



Nibley City
Planning Commission Meeting
Thursday, August 18, 2022
Nibley City Hall
455 W. 3200 S.
Nibley, UT

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

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

1. **Discussion and Consideration:** Conditional Use Permit for Lawn Specialists at 45 West 3200 South
2. **Public Hearing:** Ordinance 22-16: Amending NCC 21.08.030 and 21.06.060 adding an exemption to subdivision requirements for combining lots and amending subdivision plat amendment approval authority
3. **Discussion and Consideration:** Ordinance 22-16: Amending NCC 21.08.030 and 21.06.060 adding an exemption to subdivision requirements for combining lots and amending subdivision plat amendment approval authority
4. **Public Hearing:** Ordinance 22-17: Amending NCC 21.02.060, 21.06.040, 21.06.080, and 21.08.010 regarding subdivision submission requirements
5. **Discussion and Consideration:** Ordinance 22-17: Amending NCC 21.02.060, 21.06.040, 21.06.080, and 21.08.010 regarding subdivision submission requirements
6. **Workshop:** Amendments to 19.12.040 Mixed Residential Zone R-M, including its application to areas near 2600 S 1200 W
7. **Workshop:** Moderate Income Housing Plan
8. Staff Report and Action Items

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

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



**Nibley City Planning
Commission
Agenda Item Report
August 18, 2022**

Agenda Item #1: Lawn Specialists CUP

Description

Discussion and Consideration: Conditional Use Permit for Lawn Specialists at 45 West 3200 South

Department

City Planning

Action Type

Administrative

Recommendation

Approval of the Conditional Use Permit for Lawn Specialists at 45 West 3200 South with the following conditions:

1. Street trees which are listed on the Tree Policy Plan spaced every 50 ft and landscaping to be installed along frontage of 3200 South.
2. Appointments with clients be limited to no more than two at any one time.
3. Any hours of operation must be limited to 7:00 AM to 10:00 PM
4. Any noise generated beyond the site be limited to 50 dBA in accordance with NCC 19.28.050.
5. All surfaces onsite intended for drive access must be improved with gravel. Any substantial addition of hard surfaces, such as concrete or asphalt must be approved by the City Engineer to ensure stormwater impacts are mitigated.
6. Any building or substantial modifications to the site will require a site plan review in accordance with NCC 19.15.050.

7. The site must be subdivided to create a separate parcel in the Commercially-rezoned area in which the business is located before March 1 or the business license will be invalidated.

Reviewed By

City Planner

Background

Quinn Johnson, representative of 'Lawn Specialists', has submitted a business license application to operate a truck and trailer dealership at 45 W 3200 S. The applicant describes the nature of the business as 'landscape products sales & delivery.' The property is located within a commercial zone, which was recently rezoned from a previous R-2 designation. NCC 19.20.020 lists 'construction sales and service' as a conditional use in the commercial zone. The applicant is not proposing to build any structures at this time, but plans to use the site for storage of landscape material, including mulch, bark, gravel and trees. The site will be used both as a site for the applicants' landscaping business to obtain materials and to sell materials to the public. Any sale to the public will be by appointment.

Site Context

The property is located adjacent to both commercial and residentially-zoned properties. Ginny's Pit Stop is located immediately to the east with the Dominion Energy regulator site to the west. The existing residential properties are set in a low-density context, with four homes within 200 ft of the site, one of which is across the street on 3200 S.

Basis for Issuance of Conditional Use Permit

NCC 19.28.050 states:

A conditional use permit shall be approved if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, then the conditional use may be denied. Substantial mitigation shall not mean complete elimination of all detrimental effects.

Specific considerations to mitigate potential detrimental impacts as defined by NCC 19.28.050, which may apply to this application include the following.

Traffic and connectivity

The business is anticipated to generate some additional traffic to the area. However, any traffic concerns will be mitigated by the nature of the business being a pick-up location, not a typical

place for gathering employees or customers. However, because specific parking areas are not proposed on the site beyond the pull-up areas for materials, Staff recommends that appointments with clients be limited to no more than two at any one time to prevent any potential stacking on 3200 South.

Noise, Light and Dust

Some noise impacts are anticipated to be generated from vehicles and machinery used to obtain landscape materials. The applicant has indicated that the intended hours of operation for customers will be limited to Monday-Friday 5:00-8:00 PM and Saturday 8:00-5:00 PM. However, it is anticipated that the business will obtain materials outside of these hours. To mitigate noise impacts, Staff recommends that any hours of operation be limited to 7:00 AM to 10:00 PM and that any noise generated be limited to 50 dBA in accordance with NCC 19.28.050.

If not properly managed, the materials on site may produce dust impacts that emanate beyond the property boundaries. The applicant has indicated that they will improve any driving surfaces with gravel and spray any dust prone areas regularly. Staff recommends that the applicant be required to maintain any dust generated from the business onsite.

The applicant has not proposed any lighting at this time. However, any changes to lighting would require compliance with NCC 19.24.240- Outdoor lighting standards.

Parking

The applicant has not indicated that they will provide any dedicated parking stalls because this will just act as a pick-up site for materials.

NCC 19.24.160 states:

Except as herein provided, no building or structure shall be erected, altered or converted for or to any use unless there shall be provided on the lot or parcel, off street vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and all roadways comply with the standards contained herein, except that an established use lawfully existing at the effective date hereof need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways may be reduced or further reduced below the minimum standards herein required.

Because the applicant is not proposing a building, it is Staff's interpretation that specific parking is not required. However, the limitations on number of appointments at the site will allow safe, adequate access.

Landscaping/screening

Because the applicant is not proposing a building at this time and minimal site improvements, Staff does not recommend a requirement for onsite landscaping. However, the frontage along 3200 South should be improved with street trees and landscaping to screen the site.

Agenda Item #2 & #3: Combining lots exemption

Description

Workshop: Combining lots exemption and Subdivision Plat Amendment approval authority

Department

City Planning

Action Type

Legislative

Recommendation

Discuss potential ordinance changes and give direction to Staff

Reviewed By

City Planner, City Attorney

Background

Utah Code 10-9a-601 was recently amended with the following provision:

(4) A legislative body may adopt a land use regulation that specifies that combining lots does not require a subdivision plat amendment.

Currently Nibley City Code does not exempt combining lots from the requirements of a subdivision amendment. Staff recommends considering this exemption since combining lots will, as a general rule, not create a condition of non-compliance with Nibley City's Land Use Ordinance. This is primarily due to the fact that lot sizes and frontages are set as minimum standards and combining lots do not decrease lot sizes or frontages. Nonetheless, Staff recommends adding a caveat to this exemption that waiving the requirement does not 'constitute a land use or zoning approval by the City, unless expressly approved as such by the City. Documents recorded as part of a lot or parcel combination do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.'

During the July 7 Planning Commission meeting, it was discussed to explore an addition to this ordinance to streamline a process in which unnecessary utility easements could be vacated if lots are combined. Commissioner Mansell may provide more information on this topic. At this time, it is Staff's opinion that an easement vacation ordinance would not be necessary for the combining lots exemption (although it may be helpful for those wishing to pursue a PUE vacation). UCA 10-9a-609.5 provides a process for vacating easements that includes specific noticing and approval from the City and pertinent utility companies. Pursuing any vacations of easements in conjunction with combining lots would be the responsibility of the property owner(s).

In addition to the exemption for combining lots, Staff recommends modifying the approval authority for a subdivision plat to be the same approval authority as for the original subdivision, rather than the City Council in all cases. It is more appropriate to assign this authority to the same approval authority that originally approved the plat. For Minor or Standard Subdivisions, the Planning Commission would be the approval authority. The City Council would generally be the approval authority for all other plat amendments.

Agenda Item #4 & #5: Subdivision submission requirements

Description

Workshop: Subdivision submission requirements amendments

Department

City Planning

Action Type

Administrative

Recommendation

Discuss potential ordinance changes and give direction to Staff

Reviewed By

City Planner, City Engineer, City Attorney

Background

City Staff has received feedback from recent Subdivision applicants that, at times, the application process is unclear in regards to: the timing of the review and approval process and the required materials for the application. In addition, there are some materials and details required with each application that Staff recommends updating.

With regards to timing, there is some language in the current code that has led subdivision applicants to believe that they should be on the Planning Commission agenda if they turn in an application within 14 days of a scheduled meeting. In reality, this does not allow sufficient time for Staff to review the application, verify compliance with Nibley City Code and prepare a Staff report. In addition, applications are often not complete or are not in compliance with NCC. In most cases with subdivisions, there are multiple reviews, the timing of which is largely reliant upon the applicants' response. Staff recommends amending the ordinance with regards to timing to be more clear about the process.

In addition to this clarification, Staff recommends updating the required list of materials and elements to be included with a Final Plat or Preliminary Plat submission to be more reflective of engineering standards and best practices. The recommended amendments are attached to the meeting packet. Specific changes include:

1. Added requirements for a transportation impact study, sewer report and other reports for developments greater than 20 acres. In the past, these reports have been required at the discretion of the City engineer. But this provides a more predictable standard.
2. The addition of requiring road cross-section details
3. An added guideline to avoid providing cross-lot easements for sewer, water, or other utilities. Such can be provided in special circumstances with approval of the City Engineer

The purpose of this workshop is to review the proposed changes regarding subdivision submissions and provide guidance to Staff for drafting the ordinance in preparation for a public hearing.

Agenda Item #6: R-M zone application near 2600 S 1200 W

Description

Workshop: Amendments to 19.12.040 Mixed Residential Zone R-M, including its application to areas near 2600 S 1200 W

Department

City Planning

Action Type

Legislative

Recommendation

Discuss the potential application of the R-M zone near 2600 South 1200 West

Reviewed By

City Planner

Background

Representatives of Wesley Nelson Farms, Inc and Nibley Development, LLC, owners of a 54-acre property near 2600 South 1200 West recently held a workshop with the City Council to discuss their development plans for the property and an appropriate process to consider. This workshop was followed up with a sub-committee meeting attended by 2 City Council members, 2 Planning Commissioners, members of Staff, and property owner representatives. The subcommittee determined that the next step in the process was for the Planning Commission to discuss potential changes to the ordinance that would accommodate the development. The property owners have discussed the desire to develop an 18 acre portion on the east side of the property with a mix of townhome and small lot single-family homes with most of the remainder of the property, along Hwy 89/91 to be reserved for commercial use. A concept plan has been provided for this residential portion

The City previously considered a change to the R-PUD ordinance to lower the minimum acreage requirement. However, the City Council with a recommendation from Planning Commission denied this requested change. Another potential zoning designation that would allow for the

residential development is the R-M (mixed-residential) zone. This zone was created at the time the City was pursuing an option for a developer of the Campbell property north of Clear Creek Subdivision to develop. In general, the ordinance has many of the same standards as the R-PUD ordinance, but allows a higher density (20 units/gross acre compared to 10 units/net developable acre) and allows approval through an administrative process. The zone is currently only allowed to be applied at the 40 acre Campbell property, which has since been annexed into Logan.

The purpose of this workshop is to consider the potential applicability of an R-M zone on all or a portion of the Wesley Nelson Farms property and discuss potential modifications to the ordinance. In a previous workshop, the Planning Commission expressed that they would like to make the following adjustments to the ordinance before considering an application to this property:

- Lower the maximum density of the R-M zone
- Lower the maximum height from 50 ft to 40 ft
- Include stronger guidelines to ensure that open space is more contiguous and integrated with adjacent open space.

Staff has drafted some proposed amendments to the ordinance which include these recommendations. Regarding density, Staff has recommended a maximum density of 10 units/acre. A point of discussion is whether this should be calculated per gross or net developable acre, as is currently with the R-PUD ordinance. Staff would also like to discuss the approval process. Currently, the R-M ordinance would require an administrative approval process after the property is zoned.

Agenda Item #7: Moderate-income housing plan

Description

Workshop: Moderate Income Housing Plan

Department

City Planning

Action Type

Legislative

Recommendation

Discuss potential updates to Nibley City Moderate Income Housing Plan

Reviewed By

City Planner

Background

SB 462, passed in the 2022 Legislative Session requires cities over 5,000 in population to adopt an implementation plan as part of the moderate-income housing plan and modifies the list of strategies that a City are required to select, for implementation as part of the Plan.

The current moderate-income housing plan, adopted in 2019, lists the following strategies:

1. Allow for and reduce regulation related to accessory dwelling units in residential zones.
2. Allow for higher density of moderate income residential developments in commercial and mixed-use zones, town center, neighborhood commercial, and other employment areas.
3. Rezone for densities necessary to assure the production of moderate income housing.
4. Partner with organizations that offer grants or additional assistance in Housing affordability.

The City has made progress implementing several of these strategies, which are reported on annually to the State.

The updated UCA 10-9a-403 lists the following regarding adoption of strategies:

- (b) *In drafting the moderate income housing element, the planning commission:*
 - (iii) *for a town, may include, and for other municipalities, shall include, a recommendation to implement **three or more** of the following moderate income housing strategies:*
 - (A) *rezone for densities necessary to facilitate the production of moderate income housing;*
 - (B) *demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;*
 - (C) *demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;*
 - (D) *identify and utilize general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the municipality for the construction or rehabilitation of moderate income housing;*
 - (E) *create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;*
 - (F) *zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers;*
 - (G) *amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;*

- (H) amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;*
- (I) amend land use regulations to allow for single room occupancy developments;*
- (J) implement zoning incentives for moderate income units in new developments;*
- (K) preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;*
- (L) reduce, waive, or eliminate impact fees related to moderate income housing;*
- (M) demonstrate creation of, or participation in, a community land trust program for moderate income housing;*
- (N) implement a mortgage assistance program for employees of the municipality, an employer that provides contracted services to the municipality, or any other public employer that operates within the municipality;*
- (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;*
- (P) demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;*
- (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;*
- (R) eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530;*
- (S) create a program to transfer development rights for moderate income housing;*
- (T) ratify a joint acquisition agreement with another local political subdivision for the purpose of combining resources to acquire property for moderate income housing;*
- (U) develop a moderate income housing project for residents who are disabled or 55 years old or older;*
- (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;*
- (W) create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones; and*
- (X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development in a residential zone be dedicated to moderate income housing;*

Regarding the implementation plan, the following is provided:

(c)

(i) *In drafting the implementation plan portion of the moderate income housing element as described in Subsection (2)(a)(iii)(C), the planning commission shall establish a timeline for implementing each of the moderate income housing strategies selected by the municipality for implementation.*

(ii) *The timeline described in Subsection (2)(c)(i) shall:*

(A) *identify specific measures and benchmarks for implementing each moderate income housing strategy selected by the municipality, whether one-time or ongoing; and*

(B) *provide flexibility for the municipality to make adjustments as needed.*

Staff has started updating data in the currently adopted moderate-income housing plan to inform the selection of strategies and formulation of an implementation plan. The purpose of this workshop is to review the list of strategies and discuss which are appropriate to pursue given the current and projected needs for moderate-income housing and the City's scope of resources to allocate to solutions.



COMMERCIAL BUSINESS LICENSE

OFFICE USE ONLY

Application fee: \$30 Paid on: 4-12

Business license fee: \$250 before 7/1. \$125 after 7/1.

Date received: _____

Rec'd by: _____

License Issued Date: _____

Business Name	LAWN SPECIALISTS
Business Address	45 WEST 3200 SOUTH
Business Phone Number	(435) 764-2423
E-mail	quinnjohns@hotmail.com
State Tax ID	120107 32002
DBA Corp LLC Sole Prop. Partnership (circle)	SCORP

Please note: Your business must be registered with the State of Utah prior to submitting this application. You can do this at secure.utah.gov/osbr-demo/welcome.html

Describe the Nature of the Business (attach additional sheets if necessary)

LANDSCAPE PRODUCTS SALES & DELIVERY

Do you use, store, or manufacture any chemical, combustible, or hazardous materials? Yes ☐ No ☒

If yes, attach additional sheets explaining the type of chemicals and how they will be used, stored, or manufactured.

Are you moving into a new or already existing building? New _____ Existing ☒

Sexually Oriented Business? * Yes _____ No ☒ Alcohol Sales/Consumption? * Yes _____ No ☒

*Answering yes to either of the above subjects a business owner to additional licensing requirements. See staff for additional information prior to submitting this application.

Projected Opening Date: 5-1-22 Days/Hours of Operation M-F 5-8pm SAT 8-5

OFFICERS/OWNERS (Attach additional sheets if necessary)

	Owner/Officer #1	Owner/Officer #2	Owner/Officer #3
Name	QUINN JOHNSON	SHANE JOHNSON	TENNILLE JOHNSON
Home Address	160 N. 300 E. MILWAUKEE	135 N. 200 E. MILWAUKEE	160 N. 300 E. MILWAUKEE
Phone number	(435) 764-2423	(435) 764-1560	(435) 512-9253
DOB (MM/DD/YYYY)	05/12/1975	05/02/1973	04/23/1976
Misc. Info/Pro. Licenses	CONTRACTOR R106 (5916953-55a)		
Driver License#/ State	152018238	150357034	152028344

Nibley City
455 W 3200 S
Nibley, UT 84321
(435) 752-0431



COMMERCIAL BUSINESS LICENSE

APPLICANT CERTIFICATION:

I certify that the information contained in this application is true and correct. I agree to conduct my business following Nibley City ordinances and any other State or Federal statutes or laws governing the operation of such business. Further, I understand that false disclosure of information on this application or failure to comply with said ordinances, laws, and statutes may result in the revocation of my business license.

Signature [Signature]
Print Name Quinn Johnson

Date 4-7-22
Title OWNER

If use is classified as conditional use, this application is subject to approval by the Planning & Zoning Commission. You are required to appear before the Planning & Zoning Commission for approval of the conditional use permit.

Businesses must register with the Utah Division of Corporations, located at 160 East 300 South, SLC, UT, or online at www.business.utah.gov/registration. Verification of registration must be submitted with this application.

Business involved with the sale of tangible goods must provide evidence of a state sales tax number. You may obtain the sales tax number at the same time as you register the business entity or obtain the sales tax number from the State Tax Commission.

If you are moving into an already existing building, you are required to have the County Fire Marshall conduct an inspection before relocating. Evidence that the Fire Marshall has conducted the inspection and finds the building suitable for the proposed use must be submitted with this application. Failure to submit an inspection report will result in the application being refused.

If you are moving into a building that was constructed for your business, no business license will be issued until a certificate of occupancy has been issued by the Building Inspector.

FOR OFFICE USE

Approved _____ Denied _____ Finding _____

Use Classification _____

Permitted Use _____ Conditional Use _____

P&Z Meeting Date (if applicable) _____

Comments/Conditions: _____

Signature _____ Date _____

City Planner _____ Date _____

Planning Commission Chair (if applicable for conditional use permit) _____ Date _____

City Treasurer _____ Date _____

There are additional application requirements for alcohol sales and sexually oriented businesses. See staff for further information.

Also, if your profession is regulated by the Utah Department of Occupational and Professional Licensing, a copy of that professional license must be supplied.

Temporary or soliciting type businesses are licensed on a separate application with specific requirements.

License renewals are due January 1st each year. The license will indicate an expiration date. Renewal notices are sent as a reminder, but you are ultimately responsible for ensuring timely renewal payments. After March 1st, the license is no longer valid and business owners are required to submit a new application and pay associated fees.

03-028-0001
STERLING LAND
HOLDINGS LLC

HARRIS

03-034-0010
PARKER &
L HANSEN

03-031-0011

UTAH DEPT OF
TRANSPORTATION

DELOY C & JOYCE
G TRS PARKINSON

03-034-0005
DAVID BRUCE JR &
VIRGINIA H TRS MILLIGAN

03-034-0011
UTAH DEPT OF
TRANSPORTATION

03-034-0004
DAVID BRUCE JR &
VIRGINIA H TRS MILLIGAN

03-031-0012
NIBLEY CITY

03-031-0013
NIBLEY CITY

03-031-0018
DAVID L & CONNIE
R ANDERSON

03-028-0001
L, SUG
GLEED

03-028-0004
WILLIAM J
TR MASSLICH

03-028-0005
NIBLEY CITY
CORNER LLC

03-028-0004
MAURICIO &
CONCEPCION MOLINA

03-028-0007
NIBLEY CITY
CORNER LLC

03-028-0011
NIBLEY CITY
CORNER LLC

03-028-0008
NIBLEY CITY
CORNER LLC

03-033-0013

UTAH DEPT OF
TRANSPORTATION

03-031-0019
GERALD &
ELISE

21.08.030 Parcel Boundary Adjustments, Lot Line Adjustments, Combining Lots And Amendments To A Subdivision
Subdivision Amendments

- A. Lot Line and Parcel Boundary Adjustments: An agreement to adjust boundary lines between adjoining properties, where at least one of the properties being adjusted is a lot or where the properties at issue include a dwelling either in a subdivision or on unsubdivided parcels of land, may be applied for by the owners of record of said properties as set forth herein.
1. The following materials shall be submitted with a parcel boundary/lot line adjustment application:
 - a. A quitclaim deed or boundary line agreement, which complies Utah Code 10-9a to be used for recording the lot line adjustment.
 - b. For lot line adjustments, a surveyed plat, which describes the differences between the amended and the original plat, as provided in UCA 10-9a-6.
 - c. For parcel boundary adjustments, a survey, which describes the differences between the amended and the original parcels.
 - d. A site plan which shows existing and proposed property boundary lines, any existing easements, and structures on the affected properties, including dimensions and setbacks from existing and proposed lot lines.
 2. The City Planner or City Engineer shall approve the application for lot line/parcel boundary adjustment if the following conditions are met:
 - a. All required materials are submitted.
 - b. No new lot or parcel results from the adjustment.
 - ~~c. No previously existing lot is eliminated as a result of the adjustment. This does not apply to parcel boundary adjustments.~~
 - ~~d. c.~~ If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and NCC 19.
 - ~~e. d.~~ No lot is made undevelopable without a variance or other special consideration.
 - ~~f. e.~~ All property owners directly affected by the adjustment give their consent.
 - ~~g. f.~~ The adjustment does not result in a remnant piece of land that did not exist previously.
 - ~~h. g.~~ The adjustment does not result in the violation of any applicable zoning ordinance, including restrictions on permissible uses or number and location of dwellings and structures.
 - ~~i. h.~~ The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.
 - ~~j. i.~~ Non-conforming lots: notwithstanding the conditions described above, a lot line/parcel boundary adjustment for an existing non-conforming lot which does not result in conformity with the land use ordinance may be approved if the adjustment does not result in a lower level of conformance for any established lot size, frontage or other established standards. For example, if a ½ acre lot located within a zone with a minimum lot size of 1 acre applies for a lot line adjustment which increases the size of the lot to ¾ acre via a lot line adjustment, it may be approved.
 - ~~k. j.~~ Upon approval, the applicant(s) shall execute and record the adjustment with the Cache County Recorder, in accordance with Utah State Code 10-9a.
 3. Exemptions from lot line/parcel boundary adjustment application:
 - a. A parcel boundary adjustment involving parcels, which do not contain a dwelling on any affected properties may be executed and recorded with the Cache County Recorder and is not subject to City approval.
 4. A complete application for parcel boundary adjustment must be reviewed by the City Planner or City Engineer within 14 days of submittal.

B. Combining Lots or Parcels: the combination of contiguous lots or parcels that eliminates one or more boundary lines in common between the contiguous lots or parcels and that does not otherwise adjust property boundaries are not considered lot line adjustments, parcel boundary adjustments or subdivision amendments and are not subject to the regulations of this chapter. A lot or parcel combination does not constitute a land use or zoning approval by the City, unless expressly approved as such by the City. Documents recorded as part of a lot or parcel combination do not modify any existing easement or public right of way, nor do they waive or modify any requirement to comply with all zoning and other land use regulations.

C. All other amendments to a subdivision plat not described above shall follow the process and standards within Utah State Code 10-9a as amended, and any applicable Nibley City ordinances.

21.06.060 Land Use Authority

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

Subdivision Type	Approval Authority
Standard Subdivision	Planning Commission
Minor Subdivision	Planning Commission
Rural Preservation Subdivision	City Council
Cluster Subdivision	City Council
R-PUDs and other Overlay Zones Development	City Council
Annexation Petition	City Council
Annexation Policy Plan	City Council
Conditional Use Permit	Planning Commission ¹
General Plan	City Council
Ordinance Change (new or existing)	City Council
Plat Amendment	City Council <u>or Planning Commission²</u>

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Proposal to Vacate, Alter or Amend a Public Street or Right-of-Way	City Council
Subdivision Ordinance	City Council
Subdivision; Preliminary Approval	City Council
Zone Changes	City Council

2.

¹The planning commission may designate to city staff, its land use authority for those conditional use permit application outline in NCC 03.02.040.Sub

²The Approval Authority for a Plat Amendment shall be the same approval authority as for the original Subdivision

2.

B.

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21.02.060 Complete Submittal Required

- A. No application for a subdivision shall be reviewed by the City Planning Commission or City Council or be entitled to substantive review and approval until the applicant has submitted all documents required by this Title and Nibley City Code. The City shall inform applicants of the information needed to provide a complete application. Once a complete application has been received, the application shall be reviewed by the City Engineer, City Planner, Public Works Director, and all any other applicable departments or special service districts for conformance to NCC. When the application has been determined to be complete and in compliance with NCC, the application will be placed on the next Planning Commission meeting which is at least (14) days from the date of compliance determination. The application will then be reviewed/approved by the applicable recommending/approval authorities as outlined in this Chapter.

Commented [DF1]: Is 14 days the minimum? If they were done 7 days before the meeting would that be enough time to still get them on?

21.06.040 Submission Of Preliminary Plat

- A. The subdivider shall submit the following in a readable, electronic format with each Preliminary Plat application:
1. The proposed preliminary plat conforming to all development standards of NCC and Nibley City Engineering Design Standards.
 2. A title report, provided by a title company, for the property proposed to be subdivided, dated within thirty (30) days of the submittal of the preliminary plat.
 3. 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.
 4. If applicable, the following are required for all phased developments, developments larger than 20 acres, or as specifically required by City Staff:
 - a. Preliminary Maintenance and Landscape Plans
 - b. Traffic Impact Study
 - c. Geotechnical Report
 - d. Preliminary Stormwater / Drainage Report
 - e. Preliminary Sewer Report
 - f. Preliminary Water Report
0. The preliminary water report will be provided by the City's water modeling consultant at a cost to the developer.
- ~~A. three (3) paper copies and one (1) electronic copy, in a format that is readable, of the proposed preliminary plat to the Planning Commission at least fourteen (14) days prior to the date of the Planning Commission meeting at which the preliminary subdivision plan is to be reviewed. The Planning Commission shall circulate copies of the proposed preliminary plat to all affected departments and to any districts which may be providing special services for comment and review.~~
- ~~B. The preliminary plat shall conform to the development standards outlined in NCC 21.08.010, 21.06.50 Public Notice and Hearing Required.~~

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Commented [LR2]: This was moved/modified in 21.02.060 to be more consistent with the standard procedure

21.06.080 Final Plat Approval

- A. Within one year of receiving approval of the preliminary plat by the City, developers shall present the entire subdivision or first phase or phases for final approval by the specified Land Use

Authority: If the first phase of the subdivision is not submitted within one year of preliminary plat approval, the approval of the preliminary plat shall be null and void and the applicant must submit a new preliminary plat application for consideration.

B. The application for final approval shall consist of the following:

1. Final plats for the entire subdivision or for the proposed phases, prepared according to this ordinance and to the Nibley City Design Standards and Specifications;
2. A stamped report, prepared by a Utah Licensed Professional Engineer or Professional geologist, establishing the ordinary high groundwater elevation and finished floor elevations for the subdivision.
 - a. No finished floor elevations, including basement floor elevations, shall be permitted below the aforementioned groundwater elevation.
 - b. The groundwater elevation and finished floor elevation limitations shall be recorded as a boxed note (min 14 pt font) on the recorded mylar
 - c. The report shall be attached to the Development Agreement.
 - d. An applicant is not required to submit a groundwater report or finished floor elevations of any permitted building if the applicant records on the final plat that no finished floor shall be built at an elevation lower than six inches (6") above finished curb or centerline of the street, whichever is higher, unless an individual lot owner is able to provide a stamped report meeting the qualifications as listed within this section for their lot, and unless that report is reviewed and approved by the City Engineer
3. Construction drawings for the subdivision, prepared by licensed professionals according to this ordinance and to the Nibley City Design Standards and Specifications;
- ~~3.4. Final reports for which preliminary reports were required with the preliminary plat.~~
- ~~4.5. Three (3) hard copies of the final plats and construction drawings and one (1) electronic copy of the final plats, and construction drawings, and reports of the same; and~~
6. A draft Development Agreement, prepared by Nibley City, outlining the roles and responsibilities of both the subdivider and Nibley City. The Development Agreement shall be approved by the City as part of the final approval.

Commented [DF3]: What happens if they don't. Does the pre plat approval automatically go away. I recommend that it should. Often there won't be any changes at all but this removes standing if there are changes to our codes.

Commented [LR4R3]: Added phrase the nullify if not presented within one year

Commented [LR5]: Hard copies are no longer necessary for the submission.

Commented [LR6]: Rob, should we change this now that the law passed that says that DA's shouldn't be the only way to be able to develop? Perhaps we should say a DA is required if it is a R-PUD, Cluster or Open Space Subdivision or if there are terms outside of the ordinance that both parties agree to. Please advise.

21.08.010 Preliminary Plat

- A. As part of the submittal of the preliminary plat, subdividers shall provide Nibley City with the following information:
- B. Description: The preliminary plat shall be drawn to a scale not smaller than one hundred feet to the inch (1"=100') on standard twenty-four inch by thirty-six inch (24"x36") paper and shall include the following information in the title block:
 1. The proposed name of the subdivision.
 2. The boundaries of the proposed subdivision, including sufficient information to locate the project, and the total acreage of the project.
 3. A legal description of the property.
 4. The names and addresses of the owner, subdivider if other than owner, and the engineer or surveyor of the subdivision.
 5. Date of preparation.
 6. Scale
- C. Existing Conditions: The plat shall show:
 1. The location of the nearest benchmark and property monuments.
 2. All property contiguous to the proposed subdivision under the control of the subdivider, even if only a portion is being subdivided.
 3. The location, width and names of all existing streets, railroads, open spaces, sewers, water mains, culverts or other utility lines and rights-of-way, and permanent buildings and

structures located within the tract and within ~~three hundred~~ one hundred and fifty feet (150'300') of the outermost boundary of the subdivision.

4. The location of all wells, proposed, active and abandoned, and of all reservoirs within the tract.
5. Existing sewer lines, water mains, land drains, culverts or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location.
6. Existing irrigation ditches and canals, their owners, and any easement or prescriptive right-of-way.
7. Existing natural drainage channels and open waterways.
8. ~~and proposed~~ realignments for any existing facility.
9. Identification of known natural features including, but not limited to, wetlands as identified by the US Army Corps of Engineers, areas which would be covered in the event of a 100-year storm event, all water bodies, floodways and drainage ways, slopes exceeding twenty percent (20%) and any other natural features as may be required by the Planning Commission or City Council for the subdivision, including the acreage in each required feature.
10. Boundary lines of adjacent tracts of land, showing ownership where possible.
11. Contour map at vertical intervals of not more than five feet (5') where the slope is greater than ten percent (10%) and not more than two feet (2') where the slope is less than ten percent (10%).
12. A plan outlining how the subdivider intends to phase construction of the project, if phasing is intended.

D. Proposed Development: In addition to the above-listed items, the preliminary plat shall show:

1. The layout of streets, showing location, widths and other dimensions of proposed streets, crosswalks, alleys and easements.
2. Cross-sections depicting in detail the widths, elevations, and typical slopes of all road types (out to the limits of the property line or PUE if applicable), trails, irrigation facilities, natural channels, and other unique areas within the area to be platted that require information to clearly depict what is being proposed.
3. The layout, numbers and typical dimensions of lots.
4. Open space intended to be dedicated for public use or set aside for the private use of property owners in the subdivision.
5. Building setback lines, including dimensions of said lines.
6. Easements, including dimensions, for water, sewer, drainage, utility lines and other purposes as required by the Planning Commission or by City law.
 - a. Cross-lot easements for water, sewer, drainage, or other utility lines shall be avoided as much as possible and required specific approval by the City Engineer prior to presentation to the Planning Commission and City Council.
7. A tentative plan or method for the subdivision's groundwater, fire hydrant, sewer and stormwater drainage facilities.
8. Where the plan submitted covers only part of the subdivider's tract, the preliminary plat shall include a sketch of the prospective future street system which shall be considered in light of the future street system of the larger area.

E. Approval Of Preliminary Plat:

1. Conditions Of Approval: The Approval Authority shall approve only those preliminary plats that satisfy the standards and criteria specified in this title, Zoning Title 19 of the Nibley City Code and all other applicable City ordinances and standards.
2. Environmental Impact Analysis: The Planning Commission shall determine from the preliminary plat the possible need for environmental impact analysis.

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3. Approval Or Disapproval By the Approval Authority: The Approval Authority shall approve the preliminary subdivision plan if it finds that the subdivision complies with City ordinances and standards. The Approval Authority may conditionally approve a preliminary subdivision plat imposing such conditions as required in order to bring the subdivision plat into compliance with the requirements of City ordinances. In the event the Approval Authority disapproves the preliminary plat, they shall state in writing each reason for the disapproval.

19.04.010 Definitions

HOUSING, MULTI-FAMILY: A single building ~~situated on one lot and~~ that contains ~~three-two (23)~~ or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium. ~~For buildings with two housing units, the limitations related to owner occupation and that such buildings must be situated on one lot do not apply. Buildings with two dwellings that are on separate lots or that are not owner-occupied shall be considered multi-family housing.~~

Commented [LR1]: Changing the definition to be inclusive of townhomes and condos which have separate lots

Commented [LR2]: Added to be inclusive of twin homes, which are not currently considered two-family housing.

19.12.040 Mixed Residential Zone R-M

1. Purpose: The purpose of the Mixed Residential Zone is to provide a variety of housing types to accommodate the diverse housing preferences of the community's existing and future residents that are supported by an appropriate provision of jobs, retail, services, open space and amenities.
2. Definitions: Refer to NCC 19.04 and 19.32.020
3. Use Regulations: See NCC 19.20. Allowed uses in this zone may be provided either separately from or within the same building or lot as other allowed uses, if approved pursuant to an authorized site plan.
4. Space Requirements:

	Single-Family Housing	Multi-Family Housing
Minimum Lot Size (sq. ft.)	4,500	-
Maximum Height	40'	50' 40'
Minimum Frontage	50'	-
Front Yard	20'	20'
Front Porches	10'	10'
Side Yard	5'	10'
Side Year Porches, Deck Overhangs	5'	5'
Side Yard Adjacent to Streets	20'	20'
Rear Yard	15'	15'
Maximum Height	40'	

Accessory-Use Setbacks	Single-Family Housing	Multi-Family Housing
Front Yard	20'	20'
Side Yard	3'	3'
Side Yard Street	20'	20'
Rear Yard	1'	1'
Maximum Height	15'	15'

- a. Setback and frontage requirements shall apply to each building, and not each dwelling unit
5. Animal And Fowl Unit Regulations: See NCC 19.34.
6. R-M Application Map

An R-M Zone designation shall only be applied for in the following areas which includes parcels with Tax ID numbers 03-001-0013 and 03-001-0010, as of April 15, 2021.

Commented [LR3]: Will need to add Wesley Nelson Farms Property to the Map.



7. Density Regulations

- a. The maximum density of a residential development within the R-M zone shall be ~~20-10~~ units per gross acre.
- b. A proposed Multi-family housing development adjacent to existing single-family homes must place single family homes adjacent to the established single-family homes unless otherwise buffered by an arterial roadway or 300-foot width of open space including a landscaped Buffer as defined within this chapter.
- c. The City may approve single family homes that do not meet the required setbacks and lot size, i.e. patio homes. These homes shall be considered 'multi-family housing' and shall assume the associated open space requirements of such.

Commented [LR4]: Do we want per gross or per net developable acre? Open Space is still calculated per net developable acre, but per gross is more simple for calculating number of units.

8. Open Space and Amenities

- a. At least 50% of Open Space Land must be contiguous within the development and must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land.
- a-b. Each residential development within an R-M zone shall provide the following types and amounts of open space and amenities:

Minimum Open Space Requirement

Dwelling Type	Percentage of Net Developable Acres Required to be Used for Amenities and Open Space
Single Family	20%
Multi Family or mix of Single Family and Multifamily	35%

b.c.

Minimum Amenity							
Number of Units	Park Area	Public Restroom	Pavilion	Swing Set	Playground	Clubhouse, Pool, or Splashpad	Sport Court/Fields
Less Than 100	1.5 Acres	–	–	–	1	–	–
100-150	2.5 Acres	–	–	1	1	–	–
151-200	3.5 Acres	–	–	1	2	–	1
201-250	4.5 Acres	1	1	1	2	–	1
251-300	5.5 Acres	1	1	1	2	1 of the above options	1
301-400	6.5 Acres	1	2	2	3	2 of the above options (At least one pool or Splashpad)	2

401-500	7.5 Acres	2	2	2	3	2 of the above options (At least one pool or Splashpad)	2
501+	*	*	*	*	*	*	*

- i. This chart does not include all potential amenities. The applicant may apply for other amenities that would benefit the development and are in support of Nibley City's Parks and Recreation goals. Any proposed amenities not listed, must be approved by the City Council. The City Council may also allow a substitution of amenities on the table above. These substitutions may only be approved if the cost, value and use of the amenity matches or is greater than the required amenity. The burden shall be on the developer to provide justification and is subject to review and acceptance by staff prior to Council consideration. An applicant may include additional amenities beyond the requirements of this section.
- ii. Development over 500 units must supply adequate and proportional amenities based on the table above.
- iii. Development may be phased according to NCC 21.02.080 and the Development Agreement. The City Council may extend phasing deadlines within the development agreement based on the size of the project and proposed amenities. Public, Common or Owners' Association-owned amenities shall be fully developed and operational in conjunction with each phase of the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out amenities must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the Development Agreement. An applicant may also provide an escrow or bond for improvements according to Nibley City Standards. Until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.
- iv. All amenities designed and designated to be transferred to City ownership and maintenance must meet Nibley City Design Standards. The City must review and approve any improvements that will be owned and maintained by the City as part of the construction drawing review.
- v. Public and Private Park space may be combined or spread throughout the development. Each Park shall be a minimum of ~~1.5-2.5~~ acres. Each dwelling unit shall be within a quarter mile of a park within the development, unless otherwise approved by the City Council. Parks may be public or private. Each public park development and placement within an R-M development shall be agreed upon by the applicant and the City Council. Park space may not include alleyways, back yards, gangways, front yards, forecourts, private patios, porches, driveways, etc.; unless proper amenities and access are provided.
- vi. All amenities shall meet any federal, state, city, or other standards that apply.

- vii. Sports Courts/Fields: include a facility/amenity that is built for one of the following: Tennis Court, Pickleball Court, Basketball Courts, Soccer field, Volleyball pit, Baseball field, Softball field, wallball, golf course, disc golf course, or others as approved by the City Council.
- viii. Picnic Area: Two or more picnic tables for use by 10 or more persons.
- ix. Pavilion: A covered picnic area. Each Pavilion must be designed for use of a minimum ten or more people.
- x. Club House: A building available to community members to house a club or social organization not conducted for private profit. Club Houses shall be owned and maintained by a homeowner's association. A club house shall be at least 1000 sq. ft. in size.
- xi. Playground: an area provided for children to play on. Each Playground must be designed for children twelve and younger. A playground must include features to appeal to children within the above age group including some of the following: slides, monkey bars, ladders, tunnels, climbers, bridges, ramps, platforms, etc. All playground equipment must be of commercial grade. Each playground must include a minimum of 8 features.
- xii. Pool: A recreation facility designed and intended for water contact activities. No pool shall be less than 800 sq. ft.
- xiii. Public Restroom: a room or small building with toilets and sinks that is available for use by the general public. One (1) public restroom shall contain at minimum 2 individual rooms with toilets and sinks (male/female or unisex). Larger restroom facilities may be required depending on the amount of activity projected at a particular open space/park area. All restroom facilities shall be built in compliance with the Americans with Disabilities Act (ADA).
- xiv. Splashpad: A recreation facility with sprinklers, fountains, nozzles and other devices or structures that spray water. Splashpads shall contain some above ground features.

e.d. Maintenance of Amenities

- i. All R-M developments must establish and maintain in perpetuity by the property owner or an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law. The Developer shall be a member of said Owners Association while the subdivision is being developed.
- ii. Costs: Unless otherwise agreed to by the City, at the City's discretion and on such terms and conditions as the City may agree to, the cost and responsibility of maintaining amenities shall be borne by the fee owner of the property or Owners Association.
- iii. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be submitted with the preliminary plat or concept site plan for proposed maintenance of amenities within the development. This plan shall outline the following:
 - 1. The proposed ownership and responsibility for maintenance of the amenities;
 - 2. The proposed use of the amenities' and how each parcel of amenities meets the standards listed in this Chapter;
 - 3. The size of each amenities parcel; and
 - 4. The proposed concept plan for landscaping of the amenities.
- iv. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the amenities and providing for and addressing the means for the permanent maintenance of the amenities within the proposed R-M application

for the subdivision or development. The developer shall provide a final maintenance plan with the final plat or site plan and the plan shall contain the following:

1. Documents and plans as listed in for the Preliminary Maintenance Plan.
 2. A description of the use of the amenities and how that use complies with this Chapter;
 3. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of amenities (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, clubhouse, pool, woodlands, etc.) and any private streets and other accesses;
 4. The estimated staffing needs, insurance requirements, and associated costs.
 5. The landscaping plans for parcels that will be owned by an Owners Association or by the City.
- v. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision before any property or lots are sold or transferred and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.
- vi. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements as set forth in NCC 21.14.
- vii. Failure to Maintain: The City may assume responsibility for the maintenance and operation of any portion of any amenity or common facility within an R-M development in the event the party responsible for maintaining or operating the amenity fails to do so in accordance with the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, costs, fees, and liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. Owners shall not impede the City in its efforts to maintain the amenities.
- viii. Corrective Action: The City may enter onto any amenity provided as part of an R-M development and take such corrective action, including extended maintenance, repairs, modifications, or the execution of additional agreements, as the City determines is necessary for the amenity to satisfy the terms of this Ordinance, the approved Maintenance Agreement, any Conditional Use Permits, Business Licenses or any other agreements between the City and the developer, owners, or other parties responsible for maintaining or operating amenities. The costs of such corrective action shall be charged to the owners and may include administrative costs, legal costs, and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the county recorder's office. The maintenance plan and all other documents creating or establishing any Association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property before any property or lots are sold or transferred.

- ix. Implementation and Maintenance: The developer of the subdivision shall fund implementation and maintenance of the amenities until such time as the control of the amenity is transferred to the owner listed in the maintenance plan. The developer shall address the implementation, development, maintenance and transfer procedures in the sensitive area designation plan map or master development plan, as applicable.
 - x. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all amenities and constrained and sensitive lands within the R-M DEVELOPMENT to allow the owner of the property to have sufficient access.
9. Multifamily Housing Architectural Design Standards
- a. General Design Concepts. New development shall be designed for its specific context within Nibley City. Developments shall possess a similar design theme, and the site shall be designed such that the overall development is cohesive. Building architecture, exterior materials, and colors shall coordinate.
 - b. All facades shall include architectural treatments to provide visual interest and to differentiate individual units. These design standards shall be applicable to all sides of a building, with each façade (front, rear, and side) being required to meet the terms of this Section.
 - c. Building Materials. The majority of each façade (51% or more of the wall area excluding windows and doors) shall be constructed of the following hard surface building materials: brick, stone, stucco, treated or split face decorative block (CMU), fiber cement siding, concrete, composite siding, vinyl siding with a minimum of 40-year warranty, or other durable building material as approved by the City Council. EIFS or untreated concrete block (CMU) may be allowed as an accent or secondary material only. The Planning Commission may approve metal as an exterior building material and as a primary material on a case-by-case basis if an applicant can show that the type of metal is of a high grade and provides architectural quality to a building.
 - d. Vertical Separation. Buildings in excess of one (1) story in height shall exhibit architectural detailing that establishes a vertical separation between lower and upper stories. This may be accomplished by a mid-façade cornice or trim, a change in material, style or color, a façade step-back or roof pitch with dormer windows, or other methods
 - e. Building Entrances. Building entrances shall have porches and shall be oriented toward the street or an open space area and provide connecting pedestrian access between the street, parking or open space areas.
 - f. Variation. Multi-family housing shall be designed with architectural wall variations spaced at intervals of thirty (30) to fifty (50) feet in linear width, depending on the size of the building. The following architectural features shall be incorporated into the design of the building:
 - i. Change in building materials;
 - ii. Building projections measuring at least twelve (12) inches in depth based on the scale of the proposed building;
 - iii. Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.
 - g. Garages. Multi-family housing shall be designed oriented toward exterior public roads with rear loading garages or parking accessed by a paved parking area or alleyway, except along Highway 165 and 89/91, as approved. Rear loading garages are highly encouraged for buildings located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for buildings that do not have any portion of the building adjacent to a current or planned public road or street outside of the development.

10. Site Design Standards.

- a. Natural features. R-M developments shall respect and maintain natural features such as existing trees, hills, drainages, wetlands, bodies of water, or other natural features or constrained and sensitive land. The City may require the developer to identify, delineate, and describe how the development will appropriately address and obtain any required authorizations related to such features.
- b. A landscaping plan for the front yards shall be included. The landscaping plan shall include at least one (1) tree for every dwelling unit, and two (2) shrub of five (1) gallon size for each dwelling units. Coniferous trees shall be at least six (6) feet in height and the deciduous trees shall be at least one and a half (1.5) inches in caliper.

11. Connectivity. R-M developments shall provide connectivity with the surrounding area and throughout the development. All improvements shall consider vehicle, bicycle, and pedestrian access.

- a. Street Design: All street designs shall comply with the General Plan and Transportation Master Plan including Nibley City's street standards and connectivity requirements. Each development shall provide at least two working access points that provide access to an existing street right-of-way. Additional access points may be required in order to facilitate an adequate and convenient circulation system within the City. Such additional access points will be located where they will implement the City's Transportation Master Plan, connect to existing street rights of way, or provide access for the logical development of adjacent, undeveloped properties.
- b. All streets are encouraged to incorporate traffic calming and beautification methods as listed in Nibley City design standards and Transportation Master Plan. This included islands, bulb-outs, roundabouts, etc. Each traffic calming measure shall be approved by the City Engineer.
- c. All Streets shall be dedicated public streets built to Nibley City Code and standards. Private drives shall only be built to access parking courts or garages that are located directly behind each unit.
- d. Private Drives/Alleyways provide vehicular access to parking and dwelling units but do not provide primary pedestrian access to units. Private Drives are intended to be used primarily for vehicular circulation and dwelling access and should be visually distinct from streets.
 - i. Private drives shall be a minimum width of 20 ft.
 - ii. All private drives shall be perpendicular, within 10 degrees, to the street they connect to.
 - iii. Driveways that access a single dwelling unit are not considered private drives or an alleyway
 - iv. The maintenance of all private drives, including snow clearing, shall be addressed as part of the maintenance plan
- e. Developments shall provide a pedestrian access to the development border at intervals at a minimum of 660 feet unless expressly prohibited by conflicting with previously developed subdivisions or land use as determined by the land use authority. These access points shall be aligned with other trail systems, street right-of-way, or amenities and shall match the layout and size of the connection. A connection shall contain a minimum of eight ft (8') trail or sidewalks on public streets that meet Nibley City standards.
- f. No dwelling units in an R-M development shall have driveway access to any arterial roadway as listed in Nibley's Transportation Master Plan. Multi-family housing units may face and have frontage along arterial roadways but must have rear loading garages. Public and private parks, open space or Buffering as defined within this chapter may also be along arterial roads.

12. Pedestrian circulation. R-M development shall provide a circulation map and show the following improvements to for pedestrian circulation and safety.
 - a. Pedestrian walkways that interconnect the adjacent street(s), amenities, parking areas, building entries, adjacent sites and adjacent master planned trails where applicable. Each building located along a public road must provide a sidewalk connection from the building entrance to the public sidewalk.
 - b. Walkways shall be hard surfaced with concrete.
 - c. Crosswalks shall be placed where pedestrian walkways cross streets and internal roads and shall be painted or made of concrete.
 - i. The development shall provide connections to the Nibley City trail system. These trails must be dedicated to the City and built to Nibley City standards as listed in the Trails Master Plan and Nibley City Design Standards.
13. Parking: Multi-family housing shall provide 2 primary parking spaces for each unit with 2 or bedrooms and 1.5 spaces for 1 bedroom or studio units. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-M development shall provide one guest parking spot for every three units. Guest parking may be provided in parking courts or lots maintained by the property owner or owner association.
 - a. Individual parking courts or lots shall include landscaping with grass, trees or xeriscape plants separating parking areas of no more than 20 parking spaces Each parking area of 20 or less spaces shall be physically and visually separated by a landscape area a minimum of 10 feet in width.
 - b. Parking courts or lots shall be located in the interior of the development and located between or in the rear of buildings for multi-family developments.
 - c. Parking Courts or lots shall be paved and built to Nibley City parking lot standards.
 - d. Interior parking structures or garages are encouraged and shall meet Nibley City Design Standards
14. Landscaping: All portions of the lot not improved with structures or other impervious surfaces shall be maintained with suitable landscaping of plants, trees, shrubs, grasses, or similar landscaping materials.
 - a. Landscaping shall also be installed in all park strips to the same standards as other onsite landscaping. Asphalt, concrete, bricks, pavers, railroad ties, and other nonvegetative material are not allowed in the park strip area between the curb and sidewalk. Xeriscaping is permitted. The developer should plant street trees of an approved species and size along all streets. Trees should be planted at intervals of every 50 feet and must meet Nibley City Standards.
 - b. Buffering: R-M developments shall provide buffering along Highway 89/91 or Highway 165, or along the boundary of an R-M development that is adjacent to commercial, or industrial zones. Buffering landscaping is not required if commercial or industrial zones are separated by a public street from the R-M development. Buffering shall meet the standards within this ordinance.
 - c. Natural Landscape: All open space land dedicated to natural use must maintain its natural landscaping and plant life.
15. Fences:
 - a. Permitted Fences: Dwelling units are allowed to install and construct fences in compliance with NCC 19.24.090. Vinyl fences are only permitted in an R-M development for the purpose to mark property lines of individual dwelling units.
 - b. Fencing to mark the boundary of the development or amenities must meet the following standards:
 - i. Opaque fences or walls must only be 4 feet tall. Any fencing above 4 feet must be at a minimum 80% transparent.

- ii. Fencing and walls must be constructed out of concrete, bricks, rock, or metal bars. Chain link fences are prohibited and vinyl fences are prohibited unless used to mark the property boundary of the dwelling unit. Wood may only be used in a rail or agricultural-type fencing. Other materials may be approved by the Planning Commission based on the longevity of the material and if the material will aesthetically enhance the property. Walls and fencing shall also comply with NCC 19.24.090 and other fencing setback requirements as contained within Nibley City Code.

16. Approval Process:

Subdivisions within the R-M zone must complete the approval process of NCC 21.06 to ensure compliance with this section. All multifamily development that does not require a subdivision must complete the Site Plan Review Process of NCC 19.14.050.



Nibley City Moderate Income Housing Plan

~~2019~~ 2022



Adopted by Nibley City Council on October 10, 2019

INTRODUCTION AND OVERVIEW

Nibley City is located in southern Cache County, close to major employment areas in Logan City, and is adjacent to Highway 89/91, which serves as the primary transportation corridor to the Wasatch Front. Nibley City is also home to a young and growing population, with a median age of 23.626.5, and with 37.44.3% of its population 19 years old or younger (Census Bureau, ACS 5-year estimates- 2020+8). Nibley City is a bedroom community with almost all of Nibley City residents traveling outside the City for employment, and most land uses in the City contain residential homes or agricultural use. Only a few areas within the City include industrial or commercial business and activities.

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The City's demographics provide opportunities and some challenges for economic growth, smart housing growth, and maintaining Nibley's agricultural heritage. This plan will highlight Nibley's growing population, discuss Nibley's current housing stock, and ~~talk about~~plan for future growth, ~~including and~~ ways to allow for the building of moderate income housing.

In the Spring of 2019, the Utah State Legislature passed S.B. 34 Affordable Housing Modifications. This bill requires most cities in Utah to adopt a Moderate Income Housing Plan as Part of the General Plan by December 1, 2019. The primary sources of data were gathered from United States Census Bureau, the Utah Department of Workforce Services, and Cache County and Nibley City GIS and land use data.

Commented [LR1]: Need to add new legislation, as well.

This plan's conclusion includes four recommended goals, as follows:

- 1. Allow for and reduce regulation related to accessory dwelling units in residential zones.**
- 2. Allow for higher density of moderate income residential developments in commercial and mixed-use zones, town center, neighborhood commercial, and other employment areas.**

3. Rezone for densities necessary to assure the production of moderate income housing.
4. Partner with organizations that offer grants or additional assistance in Housing affordability.

POPULATION AND FUTURE GROWTH

Nibley City's population, as of ~~July 1, 2018~~ the 2020 Census, was estimated at ~~7,087~~7,328 people, which is a ~~34~~0% increase from the 2010 population of 5,466 (Census Bureau, 20~~18~~19). Nibley City's 2016 General Plan predicts that Nibley City will grow by 300% by 2060. Nibley City's population is expected to triple in the 40 years.

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Census	Projections					Absolute Change 2010-2060	Percent Change 2015-2065
2010	2020	2030	2040	2050	2060		
5,438	8,796	14,136	15,725	18,597	21,905	16,467	303%

(Governor's Office of Planning & Budget, 2012 Baseline Projections)

Nibley City will continue to attract residents and businesses because of its proximity to Logan and the Highway 89/91 transportation corridor. In addition, the city has a large area proposed for future annexation in its annexation plan, around 4,000 acres, which will allow for future land development. Nibley City currently contains more than 900 acres of undeveloped property within Nibley City boundaries, most of which is in agricultural use. Growth will likely take place next to existing developments first, and then will continue to fill the undeveloped parcels within Nibley City and Nibley City's future annexation area.

Cache County and the cities surrounding Nibley are also anticipating substantial growth over the same time period. Cache County's population is expected to ~~grow by 69% in the~~double in the next ~~40~~5 years.

Coun ty	20 20 15	2025-2030	2035-2040	2045-2050	2055-2060	Absolute Change 2015- 2065 20- 2060	Percent Change 2015- 2065 20- 2060
Cach e	121,855 133,743	163,344 146,338	185,948 171,969	207,094 195,325	226,084 212,908	112,890 92,341	93 69%

(Kem C. Gardner Policy Institute, The University of Utah, ~~July 2017~~January 2022)

Every County in Utah is anticipated to experience some level of growth over the next 40 years. The four primary components of this population growth are:

- Utah's total fertility rate (average number of children born to a Utah woman in her lifetime) is projected to continue the existing trend of a slow decline. From 2015-2065,

rates are projected to decline from 2.32 to 2.29. These rates are projected to remain higher than national rates that move from 1.87 to 1.86 over a similar period.

- In 2065, life expectancy in Utah is projected to be 86.3 for women and 85.2 for men. This is an increase of approximately 4 years for women and 6 years for men. The sharper increase for men narrows the life expectancy gap traditionally seen between the sexes.
- Natural increase (births minus deaths) is projected to remain positive and account for two-thirds of the cumulative population increase to 2065. However, given increased life expectancy and declining fertility, the rate and amount of natural increase are projected to slowly decline over time.
- Net migration accounts for one-third of the cumulative population increase to 2065. Projections show the contributions of natural increase and net migration converging over time.

(Kem C. Gardner Policy Institute, The University of Utah, July 2017)

These anticipated factors are apparent in Cache County and will have a direct impact on projected population growth in Nibley City.

CURRENT LAND USE AND HOUSING

With the increase in population, it is essential to evaluate Nibley City's existing housing supply.

The table below shows Nibley City's 2022~~47~~ Housing numbers for different types of housing units. The following information and table shows the acres and percentage of Land Use within Nibley City for Agriculture and Vacant Land, Residential Land, and Commercial:

- Residential land use had the most properties and acres of land o 83.44~~1~~% of properties were residential o 60.54~~8~~.9% of total acres were residential
- Greenbelt areas were large properties o 0.83~~9~~% of properties were greenbelt but totaled 9.83~~2~~.7% of total acres
- There is still vacant land available for development, conservation or both o 9.64~~1~~.0% of total acres were vacant
- Single family residential used the most land in residential development o 99.4% of residential land use was single family
- Townhomes were the second most common residential property type but uses the third least amount of land o 5.49% of properties were townhomes o Only 0.2% of residential areas are townhomes

A significant portion of Nibley was residential, but there was still a considerable portion that was available for development, such as agriculture, greenbelt, and vacant properties. Although Nibley has much room to grow, social as well as environmental impacts of developing should be considered in the context of its impact on Nibley, adjacent communities, and Cache Valley.

	Prope ties	Acres
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Land Use Type	#	%	#	%
Agriculture	21	2.20 .9%	141 <u>148.3</u>	9.00 .7%
Commercial	49	1.62 .2%	168.2 <u>104</u>	6.76 .5%
Greenbelt	88	0.83 .9%	848.3 <u>154</u>	9.83 <u>2.7</u> %
Residential	1,907	83.48 <u>4.1</u> %	1,270.89 <u>51</u>	60.54 <u>8.9</u> %
Secondary	6	0.63 %	74.2	0.40 .2%
Vacant*	196	10.18 .6%	1502 <u>86.7</u>	9.64 <u>1.0</u> %
Not classified	31	1.3 %	63	4.0 %
Total	2,267 <u>2,378</u>	-	2,596.5 <u>1,571</u>	-

2022~~19~~ Cache County ~~GIS Department~~Parcel Data

**Vacant included 196 properties that did not have property sizes. Therefore, the numbers in these tables are incomplete but still may represent general trends in land uses.*

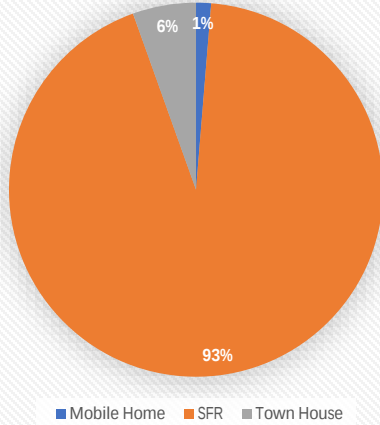
The following table and graph show the type of housing that is currently within Nibley City.

Housing Type	Number of Units in 20 22 <u>17</u>
Single Family Homes	1,527 <u>1,943</u>
Townhomes	110 <u>114</u>
Mobile Homes	28 <u>27</u>
Accessory Dwelling Units	20 <u>30*</u>

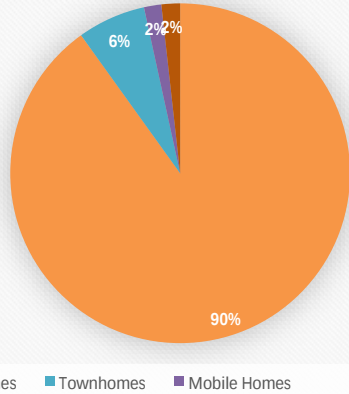
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Commented [LR3]: Waiting on Wendy to estimate based upon utility accounts

Nibley City Housing Type



Nibley City Housing Type



~~(U.S. Census Bureau, Table B25001: Total housing units, American Community Survey.) 2022 Cache County Parcel Data~~

~~*ADU number is an estimate based on the 2016 General Plan Update.~~

As shown in the table and graph above, 93% of homes within Nibley City are single-family homes. Single-family homes make up the majority of developed land uses within Nibley City, and these developments range from .11 acre lots to five-acre lots. However, most single-family homes are located on one-third to one-half acre lots, with the majority of residential zoning on undeveloped parcels zoned for half-acre minimum lots.

Nibley City Residential Lots Sizes

Average	.993 Acres
Mode	.28 Acres
Median	.38 Acres

Cache County Recorder's Office, July 2, 2019

Nibley City currently ~~only~~ has ~~two-five approved~~ housing developments that are not ~~made up entirely of~~ traditional single-family homes.

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Commented [LR4]: Need to add Ridgeline, Firefly and Nibley Meadows.

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SPRING CREEK CROSSING PUD: TOWNHOMES



Spring Creek Crossing townhomes first started to be developed in 2007 and contains 12~~40~~ units. ~~The last four units are anticipated to be finished in the summer of 2019.~~ The development is located on Nibley Park Ave. in the northwest corner of town. The subdivision was approved as a Planned Unit Development. ~~Spring Creek Crossing is the only development within Nibley City that contains townhomes.~~

NIBLEY MOBILE HOME PARK



This trailer park contains 28 units and is located on 2600 S at 100 W. The park is fully developed and is currently listed as a nonconforming use within Nibley City. The City does not anticipate any further expansion of the park.

RIDGELINE PARK R-PUD

Ridgeline Park is a Residential-Planned Unit Development mixed-use subdivision currently under construction, which includes a mix of traditional single-family, active adult single-family, townhome, condominium units, with neighborhood commercial space. The development has been approved for 460 residential units. At the time of this writing, approximately 60 of the units are occupied or under construction.

FIREFLY ESTATES R-PUD

Ridgeline Park is a Residential-Planned Unit Development mixed residential subdivision currently under construction, which includes a mix of traditional single-family and townhome units. The development has been approved for 141 units. At the time of this writing approximately 42 units are under construction.

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NIBLEY MEADOWS R-PUD

Nibley Meadows is a Residential-Planned Unit Development mixed residential subdivision. The overall development has been approved but has not began construction. The approved development includes a mix of traditional single-family and townhome units. The development has been approved for 273 units.

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HOUSING AGE

An assessment of structure age can, in some cases, reveal whether there is a need for housing rehabilitation. In Nibley, 3.4% of residential structures were built in 1959 or earlier, 13% percent were built between 1960 and 1979, and 22.6% were built between 1980 and 1999, and 61% were built in the year 2000 or later. The above numbers suggest that the majority of homes in Nibley City are relatively new and generally in good condition.

ESTIMATE OF THE EXISTING SUPPLY OF MODERATE INCOME HOUSING

Housing is considered affordable when households, regardless of their income, spend no more than 30% of their monthly income on housing expenses. Therefore, a cost-burdened household is that household whose housing expenses exceed 30% of their monthly income. Nibley City's Median Household income in the 2017 American Community Survey was at \$80,125, compared to Cache County's Area Median Income (AMI) which was at \$53,812. The projections for Nibley's Medium Household Income is that it is expected to increase to \$95,979 by 2025, while the AMI in Cache County has grown under 3% for the last several years, and the City predicts that the AMI will raise to under \$68,000 by 2025. When planning for Moderate Income and Affordable Housing, it is essential to use the AMI instead of the City's Median Household Income, since AMI is a more accurate picture of the needs of housing for the whole area.

Definitions:

- § **Affordable:** housing costs are equal to or less than 30% of a household's gross monthly income
- § **Available:** a housing unit that is vacant
- § **Affordable and Available:** a housing unit that is both affordable and vacant, or is currently occupied by a household at or below the defined income threshold

In 2015, there were 120 moderate-income renter households at the 0-80 percent AMI threshold. There were 110 rental units that households at the 0-80 percent AMI threshold could afford. However, there were only 70 units that were both affordable and available. This means that there was a deficit of 50 affordable and available rental units for households at the 0-80 percent AMI threshold.

Renter Occupied Housing					
AMI Level	Households	Affordable Units	Surplus/Deficit of Affordable Units	Available Units	Surplus/Deficit of Available Units
≤ 30%	20	20	0	0	-20
≤ 50%	45	80	+35	10	-35
≤ 80%	120	110	-10	70	-50

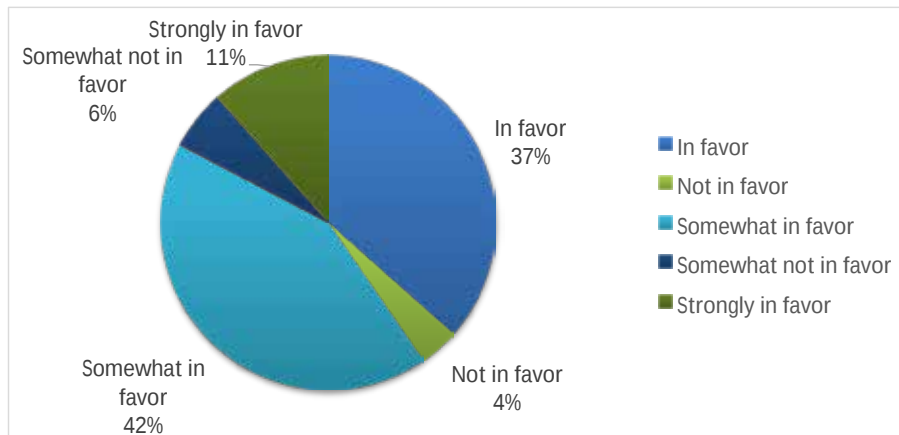
Source: Housing and Urban Development. (2018). 2011-2015 Comprehensive Housing Affordability Strategy

PUBLIC INPUT

Nibley City, in the summer of 2018, conducted a survey about future land use within Nibley City. This data was used to help Nibley City create and adopted Nibley City's 2018 Future Land Use Map. Nibley City had a total of 52 residents that participated in the survey that was conducted at a booth during Heritage Days. There were several questions regarding housing within that survey and are presented below:

Town Center Questions:

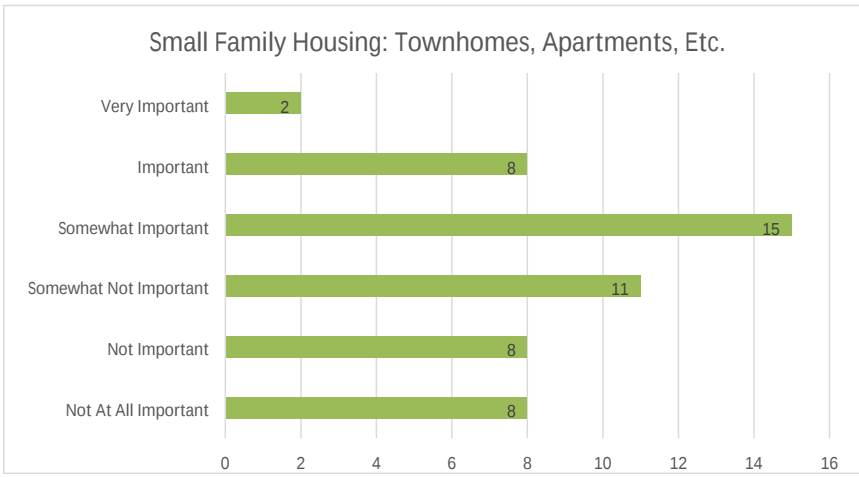
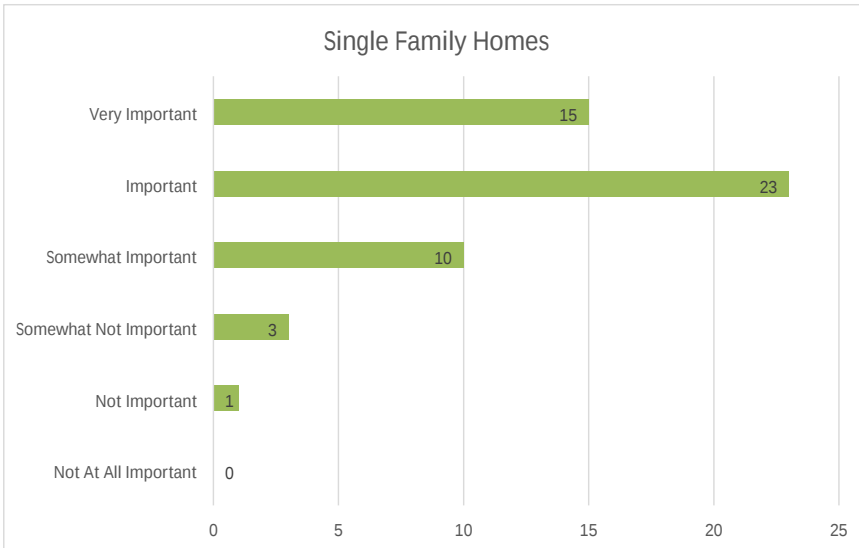
Nibley City is examining the possibility of creating a downtown zone east of Nibley City Hall. This zone might allow commercial uses such as retail, office space, and restaurants; and/or housing with apartments, town-homes, and single-family homes, and open space with parks, trails, and courtyards. How much would you support this planning effort by the City? (This question also showed a picture of Concept 3 from the 2016 Town Center Design Study):



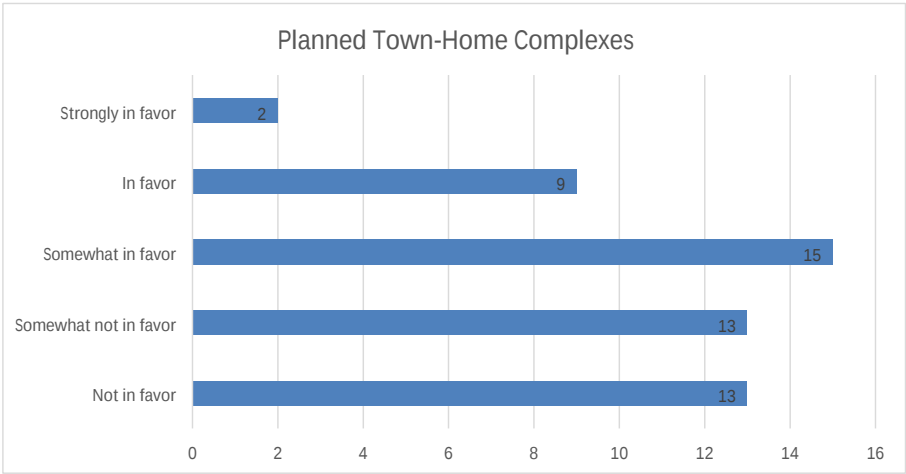
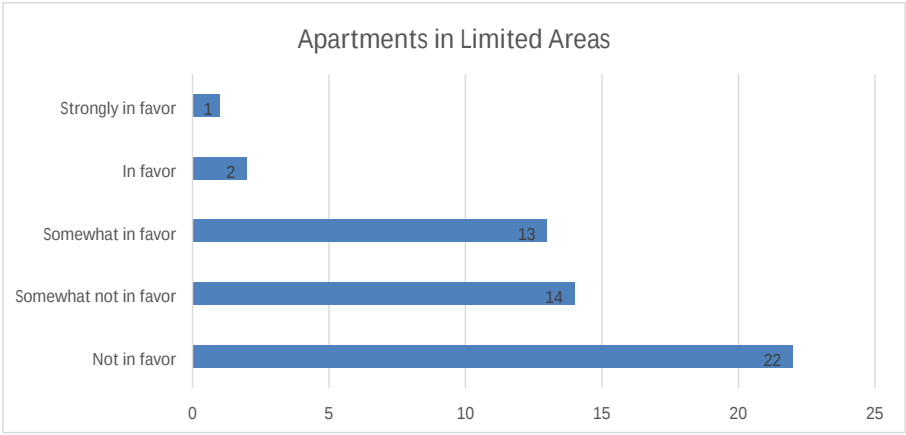
The following were the answers to the question:

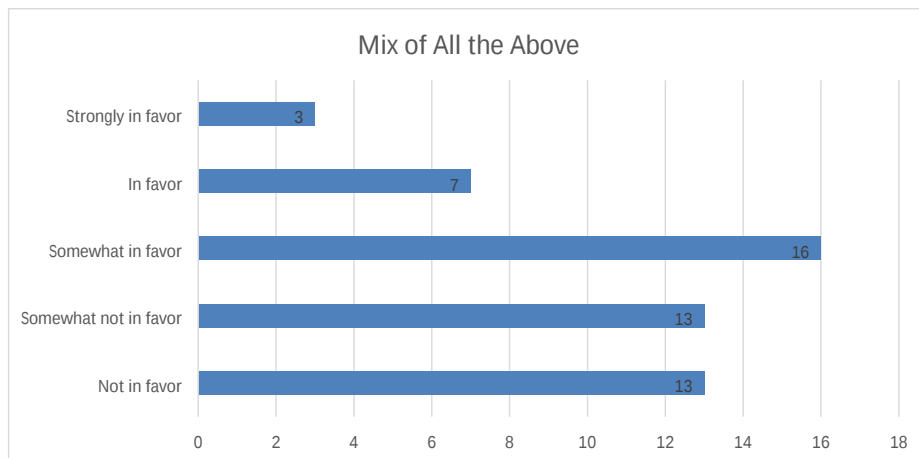
Select what you think Nibley City should make a priority in future land use planning:

Commented [LR5]: Need to either delete or include references to TDR study.



The following were responses to the following questions: *A recent study showed that Nibley has a shortage of housing available for less than \$200,000. What steps would you like to see Nibley take to help meet that need?*





In addition to a written survey, residents were presented with pictures of different types of housing and asked to give a first and second choice in, “What type of Housing do you want to see built-in Nibley City,” with orange representing their first choice and green representing their second choice.



Picture	% First Choice	% Second Choice	Percent Total
1	67.21%	14.29%	40.65%
2	6.56%	5.36%	5.69%
3	0.00%	1.79%	0.81%
4	11.48%	41.07%	25.20%
5	3.28%	14.29%	9.76%
6	11.48%	23.21%	17.89%

FUTURE HOUSING NEEDS

Nibley City expects to continue to grow in population because of Nibley City’s location within Cache Valley, its large potential annexation area, many acres of undeveloped land already in the

city, and housing growth pressure in the surrounding area. Nibley City's household size has declined from 4.23 in 2009 to 4.04 in 2017 (American Community Survey, 2017). This figure was still larger than the statewide average of 3.14 people, which is the largest of any state in the nation (Census Bureau, 2018).

To provide housing for the anticipated population in 2030, assuming the current average of 4.04 people per household, Nibley City would need to have added 1,745 homes by 2030. Over the past five years, Nibley has issued an average of 68 building permits per year. If Nibley continued to grow at that rate, 748 homes would be constructed by 2030. The number of homes predicted is a shortfall of 929 units over 11 years to meet the expected 2030 population increase. The problem is exaggerated further if the number of people per household continues to fall and comes closer to the state's average number of 3.14 people per household. In addition to a potential housing shortage in the future with current growth rates, those seeking moderate income and affordable housing will likely have the hardest time finding a home within Nibley City.



MODERATE INCOME AND AFFORDABLE HOUSING

The tables below contain the information of estimate of the need for moderate income housing for the next five years.

Number of Housing Units Needed at AMI Thresholds by 2024

AMI Threshold	Total	Owner-Occupied	Renter-Occupied
≤30%	15.6	14	2
≤50%	32.6	29	4
≤80%	105.0	93	12

≤100%	153.3	135	16
>100%	413.0	364	49

Steps to Figuring out the Number of Moderate Income Housing for the Next Five Years

Step 1: Figure out the number of projected housing units needed by 2024.

Housing Units 2017 Estimate and 2024 Projection

	2017	2024	Difference
Total Housing Units ¹	1,594	2,007	413
Owner-Occupied ²	1,473	1,769	296
Renter-Occupied ²	121	238	117

Source 1: U.S. Census Bureau. Table B01003: Total Population. American Community Survey.

Source 2: U.S. Census Bureau. Table B25008: Total Population in occupied housing units by tenure. American Community Survey.

Step 2: Figure out the number of housing units by AMI threshold and tenure by levels. Housing Units AMI Threshold

AMI Threshold	Owner	Renter	Total
≤30%	35	20	55
>30 to ≤50%	70	45	60
>50 to ≤80%	180	75	255
>80 to ≤100%	170	0	170
>100%	875	40	915
Total	1,300	160	1,455

Source: Housing and Urban Development. (2018). 2011-2015 Comprehensive Housing Affordability Strategy [Data].

Step 3: Figure out the percentage of housing units by AMI thresholds.

Percentage of Households and AMI Threshold

AMI Threshold	Total Units	Percentage of Total Units
≤30%	55	3.8%

≤50%	115	7.9%
≤80%	255	25.4%
≤100%	170	37.1%
>100%	915	100%
Total	1,455	

Step 4: Multiply the percentage of total units by the projected number of housing units needed by 2024.

Projected Number of Housing Units Needed by AMI Thresholds in 2024

AMI Threshold	Percentage of Total Units	Projected Units by 2024	Total
≤30%	3.8%	413	15.6
≤50%	7.9%	413	32.6
≤80%	25.4%	413	105.0
≤100%	37.1%	413	153.3
>100%	100%	413	413.0

Step 5: Figure out the percentage of housing units by tenure in 2024.

Total Percentage of Housing Units in 2024

	Total	Percentage
Total Housing Units ¹	2,007	-
Owner-Occupied ²	1,769	88.1%
Renter-Occupied ²	238	11.9%

Source 1: U.S. Census Bureau. Table B01003: Total Population. American Community Survey.

Source 2: U.S. Census Bureau. Table B25008: Total Population in occupied housing units by tenure. American Community Survey.

Step 6: Multiply the number of housing units needed at each AMI threshold by the percentage of tenure

Number of Housing Units Needed by Tenure at AMI Thresholds by 2024

AMI Threshold	Total	Owner-Occupied	Renter-Occupied
≤30%	15.6	14	2
≤50%	32.6	29	4
≤80%	105.0	93	12
≤100%	153.3	135	16
>100%	413.0	364	49

By 2024, Nibley will need an additional 364 housing units to house the projected population growth. To meet the needs of moderate-income households, 105, or a quarter of housing units needed by 2024, will need to be moderate-income housing units. About 33 of those units will be needed at the 50 percent AMI threshold. Of the 33 housing units needed at the 50 percent AMI threshold, 29 should be owner-occupied housing and four renter-occupied.

The 105 additional moderate-income housing units needed by 2024 does not take into consideration the current deficit of moderate-income housing units. Therefore, Nibley will need more than 155 moderate-income housing units to meet the needs of current and future moderate-income households. This figure was calculated by adding the prospective amount of needed moderate-income housing (105) with the current deficit of rental-units (55). This figure does not consider the number of owner-units needed; therefore, the total number of housing units needed by 2024, considering the current deficit and future need, will be higher than 155.

Summary of Affordability in 2018		
Household Income	Maximum Monthly Income for Housing Expenses	Maximum Mortgage Loan Amount
≤30% AMI	\$437	\$75,149
>30% to ≤ 50% AMI	\$729	\$125,249
>50% to ≤80% AMI	\$1,166	\$200,398
>80% to ≤100% AMI	\$1,458	\$250,497

NIBLEY CITY ZONING AND SUBDIVISION OPTIONS

Nibley City currently provides for a few zoning options for residential development. The table below shows the standard by-right zoning with the minimum lot size, frontage, and setbacks.

NCC 19.22.010 Space Requirement Chart:

	A	R-E	R-1	R-1A	R-2	R-2A
A.	Minimum lot area	5 acres	2 acres	1 acre	3/4 acre	1/2 acre
						12,000 sq. ft. average size of 14,000 sq. ft.

	Minimum width, measured at setback line	lot 200	200	200	150	100	100
B. Setback principal uses							
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³
	Side yard, interior	15 ³	15	10	10	10	10
	Side yard, street	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³
	Rear yard	30	30	30	30	25	25

Within these standard zones, single-family units are the primary housing type, but duplexes and attached Accessory Dwelling Units are both permitted, as long as they comply with standards listed in Nibley City Code Title 19. This standard zoning has created some struggles to provide affordable housing by limiting lot sizes and limiting multifamily housing. However, in addition to standard zoning, Nibley City allows for three other forms of subdivisions that are currently permitted and one type of subdivision that has been repealed.

CLUSTER SUBDIVISIONS (SEE NCC 21.10.030)

A cluster Subdivision allows for a developer to be able to decrease their lot size in exchange for preserved open space. This open space can take the form of a park or agricultural land. No density bonus accompanies these types of developments within Nibley City.

Current Cluster Subdivision

- Stonebridge, located at 1200 W and 2980 S

PLANNED UNIT DEVELOPMENT (PUD) REPEALED

Nibley City's Planned Unit Development Code was repealed in 2011. Nibley City approved a new Residential-Planned Unit Development in May of 2019 that is discussed below. The PUD ordinance allowed for greater density and flexibility for developers to negotiate with the City for density and open space. There are three subdivisions that have been approved and developed under the former PUD Ordinance.

Current PUD Subdivisions

- Spring Creek Crossing, located at Nibley Park Ave. (2350 S) and around 1250 W

- Sunset Parks, located at 1000 W and 2770 S
- The Cottages Community, located at 250 W and 3515 S



RURAL PRESERVATION SUBDIVISION/CONSERVATION SUBDIVISION (SEE NCC 21.10.020)

The **Rural Preservation Subdivision (renamed from Conservation Subdivision)** is a subdivision option that allows for development in R-1, R-1A, R-2, and to some extent R-2A, to receive a higher density and smaller lot size in exchange for preserved open space. The lot size and density bonus are tiered based on the percentage of the project that is dedicated as open space.

Current Conservation and Rural Preservation Subdivisions

- Maple View Estates, located east of 1200 W and south of 2600 S
- The Cottonwoods, located at Hollow RD and 4030 S
- Apple Creek, located south of 3200 S and at 500 W
- Meadow Creek, located at 3850 S and 150 E

RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD) (SEE NCC 19.32)

In May of 2019, Nibley City adopted Nibley City Code 19.32 Residential Planned Unit Development. This new section of code allows for a developer to apply for an overlay zone in six parts of town zoned for half-acre, three-quarter acres, or full acre lot minimums and would allow a developer to develop up **to twelve units** per net developable acre with a mix of single-family homes and townhomes. At the time of this writing, no R-PUDs have been applied for or approved.

MINOR SUBDIVISION AND FLAG LOTS (SEE NCC 21.08.040 AND 19.46)

In 2018, Nibley City passed two ordinances that 1) allow for the development of a minor subdivision and 2) provide for the creation of flag lots. These two code updates allow property owners with more options to develop their property for moderate income housing. The minor

subdivision allows for a smaller subdivision, containing five lots or less, the ability to move through a simplified subdivision approval process. The updated flag lot ordinance allows for the development of property that has little to no frontage along a public or private roadway.

GOALS, PROJECTS AND ACTION ITEMS

When planning for moderate income housing within Nibley City, it is essential to note that cities have limited ability to ensure that affordable housing is built. Nibley City will encourage and support the development of home construction and subdivision by developers and home builders. The housing market also plays a part in what types of homes are built within these developments. The following goals are recommended to the City to encourage the construction of new and moderate income housing within Nibley City.

Nibley City should provide opportunities within the City for the construction of moderate income housing. Nibley City should take the following steps to ensure the City is meeting goals listed within this plan

- Review the objectives listed below and work to achieve the goals by the suggested time frame
- Review building permits for housing units annually and evaluate Moderate Income Housing additions to the City compared to the needed housing and goals listed within this plan
- Update this plan as needed or at a five-year minimum time frame
- Take Moderate Income Housing into consideration when reviewing rezone applications.
- If possible, encourage developers to build affordable housing as part of developments as a condition of the rezone

ALLOW FOR AND REDUCE REGULATION RELATED TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES

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

Moderate Income Housing Considerations

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

Timeframe: Early 2020

ALLOW FOR HIGHER DENSITY OF MODERATE INCOME RESIDENTIAL DEVELOPMENTS IN COMMERCIAL AND MIXED-USE ZONES, TOWN CENTER, NEIGHBORHOOD COMMERCIAL, AND OTHER EMPLOYMENT AREAS

Nibley City's 2016 General Plan recommends establishing and creating a town-center area that would be composed of commercial, residential, and open space uses. The City, in May of 2019, passed an R-PUD Ordinance that would allow for the development of a town center area. This RPUD would allow for some commercial areas within the R-PUD and allow for townhomes and single-family homes. The City should continue to plan and update City zoning code for a towncenter that would allow mixed-use within Commercial and Neighborhood Commercial Zones.

Nibley City should also start to plan for the future 4400 S industrial corridor, as shown on the future land use map. Nibley City should coordinate these planning efforts with Hyrum, Wellsville, Cache County, and UDOT. The City should consider housing densities and types that would be allowed be developed along that corridor.

Moderate Income Housing Considerations

- Create mixed-use areas within the future Town-Center
- Allow for apartments and condominiums within Neighborhood Commercial Zones attached to commercial buildings
- Plan for future 4400 S Industrial Corridor

Timeframe: End of 2020

REZONE FOR DENSITIES NECESSARY TO ASSURE THE PRODUCTION OF MODERATE INCOME HOUSING

Nibley City has recently passed an R-PUD ordinance with increased density within areas of the City. The R-PUD Overlay Zone increases the density from the underlying zone and allow up to twelve units a per-net developable acre. The City should work with property owners and developers in approving an appropriate amount of R-PUD Overlay Zones and Developments to help achieve the needs of affordable housing.

Nibley City should also continue working on the Town Center Planning and Zoning Ordinance and allow for a variety of housing types, including single-family homes, townhomes, condominiums and apartments as part of that zoning criteria and development. Nibley City should involve Cache County Transit District (CVTD) in these plans to provide for adequate public transportation in the area. This would allow for residents of the Town Center to have easy access to significant employment, recreation and shopping centers in Cache Valley, as well as Utah State University and Bridgerland Technical College.

Moderate Income Housing Considerations

- Create a Town Center Zoning Ordinance that would allow for mixed-use, condominiums, townhomes, and single-family homes in addition to open space and commercial uses

- Involve CVTD with Town Center and provide areas for bus stops and active transportation within the development.
- Work closely with Developers and property owners and make appropriate rezones for RPUD developments.

Timeframe: As applications are received

PARTNER WITH ORGANIZATIONS THAT OFFER GRANTS OR OTHER ASSISTANCE IN HOUSING AFFORDABILITY

Nibley City has a history of working with organizations that build affordable housing or offer services. Nibley has partnered with Neighborhood Housing Solutions in the past, which constructed about two hundred homes for qualifying families. Nibley City has also worked and partnered with Bear River Association of Governments (BRAG), which offers programs to help lower-income families be able to pay for needed utilities, assist with rent, conduct required home repairs, etc.

Moderate Income Housing Considerations

- Nibley should be pro-active in seeking partnerships with cooperations or non-profit organizations in building affordable housing.
- Nibley City should refer those in need to BRAG and publicize helpful information about programs that are offered through BRAG and HUD.

Time Frame: Current

