



**Nibley City**  
**Planning Commission Meeting**  
Thursday, September 1, 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](http://www.nibleycity.com).*

1. **Public Hearing:** Ordinance 22-18: Amendments to 19.12.040 Mixed Residential Zone R-M, including adding an area near 2600 S 1200 W to the map of eligible R-M areas
2. **Discussion and Consideration:** Ordinance 22-18: Amendments to 19.12.040 Mixed Residential Zone R-M, including adding an area near 2600 S 1200 W to the map of eligible R-M areas
3. **Workshop:** Moderate Income Housing Plan
4. **Workshop:** Transfer of Development Rights Ordinance
5. 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  
September 1, 2022**

## **Agenda Item #1 & #2: R-M zone near 2600 S 1200 W**

### **Description**

**Public Hearing:** Ordinance 22-18: Amendments to 19.12.040 Mixed Residential Zone R-M, including adding an area near 2600 S 1200 W to the map of eligible R-M areas

**Discussion and Consideration:** Ordinance 22-18: Amendments to 19.12.040 Mixed Residential Zone R-M, including adding an area near 2600 S 1200 W to the map of eligible R-M areas

### **Department**

City Planning

### **Action Type**

Legislative

### **Recommendation**

Recommend approval of Ordinance 22-18: Amendments to 19.12.040 Mixed Residential Zone R-M, including adding an area near 2600 S 1200 W to the map of eligible R-M areas

### **Reviewed By**

City Planner, City Attorney

## **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. One of the reasons expressed for this denial was that the R-PUD was meant to be for larger-scale developments that have adequate open space, amenities, and variety of housing. 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.

Based upon feedback from the Planning Commission, the following amendments to the R-M zone standards are proposed:

- Lower the maximum density of the R-M zone from 20 units/gross acre to 10 units/net developable acre in keeping with the scale of development in the City.
- Lower the maximum height from 50 ft to 40 ft to ensure that the scale of new development is more compatible with the character of the City with lower view obstruction.
- Stronger guidelines to ensure that open space is more contiguous and integrated with adjacent open space, including raising the minimum park area from 0.25 acre to 0.5 acre and a requirement that 50% of the open space must be contiguous with 25% bordering a ROW, easement, park or trail. This will help ensure that open space is more usable and integrated.
- A requirement that the development must incorporate at least 2 housing types and that no more than 80% of the development be composed of only one housing type. This is intended to ensure that developments within an R-M zone contribute to providing a variety of housing types in the City.

In addition to these amendments, it is proposed to add the 18-acre property located near 2600 S 1200 W to the map of eligible areas to be zoned R-M. On the Future Land Use Map, this area is noted as 'Commercial and Medium to High Density Residential.' It is Staff's opinion that The R-

M zone is in support of this future land use designation. Furthermore, this location has good transportation access with proximity to Hwy 89/91, 1200 W and 2600 S to distribute traffic.

## Agenda Item #3: 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.

## Agenda Item #4: Transfer of Development Rights Ordinance

### Description

**Workshop:** Transfer of Development Rights Ordinance

### Department

City Planning

### Action Type

Legislative

### Recommendation

Discuss proposed Transfer of Development Rights Ordinance

### Reviewed By

City Planner

## Background

People + Place, LLC has been working with the City to study and develop a Transfer of Development Rights Ordinance. The Transfer of Development Rights (TDR) Ordinance will provide a mechanism to preserve open space in appropriate areas and focus new population growth in areas with supportive infrastructure. The study has been completed to inform the development of this ordinance, including case study research, community and stakeholder engagement and a market/tipping point analysis. Two joint workshops with Planning Commission and City Council were held previously to inform each respective body of the ordinance process and receive feedback to inform the ordinance. The consultant is working with City Staff to craft an ordinance with appropriate transfer ratios and designate sending and receiving zones for the TDR ordinance. A Draft Ordinance is now ready to review.

The draft ordinance provides a framework for transferring development rights from 'sending areas' to 'receiving areas.' These areas will be defined on the zoning map as overlay areas. Specifically, the ordinance includes the following sections:

- Definitions- many elements of a TDR program are unique and require specific definitions that would apply to the program
- TDR Sending Overlay Standards
  - Purposes of the Overlay, which includes preserving important open space and providing a mechanism to do so.
  - Defining permitted uses within sending areas, which focus on preservation of agriculture and open land areas.
  - Standards for identification and size of sending areas
  - Application guidelines, including required information to accompany an application.
  - A standard process for officially ‘severing’ development rights
- TDR Receiving Overlay Standards
  - Limits on density depending upon the underlying zone or situation within an eligible R-PUD area. For standard residential zones, the overall density may be increased by up to 50% with TDR. For R-PUD areas, they may be increased from 5 units/acre to 15 units/acre. This would also require a change to the R-PUD ordinance, which currently allows up to 10 units/acre.
  - Procedure for calculating allowed number of housing units
  - Application guidelines, including required information to accompany an application.
  - Guidelines regarding how zoning standards may be modified based upon the number of TDR credits applied to the development. In general, if TDR is applied to a project, minimum standards become more flexible to make development feasible within the density maximum guidelines noted above. These relaxed standards also become an incentive for
- Standard forms for Deed of Severance/Conservation Easement, TDR Certificate, Deed of Transfer

The purpose of this workshop is to discuss each component of the ordinance and review the draft map, then provide guidance to staff about potential adjustments to the ordinance.

#### 19.04.010 Definitions

HOUSING, MULTI-FAMILY: A single building ~~situated on one lot and~~ that contains ~~three~~ two (2) 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 or more dwelling units, the limitations related to owner occupation and that such buildings must be situated on one lot do not apply. Buildings containing two or more dwelling units on more than one lot and buildings containing two or more dwelling units 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'                   | <del>50'</del> 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'                  |
| <del>Maximum Height</del>         | <del>40'</del>        |                      |

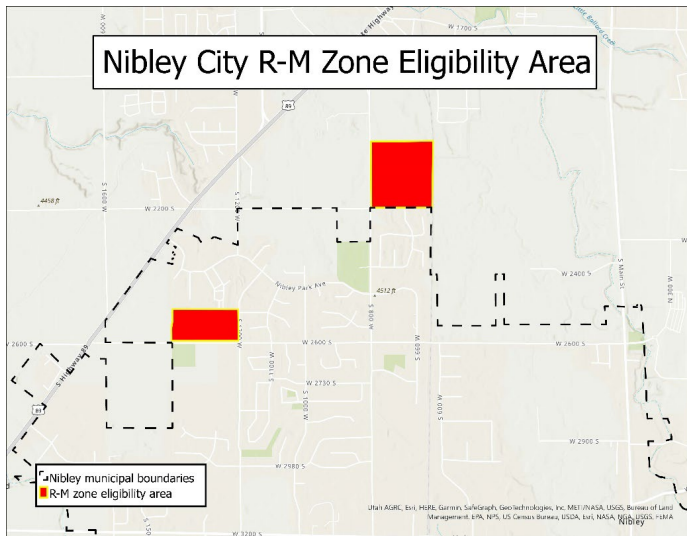
| Accessory-Use Setbacks | Single-Family Housing | Multi-Family Housing |
|------------------------|-----------------------|----------------------|
| Front Yard             | 20'                   | 20'                  |
| Side Yard              | 3'                    | 3'                   |
| Side 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

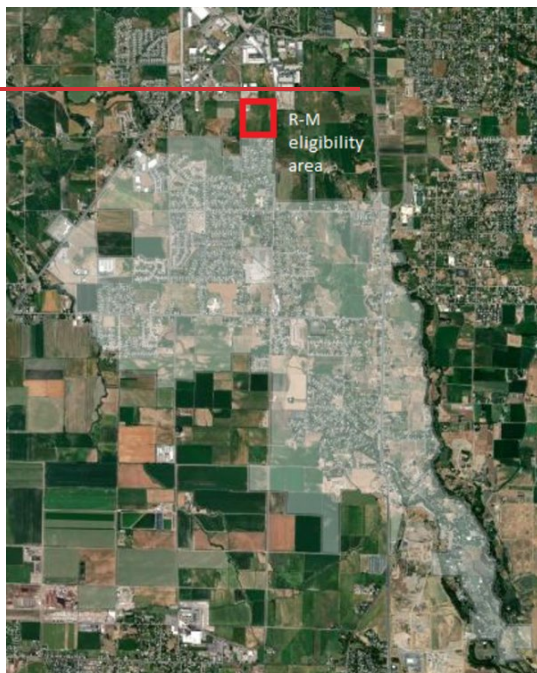
5. Animal And Fowl Unit Regulations: See NCC 19.34.

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 and 03-007-0031 as of August 22, 2022.



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7. Density & Unit Type Regulations

- a. The maximum density of a residential development within the R-M zone shall be ~~20-10~~ units per ~~gross acre~~ net developable 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.
- ~~e.d.~~ Developments within the R-M shall include a minimum of two housing types, including single-family housing, two-family housing, townhome, condominium/apartment. No more than 80% of units within a development may be one housing type.

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 ~~0.5~~ ~~25~~ 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 3744.3% 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.

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.

**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.

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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~~ 40% increase from the 2010 population of 5,466 (Census Bureau, 20~~20~~18). 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. Assuming that the City continues to grow at the same growth rate, the City's population is expected to triple in the next 40 years.

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| Census | Projections   |                 |                 |                 |                 | Absolute Change<br>20 <del>20</del> 10-2060 | Percent Change<br>20 <del>20</del> 15-20 <del>60</del> 65 |
|--------|---------------|-----------------|-----------------|-----------------|-----------------|---------------------------------------------|-----------------------------------------------------------|
| 2010   | 2020          | 2030            | 2040            | 2050            | 2060            |                                             |                                                           |
| 5,438  | 8,796<br>7,32 | 14,136<br>9,875 | 15,725<br>13,30 | 18,597<br>17,93 | 21,905<br>24,16 | 16,467<br>16,83                             | 330<br>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. According to Cache County Assessor's Data, Nibley City currently contains more than ~~900-150~~ 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.

| County | 20 <del>20</del> 15 | 2025-2030          | 2035-2040          | 2045-2050          | 2055-2060          | Absolute Change<br>2015-<br>2065<br>20-20-<br>2060 | Percent Change<br>2015-<br>2065<br>20-2060 |
|--------|---------------------|--------------------|--------------------|--------------------|--------------------|----------------------------------------------------|--------------------------------------------|
| Cache  | 121,855<br>133,743  | 163,344<br>146,338 | 185,948<br>171,969 | 207,094<br>195,325 | 226,084<br>212,908 | 112,890<br>92,341                                  | 93<br>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~~7 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 ○ ~~83.44~~1% of properties were residential ○ ~~60.548~~9% of total acres were residential
- Greenbelt areas were large properties ○ ~~0.83~~9% of properties were greenbelt but totaled ~~9.832~~7% of total acres
- There is still vacant land available for development, conservation or both ○ ~~9.644~~0% of total acres were vacant
- Single family residential used the most land in residential development ○ 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 ○ ~~5.49~~% of properties were townhomes ○ Only 0.2% of residential areas are townhomes

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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.

| Land Use Type             | Properties             |                       | Acres                    |                       |
|---------------------------|------------------------|-----------------------|--------------------------|-----------------------|
|                           | #                      | %                     | #                        | %                     |
| Agriculture               | 21                     | <del>2.20</del> 9%    | <del>141</del> 18.3      | <del>9.00</del> 7%    |
| Commercial                | 49                     | <del>1.62</del> 2%    | <del>168.2</del> 104     | <del>6.76</del> 5%    |
| Greenbelt                 | 88                     | <del>0.83</del> 9%    | <del>848.3</del> 154     | <del>9.83</del> 2.7%  |
| Residential               | 1,907                  | <del>83.48</del> 4.1% | <del>1,270.8</del> 951   | <del>60.54</del> 8.9% |
| Secondary                 | 6                      | 0. <del>63</del> %    | <del>74.2</del>          | <del>0.40</del> 2%    |
| Vacant*                   | 196                    | <del>10.18</del> 6%   | <del>1502</del> 86.7     | <del>9.64</del> 1.0%  |
| <del>Not classified</del> | <del>31</del>          | <del>1.3</del> %      | <del>63</del>            | <del>4.0</del> %      |
| Total                     | <del>2,267</del> 2,378 | -                     | <del>2,596.5</del> 1,571 | -                     |

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

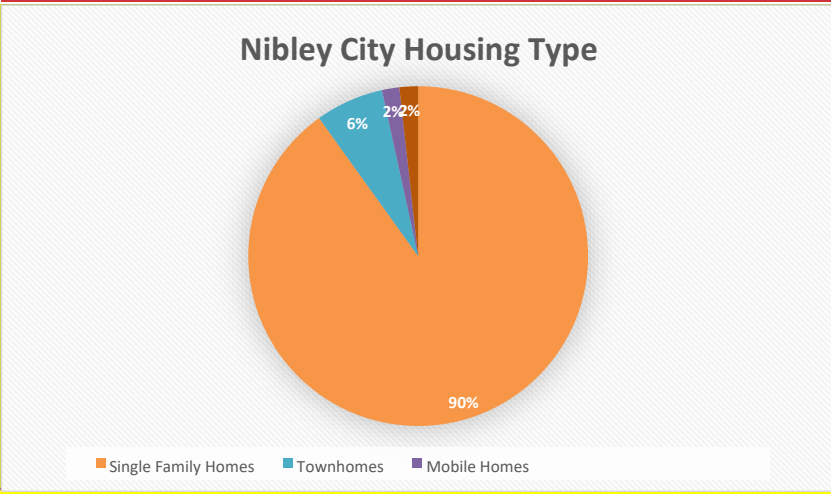
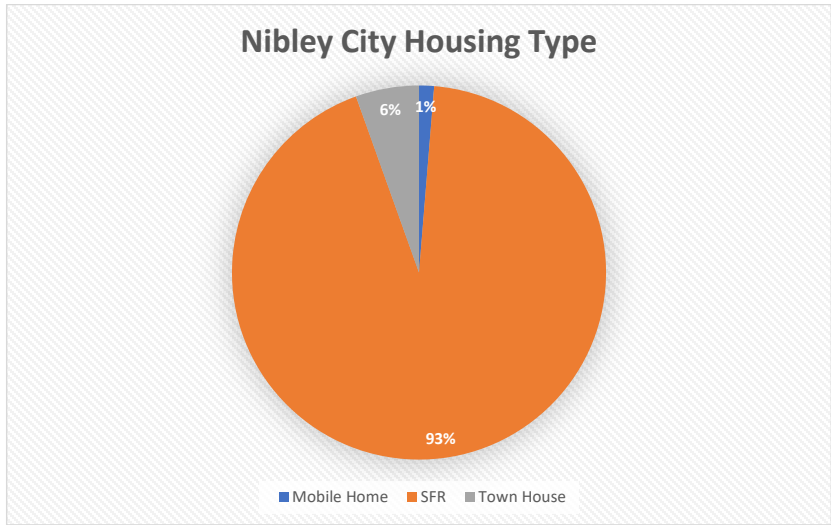
~~\*Vacant included 196 properties that did not have property sizes. Therefore, the numbers in these tables are incomplete but still may represent general trends in land uses.~~

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

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

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~~(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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#### 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 20~~20~~<sup>17</sup> American Community Survey was at \$~~90,650~~<sup>80,125</sup>, compared to Cache County's Area Median Income (AMI) which was at \$~~53,812~~<sup>71,000</sup>. According to projections of the Utah Housing and Community Development Five-Year calculator, The projections for Nibley's Medium Household Income is that it is expected to increase to \$95,979 by 202~~7~~<sup>5</sup>, 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.

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### *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<br><del>Units-Affordable Units-Renter Households</del> | Available Units   | Surplus/Deficit of Available Units<br><del>Units-Available Units – Renter Households</del> |
| ≤ 30%                   | <del>20</del> 74   | <del>78</del> 20   | <del>+40</del>                                                                             | 0                 | <del>-74</del> 20                                                                          |
| ≤ 50%                   | <del>21</del> 445  | <del>255</del> 80  | <del>+41</del> 35                                                                          | <del>42</del> 40  | <del>-35</del> 172                                                                         |
| ≤ 80%                   | <del>58</del> 4120 | <del>555</del> 110 | <del>-29</del> 10                                                                          | <del>402</del> 70 | <del>-50</del> 74                                                                          |

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Source: Housing and Urban Development. (2018). 2011-2015 Comprehensive Housing Affordability Strategy Utah Division of Housing and Community Development 5-year Housing Projection Calculator

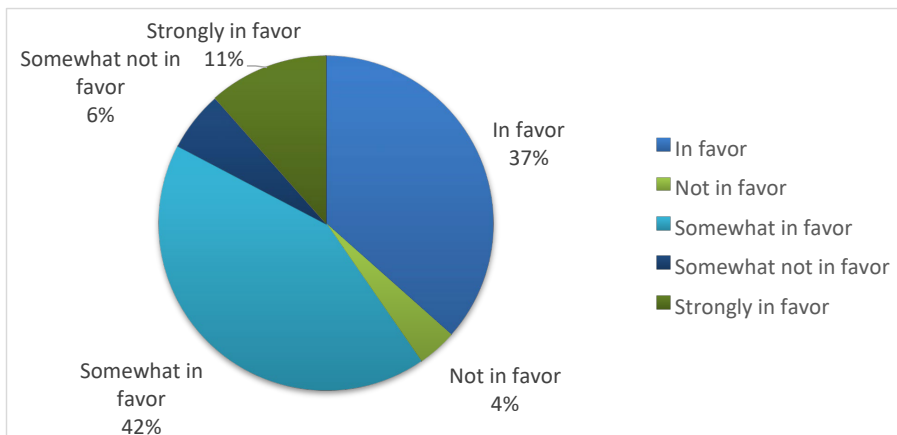
## PUBLIC INPUT

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:

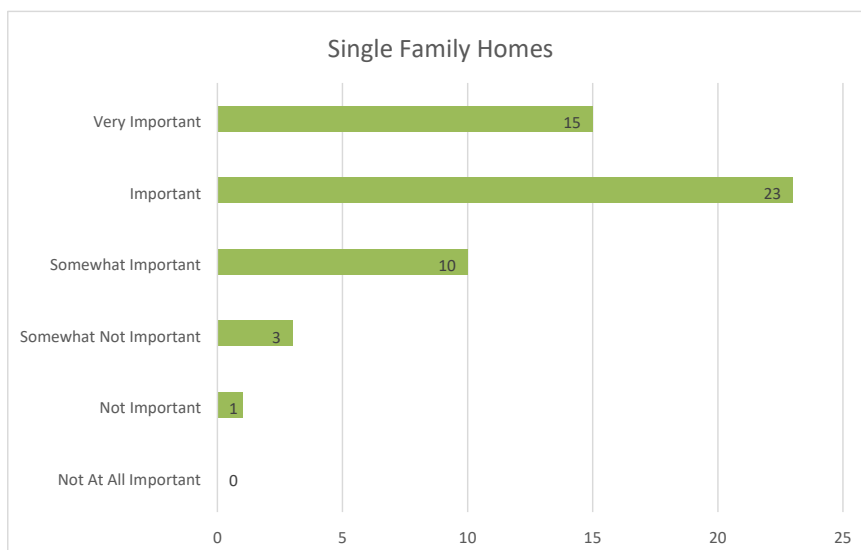
*Nibley City is examining the possibility of creating a downtown zone east of Nibley City Hall. This zone might allow commercial uses such as retail, office space, and restaurants; and/or housing with apartments, town-homes, and single-family homes, and open space with parks, trails, and courtyards. 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):*

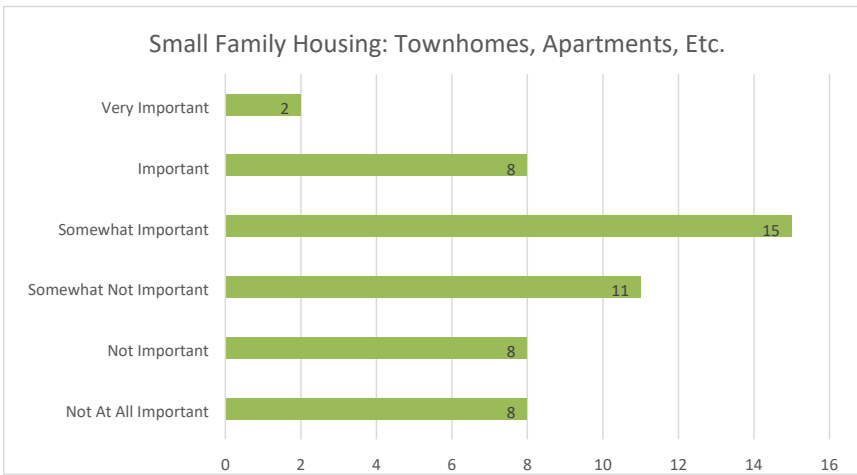
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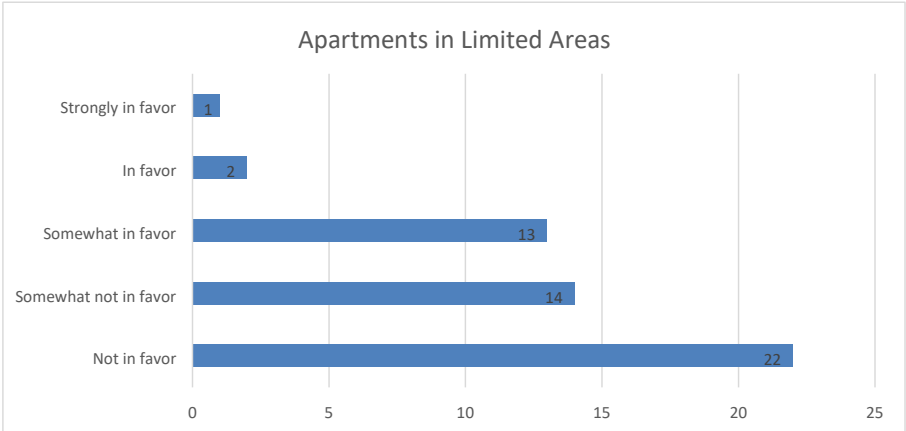
The following were the answers to the question:

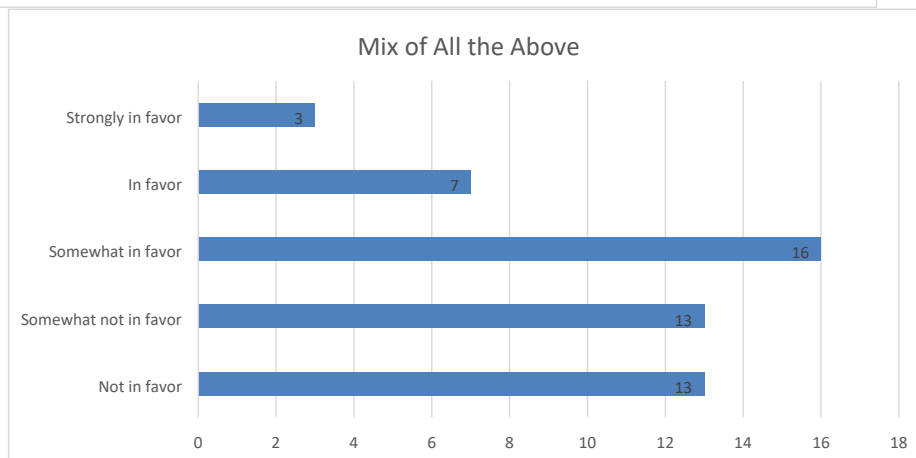
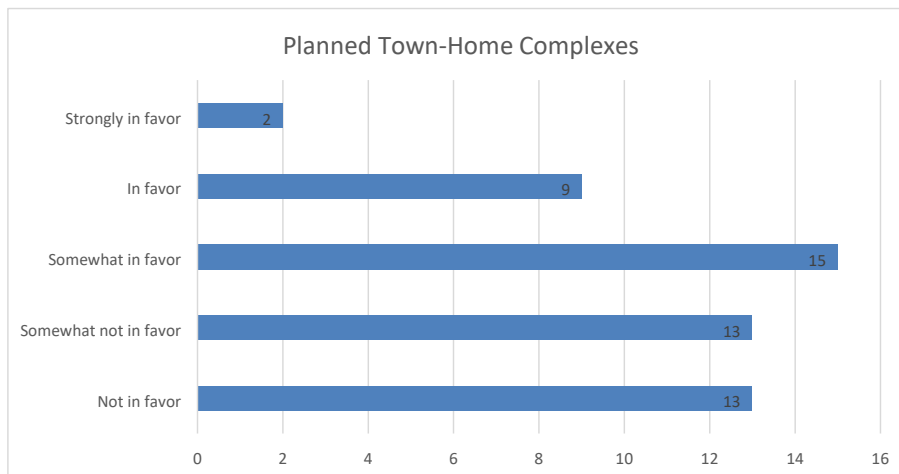
*Select what you think Nibley City should make a priority in future land use planning:*





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 3.944.04 in 202017 (American Community Survey, 202017). This figure was still larger than the statewide average of 2.843.14 people, which is the largest of any state in the nation (Census Bureau American Community Survey, 202018).

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 new home building permits per year, although this number has increased significantly in recent years with 128 new home building permits issued in 2021. If Nibley continued to grow-add new housing at the most recent rate, 748 homes would be constructed by-between 2019 and 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 3.142.84 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.

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## 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 <sup>1</sup> | 1,594 | 2,007 | 413        |
| Owner-Occupied <sup>2</sup>      | 1,473 | 1,769 | 296        |
| Renter-Occupied <sup>2</sup>     | 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 <sup>1</sup> | 2,007 | 1          |
| Owner-Occupied <sup>2</sup>      | 1,769 | 88.1%      |
| Renter-Occupied <sup>2</sup>     | 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 | 200                 | 200                 | 200                 | 150                 | 100                 | 100                                           |
| B. | Setback principal uses                  |                     |                     |                     |                     |                     |                                               |
|    | Front yard                              | 30(35) <sup>3</sup> | 30(35) <sup>3</sup> | 30(35) <sup>3</sup> | 30(35) <sup>3</sup> | 30(35) <sup>3</sup> | 30(35) <sup>3</sup>                           |
|    | Side yard, interior                     | 15 <sup>3</sup>     | 15                  | 10                  | 10                  | 10                  | 10                                            |
|    | Side yard, street                       | 25(35) <sup>3</sup> | 25(35) <sup>3</sup> | 25(35) <sup>3</sup> | 25(35) <sup>3</sup> | 25(35) <sup>3</sup> | 25(35) <sup>3</sup>                           |
|    | 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 ~~and amenities~~. There are ~~three~~ four subdivision 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
- Maple Valley Estates, located at 1600 W 3200 S



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## OPEN SPACE/RURAL PRESERVATION-SUBDIVISION/CONSERVATION SUBDIVISION (SEE NCC 21.10.020)

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The Open Space Rural Preservation Subdivision (renamed from Conservation Subdivision and Rural Preservation 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 Open Space, 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
- Nibley Farms, located east of 1500 S and south of 3390 S
- Mt Vista, located south of 3400 S and west of 450 W

## 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-ten units per net developable acre with a mix of single-family homes and townhomes. At the time of this writing, no-three R-PUDs have been applied for or approved, as described above.

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### **Current R-PUD Subdivisions**

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- Ridgeline Park, located north of 3200 S and west of Hwy 165
- Firefly Estates, located south of 2200 S and east of 1200 W
- Nibley Meadows, located south of 3200 S and east of 1200 W

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## 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-strategies and implementation plan~~are is recommended to adopted by the City to encourage the construction of new and moderate income housing within Nibley City and offer additional opportunities for existing and future residents to attain affordable housing.

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

**Commented [LR6]:** If the City wants to do this, it should be added as a strategy.

## 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 (CVD) 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 CVD 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



## **19.48 Transfer of Development Rights**

### **19.48.010 Definitions**

**Agritourism:** tourist related activities that support agriculture such as tours, events, farm to table restaurants, fruit and vegetable stands, etc.

**Bonus Density Multiplier:** The portion of Transferrable development rights which are transferred to a development divided by the base number of lots allowed, as defined by Section 19.48.030(4)(k) below.

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

**Constrained and Sensitive Land:** Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limited to Federal, State, or municipally designated wetlands, water bodies, floodplains, slopes greater than 20%, faults, canals, and other geologically or environmentally sensitive features that require mitigation, special insurance, or permits from government authorities to allow development.

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

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

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

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

**Net Developable Land:** Net Developable land shall include the total area of the proposed development minus land that is required by Nibley City Ordinance to be dedicated to the City, including, but not limited to:

1. Public access rights-of-way, including roadways and sidewalks
2. Land required to be dedicated along waterways
3. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (public and private parks, trails, etc.)
4. Constrained and Sensitive Land, as defined herein
5. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without public access.
6. Constrained and Sensitive Land, land dedicated along waterways, and other natural landscape or open space land may be considered net developable land when calculating for density if such land can be enhanced with trails, public access, picnic areas, park amenities, or other improvements.

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

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

**Sending Area:** one or more areas identified by this ordinance and rezoned with the Transfer of Development Rights Sending Overlay Zone as an area from which development rights are authorized to be severed and transferred to a receiving area.

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

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

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

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

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

#### **19.48.020 Transfer of Development Rights Sending Overlay**

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

**Commented [RP1]:** Update 19.08.010 to include both sending and receiving overlay zones

1. The purposes of this Transfer of Development Rights Program, or TDR Program, include, but are not limited to:
  - a. Protect and enhance private property rights by enabling the transfer of potential development rights.
  - b. Maintain the rural heritage of Nibley City.
  - c. Promote the public health, safety, and general welfare of Nibley City by establishing procedures, methods, and standards for the transfer of development rights.
  - d. Establish a procedure enabling Nibley City and its landowners to voluntarily sever development rights from a sending property.
  - e. Establish procedures for the formal transferring of development rights from a sending property, tracking those, and then to establish the use of those transferred development rights on a receiving property.
  - f. Establish certain incentives for attaching development rights to receiving properties.
  - g. Preserve open space, scenic views, agricultural, riparian and critical/sensitive lands.

- h. Protect lands, resources and structures of aesthetic, architectural, recreational, and historic significance.
    - i. Assist in shaping the character and direction of the development of Nibley City.
  - 2. Permitted Uses within Sending Areas after a Deed of Severance and conservation easement is recorded. Uses not listed are not allowed:
    - a. Agricultural and horticultural uses, including grazing of animals in compliance with NCC 19.34 Animal Land Use Regulations, raising crops, wholesale nurseries, and associated buildings that are specifically needed to support active, viable, and permitted agricultural and horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.
    - b. Public rights of way and easements, including quasi-public utility easements
    - c. Commercial horse riding, training and boarding stables.
    - d. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry
    - e. One (1) single-family dwelling and one Accessory Dwelling Unit on parcels with 20 or more acres.
    - f. Municipal facilities required for local service and/or recreation needs.
    - g. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conserved land.
    - h. The creation and Transfer of Development Rights in accordance with this chapter
    - i. Restoration, maintenance, enhancement of native vegetation.
    - j. Publicly accessible recreational lands and facilities including trails, parks and natural lands.
    - k. Agritourism
    - l. Conservation of open land in its natural state, e.g., meadows, tree stands, wetlands, forestland.
  - 3. Conditional uses within Sending Areas:
    - a. Home Occupations as per the definition in 19.04 for existing and permitted residences.
    - b. Seasonal fruit, vegetable, tree, and hay retail sales in structures of less than 500 square feet when at least some of the products being sold are raised on the premises. Subject to having access, parking, and any utility needs approved by the City.
  - 4. Sending Areas Identified.
    - a. Sending Areas are property that have been zoned with the Transfer of Development Rights Sending Overlay Zone, which overlay zone confers special rights and obligations as set forth in this chapter in addition to the underlying zoning regulations. Once a Deed of Severance and conservation easement is recorded, no uses other those expressly permitted herein are permitted, regardless of the underlying zoning. The Transfer of Development Rights Sending Overlay Zone may be applied to agricultural lands and open spaces as shown on the Official Zoning Map of Nibley City. For agricultural parcels, Sending Areas shall be no smaller than ten (10) acres. For areas of historical significance, Sending Areas shall be no smaller than five (5) acres. For areas identified as sending areas along the Blacksmith Fork River, an undisturbed area at least 150' in depth from the high-water mark and at least 200' in length or a trail easement at least 200' in length shall be

**Commented [JJ2]:** Policy - note that Home Occs are a CUP in all zones - change to CU?

**Commented [RP3]:** Cover seems wrong, unless the intent is to just blanket allow sending areas in all ag/open space areas.

Is the intent to just allow all sending zones if the property is right? Or do you want to rezone the property to allow sending zones?

eligible as a Sending Area, as long as it is located parallel to the River and covers the length of the subject property from property line to property line. Connecting parcels smaller than the minimum may be considered on a case by case basis, by the City Council where such connections provide a continuous, usable trail segment.

- b. A property owner may apply to have their property be designated as a Sending Area and rezoned to receive the Transfer of Development Rights Sending Overlay Zone through the City's rezoning process set forth in 19.02.
- c. Where a property is partially contained within a Sending Area, only the portion of the property contained within the Sending Area may be used for the purposes of determining transferable development rights (TDRs).
- d. A Deed of Severance and a Conservation Easement shall be recorded on the Sending Area property from which potential development rights were severed, and the property can thereafter only be used as outlined in this section. The conservation easement requires the formal commitment from a non-profit, Land Trust, or the City for long term management of the sending property. All applicable fees, including stewardship fees, for the transfer must be paid prior to recording the Deed of Severance and Conservation Easement.
- e. Any landowner within the Transfer of Development Rights Sending Overlay Zone may apply to have potential development rights calculated and created for their property based on formulas contained herein. The entire property shall be submitted for calculation of potential development rights at the time of application with the City.
- f. All Sending Areas and property within the Transfer of Development Rights Sending Overlay Zone are eligible for a determination of potential development rights, provided that properties owned by the State or Federal agencies and existing conservation subdivisions shall not be eligible for TDR credits or severance of potential development rights.

**Commented [RP4]:** We should use this phrase throughout to identify this as a specific zone that must be applied for and then granted by the City.

#### 5. Determination of Transferable Development Rights.

- a. The City Planner or designee shall establish and maintain a system for monitoring the determination, severance, ownership, assignment, and transfer of development rights.
- b. The record owner of property within the Transfer of Development Rights Sending Overlay Zone shall file a Determination of Eligibility Application, with an associated fee, to determine the number of development rights available to be severed from a sending property shall be filed with the City.
- c. The following information shall accompany the application:
  - i. A map that includes the following:
    - 1. The boundary map of the subject property.
    - 2. A legal description including the acreage of the property.
    - 3. Current zoning.
  - ii. Use of the property.
  - iii. Title policy or title documentation.
  - iv. Existing water rights needed to continue the current use on the property. Total water rights available to the property.
  - v. Applicable fees.
  - vi. For agricultural parcels, commitment to farming by the owner or a lease for 10 years
  - vii. Annexation status, if applicable

viii. Slope and floodplain mapping

- d. Nibley City shall determine the number of development rights using the following formula, and rounded to the nearest whole number:
- i.  $TDRs = A \times B$  for agricultural property or  $TDR = A \times OSA$  for open space properties
  - ii. Where TDR means Transferrable Development Rights, A means the total area (acres) of the property, B means the allowable potential development rights on an agricultural property, OSA means the allowable potential development rights on an open space property.
  - iii. For agricultural parcels, the per acre potential development units to transfer shall be 3.
  - iv. For open space parcels from the Blacksmith Fork area, the per acre potential development units to transfer shall be 4. If only a trail easement is offered, it shall be eligible for a minimum of 1 credit. All parcels participating in the TDR program along Blacksmith Fork shall provide conservation easements and/or trail easements from property line to property line. Parcels or areas offered and located further than 150' from the high water mark of the Blacksmith Fork River shall only be eligible for 3 credits per acre.

6. Severance of Development Rights.

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

- h. The Deed of Severance shall be in a form substantially similar to the Deed of Severance attached as an exhibit to this ordinance and must otherwise comply with the requirements of this ordinance. Any changes to the deed attached as an exhibit in a particular case shall be in a form that is approved by the Nibley City Attorney.

#### **19.48.030 Transfer of Development Rights Receiving Overlay**

The creation of the Transfer of Development Rights Receiving Overlay Zone and designation of Receiving Properties is intended to preserve the areas in Nibley to retain its rural heritage by designating areas that could receive density that is transferred from a Sending area.

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

1. Permitted Uses in Receiving Areas are limited to those uses which are permitted in the underlying zoning districts or as modified in 4 (k) below.
2. Permitted Uses that include written additional standards – such standards shall still apply.
3. Receiving Areas Identified.
  - a. Receiving areas shall be designated on the official Zoning Map of Nibley City and shall function as overlay zones, such that all the provisions of the underlying zone shall apply, unless altered by the provisions of the overlay.
  - b. Where a property is partially contained within a Receiving Area, only the portion of the property contained within the Receiving Area may be used for the purposes of applying transferable development rights (TDRs).
  - c. A property owner may apply to have their property be designated as a Receiving Area and rezoned to receive the Transfer of Development Rights Receiving Overlay Zone through the City's rezoning process set forth in 19.02.
  - d. The City Council may designate additional areas as a Receiving Area through the City's rezoning process. The Zoning Map should be updated upon designation. For future receiving area designations, the Planning Commission and City Council, in accordance with City Code, shall consider the ability of the property, utilities, nearby roadway networks, transportation system capacities and options, and other land use characteristics to accommodate additional density on the property.
  - e. A receiving property that brings TDR credits to their property may only use the development rights permitted in accordance with the existing zoning regulations applicable to the receiving property and as shown in the table below:

| Base Zoning                                    | Base Density                      | Receiving Area<br>Allowable Density Increase           |
|------------------------------------------------|-----------------------------------|--------------------------------------------------------|
| R-1, R-1A, R-2, R-2A Zones                     | As per zone                       | Up to 50% increase over the existing zone requirements |
| R-PUD eligible areas                           | 5 units per net developable acre  | Up to 15 units per net developable acre                |
| R-M eligible areas                             | 10 units per net developable acre | Up to 20 units per net developable acre                |
| Commercial mixed use Buildings within C or C-N | As per existing zone              | Up to 15 units per net developable acre                |

**Commented [JJ5]:** Policy - suggesting a change in base density to the R-PUD and housing types allowed in the zone

**Commented [LR6]:** Need to add section for R-PUD ordinance that limits density without TDR.

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zones

- f. Procedure for Calculating Allowed Number of Housing Units: The Allowed Number of Units including the density bonus for transferrable development rights shall be determined as follows. The developer shall follow the process outlined below to determine allowable number of units of the proposed subdivision and use these properties in developing the subdivision plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the preliminary plat application. All calculations will be based on the parcel's current zone at the time of application and the associated Lot Standards.

**Commented [LR7]:** This is similar to 21.10.020 for Open Space Subdivisions

- i. Provide to the City the total area contained within the subdivision plat.
- ii. Provide to the City the total area being dedicated to rights-of-way.
- iii. Provide to the City the total acres of Constrained and Sensitive Land.
- iv. Provide the City the total Net Developable Land area as defined within this section.
- v. State the area of proposed Open Space Land.
- vi. Calculate Open Space Ratio.
- vii. Calculate the Base Number of Lots per zone:
  - 1) Base Number of Lots R-1 = Net Developable Land / 1 acre
  - 2) Base Number of Lots R-1A = Net Developable Land / .75 acres
  - 3) Base Number of Lots R-2 = Net Developable Land / 0.5 acres
  - 4) Base Number of Lots R-2A = Net Developable Land / 0.32 acres
- viii. Determine density bonus based upon the following: number of TDRs to be transferred to the project / Base number of Lots = Bonus Density multiplier
- ix. Total allowed lots = Base number of lots + Base number of lots multiplied by the Bonus Density multiplier with the limits noted above.

4. Properties designated as receiving areas and with proof of transferred development credits, as shown in City and County records, shall be vested in the density of the underlying zone plus the additional development credits up to the limits shown in "e" above. Transfer of Development Rights to Receiving Properties shall comply with the following:
- a. Any proposed transfer of development rights may be initiated only upon completing an Eligibility application by the owners of the sending properties, holders of a TDR Certificate, or owners of the receiving properties.
  - b. Nibley City may not require property owners to transfer or receive a transfer of development rights as a condition of the development of any property, however no increases in density beyond what the existing zone allows shall be given without proof of transferrable development credits from a sending property.
  - c. The record owner of receiving property within the Transfer of Development Rights Receiving Overlay Zone shall file an application for a determination of eligibility to determine the number of transferrable residential development rights available to be transferred and affixed to one or more receiving properties in compliance with this ordinance. Such application shall include:
    - i. A completed determination of eligibility application and TDR Certificate from the sending property.
    - ii. A tax map, plat or site plan outlining the boundaries of the property for each lot, tract

- or parcel as described in the deed.
- iii. The existing zoning of the property.
  - iv. A title policy or other title documentation for the receiving property including a legal description of the receiving property.
  - v. A copy of a survey plat of the proposed receiving parcel prepared by a surveyor licensed in the State of Utah.
  - vi. Water shares or rights necessary to support the new project as provided in NCC 21.12.020.
  - vii. A statement of the number of residential development rights proposed to be transferred and affixed as residential development rights to one or more receiving properties, and calculations upon which the number is based.
  - viii. All applicable fees.
  - ix. A signed conservation easement agreement covering the sending property with a certified Land Trust, non-profit organization or Nibley City
  - x. Any additional information required by Nibley City, shown in the application, as necessary to determine the number of residential development rights that qualify for transfer.
- d. The City shall provide a written statement of the maximum number of TDRs available to be transferred and affixed to one or more receiving properties.
  - e. A transfer of development rights occurs when the owner of the development rights records a Deed of Transfer against the receiving property in the land records of Cache County.
  - f. The Deed of Transfer shall be executed by the sending area property owners of the development rights being transferred, and any lien holders of such property owners, and shall identify the development rights being severed, and the sending properties and/or the receiving properties, as applicable.
  - g. No Deed of Transfer may be recorded among the land records of Cache County unless the Deed of Transfer contains a copy of the signed TDR Certificate by the City Planner indicating the number of residential development rights being transferred and/or affixed to one or more receiving properties.
  - h. Upon recordation of the Deed of Transfer, the transferable development rights are conveyed to one or more parties and/or are affixed to one or more receiving properties stated in the Deed of Transfer.
  - i. The Deed of Transfer shall be in a form substantially similar to the Deed of Transfer attached as exhibit "C" to this ordinance and shall otherwise comply with the requirements of this ordinance and any changes to the deed attached as an exhibit in a particular case shall be in a form that is approved by the Nibley City Attorney.
  - j. Any transfer of development rights to a receiving property pursuant to this ordinance only authorizes an increase in maximum residential density over the base density as per the table in "d" above.
  - k. The existing zoning district regulations may be reduced/modified in terms of the following table:

|         | <a href="#">R-M Eligible Areas</a>        | R-PUD Eligible Areas | R-1 | R-1A | R-2                       | R-2A |
|---------|-------------------------------------------|----------------------|-----|------|---------------------------|------|
| Minimum | Bonus Density Multiplier (BDM)- Less than |                      |     |      | Bonus Density Multiplier- |      |

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|                                                                       |                                                                                                                           |                                                                         |                                                                       |                                                                        |                                                                     |
|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------|
| front yard setback (rear or side-loaded units)                        | 1.0: 20'. Greater than 1.0: 15'.                                                                                          | 30'                                                                     |                                                                       | Less than 0.25: 30'. Greater than 0.25: 25'                            |                                                                     |
| Minimum front yard setback (front-loaded units)                       | 20'                                                                                                                       |                                                                         |                                                                       |                                                                        |                                                                     |
| Minimum side yard, interior setback                                   | To the minimum required by the IBC                                                                                        | 10'                                                                     |                                                                       | Bonus Density Multiplier- Less than 0.25: 10'. Greater than 0.25: 8'   |                                                                     |
| Minimum side yard, street setback                                     | 20'                                                                                                                       | 30'                                                                     |                                                                       | Bonus Density Multiplier- Less than 0.25: 30'. Greater than 0.25: 25'  |                                                                     |
| Minimum rear yard setback                                             | Bonus Density Multiplier- Less than 1.0: 15'. Greater than 1.0: 10'.                                                      | 30'                                                                     |                                                                       | Bonus Density Multiplier- Less than 0.25: 25'. Greater than 0.25: 20'  |                                                                     |
| Minimum Lot width measured at front yard setback line (single-family) | Bonus Density Multiplier- Less than 1.0: 50 ft. Greater than 1.0: 40 sq. ft.                                              | Bonus Density Multiplier- Less than 0.25: 125'. Greater than 0.25: 100' |                                                                       | Bonus Density Multiplier- Less than 0.25: 100'. Greater than 0.25: 75' |                                                                     |
| Minimum Lot Area (Single-family)                                      | Bonus Density Multiplier- Less than 1.0: 4,500 sq. ft. Greater than 1.0: 3,500 sq. ft.                                    | BDM- Less than 0.25: 18,000 sq. ft. Greater than 0.25: 12,000 sq. ft.   | BDM- Less than 0.25: 14,000 sq. ft. Greater than 0.25: 11,000 sq. ft. | BDM- Less than 0.25: 12,000 sq. ft. Greater than 0.25: 9,000 sq. ft.   | BDM- Less than 0.25: 8,000 sq. ft. Greater than 0.25: 6,000 sq. ft. |
| Minimum Lot Area (Two-family)                                         | Bonus Density Multiplier- Less than 1.0: 8,000 sq. ft. Greater than 1.0: 6,000 sq. ft.                                    |                                                                         |                                                                       |                                                                        |                                                                     |
| Minimum Open Space required                                           | Bonus Density Multiplier- Less than 1.0: 35% of net developable acreage. Greater than 1.0: 25% of net developable acreage | -                                                                       | -                                                                     | -                                                                      | -                                                                   |
| Unit                                                                  | =                                                                                                                         | Bonus Density                                                           | Same as underlying Zone                                               |                                                                        |                                                                     |

**Commented [JJ8]:** How does that work for townhouses?

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|                    |  |                                                                                                                                                  |  |
|--------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Types & Unit Split |  | Multiplier- Less than 1.0 : greater than 40% of units shall be single-family. Greater than 1.0: greater than 20% of units shall be single-family |  |
|--------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------|--|

L. Developments in R-PUD eligible areas – housing types may include flexible attached units with building lengths no greater than 150'. Projects with bonified TDR credits, shall, when the application meets all City standards, be approved after appropriate administrative processing for a subdivision or conditional use.

Proposals for use of TDR credits within the R-PUD eligible areas as currently shown in NCC 19.32.030, shall become administrative and not require the rezone process in order to apply TDR credits to the R-PUD project. R-PUD projects shall follow the development standards and approval process of NCC 19.32, except as provided in this chapter.

**Commented [LR9]:** If we are going to have this restriction, we should add it to R-PUD chapter, as well, so this is not more restrictive than regular R-PUD

**Commented [JJ10R9]:** Assumes 25' wide units?

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

Affected Parcel No(s). \_\_\_\_\_

### **Deed of Severance and Conservation Easement**

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

### **RECITALS**

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

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

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

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

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

### **Severance of Transferable Development Rights**

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

### **Conservation Easement**

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

the rights, limitations, and restrictions set forth in this Deed. Grantor and/or developer has provided evidence of commitment by said entity and payment of any associated fees. The managing entity is:

Name:

Entity Type:

Physical Address:

Signature of Managing Entity: \_\_\_\_\_

Name and Title of Signer: \_\_\_\_\_

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

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

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

1. Except as expressly limited herein, the Grantor reserves for itself, its heirs, successors and assigns, all rights as owner of the easement property, including the right to use the easement property for all ownership purposes not inconsistent with this easement or the TDR Program, including agricultural uses or other uses allowed by the TDR Program.

2. The right to build structures for agricultural use and occupancy subject to following applicable rules of the TDR Program, building codes, and setback regulations.
3. The lands of the Grantor, herein above referred to and to which the provisions of this instrument apply, are situated in Nibley City, Cache County of Utah, the State of Utah, and are more particularly described as follows:
  - a. See Attached "Exhibit A: Property Description".

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

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

\_\_\_\_\_  
Printed Name of Grantor

\_\_\_\_\_  
Signature of Grantor

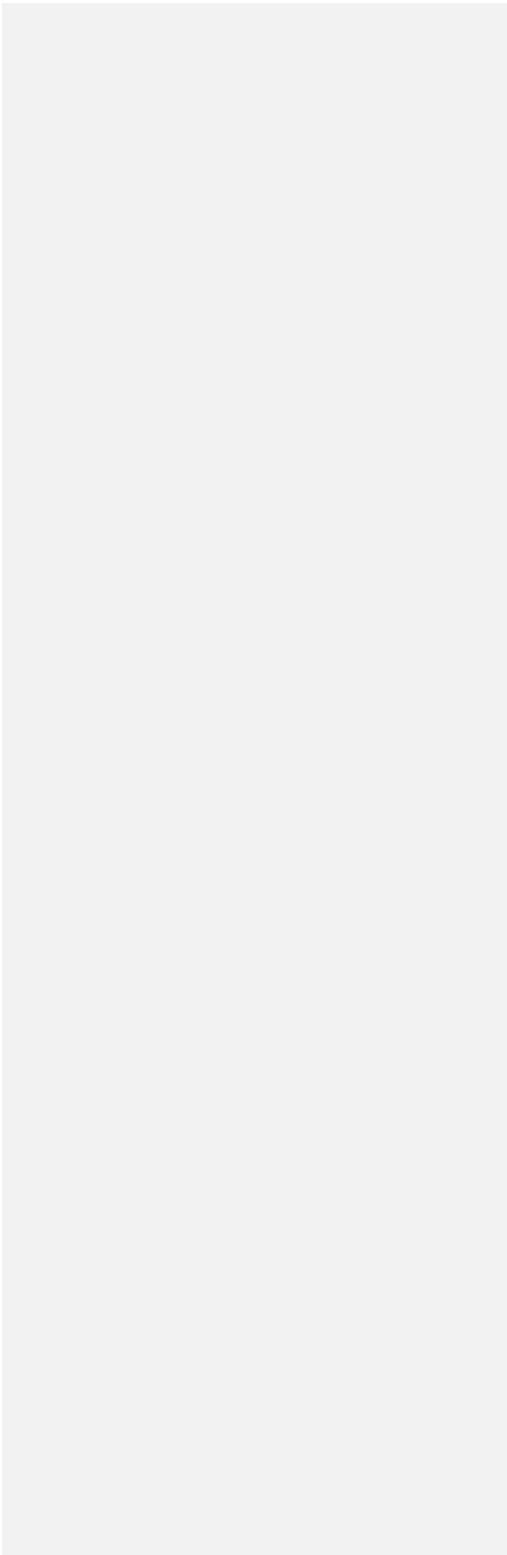
\_\_\_\_\_  
Date

CACHE COUNTY, STATE OF UTAH

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

\_\_\_\_\_  
Notary Public

**EXHIBIT A: PROPERTY DESCRIPTION**



## EXHIBIT B: TRANSFERABLE DEVELOPMENT RIGHTS CERTIFICATE

### Certificate of Transferable Development Rights

TDR Certificate Number: #

This document certifies that:

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

Transferable Development Rights granted: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_  
Signature of City Planner

\_\_\_\_\_  
Date

## EXHIBIT C: DEED OF TRANSFER

### Deed of Transfer

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

Affected Parcel No.: \_\_\_\_\_

Deed of Transfer Number: \_\_\_\_\_

Name(s) of Owners: \_\_\_\_\_

This document certifies that:

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

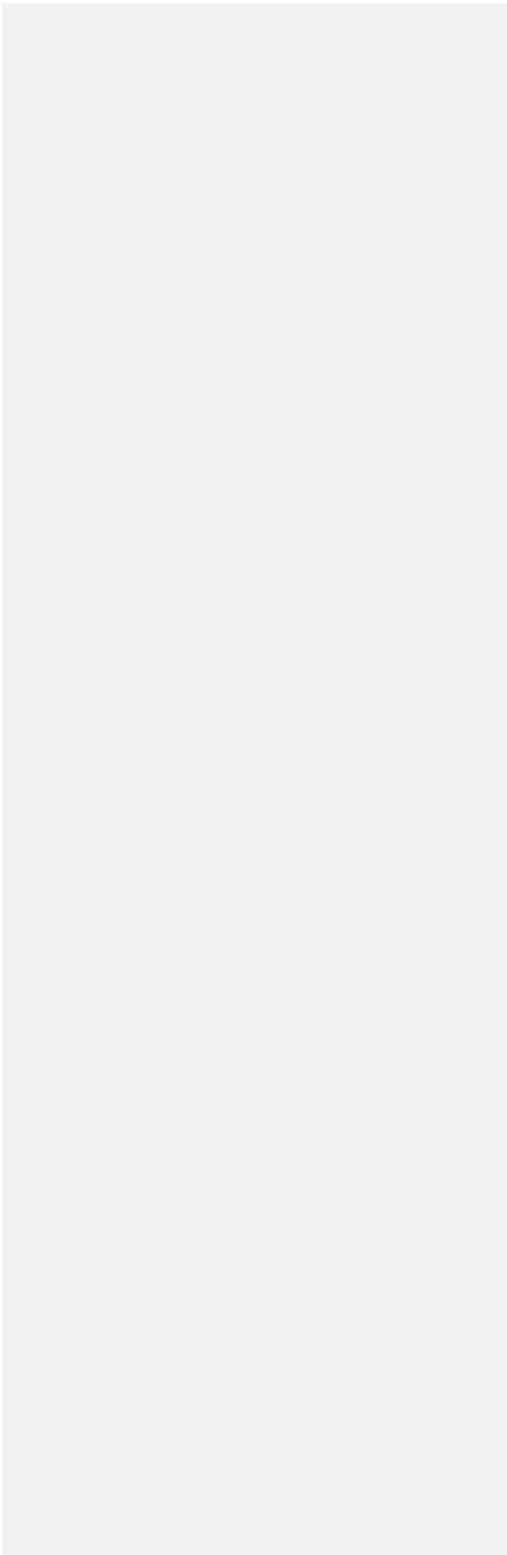
Transferable Development Rights: \_\_\_\_\_

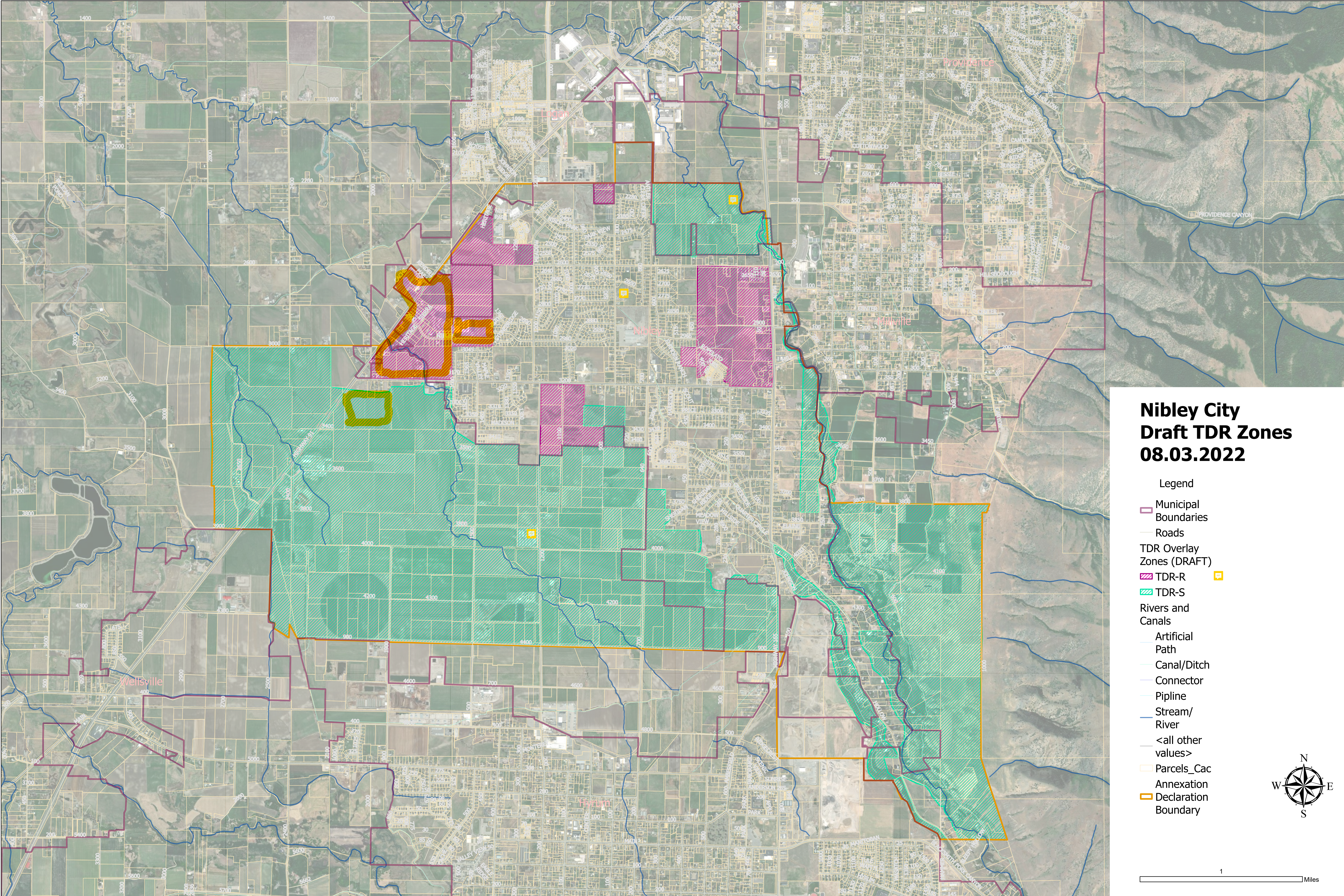
Cache County Parcel ID Number: \_\_\_\_\_

\_\_\_\_\_  
Signature of City Planner

\_\_\_\_\_  
Date

Legal Description:





# Nibley City Draft TDR Zones 08.03.2022

- Legend
- Municipal Boundaries
  - Roads
  - TDR Overlay Zones (DRAFT)
    - TDR-R
    - TDR-S
  - Rivers and Canals
    - Artificial Path
    - Canal/Ditch
    - Connector
    - Pipeline
    - Stream/ River
    - <all other values>
  - Parcels\_Cac
  - Annexation
  - Declaration Boundary

