAID CURVE BEARS N.13°08'19"W. 141.09 FEET, CENTRAL ANGLE EQUALS 12°17'24"); THENCE N.06°59'36"W. 26.82 FEET; THENCE N.04°52'20"W. 15.22 FEET TO A POINT OF CURVATURE WITH A 106.21-FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 12.16 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.08°09'08"W. 12.15 FEET, CENTRAL ANGLE EQUALS 06°33'37") TO A POINT OF COMPOUND CURVATURE WITH A 190.23 FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHERLY 47.30 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.18°33'20"W. 47.18 FEET, CENTRAL ANGLE EQUALS 14°14'48"); THENCE N.25°40'45"W. 4.30 FEET TO A POINT OF CURVATURE WITH A 3.00 -FOOT RADIUS CURVE TO THE LEFT; THENCE NORTHWESTERLY 0.74 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.32°48'29"W. 0.74 FEET, CENTRAL ANGLE EQUALS 14°11'28") TO A POINT OF TANGENCY; THENCE N.00°42'08"E. 11.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.824 SQUARE FEET OR 0.065 ACRE.

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Agenda Item #8

Description	Discussion & Consideration – Agreement with Bob and Carri Stott about property acquisition for 1200 West 3200 South Roundabout Project
Presenter	Justin Maughan, City Manager
Recommendation	Move to approve
Reviewed By	City Manager, City Recorder

Background:

On Aug 27, 2020, an executive session of the Council was held after the regular scheduled council meeting. The purpose of the executive session was to continue discussing the property negotiations that had been going on for some time in relation to the 1200 West 3200 South roundabout project. This was the fourth time that an executive session had been called. During that session, an update was given by Mayor Dustin and Staff. The Council recommended offering Bob and Carri Stott 50 ft. of land to the south of their home, the road in front of their home and in front of the additional 50 feet of land, and \$33,850.

In the following days and weeks, staff made the offer to the Stotts, and the offer was accepted. The agreement was executed, recorded and the Stott's have been paid the agreed upon amount. However, the agreement was never brought back to the Council during an open meeting for approval. Staff felt it was important to bring the issue back in an open session for the council to approve.

It should be noted, that once the agreement is approved by the Council, there will be a follow up process to abandon the right away in front of the Stotts house as per the agreement. This will require a public hearing and will come in subsequent council meetings.

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RIGHT OF WAY CONTRACT
Partial Acquisition and Easement

Project Location: 3200 South 1200 West Roundabout
County of Property: Cache
Tax ID: 03-017-0023
Property Address: 3215 South 1200 West Nibley, UT 84321
Owner/Grantors: Robert & Cari Ann Stott
Owners Address: 3215 South 1200 West Nibley, UT 84321
Owners Home Phone: 435-770-3440

INCONSIDERATION of the foregoing and other consideration hereinafter set forth, it is mutually agreed by the parties as follows:

The Owner/Grantor hereby agrees to sell a portion of the property located at 3215 South 1200 West, Nibley, Utah 84321, which portion is more particularly described on Exhibit A hereto (the "Property") and to grant a perpetual and temporary construction easement on and over the easement area more particularly described on Exhibit B hereto (the "Easement Area"), to Nibley City, a body corporate and politic of the State of Utah (hereinafter "City"), for Transportation Purposes for the amount of \$36,250.00.

1. Upon signing this Right of Way contract, Owner consents to allow City to enter the Property and Easement Area in order to conduct any necessary testing (such as environmental or geotechnical), surveying, or other due diligence.
2. Owner shall leave the Property and Easement Area in the same condition as it was when this contract was signed. No work, improvement, or alteration will be done to the Property or Easement Area other than what is provided for in this Contract. Owner agrees to maintain the Property and the Easement Area until County takes possession. Owner agrees not to sell the Property or the Easement Area to anyone else, or to enter into any contract that will affect the use of the Property and the Easement Area when City takes possession.
3. Owner agrees to transfer the Property and Easement Area free of all debris and toxic materials (including paint or other household products).
4. The Property will be conveyed from Owner to City by Warranty Deed in the form attached hereto as Exhibit A, free of all liens and encumbrances. The Easement Area will be granted by the Owner to the City by the Perpetual Easement and Temporary Construction Easement in the form attached hereto as Exhibit B.
5. Owner understands and agrees that City will not accept delivery of the Warranty Deed or the Temporary Construction Easement from the Right of Way Agent, and will not take ownership of the Property, unless and until City is satisfied with (a) the status of title to the Property and the Easement Area, and (b) the physical and environmental condition of the Property and the Easement Area.
6. Owner agrees to pay any and all taxes assessed against the Property to the date of closing. City agrees to pay all taxes assessed against the Property from and after the date of closing.
7. Owner understands that at Closing, at its discretion, City may pay the full amount of \$36,250.00 directly to Owner. **In that event, it is Owner's responsibility to understand and fulfill any obligations to lienholders, mortgagees, or others who may have an interest in the Property or the proceeds from its sale.** At the option of City the transaction may be handled through a title and escrow company selected by City and at City's expense, in which event at closing, the title company will disburse funds to lienholders, mortgagees or others having an interest in the Property, with the remainder of the purchase price paid to Owner.
8. "Transportation Purposes" means public use for street and road purposes, together with the right to use the same for water, sewer, gas, power, telephone and other public utilities and all those other uses that are ordinarily associated with streets or roads or vital to the public's health, safety and

welfare.

10. Owner is aware that Utah Code Ann. § 78B-6-520.3 provides that in certain circumstances, the seller of property, which is being acquired for a particular public use, is entitled to receive an offer to repurchase the property at the same price that the seller received, before the property can be put to a different use. Grantor waives any right under Utah Code Ann. § 78B-6-520.3 that Grantor may have to repurchase the property being acquired herein.
11. Nibley City agrees to the following terms and conditions for the purchase of the required project property from the sellers (Mr. & Mrs. Stott)
 - A. Nibley City will convey 50 feet of property to the South of the Stott's existing property line
 - B. Nibley City will convey to the Stott's the property within the existing 1200 West street east of their existing property along with the new 50-foot parcel of property Nibley is conveying to the sellers (Exhibit C). This area will include a 30-foot Public Utility Easements located along the eastern edge of the existing 1200 West Street, a 15 foot Public Utility Easement and 10 foot Temporary Construction Easement along the western boundary of the 50 feet to the south (Exhibit D). The effective date of the 1200 West street property transfer will be upon substantial completion of the roundabout project, and traffic is using the newly constructed roadway.
 - C. Nibley City will, upon proper application, grant the necessary permits to the Stott's so as to allow them to move their existing shop or reconstruct a new shop to a new location on the 50-foot parcel of land, located south of the seller's existing property, Nibley City is conveying to the sellers in conformance with applicable building codes and regulations, and waive applicable building permit fees.
 - D. In the event that the Grantor is unable to move the shop or reconstruct the shop in its new location, by the specified date below, the City will work with the grantor to secure a proper storage facility for a time frame of no longer than the end of September 2020.
 - E. Please find attached the legal description for the road dedication and the public utility easement / perpetual slope easement for the property to be acquired.
12. The Stott's will:
 - A. Retain all salvage rights to any improvements on their existing property
 - B. Retain access to 3200 South from the existing 1200 West
 - C. The sellers will relocate all existing improvements by March 1, 2021. Any improvements remaining within the project area will be removed by the project contractor as part of the project.
13. This Right of Way Contract contains the entire agreement between Owner and City and each party agrees that they are not relying on any representations or understandings not expressly set forth herein, and it shall be governed by the laws of the State of Utah. The undersigned represent and warrant that he/she/they have authority to sign on behalf of Owner. The value of these improvements is included in the Total Settlement.

Total Settlement \$36,250.00

Owner understands and acknowledges that this Contract is not binding until approved by the City's Real Estate Manager and the City Mayor. Owner's Initials_____

IN WITNESS WHEREOF, the parties have executed this Contract as of this the _____ day of _____ 20_____

_____ Acquisition Agent	_____ Date	Owner/Grantor	
_____ Real Estate Manager	_____ Date	_____ Owner/Grantor	_____ Date
_____ Mayor or Designee	_____ Date	_____ Owner/Grantor	_____ Date

Exhibit A

Dedication for 03-017-0023, Robert m & Cari Ann StottRoad dedication to City

Beginning at grantors northwest property corner said point being located south $89^{\circ}51'19''$ east, a distance of 2638.18 feet along the center section line and south $01^{\circ}13'24''$ west, a distance of 1222.76 feet from the west quarter corner of section 20, township 11 north, range 1 east, s.l.b.m.; running thence s. $88^{\circ}51'12''$ e. 42.99 feet; thence 18.02 feet along the arc of a 39.00 feet-foot radius non-tangent curve to the right (note: chord to said curve bears s. $41^{\circ}50'40''$ w. 17.86 feet. Central angle equals $26^{\circ}28'20''$); thence s. $28^{\circ}36'29''$ w. 5.91 feet; thence 86.60 feet along an arc of a 226.83 feet-foot radius tangent curve to the right (note: chord to said curve bears s. $17^{\circ}40'16''$ w. 86.07 feet. Central angle equals $21^{\circ}52'27''$); thence 15.78 feet along an arc of a 113.37 feet-foot radius tangent curve to the right (note: chord to said curve bears s. $02^{\circ}44'47''$ w. 15.77 feet. Central angle equals $7^{\circ}58'31''$); thence n. $87^{\circ}19'48''$ w. 3.85 feet; thence n. $01^{\circ}13'24''$ e. 116.96 feet to the point of beginning.

Containing 1,830.45 square feet or 0.042 acres.

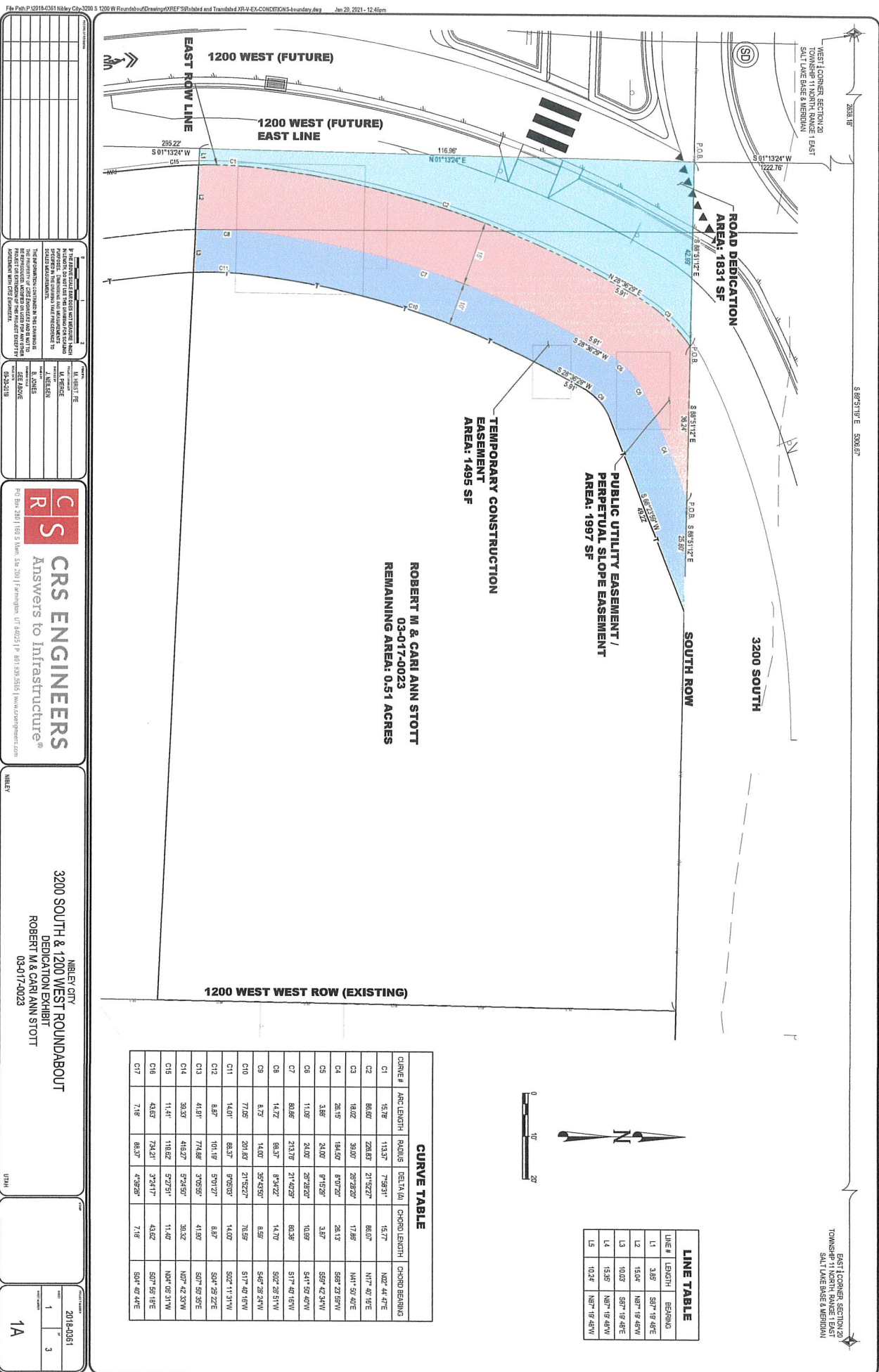


Exhibit B

Public utility easement/perpetual slope easement dedicated to City

Beginning at a point 42.99 feet bearing s.88°51'12"e. From grantors northwest property corner said point being located south 89°51'19" east, a distance of 2638.18 feet along the center section line and south 01°13'24" west, a distance of 1222.76 feet from the west quarter corner of section 20, township 11 north, range 1 east, s.l.b.m.; running s.88°51'12"e. 36.24 feet; thence 26.15 feet along the arc of a 184.50 feet-foot radius non-tangent curve to the right (note: chord to said curve bears s.68°23'59"w 26.13 feet. Central angle equals 8°07'20"); thence 3.88 feet along the arc of a 24.00 feet-foot radius tangent curve to the right (note: chord to said curve bears s.59°42'34"w. 3.87 feet. Central angle equals 9°15'29"); thence 11.09 feet along the arc of a 24.00 feet-foot radius tangent curve to the right (note: chord to said curve bears s.41°50'40"w. 10.99 feet. Central angle equals 26°28'20"); thence s.28°36'29"w. 5.91 feet; thence 80.86 feet along the arc of a 213.76 feet-foot radius tangent curve to the right (note: chord to said curve bears s.17°40'16"w. 80.38 feet. Central angle equals 21°40'29"); thence 14.72 feet along the arc of a 98.37 feet-foot radius tangent curve to the right (note: chord to said curve bears s.02°26'51"w. 14.70 feet. Central angle equals 8°34'22"); thence n.87°19'48"w. 15.04 feet; thence 15.78 feet along the arc of a 113.37 feet-foot radius non-tangent curve to the right (note: chord to said curve bears n.02°44'47"e. 15.77 feet. Central angle equals 7°58'31"); thence 86.60 feet along the arc of a 226.83 feet-foot radius tangent curve to the right (note: chord to said curve bears n.17°40'16"e. 86.07 feet. Central angle equals 21°52'27"); thence n.28°36'29"e. 5.91 feet; thence 18.02 feet along the arc of a 39.00 feet-foot radius tangent curve to the right (note: chord to said curve bears n.41°50'40"e. 17.86 feet. Central angle equals 26°28'20") to the point of beginning.
Containing 1,997.29 square feet or 0.046 acres.

Construction easement

Beginning at a point 79.23 feet bearing s.88°51'12"e. From grantors northwest property corner said point being located south 89°51'19" east, a distance of 2638.18 feet along the center section line and south 01°13'24" west, a distance of 1222.76 feet from the west quarter corner of section 20, township 11 north, range 1 east, s.l.b.m.; running s.88°51'12"e. 25.80 feet; thence s.68°23'59"w. 49.22 feet; thence 8.73 feet along the arc of a 14.00 feet-foot radius non-tangent curve to the left (note: chord to said curve bears s.46°28'24"w 8.59 feet. Central angle equals 35°43'50"); thence s.28°36'29"w. 5.91 feet; thence 77.05 feet along the arc of a 201.83 feet-foot radius tangent curve to the left (note: chord to said curve bears s.17°40'16"w. 76.59 feet. Central angle equals 21°11'27"); thence 14.01 feet along the arc of a 88.37 feet-foot radius tangent curve to the left (note: chord to said curve bears s.02°11'31"w. 14.00 feet. Central angle equals 9°05'03"); thence n.87°19'48"w. 10.03 feet; thence 14.72 feet along the arc of a 98.37 feet-foot radius tangent curve to the right (note: chord to said curve bears n.02°26'51"e. 14.70 feet. Central angle equals 8°34'22"); thence 80.86 feet along the arc of a 213.76 feet-foot radius tangent curve to the right (note: chord to said curve bears n.17°40'16"e. 80.38 feet. Central angle equals 21°40'29"); thence n.28°36'29"e. 5.91 feet; thence 11.09 feet along the arc of a 24.00 feet-foot radius non-tangent curve to the right (note: chord to said curve bears n.41°50'40"e. 10.99 feet. Central angle equals 26°28'20"); thence 3.88 feet along the arc of a 24.00 feet-foot radius tangent curve to the right (note: chord to said curve bears n.59°42'34"e. 3.87 feet. Central angle equals 9°15'29"); thence 26.15 feet along the arc of a 184.50 feet-foot radius tangent curve to the right (note: chord to said curve bears n.68°23'59"e. 26.13 feet. Central angle equals 8°07'20") to the point of beginning.
Containing 1,494.74 square feet or 0.034 acres.

Exhibit C

Land traded from Nibley City to Stotts

A PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE NORTHWEST CORNER OF PARCEL 03-018-0015 WHICH POINT IS ALSO AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET AND EAST RIGHT OF WAY LINE OF EXISTING 1200 WEST STREET LOCATED S 89°51'19" E, 2,909.22 FEET ALONG THE CENTER SECTION LINE, AND S 00°00'00" E, 1,227.74 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 20; THENCE S 00°55'46" W, 174.91 FEET ALONG SAID EAST RIGHT OF WAY LINE; THENCE N 87°19'48" W, 287.17 FEET TO THE FUTURE EAST RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID FUTURE EAST RIGHT OF WAY LINE IN THE FOLLOWING TWO COURSES: 1) 39.33 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 416.27 FEET (CHORD BEARS N 07°42'33" W, 39.32 FEET, CENTRAL ANGLE IS 5°24'50".); 2) 11.41 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 119.62 FEET (CHORD BEARS N 04°06'31" W, 11.40 FEET, CENTRAL ANGLE IS 5°27'51".); THENCE S 87°19'48" E, 195.05 FEET TO THE WEST RIGHT OF WAY LINE OF EXISTING 1200 WEST STREET; THENCE N 00°55'50" E, 122.25 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET; THENCE S 88°51'12" E, 98.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 26,778 SQUARE FEET OR 0.61 ACRES, MORE OR LESS.

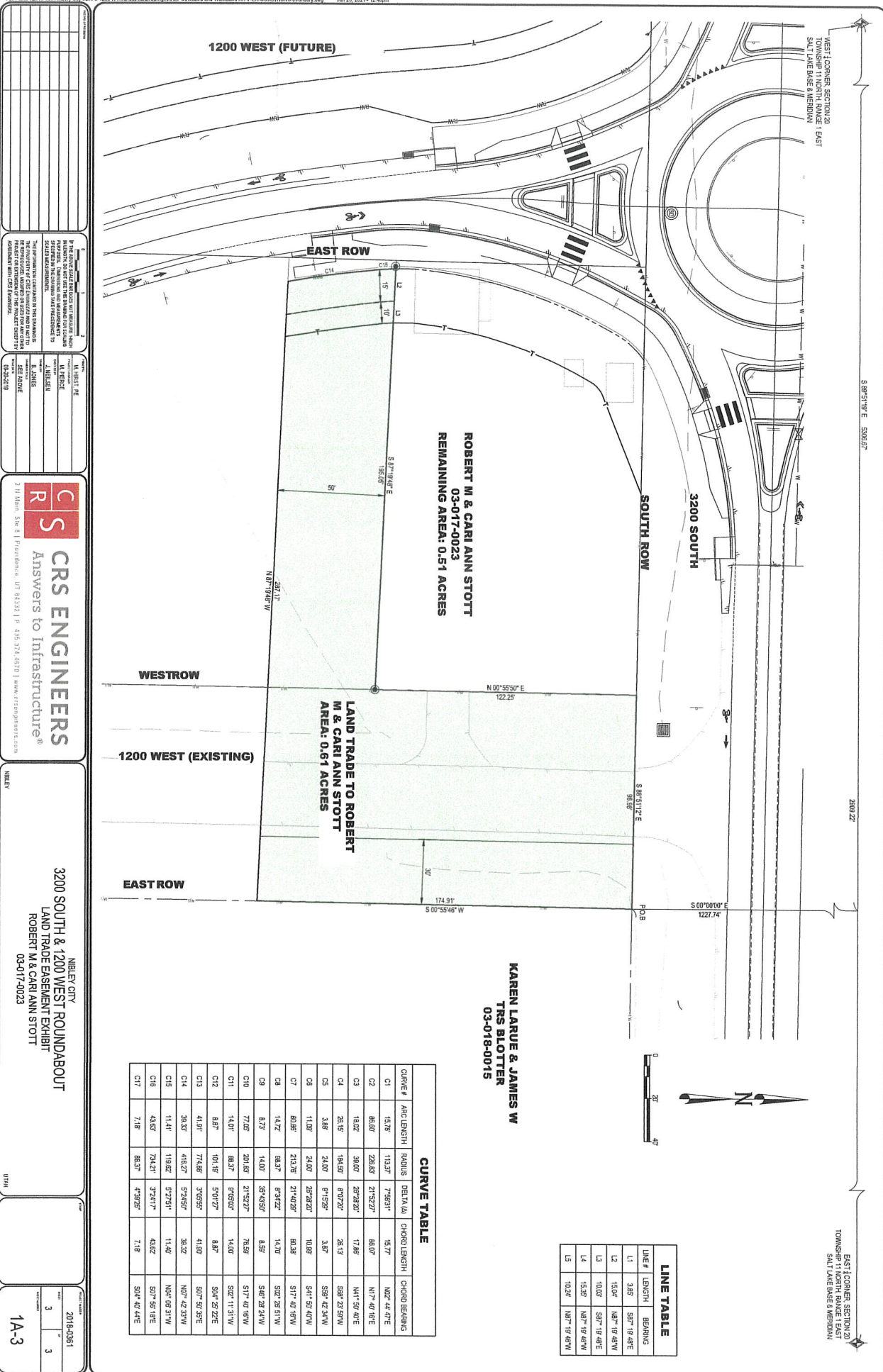


Exhibit D

BOUNDARY DESCRIPTION FOR 30' WIDE PUE/PERPETUAL SLOPE EASEMENT

A PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT THE NORTHWEST CORNER OF PARCEL 03-018-0015 WHICH POINT IS ALSO AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET AND EAST RIGHT OF WAY LINE OF EXISTING 1200 WEST STREET LOCATED S 89°51'19" E, 2,909.22 FEET ALONG THE CENTER SECTION LINE, AND S 00°00'00" E, 1,227.74 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 20; THENCE S 00°55'46" W, 174.91 FEET ALONG SAID EAST RIGHT OF WAY LINE; THENCE N 87°19'48" W, 30.01 FEET; THENCE N 00°55'46" E, 174.11 FEET TO THE SOUTH RIGHT OF WAY LINE OF 3200 SOUTH STREET; THENCE S 88°51'12" E, 30.00 FEET ALONG SAID SOUTH STREET RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 5236 SQUARE FEET OR 0.12 ACRES, MORE OR LESS.

BOUNDARY DESCRIPTION FOR 15' WIDE PUE/PERPETUAL SLOPE EASEMENT:

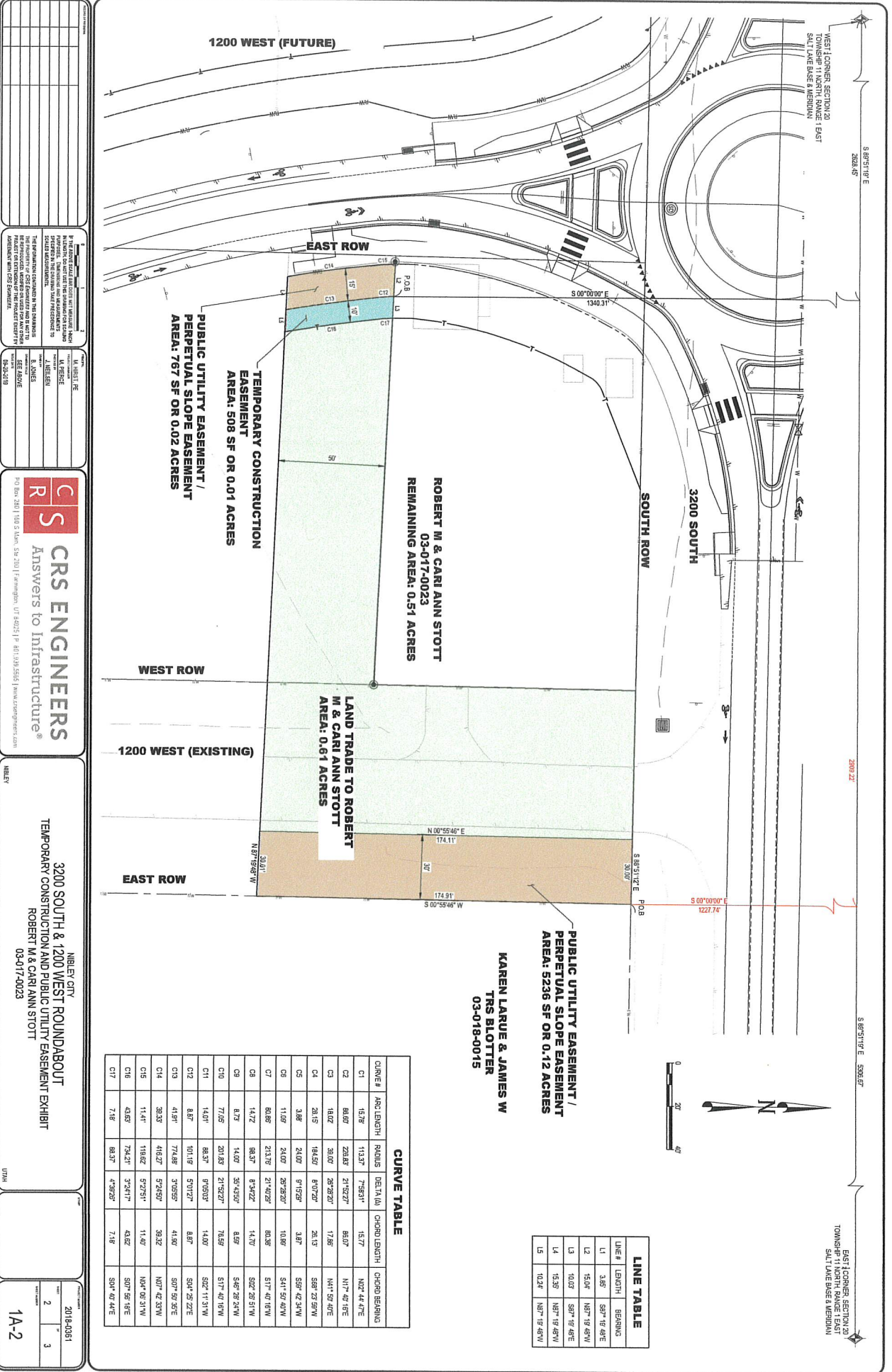
A PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT LOCATED S 89°51'19" E, 2,628.45 FEET ALONG THE CENTER SECTION LINE, AND S 00°00'00" E, 1,340.31 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 20; THENCE 8.87 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 101.19 FEET (CHORD BEARS S 04°25'22" E, 8.87 FEET, CENTRAL ANGLE IS 5°01'27"); THENCE 41.91 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 774.88 FEET (CHORD BEARS S 07°50'35" E, 41.90 FEET, CENTRAL ANGLE IS 3°05'55"); THENCE N 87°19'48" W, 15.35 FEET TO A POINT ON THE FUTURE EAST RIGHT OF WAY LINE OF 1200 WEST STREET; THENCE ALONG SAID FUTURE EAST RIGHT OF WAY LINE IN THE FOLLOWING TWO COURSES: 1) 39.33 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 416.27 FEET (CHORD BEARS N 07°42'33" W, 39.32 FEET, CENTRAL ANGLE IS 5°24'50"); 2) 11.41 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 119.62 FEET (CHORD BEARS N 04°06'31" W, 11.40 FEET, CENTRAL ANGLE IS 5°27'51"); THENCE S 87°19'48" E, 15.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 767 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

BOUNDARY DESCRIPTION FOR 10' WIDE TEMPORARY CONSTRUCTION EASEMENT:

A PART OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN. BEGINNING AT A POINT LOCATED S 89°51'19" E, 2,628.45 FEET ALONG THE CENTER SECTION LINE, AND S 00°00'00" E, 1,340.31 FEET FROM THE WEST 1/4 CORNER OF SAID SECTION 20; THENCE S 87°19'48" E, 10.03 FEET; THENCE 7.18 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 88.37 FEET (CHORD BEARS S 04°40'44" E, 7.18 FEET, CENTRAL ANGLE IS 4°39'26"); THENCE 43.63 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 734.21 FEET (CHORD BEARS S 07°56'18" E, 43.62 FEET, CENTRAL ANGLE IS 3°24'17"); THENCE N 87°19'48" W, 10.24 FEET; THENCE 41.91 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 774.88 FEET (CHORD BEARS N 07°50'35" W, 41.90 FEET, CENTRAL ANGLE IS 3°05'55"); THENCE 8.87 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 101.19 FEET (CHORD BEARS N 04°25'22" W, 8.87 FEET, CENTRAL ANGLE IS 5°01'27"); TO THE POINT OF BEGINNING.

CONTAINING 508 SQUARE FEET OR 0.01 ACRES, MORE OR LESS.



CURVE TABLE

CURVE #	ARC LENGTH	RADIUS	DELTA (Δ)	CHORD LENGTH	CHORD BEARING
C1	15.78	113.07	75°56'31"	15.77	N42° 44' 47"E
C2	86.67	228.83	21°52'27"	86.07	N17° 40' 19"E
C3	18.02	30.00	28°28'20"	17.86	N41° 50' 49"E
C4	26.19	164.67	67°02'20"	26.13	S59° 22' 59"W
C5	3.88	24.00	97°19'29"	3.87	S59° 42' 34"W
C6	11.09	24.00	28°28'20"	10.89	S44° 58' 49"W
C7	80.86	213.19	21°40'29"	80.36	S17° 40' 19"W
C8	14.72	88.37	81°40'22"	14.70	S62° 25' 51"W
C9	8.73	14.00	35°43'00"	8.69	S46° 28' 24"W
C10	77.09	201.83	21°52'27"	76.59	S17° 40' 19"W
C11	14.07	88.37	87°09'33"	14.00	S62° 11' 31"W
C12	8.87	101.19	57°01'27"	8.87	S64° 25' 25"E
C13	41.81	774.88	37°05'59"	41.80	S67° 50' 30"E
C14	20.33	446.27	57°24'59"	20.32	N07° 42' 33"W
C15	11.47	119.62	57°25'51"	11.45	N04° 06' 31"W
C16	43.63	754.21	37°24'17"	43.62	S07° 50' 19"E
C17	7.18	88.37	47°58'35"	7.18	S04° 40' 44"E

LINE TABLE

LINE #	LENGTH	BEARING
L1	3.85	S87° 18' 49"E
L2	15.04	N67° 19' 49"W
L3	10.03	S87° 18' 49"E
L4	15.35	N67° 19' 49"W
L5	10.24	N67° 19' 49"W

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Agenda Item #9

Description	Discussion & Consideration – Ordinance 22-03: Business License Procedure and Amending Nibley City Code 5.02.120 Exemption to License (First Reading)
Presenter	Levi Roberts, City Planner
Recommendation	Move to approve Ordinance 22-03: Amendments to Nibley City Code 5.02 General License Provisions, for first reading
Reviewed By	Mayor, City Manager, City Attorney, City Planner

Background:

The purpose of this ordinance is to change business license fees and exemptions provisions in Nibley City Code in accordance with State Code, while appropriately clarifying such requirements.

Utah Code 10-1-203(7) & (8), which was amended during the 2018 Legislative Session provides the following:

7. *A municipality may not:*
 - a. *require a license or permit for a business that is operated:*
 - i. *only occasionally; and*
 - ii. *by an individual who is under 18 years of age; or*
 - b. *charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.*
8.
 - a. *Notwithstanding Subsection (7)(b), a municipality may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under Subsection (7)(b) but who requests a license from the municipality.*
 - b. *A municipality shall notify the owner of each home-based business of the exemption described in Subsection (7)(b) in any communication with the owner.*

Currently Nibley City Code does not include such exemptions and Staff recommends that they be applied to NCC 5.02.120.

Regarding UCA 10-1-203(7)(b), Staff recommends further clarifying this provision in our Code, defining which conditions must be met to be considered a 'no impact' business, so that it can objectively be applied when residents apply for a home-business license. Specifically, the following language is recommended:

- a. Any home-based business which combined offsite impacts do not materially exceed the offsite impact of the primary residential use alone. This exemption shall be made if all of the following conditions are met:
 1. No persons not living in the home are employed by the business.
 2. No client visits are conducted.
 3. Deliveries to support the business are limited to less than three times per week.
 4. No use of hazardous or toxic materials.
 5. The business operations will not result in excessive noise or offensive odors.
 6. The business operations will not result in additional demand of public facilities or services.

If any of the above conditions are not met, the applicant would be subject to the annual \$30 application fee for the home-business license.

ORDINANCE 22-03

AMENDING NIBLEY CITY CODE 5.02.120: EXEMPTIONS TO LICENSE

WHEREAS, UCA 10-1-203 provides certain exemptions to business licenses and associated fees; and

WHEREAS, Nibley City is supportive of home-based business development in the City.

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

1. The attached amendments to the referenced Nibley City Code sections 5.02.120 be amended.
2. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2022.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

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5.02.120 Exemptions To License

A. Exempt Businesses:

1. The following shall be exempt from all business license requirements, including fees:

a. Any business that is operated only occasionally and by an individual who is under 18 years of age.

2. The following business types shall be exempt from all business license fees under NCC 5.02.050. Notwithstanding this exemption, a business license is required, and an administrative application review fee shall be imposed for those businesses that request a business license:

a. Any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States or the state, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the state.

b. Any person not maintaining a place of business within the city who has paid a like or similar license tax or fee to some other taxing unit within the state and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in the city and doing business in such taxing unit.

c. Any home-based business which combined offsite impacts do not materially exceed the offsite impact of the primary residential use alone. This exemption shall be made if all of the following conditions are met:

1) No persons not living in the home are employed by the business.

2) No client visits are conducted.

3) Deliveries to support the business are limited to less than three times per week.

4) No use of hazardous or toxic materials.

5) The business operations will not result in excessive noise or offensive odors.

6) The business operations will not result in additional demand of public facilities or services.

A.

B. Reciprocal Agreements With Other Agencies: The license assessor and collector may, with approval of the city council, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section.

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Agenda Item #10

Description	Discussion & Consideration – Ordinance 22-05: Amending Duties, Discretion, and Control of the Nibley City Manager: NCC 1.12.070 (First Reading)
Presenter	Justin Maughan, City Manager
Recommendation	Move to Approve Ordinance 22-05: Amending Duties, Discretion, and Control of the Nibley City Manager: NCC 1.12.070, and wave second reading
Reviewed By	Mayor, City Manager, City Attorney

Background:

In recent months, there have been a few times that a question came up about who should sign contracts on behalf of the City. In all cases, the contracts were approved by the City Council, but staff wasn't clear on who should be signing them on behalf of the City. Staff reached out to Nibley City Attorney, Rob Patterson for clarification, and he recommended making a slight modification to NCC 1.12.07(B)(7) to make it clear that the City Manager signs all contracts on behalf of the City.

1.12.070(B)(7)

Contracts: To review all proposed contracts to which the city may be a party, ~~and~~ to make recommendations concerning contracts to the governing body, and to execute the same when such are approved by the governing body. To see that the terms of any contract to which the city is party are fully performed by all parties thereto.

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ORDINANCE 22-05

AMENDING DUTIES, DISCRETION, AND CONTROL OF THE NIBLEY CITY MANAGER

WHEREAS, the Nibley City Manger is authorized to perform certain procedures and duties on behalf of the city; and

WHEREAS, the Nibley City Manager is under the control and supervision of the governing body, and administers the affairs of the city according to policies adopted by the Nibley City Council; and

WHEREAS, the Nibley City Council wishes to authorize and delegate additional duties to the City Manager; and

WHEREAS, the Nibley City Council wishes to grant the Nibley City Manger additional administrative rights concerning contracts approved by the governing body of Nibley City.

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

1. The attached amendments to the referenced Nibley City Code sections 1.12.079 B.(7) be changed.
2. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 2022.

Larry Jacobsen, Mayor

ATTEST:

Cheryl Bodily, City Recorder

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1.12.070 Duties, Control, And Discretion

- A. Generally: The city manager shall at all times be under the control and supervision of the governing body, and shall administer all affairs of the city according to policies adopted by the governing body. The mayor and governing body or city council shall retain all rights, obligations, duties and responsibilities not specifically delegated in this chapter to the city manager and also those as to which delegation to a city manager is prohibited by law. The city manager has full discretion in administering the affairs of the city within and according to the parameters of policy adopted by the governing body. Whenever a question of the interpretation or operation of city policy arises, the manager shall consult with the mayor, who has full executive authority to interpret, apply and implement city policy, subject to review, further direction and revision of policy by the governing body at its meetings. Whenever the mayor has been called upon to interpret, apply or implement city policy, the governing body shall be notified thereof at or prior to the next meeting of the governing body, in order that the governing body may consider city policy in light of its executive interpretation, application, implementation and administration.
- B. Specific Duties: Subject to the limits, standards and procedures of subsection A of this section, and without further limiting the authority of the city manager, the following duties and the authority to perform them are hereby delegated to the city manager:
1. Appointed Officers: To recommend to the mayor and governing body the appointment or removal of appointed officers, employees and agents, whose employment or appointment may be terminated only by the governing body according to the express provision of an applicable ordinance or statute. Otherwise, the city manager shall have authority to appoint and remove all other city employees, subject to approval by the governing body. The manager may further delegate this authority by authorizing the head of a department or office to appoint, suspend or remove subordinates in such department or office, subject to approval by the governing body.
 2. Other Obligations: To have and exercise all powers and duties assigned to him by ordinance or resolution. The city manager shall carry out the policies and programs established by the governing body.
 3. Supervision: To provide, with the governing body, direct supervision to and have direct responsibility over the offices of city recorder, city treasurer, and the department of public works and other departments as they may be created. The city manager shall manage, direct or otherwise supervise the construction, reconstruction, maintenance or repair of public works and related facilities, and activities such as, but not limited to, the following: parks, playgrounds, cemetery, waterworks, sanitary sewers, storm sewers, drains, ditches, culverts, streets, watercourses, curbs and gutters, sidewalks, alleys, lanes, bridges, garbage collection and municipal buildings, subject to approval by the governing body.
 4. Property: To keep or cause to be kept a current inventory showing all real and personal property of the city and its location. The city manager shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other city property which is not by law assigned to some other officer or body for care and control.
 5. Purchasing And Claims: To act as purchasing agent for the city and to approve all claims before presentation to the governing body, if such presentation is required, for payment; to see that all goods purchased by and for the city are received as per contract. To enforce and carry out all provisions of the ordinances of the city relating to purchasing; provided, however, that all routine payments that are made monthly, quarterly, etc., the city manager need not approve these. This subsection B,5 is not intended to repeal or alter the financial administration ordinance.

6. Council Meetings: To attend all meetings of the governing body with the right to take part in the discussion, but not to vote, and to recommend to the governing body adoption of such measures as the manager may deem necessary or expedient.
 7. Contracts: To review all proposed contracts to which the city may be a party, ~~and to make~~ recommendations concerning contracts to the governing body, and to execute the same when such are approved by the governing body. To see that the terms of any contract to which the city is party are fully performed by all parties thereto.
 8. Policy Proposals: To propose plans and programs concerning the development, operation and needs of the city and submit such plans to the governing body to be approved and developed as policy.
 9. Management Controls: To set performance standards and exercise managerial control to ensure that the city government is functioning in the most efficient and effective manner.
 10. Organization: To recommend creation and organization of all necessary departments, divisions, bureaus and offices necessary for the government of the city to the governing body for its approval prior to implementation.
 11. Records: To examine the books, records and official papers of the city's departments and offices, as deemed necessary.
 12. Enforcement: To faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the city are observed.
 13. Emergency Notification: To notify the mayor immediately upon the manager's cognizance of any emergency situation existing in any department or office under his supervision, where the emergency threatens to interrupt normal city operations. The manager will then inform members of the governing body of the emergency as soon as is reasonably possible.
 14. Other: To perform such other duties as may be required of him by city ordinances, by state law or by further ordinance or resolution of the governing body.
 15. Ethics: To adhere to the city management code of ethics as published by the International City Management Association, and applicable law.
- C. Limitation On Authority To Disburse Funds: The city manager shall not disburse funds of the city, nor obligate the city to disburse funds, if the amount of such disbursement exceeds ten thousand dollars (\$10,000.00), unless the approval of the governing body is first obtained for such disbursement or obligation. If the disbursement or obligation is contained within the intent of a duly adopted budget, or if such disbursement is made pursuant to a contract authorized by the governing body, or if a disbursement is made in payment of salary at an approved rate, then the disbursement or obligation shall be deemed approved for purposes of this subsection. If the provision of this chapter conflicts with the provisions of the financial administration ordinance, the provisions of the latter ordinance shall prevail. An obligation made in violation of this subsection shall be null and void.

Agenda Item #11

Description	Discussion – Ordinance 22-04: Amending Administration Procedures, Nibley City Code 1.10 Mayor and City Council
Presenter	Larry Jacobsen, Mayor
Recommendation	Discuss any provisions of code the Council would like to see revised, amended or stricken.
Reviewed By	Mayor, City Manager, City Recorder

Background:

During recent meetings, Council has been discussing City Council procedures and policies and current meeting practices.

Some Councilmembers have noticed inconsistencies with NCC 1.10 and State code and inconsistencies with code and current practices.

The Council will discuss which amendments and policies they would like include or exclude in NCC 1.10 Mayor and City Council.

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Agenda Item #12

Description	Discussion – 2022 Nibley City Planning Commission Goals
Presenter	Levi Roberts, City Planner
Recommendation	Receive the report and give feedback and direction.
Reviewed By	Mayor, City Manager, City Planner

Background:

Based upon Staff's Recommendations and direction from the Planning Commission, the following Planning Commission Goals are proposed for 2022:

1. Review and make recommendations to create/update the following ordinances:
 - a. Landscape Ordinance and Standards
 - b. Town Center Commercial Zone and Standards
 - c. Nibley City Design Standards (in coordination with Public Works/Engineering)
 - d. Cluster Subdivisions
 - e. Conditional Uses
 - f. Subdivision Financial Assurance provisions
 - g. Access, Connectivity Standards and Intersection spacing
 - h. All required ordinance changes from State legislature
2. Create an effective Transfer of Development Rights (TDR) Ordinance and Process
3. Develop more robust and standardized public and stakeholder engagement activities to ensure public buy-in of major code changes and plan updates.
4. Review future land use for future annexation areas.
5. Develop an Economic Development Strategy for Commercial Development in Strategic Locations.

The purpose of this discussion is for Council to provide feedback and direction to Staff regarding the proposed goals.

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Agenda Item #13

Description	Workshop – Plans for Proceeding with City Property located at 465 West and 3200 South (next to City Hall)
Presenter	Justin Maughan, City Manager
Recommendation	Discuss options, give feedback and direction.
Reviewed By	Mayor, City Manager, City Planner

Background:

The City purchased the land and house located just west of City Hall last December. This workshop will discuss options and ideas for the best use of the land and house, and for staff to receive direction on what to do with the property. A few of the ideas that have been discussed are:

1. Do a boundary line adjustment and keep the back property, but sell the house
2. Move rec department into house
3. Use the house for emergency medical services personnel
4. Rent the house out
5. Tear the house down and keep all property

The existing property is 1.3 acres. The current zoning of the property is R-2, with a ½ acre lot minimum. A boundary line adjustment could be made, to only include the front ½ acre with the home, and the remaining land would be incorporated into the Nibley City Hall parcel. This poses a small problem with the out buildings. If we wanted to keep the outbuildings, we would likely need to rezone the property to R-2A, and make the lot a bit smaller than a ½ acre.

The condition of the home is in pretty good shape. The interior was redone with new flooring and paint within the last three years.

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The outbuildings are in pretty rough shape. There are two buildings. One larger block building and an older wooden barn like structure. The block building has a good amount of space, but is in need of a new roof and garage doors. The barn building is not weather tight, and does not offer a lot of enclosed storage space, but does have space to park something under a cover roof, with open ends.



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Bonneville Realty - Comparison Report

Properties Sold

								
Address:	465 W 3200 S Nibley, UT 84321		584 N 100 E Logan, UT 84321		164 S 400 W Logan, UT 84321		141 W 200 S Millville, UT 84326	
	SUBJECT		COMP 1		COMP 2		COMP 3	
MLS#:			1787473		1734647		1768446	
Status:			Sold		Sold		Sold	
List Price:	N/A		\$324,900		\$350,000		\$339,000	
Sold Price:	N/A		\$350,000		\$350,000		\$343,000	
CDOM:			8 days		167 days		4 days	
Concessions:			N/A		N/A		N/A	
Sale Date:			02/02/2022		09/23/2021		10/08/2021	
Bedrooms	2		4		1		3	
Full Baths	1	5000	1		1		1	
¾ Baths		3500	0		0		0	
½ Baths		2500	0		0		0	
L4 SqFt		105	0		0		0	
L3 SqFt		105	0		0		0	
L2 SqFt		50	400	-20000	0		0	
L1 SqFt	1189	75	683	37950	907	21150	1494	-22875
Bsmt SqFt		10	0		0		0	
Bsmt %Fin		15	0				0	
Total SqFt	1189		1083		907		1494	
\$/Sold SqFt	\$308/sqf		\$374		\$432		\$234	
GL Area	1189		1083		907		1494	
Year Blt	1953	500	1903	25000	1949	2000	1899	27000
Garage Cap	2	5000	1	5000	0	10000	2	
Carport Cap		1000	0		0		0	
Acres	.36	43560	0.19	7405.2	0.17	8276.4	0.29	3049.2
Sold Adj. Total:	\$366,765		\$405,355		\$391,426		\$350,174	
Combined Adj. Total:	\$366,765							

Bonneville Realty - Comparison Report

								
Address:	465 W 3200 S Nibley, UT 84321		2922 S 600 W Nibley, UT 84321		792 S 1540 W Logan, UT 84321		264 S ROSEWOOD CIR Logan, UT 84321	
	SUBJECT		COMP 4		COMP 5		COMP 6	
MLS#:			1762343		1781324		1772624	
Status:			Sold		Sold		Sold	
List Price:	N/A		\$330,000		\$370,000		\$375,000	
Sold Price:	N/A		\$360,000		\$375,000		\$380,000	
CDOM:			2 days		6 days		3 days	
Concessions:			N/A		N/A		N/A	
Sale Date:			09/09/2021		12/29/2021		11/08/2021	
Bedrooms	2		3		3		3	
Full Baths	1	5000	2	-5000	2	-5000	1	
¾ Baths		3500	0		0		1	-3500
½ Baths		2500	0		0		0	
L4 SqFt		105	0		0		0	
L3 SqFt		105	0		0		0	
L2 SqFt		50	0		0		0	
L1 SqFt	1189	75	1434	-18375	1139	3750	823	27450
Bsmt SqFt		10	0		0		630	-6300
Bsmt %Fin		15	0		0		100	-9450
Total SqFt	1189		1434		1139		1453	
\$/Sold SqFt	\$308/sqf		\$215		\$311		\$259	
GL Area	1189		1434		1139		823	
Year Blt	1953	500	1997	-22000	2006	-26500	1999	-23000
Garage Cap	2	5000	2		2		2	
Carport Cap		1000	0		0		0	
Acres	.36	43560	0.50	-6098.4	0.19	7405.2	0.12	10454.4
Sold Adj. Total:	\$366,765		\$308,527		\$354,655		\$375,654	
Combined Adj. Total:	\$366,765							

Bonneville Realty - Comparison Report

						
Address:	465 W 3200 S Nibley, UT 84321		1356 W 1845 S Logan, UT 84321		24 W SPRING CREEK PAR... Providence, UT 84332	
	SUBJECT		COMP 7		COMP 8	
MLS#:			1776231		1760428	
Status:			Sold		Sold	
List Price:	N/A		\$370,000		\$389,500	
Sold Price:	N/A		\$409,000		\$416,000	
CDOM:			15 days		8 days	
Concessions:			N/A		N/A	
Sale Date:			12/07/2021		12/01/2021	
Bedrooms	2		3		3	
Full Baths	1	5000	2	-5000	1	
¾ Baths		3500	0		1	-3500
½ Baths		2500	0		0	
L4 SqFt		105	0		0	
L3 SqFt		105	0		0	
L2 SqFt		50	0		0	
L1 SqFt	1189	75	1494	-22875	1302	-8475
Bsmt SqFt		10	0		0	
Bsmt %Fin		15				
Total SqFt	1189		1494		1302	
\$/Sold SqFt	\$308/sqf		\$244		\$294	
GL Area	1189		1494		1302	
Year Blt	1953	500	2006	-26500	2005	-26000
Garage Cap	2	5000	2		2	
Carport Cap		1000	0		0	
Acres	.36	43560	0.12	10454.4	0.24	5227.2
Sold Adj. Total:	\$366,765		\$365,079		\$383,252	
Combined Adj. Total:	\$366,765					

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Revision History

- The wording for item #9 in the agenda was edited on the agenda to match the text from the agenda item report.
- Documentation from Patience Fischer, a Real Estate Agent working with, and familiar with Nibley City, was uploaded to Teams. This document, item #13.1, is a comparison report regarding the city's property at 465 West and 3200 South.

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