



Nibley City
Joint City Council/Planning Commission
Meeting
Thursday, August 4, 2022
455 W. 3200 S.
Nibley, UT

Joint City Council/Planning Commission Meeting

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

1. **Workshop:** Transfer of Development Rights Study and Ordinance

Regular Planning Commission Meeting

7:30 p.m. Call to Order and Roll Call

2. **Discussion and Consideration:** Recommendation for Ridgeline Park Phases 4 and A-D Final Plat, located near 3150 South 250 West (Applicant: Visionary Homes)
3. Staff Report and Action Items

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

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

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



**Nibley City Planning
Commission
Agenda Item Report
August 4, 2022**

Agenda Item #1: TDR Study and Ordinance

Description

Workshop: Transfer of Development Rights Study and Ordinance

Department

City Planning

Recommendation

Discuss ongoing Study

Reviewed By

City Planner

Background

People + Place, LLC has been working with the City to Study and develop a Transfer of Development Rights Ordinance. The Transfer of Development Rights (TDR) Ordinance will provide a mechanism to preserve open space in appropriate areas and focus new population growth in areas with supportive infrastructure. Much of the Study has been completed to inform the development of this ordinance, including case study research, community and stakeholder engagement and a market/tipping point analysis. The consultant is now working with City Staff to craft an ordinance with appropriate transfer ratios and designate sending and receiving zones for the TDR ordinance.

The purpose of this workshop is to update the Planning Commission and City Council about the findings from the Study up to this point and get feedback about appropriate transfer ratios, densities, and sending/receiving zones for the TDR ordinance.

Agenda Item #2: Final Plat: Ridgeline Park Phases 4 & A-D

Description

Discussion and Consideration: Recommendation for Ridgeline Park Phases 4 and A-D Final Plat, located near 3150 South 250 West (Applicant: Visionary Homes)

Department

City Planning

Action Type

Administrative

Recommendation

Recommend approval of Ridgeline Park Phase 1 Final Plat with the following conditions:

1. The City Engineer provide final approval of the Construction Drawings and all supportive materials
2. The maintenance plan needs to be updated to include the following information:
 - a. The stormwater basins and stormwater lines and facilities outside of the public right-of-way will be owned and maintained by the HOA in accordance with City, State, and Federal guidelines.
 - b. Detail that parcel B will be maintained by the HOA unless the City completes additional improvements on this parcel after which the HOA will just be responsible for any landscape related maintenance, consistent with the note on the Plat.
 - c. Specify that the HOA will be responsible for all landscape improvements within the ROW that is not in front of a single family detached home.

Reviewed By

City Planner, City Engineer, Public Works

19.48 Transfer of Development Rights

19.48.010 Definitions (suggest these go into your regular definitions chapter)

Conservation Easement: an easement, covenant, restriction, or condition in a deed, will, or other instrument signed by or on behalf of the record owner of the underlying real property for the purpose of preserving and maintaining land or water areas predominantly in a natural, scenic, or open condition, or for recreational, agricultural, cultural, wildlife habitat or other use or condition consistent with the protection of open land.

Deed of Severance: an instrument executed by a property owner and Nibley City by which theoretical developments rights are severed from a Sending Property. A Deed of Severance may be combined with a Conservation Easement. A Deed of Severance shall be in substantially the same form as shown in Exhibit____.

Deed of Transfer: by the owner of a theoretical development right transferring development rights from a sending area to a receiving property. A Deed of Transfer shall be in substantially the same form as shown in Exhibit____.

Determination of Eligibility: a process performed by the City Planner or designee that determines the number of transferrable development rights possible to be eligible for transfer from a Sending Property.

Development Rights: the right of the owner of a parcel of land, under land development regulations in Part 3 of this Title as of date ordinance becomes effective or upon annexation, whichever is later, to place that parcel and the structures thereon to a particular use or to develop that land and the structures thereon to a particular area, density, bulk, or height.

Receiving Area: an overlay zoning district established by Nibley City designated as an area in which purchased development rights may be used.

Receiving Property: a lot or parcel within a receiving area and within which development rights are increased pursuant to a transfer of development rights affixed to the property.

Sending Area: one or more areas identified by this ordinance and designated as an area from which development rights are authorized to be severed and transferred to a receiving area.

Sending Property: a lot or parcel within a sending area from which development rights are authorized to be severed.

Severance of Development Rights: the process by which development rights from a sending property are severed pursuant to this ordinance.

Transfer of Development Rights: the process by which development rights from a sending property are affixed to one or more receiving properties.

Transferable Development Rights (TDRs): all or that portion of development rights that are transferred or are transferable.

Transfer of Development Rights Certificate or TDR Certificate: a certificate issued by the Nibley City Planner or designee that indicates a number of Transferable Development Rights that have been authorized for a Sending Property, which may be transferred to a Receiving Property.

19.48.020 Transfer of Development Rights Sending Overlay

This Overlay zone is intended to preserve areas in Nibley City that have an agricultural or natural open space use. This intent is accomplished through a voluntary program called Transfer of Development Rights (TDR). This TDR program creates new theoretical development rights and allows for the transfer of those development rights in accordance with provisions contained in this Overlay zone. These provisions are intended to shift development potential and/or rights to areas that are more appropriate for residential development.

1. The purposes of this Transfer of Development Rights Program, or TDR Program, include, but are not limited to:
 - a. Protect and enhance private property rights by enabling the transfer of potential development rights.
 - b. Maintain the rural heritage of Nibley City.
 - c. Promote the public health, safety, and general welfare of Nibley City by establishing procedures, methods, and standards for the transfer of development rights.
 - d. Establish a procedure enabling Nibley City and its landowners to voluntarily sever development rights from a sending property.
 - e. Establish procedures for the formal transferring of development rights from a sending property, tracking those, and then to establish the use of those transferred development rights on a receiving property.
 - f. Establish certain incentives for attaching development rights to receiving properties.
 - g. Preserve open space, scenic views, agricultural, riparian and critical/sensitive lands.
 - h. Protect lands, resources and structures of aesthetic, architectural, recreational, and historic significance.
 - i. Assist in shaping the character and direction of the development of Nibley City.
2. Permitted Uses within Sending Areas after a Deed of Severance and conservation easement is recorded. Uses not listed are not allowed:
 - a. Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance. Grazing of animals excluding swine, poultry, mink, and feedlots as per Chapter.
 - b. Public rights of way and easements, including quasi-public utility easements
 - c. Commercial horse riding, training and boarding stables.
 - d. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry
 - e. One (1) single-family dwelling and one Accessory Dwelling Unit on parcels with 20 or more acres.
 - f. Municipal facilities required for local service and/or recreation needs.
 - g. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conserved land.

- h. The creation and Transfer of Development Rights in accordance with this chapter
- i. Restoration, maintenance, enhancement of native vegetation.
- j. Publicly accessible recreational lands and facilities including trails, parks and natural lands.
- k. Agritourism
- l. Conservation of open land in its natural state, e.g., meadows, tree stands, wetlands, forestland.

3. Permitted uses with additional standards:

- a. Home Occupations as per the definition in 19.04
- b. Seasonal fruit, vegetable, tree, and hay retail sales in structures of less than 500 square feet when at least some of the products being sold are raised on the premises. Subject to having access, parking, and any utility needs approved by the City.

Commented [JJ1]: Policy - not that Home Occs area a CUP in all zones - change to CU?

Commented [JJ2]: Policy - I don't clearly see this in the Land Use Chart

4. Sending Areas Identified.

- a. Sending areas are an overlay that covers agricultural lands and open spaces as shown on the Official Zoning Map of Nibley City. For agricultural parcels, sending areas shall be no smaller than ten (10) acres. For areas identified as sending areas along the Blacksmith Fork River, an undisturbed area at least 150' in depth from the high-water mark and at least 200' in length shall be eligible as a sending area or a trail easement at least 200' in length. Connecting parcels smaller than the minimum may be considered on a case by case basis.
- b. Where a property is partially contained within a Sending Area, only the portion of the property contained within the Sending Area may be used for the purposes of determining transferable development rights (TDRs).
- c. A Deed of Severance and a Conservation Easement shall be recorded on the sending property from which potential development rights were severed, and the property can only be used as outlined in this section. The conservation easement requires the formal commitment from a non-profit, Land Trust, or the City for long term management of the sending property.
- d. Any landowner within the Transfer of Development Rights Sending Overlay Zone may apply to have potential development rights calculated and created for their property based on formulas contained herein. The entire property shall be submitted at the time of application with the City.
- e. All areas within the Sending Overlay are eligible for a determination of potential development rights.

Commented [JJ3]: Policy - discuss a minimum effective size

Commented [JJ4R3]: Also, who determines the eligibility of a small connecting parcel

Commented [JJ5R3]: Policy - consider easement for just a trail

5. Determination of Transferable Development Rights.

- a. The City Planner shall establish and maintain a system for monitoring the determination, severance, ownership, assignment, and transfer of development rights.
- b. A Determination of Eligibility Application for determining the number of development rights available to be severed from a sending property shall be filed with the City.
- c. The following information shall accompany the application:
 - i. A map that includes the following:
 - 1. The boundary of the subject property.
 - 2. A legal description including the acreage of the property.

3. Current zoning.

- ii. Use of the property.
- iii. Title policy or title documentation.
- iv. Existing water rights needed to continue the current use on the property. Total water rights available to the property.
- v. Applicable fees.
- vi. Additional information required by Nibley City to determine the number of development rights being established.
 - 1. The number of development rights shall be determined using the following formula, and rounded to the nearest whole number:
 - a. $TDRs = A \times B$ for agricultural property or $TDR = A \times OSA$ for open space properties
 - b. Where TDR means Transferrable Development Rights, A means the total area (acres) of the property, B means the allowable potential development rights on an agricultural property, OSA means the allowable potential development rights on an open space property.
 - c. For agricultural parcels the per acre potential development units to transfer shall be 3.
 - d. For open space parcels from the Blacksmith Fork area, the per acre potential development units to transfer shall be 4. If only a trail easement is offered, it shall be eligible for 1 credit.

6. Severance of Development Rights.

- a. Any proposed severance of development rights may be initiated only upon application (Eligibility Application) to the City by the record owners of the sending properties. Once an Eligibility Application/determination is completed, a TDR Certificate shall be issued.
- b. Nibley City may not require property owners to sever development rights as a condition of the development of any property.
- c. A severance of development rights occurs after the owner of the sending property receives a signed TDR Certificate with the number of allotted TDRs from the City and records a Deed of Severance. The Deed of Severance must transfer development rights to one or more parties, which may include the grantor, and may, but is not required to, affix development rights to one or more receiving properties.
- d. The Deed of Severance must be executed by the property owners of the development rights being severed, and by any lien holders of such property.
- e. No Deed of Severance may be recorded under this ordinance unless the Deed of Severance contains a copy of the TDR Certificate signed by the City indicating the number of TDRs being severed.
- f. The Deed of Severance must contain a Conservation Easement, both of which shall run with the land and must assure that the prohibitions against the use and development of the sending property will bind the landowner and every successor in interest to the landowner. Such conservation easements shall include a legally binding commitment letter from a non-profit, local Land Trust, or the City.

- g. The Deed of Severance and Conservation Easement shall be recorded in the office of the Cache County Recorder. Upon recordation of the Deed of Severance:
 - i. The TDRs are severed from the sending property.
 - ii. The conservation easement shall be in compliance with the permitted uses in the Transfer of Development Rights Sending Overlay.
- h. The Deed of Severance shall be in a form substantially similar to the Deed of Severance attached as an exhibit to this ordinance and must otherwise comply with the requirements of this ordinance. Any changes to the deed attached as an exhibit in a particular case shall be in a form that is approved by the Nibley City Attorney.

19.48.030 Transfer of Development Rights Receiving Overlay

These specific districts are intended to preserve the areas in Nibley to retain its rural heritage by designating areas that could receive density that is transferred from a Sending area.

This TDR program creates development rights and allows for the transfer of development rights in accordance with provisions contained in the Overlay. These provisions are intended to shift existing development potential or rights to areas that are more appropriate for residential development.

1. Permitted Uses in Receiving areas are limited to those uses which are permitted in the underlying zoning districts or as modified in 4 (k) below.
2. Permitted Uses that include written additional standards – such standards shall still apply.
3. Receiving Areas Identified.
 - a. Receiving areas shall be designated on the official Zoning Map of Nibley City and shall function as overlay zones, such that all the provisions of the underlying zone shall apply, unless altered by the provisions of the overlay.
 - b. Where a property is partially contained within a Receiving Area, only the portion of the property contained within the Receiving Area may be used for the purposes of applying transferable development rights (TDRs).
 - c. The City Council may designate additional areas as a Receiving Area. The Zoning Map should be updated upon designation. For future receiving area designations, the Planning Commission and City Council, in accordance with City Code, shall consider the ability of the property, utilities, nearby roadway networks, transportation system capacities and options, and other land use characteristics to accommodate additional density on the property.
 - d. A receiving property that brings TDR credits to their property may only use the development rights permitted in accordance with the existing zoning regulations applicable to the receiving property and as shown in the table below:

Base Zoning	Base Density	Receiving Density Allowable Increase
All "R" Zones, except Rural Estate zones	As per zone	Up to 50% Alternate "less" increase over the existing zone requirements
R-PUD	5 units	Up to 15 units per acre
Commercial mixed use buildings	As per existing zone	Up to 15 units per acre

Commented [JJ6]: Policy - suggesting a change in base density

4. Properties designated as receiving areas and with proof of transferred development credits, as shown in City records, shall be vested in the density of the underlying zone plus the additional development credits up to the limits shown in "d" above. Transfer of Development Rights to Receiving Properties shall comply with the following:
- a. Any proposed transfer of development rights may be initiated only upon completing an Eligibility application by the owners of the sending properties, holders of a TDR Certificate or owners of the receiving properties.
 - b. Nibley City may not require property owners to transfer or receive a transfer of development rights as a condition of the development of any property, however no increases in density beyond what the existing zone allows shall be given without proof of transferrable development credits from a sending property.
 - c. An application for a determination of eligibility to determine the number of transferrable residential development rights available to be transferred and affixed to one or more receiving properties in compliance with this ordinance shall include:
 - i. A completed determination of eligibility application and TDR Certificate from the sending property. Such applications shall be considered using the following criteria:
 - Parcel size, community location
 - Proximity to the trail system
 - For farming or grazing parcels, the soil quality assessment/classification
 - Commitment to farming by the owner or a lease for 10 years
 - Conservation easement commitment by a non-profit
 - Annexation status
 - ii. A tax map, plat or site plan outlining the boundaries of the property for each lot, tract or parcel as described in the deed.
 - iii. The existing zoning of the property.
 - iv. A title policy or other title documentation for the receiving property including a legal description of the receiving property.
 - v. A copy of a survey plat of the proposed receiving parcel prepared by a surveyor licensed in the State of Utah.
 - vi. Water rights necessary to support the new project.
 - vii. A statement of the number of residential development rights proposed to be transferred and affixed as residential development rights to one or more receiving properties, and calculations upon which the number is based.
 - viii. All applicable fees.
 - ix. A signed conservation easement agreement with a certified Land Trust or a non-profit or Nibley City
 - x. Any additional information required by Nibley City, shown in the application, as necessary to determine the number of residential development rights that qualify for transfer.
 - d. The City shall provide a written statement of the maximum number of TDRs available to be

Commented [JJ7]: Policy - may want to reject some parcels

Commented [JJ8R7]: Or simply allow all that want to participate

transferred and affixed to one or more receiving properties.

- e. A transfer of development rights occurs when the owner of the development rights records a Deed of Transfer against the receiving property in the land records of Cache County.
- f. The Deed of Transfer shall be executed by the sending area property owners of the development rights being transferred, and any lien holders of such property owners, and shall identify the development rights being severed, and the sending properties and/or the receiving properties, as applicable.
- g. No Deed of Transfer may be recorded among the land records of Cache County unless the Deed of Transfer contains a copy of the signed TDR Certificate by the City Planner indicating the number of residential development rights being transferred and/or affixed to one or more receiving properties.
- h. Upon recordation of the Deed of Transfer, the transferable development rights are conveyed to one or more parties and/or are affixed to one or more receiving properties stated in the Deed of Transfer.
- i. The Deed of Transfer shall be in a form substantially similar to the Deed of Transfer attached as exhibit "C" to this ordinance and shall otherwise comply with the requirements of this ordinance and any changes to the deed attached as an exhibit in a particular case shall be in a form that is approved by the Nibley City Attorney.
- j. Any transfer of development rights to a receiving property pursuant to this ordinance only authorizes an increase in maximum residential density over the base density as per the table in "d" above.
- k. The existing zoning district regulations maybe reduced/modified in terms of the following table:

Front yard	Side yard	Rear yard	Lot width	Open Space	Building Style in the R-PUD	Lot Sizes
For rear or side loaded units, a minimum 15' setback coupled with staggered setbacks every third SFD or every other building cluster. Front facing garage setback	To the minimum required by the IBC	20' to 25' in keeping with the front yard staggered setbacks. Alley loaded townhomes and garages may have a setback of 5'.	Existing required lot widths may be reduced by 30%	May be reduced by up to 20% over the existing requirement	Townhouse, Cottage/Patio homes, "U" shaped small complex with up to 18 units facing a shared courtyard, Mansion Style Condo or apt.	R lot sizes may be reduced by 20% for projects that bring at least 20 TDR credits. For projects with 20-40 TDR credits a 30% lot size reduction is

Commented [JJ9]: Policy - not well received in the survey

Commented [JJ10]: Ditto

shall be 20'.						allowed. For project with over 40 units a 40% lot size reduction is allowed.
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5. Projects with bonified TDR credits, shall, when the application meets all City standards, be approved after appropriate administrative processing for a subdivision, PUD, or conditional use.

When Recorded, return to:
Nibley City
Attn: City Planner
455 West 3200 South
Nibley, UT 84660

Affected Parcel No(s). _____

Deed of Severance and Conservation Easement

This Deed of Severance and Conservation Easement ("Deed") is made this _____, 20__, by and between _____ ("Grantor") and Nibley City, a Utah municipal corporation ("Holder").

RECITALS

WHEREAS Grantor is the sole owner in fee simple of certain real property, which is more particularly described in Exhibit A, attached hereto and incorporated by this reference ("Property");

WHEREAS Grantor desires to sever the development rights from the Property, which rights may be transferred to other receiving property within Nibley City pursuant to Chapter 19.48 of the Nibley Municipal Code TDR Program;

WHEREAS Grantor desires to convey and dedicate a conservation easement created pursuant to Utah Code Ann. §57-18-1 *et. seq.* on the Property to Holder; and

WHEREAS Holder desires to accept the dedication of conservation easement to further the stated goals of the TDR Program;

NOW, THEREFORE, Grantor and Holder, for and in consideration of the foregoing do hereby agree as follows:

Severance of Transferable Development Rights

The development rights associated with the Property are hereby severed and converted to Transferable Development Rights (TDRs). The TDRs severed from the Property are eligible to transfer to other places within Nibley City consistent with the TDR Program and are evidenced by that certain Certificate of Transferable Development Rights No. _____. Further development of the Property is prohibited except as in accordance with the TDR Program.

Conservation Easement

In consideration of the TDRs granted and the severance of the development rights from the Property, Grantor does hereby grant and convey, pursuant to and in accordance with Utah Code Ann. § 57-18-1 *et. seq.*, in perpetuity, to Holder, its assigns and successors in interest, a conservation easement in said real property of the Grantor of the nature and character and to the extent hereinafter expressed, to be and to constitute a servitude upon said real property of the Grantor, which estate, interest, easement and servitude will result from the covenants and restrictions set out below and hereby imposed upon the use of said property of said Grantor, and to that end and for the purpose of accomplishing the intent of the parties hereto, said Grantor covenants on behalf of itself, its heirs, successors and assigns, with Holder and its assigns to do and refrain from doing, severally and collectively, upon the Grantor's said property, the various acts hereinafter mentioned. **Grantor commits by this easement to _____ use for a period of at least ten years via a lease or continued ownership.**

Commented [JJ11]: Policy - new suggestion

The restrictions hereby imposed upon the use of said property of the Grantor, and the acts which said Grantor so covenants to do and refrain from doing upon its said property in connection therewith are and shall be as follows:

1. The easement property herein described shall be kept in a manner consistent with the TDR Program.
2. Except as allowed by the TDR Program, there shall be on or in the easement property no fillings, excavating, removal of topsoil, sand, gravel, rock, minerals, or other materials nor any building of roads or change in the topography of the land in any manner, other than that caused by the forces of nature, or as reserved hereafter.
3. Herbicides and pesticides can be sprayed, when it is necessary for the raising of crops. Fencing will be allowed where necessary for farming operations or confining livestock.
4. No power lines with voltage in excess of 12kV may be erected, nor any interest in the easement property shall be granted for this purpose. The Grantor reserves the right and easement on the real property to maintain and repair existing telephone, electric, water wells, or other utility lines or mains needed to provide for the needs of the Grantor, its successors or assigns. The area needed to repair said facility shall be the minimum necessary to accomplish the task as agreed upon in writing by the Grantor and Grantee. Upon completion, the area shall be restored to its previous state or as near as practical.
5. The land shall at all times be kept free of garbage, trash, and inoperable machinery; and no other unsightly material shall be allowed to accumulate or be stored thereon.
6. Each and every other activity or construction which might reasonably endanger the natural, agricultural, or scenic state of the easement property is forbidden.
7. Nibley City reserves the right to periodically inspect said property for violations of the easement property, and if upon sixty (60) days advance written notice the Grantor has not eliminated said violations, Nibley City may remove or eliminate, at the expense of the landowner, any violation by Grantor of the easement. A Nibley City authorized representative may enter upon said lands for the purpose of inspection. Said easement is not a public easement.
8. Nibley City reserves the right to post or clearly mark the boundaries of said easement.

The conservation easement granted hereunder and the covenants heretofore made are subject to the following rights of the Grantor which are expressly reserved hereunder.

1. Except as expressly limited herein, the Grantor reserves for itself, its heirs, successors and assigns, all rights as owner of the easement property, including the right to use the easement property for all ownership purposes not inconsistent with this easement or the TDR Program, including agricultural uses or other uses allowed by the TDR Program.
2. The right to build structures for agricultural use and occupancy subject to following applicable rules of the TDR Program, building codes, and setback regulations.
3. The lands of the Grantor, herein above referred to and to which the provisions of this instrument apply, are situated in Nibley City, Cache County of Utah, the State of Utah, and are more particularly described as follows:
 - a. See Attached "Exhibit A: Property Description".

TO HAVE AND TO HOLD unto Nibley City and its assigns forever. The covenants agreed to and the restrictions imposed, as aforesaid, shall be binding upon the grantor, its heirs, successors, and assigns, and each of them, and shall constitute a servitude upon the above described land.

IN WITNESS WHEREOF, the Grantor has hereunto set hand on the day and year first above written, Signed and acknowledged in the presence of the notary public below:

Printed Name of Grantor

Signature of Grantor

Date

CACHE COUNTY, STATE OF UTAH

Before me, a notary public in and/or said county and state, personally appeared the above-named Grantor, who acknowledged that he/she did sign the forgoing instrument and that the same is his/her free act and deed whereof I hereunto set my hand and official seal this day _____, _____.

Notary Public

EXHIBIT A: PROPERTY DESCRIPTION

DRAFT

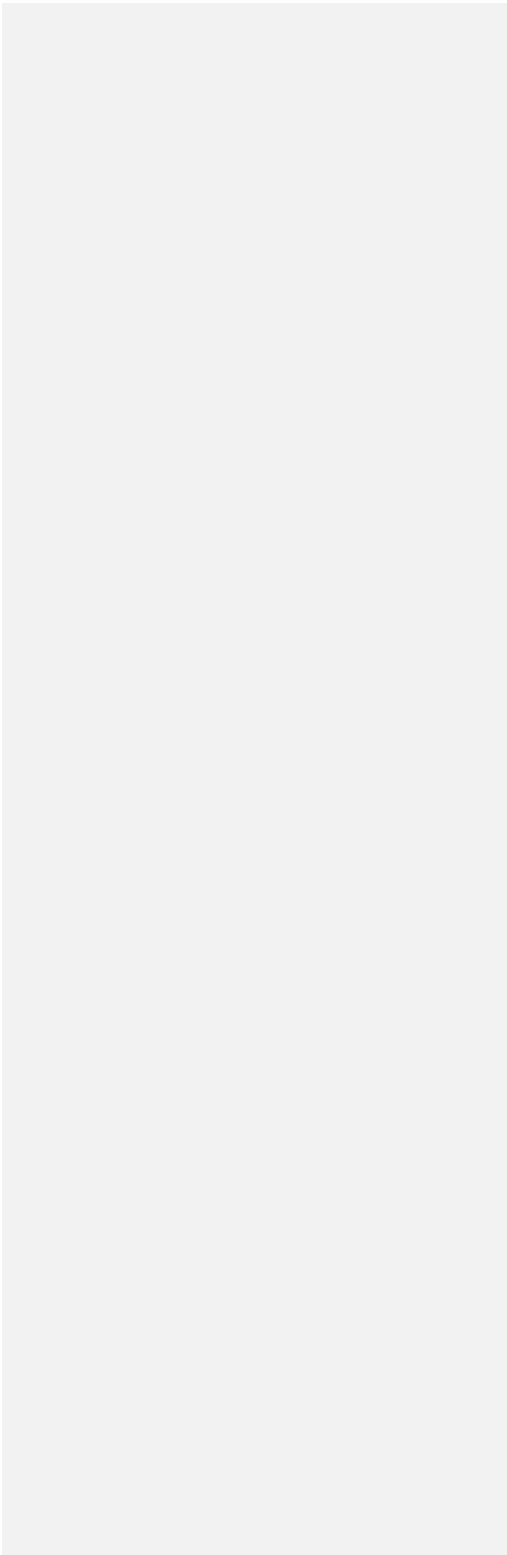


EXHIBIT B: TRANSFERABLE DEVELOPMENT RIGHTS CERTIFICATE

Certificate of Transferable Development Rights

TDR Certificate Number: #

This document certifies that:

1. Owners of real property located in Nibley, Utah, have filed a Determination of Eligibility Application with the Nibley City Community Development Department to determine whether the property is eligible for the creation of Transferable Development Rights.
2. The Nibley City Planner has determined that the property is eligible for the creation of Transferable Development Rights in accordance with Chapter 19.48 of the Nibley City Municipal Code.
3. The Nibley City Planner has determined the number of Transferable Development Rights that the property is eligible for in accordance with Chapter 19.48 of the Nibley City Municipal Code.
4. The owners of the property have signed a Deed of Severance and a Conservation Easement or trail easement has been established with _____.
5. This Certificate represents the creation of Transferable Development Rights that will become valid and enforceable in accordance with Chapter 19.48 of the Nibley City Municipal Code upon the lawful and proper recordation of the Deed of Severance and Conservation Easement.
6. The following number of Transferable Development Rights are created and severed from the property identified by the Parcel ID Number below and further described by the attached legal description.
7. The Transferable Development Rights represented by this Certificate are eligible to be transferred to Receiving Areas in Nibley City in accordance with Chapter 19.48 of the Nibley Municipal Code.

Transferable Development Rights granted: _____

Property from which Transferable Development Rights originated (Cache County Parcel ID Number):

Signature of City Planner

Date

EXHIBIT C: DEED OF TRANSFER

Deed of Transfer

When Recorded, return to:
Nibley City Planner
455 West 3200 South
Nibley, UT 84660

Affected Parcel No.: _____

Deed of Transfer Number: _____

Name(s) of Owners: _____

This document certifies that:

1. Owners are the holders of a Certificate of Transferable Development Rights (TDR Certificate) No. _____, which evidences transferable development rights (TDRs) eligible for transfer to a receiving property consistent with Nibley City pursuant to Chapter 19.48 of the Nibley City Municipal Code.
2. Owners have filed a Determination of Eligibility Application with the Nibley City Community Development Department to determine whether the TDRs are eligible to be transferred to receiving property within Nibley City.
3. The Nibley City Planner has determined, in accordance with Chapter 19.48 of the Nibley City Municipal Code, that _____(number) TDRs are eligible to be transferred to property
4. located at _____, County Parcel No(s). _____ (Receiving Property).
5. This Certificate represents the transfer of TDRs that will become valid and enforceable in accordance with Chapter 19.48 of the Nibley City Municipal Code upon the lawful and proper recordation of this Deed of Transfer.
6. Up on recordation of this Deed of Transfer, the TDRs associated with TDR Certificate No. _____ shall be extinguished. Holder of the TDR Certificate shall surrender the TDR Certificate before this Deed of Transfer is issued.

Transferable Development Rights: _____

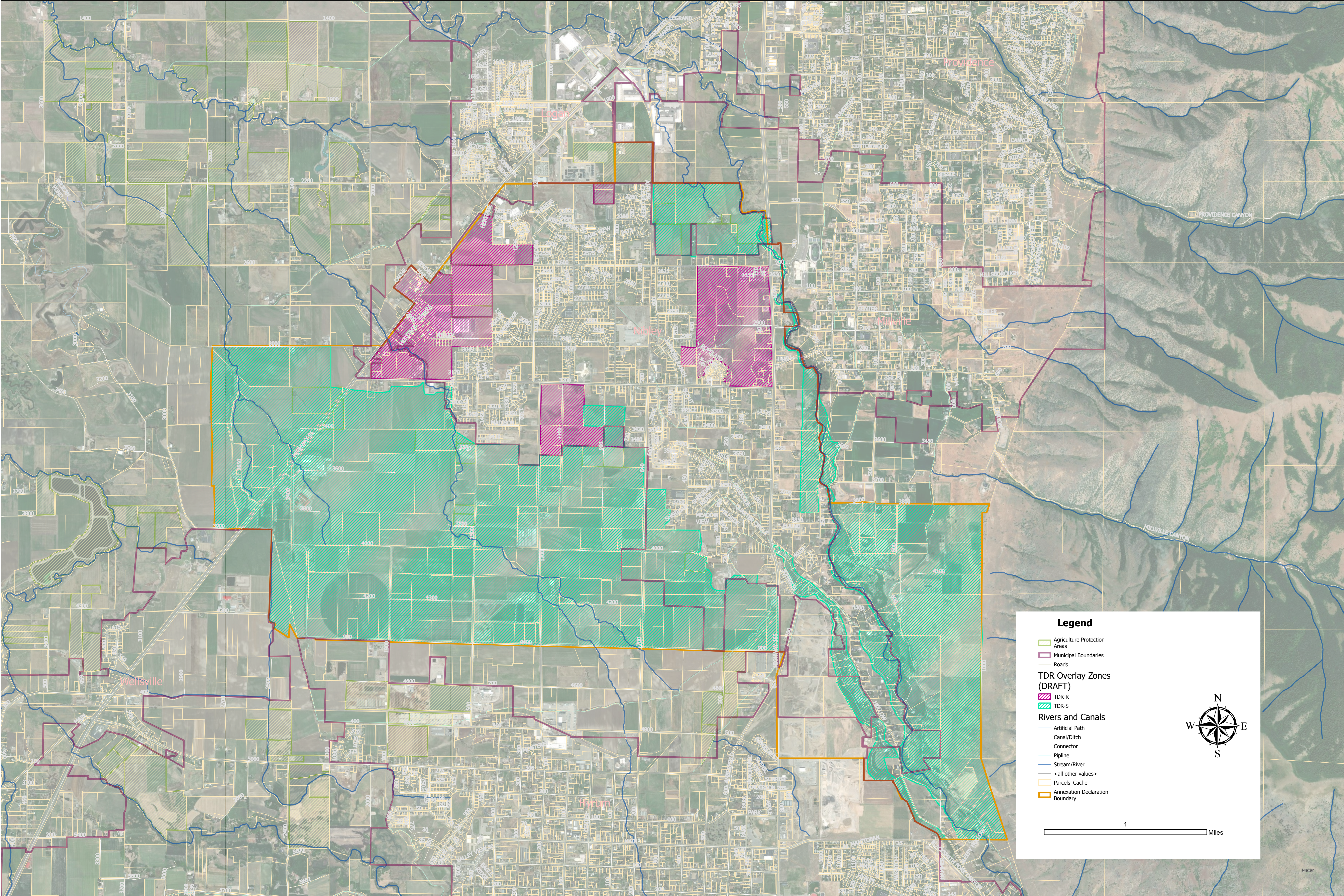
Cache County Parcel ID Number: _____

Signature of City Planner

Date

Legal Description:

DRAFT



Legend

- Agriculture Protection Areas
- Municipal Boundaries
- Roads

TDR Overlay Zones (DRAFT)

- TDR-R
- TDR-S

Rivers and Canals

- Artificial Path
- Canal/Ditch
- Connector
- Pipeline
- Stream/River
- <all other values>
- Parcels_Cache
- Annexation Declaration Boundary

1 Miles