



Nibley City
Planning Commission Meeting
Thursday, October 20, 2022
Nibley City Hall
455 W. 3200 S.
Nibley, UT

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

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

1. **Public Hearing:** Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone
2. **Discussion and Consideration:** Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone
3. **Public Hearing:** Teuscher Flag Lot Subdivision Preliminary Plat, located at 3812 South 450 West (Applicant: Ethan Teuscher)
4. **Discussion and Consideration:** Teuscher Flag Lot Subdivision Preliminary Plat, located at 3812 South 450 West (Applicant: Ethan Teuscher)
5. **Public Hearing:** Johnson Meadows Subdivision Preliminary Plat, located at 3400 South 450 West (Applicant: Todd Stimpson)
6. **Discussion and Consideration:** Johnson Meadows Subdivision Preliminary Plat, located at 3400 South 450 West (Applicant: Todd Stimpson)
7. Staff Report and Action Items

Public Hearing: Salmon Fly Minor Subdivision Final Plat, located at 4598 S Hollow Rd (Applicant: Steve Smith) has been canceled.

*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
October 20, 2022**

Agenda Item #1 & #2: Transfer of Development Rights Ordinance

Description

Public Hearing: Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone

Discussion and Consideration: Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone

Reviewed By

City Planner, City Attorney, City Manager

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. Based upon community outreach, there is general support for developing a TDR program that facilitates the preservation of open space. 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 has worked 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

In addition to the Draft TDR Ordinance, a Draft TDR overlay zones map is provided. The TDR overlay zones designate both sending and receiving areas. As noted above, sending areas are those areas which are areas from which theoretical development rights are transferred. Receiving areas are areas that are eligible to receive additional development rights, including density if they transfer rights from a sending area.

Guiding principles for selecting sending areas:

- Sensitive/significant lands
 - Blacksmith Fork River Riparian Corridor
 - Hillside/flood prone areas
- Productive agricultural lands
 - Large open agricultural lands between Nibley City and Hyrum City.
- Scenic vistas
 - Areas along Hwy 89/91 south of Nibley's current boundaries.
 - Some areas along Hwy 165
 - Areas overlap with other values (agricultural, sensitive lands)
- Unimproved parks/historic land
 - Regional Park, Morgan Farm

Guiding principles for selecting receiving areas:

- Areas near supportive infrastructure
- Areas planned for additional density (Town Center, R-PUD areas)

The recommended map broadly applies the TDR overlay zones across undeveloped land within Nibley's Future Annexation Area which meet the guiding principles. This approach is intended to provide opportunities for the program to effectively work. The recommended map includes many areas outside of Nibley City municipal boundaries. It is important to note that these areas would only be able to be included in a TDR transfer if/when they annex to Nibley City.

Agenda Item #3 & #4: Preliminary Plat: Teuscher Flag Lot

Description

Public Hearing: Teuscher Flag Lot Subdivision Preliminary Plat, located at 3812 South 450 West (Applicant: Ethan Teuscher)

Discussion and Consideration: Teuscher Flag Lot Subdivision Preliminary Plat, located at 3812 South 450 West (Applicant: Ethan Teuscher)

Department

City Planning

Action Type

Administrative

Recommendation

Approval of the Teuscher Flag Lot Subdivision Preliminary Plat with the following condition:

- Street trees should be included along 450 West at a minimum of every 50', as required by NCC 21.12.170

Reviewed By

City Planner, City Engineer, City Manager, City Attorney, Public Works, County Fire Marshall

Background

Ethan Teuscher has applied for Preliminary Plat approval for Teuscher Flag Lot Subdivision. The proposed Teuscher Flag Lot Subdivision is located near 3812 South 450 West within an R-2A zone. Below is a summary of the development and zoning requirements:

	NCC Requirements	Teuscher Flag Lot
Total Gross Acres	N/A	2.1
Total Lots	N/A	2
Minimum Lot Size	½ acre	½ acre
Minimum street frontage	100 ft.	148 ft.

Zoning and space requirements

The proposed preliminary plat is located within an R-2 zone. NCC 19.22.010 requires a minimum lot size of ½ acre. The frontage requirement of the R-2 zone is 100 ft. With the exception of the flag lot not meeting minimum frontage, the application meets each of these standards. The preliminary plat denotes setbacks that meets setback requirements, including required setback within the flag portion of the proposed flag lot.

Flag Lot Requirements

NCC 19.46 provides specific requirements regarding flag lots. Sub-section (B)(4) notes that flag lots may only be approved if the following standards are met:

- a. *Shall only be allowed for single-family detached units located in residential zones.*

The proposed flag lot subdivision includes two lots for single-family detached units.

- b. *Shall be created as part of a legal submission arising from an application under NCC 21.*

The proposed flag lot subdivision will comply with NCC 21

- c. *Flag lots shall only be allowed as part of a legal subdivision of three lots or less.*

The proposed flag lot subdivision contains two lots

- d. *Flag lot creation shall only be allowed in a subdivision where the parcel that is being subdivided is limited for future development by its overall size, frontage, severe topography, and land use in the adjacent parcels.*

The proposed flag lot subdivision does not have sufficient frontage to meet the zoning requirements. It is particularly deep (~666 ft) and narrow (~180 ft). The adjacent parcel to the north is developed. The parcel to the south is undeveloped but owned by a different property owner. There is not sufficient width to dedicate an east/west public street on the property. Developing a half road would not be appropriate as it would bind the property to the south to develop the other half of the road when it develops. This does not appear to be an ideal configuration for that property, given the proximity of this alignment to the planned connected to Meadow Lane. The City Attorney has reviewed this and other standards and determined that the application meets the requirements to be considered as a flag lot.

- e. *The creation of a flag lot shall be limited within each new development. A subdivision that can reasonably supply frontage for each lot shall not be granted the creation of a new flag lot.*

This application is limited to two lots.

- f. *New flag lots shall not have access off arterial streets or roadways as listed in Nibley City's General and Master Plans.*

The Transportation Master Plan lists 450 West as a local street.

- g. *The creation of a flag lot shall not be approved in places where they would prohibit future public infrastructure connections as contained in the City's General and Master Plans, including public roads, trails waterlines, sewer lines, stormwater facilities, etc.*

The subdivision proposes to build the required half road (with minimum 20' width) for the master-planned 450 West local street. The creation of the flag lot would not prohibit the connection of any other planned infrastructure.

- h. The flag lot owner owns and is responsible to maintain the stem portion of the flag lot as defined above.*
- i. The flag lot must comply with all other conditions and requirements as listed in this chapter and within Nibley City ordinances.*

The applicant has met the requirements related to fire protection noted in NCC 19.46.010(B)(1). Specifically, the preliminary plat notes that the access to the flag lot will include a 20' wide paved driving surface with an 8' swale on one the north side a 2' buffer on the south side. A turnaround will be provided pre international fire code. The applicant has noted and will be required to place a permanent easement for emergency access and City inspection. A fire hydrant currently exists within 100' of the flag lot access. The Fire Marshall has inspected the preliminary plat and has determined that it meets the requirements of the fire code.

The applicant will be required to abide by other requirements of the flag lot, including address identification and private maintenance of the access and utilities.

Utility Lines, Easements, and Storm Water

The applicant has shown a preliminary plan for connecting utilities to Nibley City's utility system, including locations of sewer, water lines. The applicant proposes to extend water and sewer to the edge of the property along 450 West. Public utility easements are shown where necessary, as required by the City Engineer. Nibley City engineer and public works director have reviewed the plans to ensure feasibility and compliance with City standards. Regarding stormwater, it is anticipated that due to the density and scale of this development, stormwater may be managed onsite, but the City Engineer recommends that a note be added to the plat to signify this requirement.

Canals

There is an irrigation ditch located on the east side of the property. The applicant is not proposing the affect this canal and has indicated to retain a 33' canal maintenance easement and a minimum 15' easement from the top edge of the canal.

Transportation

The currently adopted Transportation Master Plan shows 450 West as a local street along the frontage of the proposed subdivision. The applicant proposes to dedicate approximately 43' to the City for this roadway, which is adjacent to an existing, formerly dedicated 23' right-of-way. The proposed road will taper to a 29' width and provide a TS-14 cross section with curb, gutter and sidewalk. At the request of City Staff, the applicant has provided a detail of the whole roadway, although they will only be required to improve half the road (with at least 20' of asphalt width). Nibley City is required to improve the remaining half of the roadway cross

section prior to lot 50 of Sheridan Ridge developing. It is Staff's recommendation to wait to improve this entire road until such time that lot 50 develops.

Street Trees

NCC 21.12.170 provides that street trees be planted every 50'. The proposed preliminary plat does not currently include any detail about the installation of street trees. Staff recommends that this condition be included with the approval of this preliminary plat.

Agenda Item #5 & #6: Preliminary Plat: Johnson Meadows

Description

Public Hearing: Johnson Meadows Subdivision Preliminary Plat, located at 3400 South 450 West (Applicant: Todd Stimpson)

Discussion and Consideration: Johnson Meadows Subdivision Preliminary Plat, located at 3400 South 450 West (Applicant: Todd Stimpson)

Department

City Planning

Action Type

Administrative

Recommendation

Approval of the Johnson Meadows Subdivision Preliminary Plat with the following conditions:

1. The phasing of the subdivision needs to be modified so that the value of improvements is commensurate with the number of units in each phase. This may be accomplished by moving the phase line to include all improvements on 3400 South or by splitting the phases more evenly with 5 lots in one phase and 6 in another phase.
2. The alignment of the trail needs to more closely match the master-planned alignment and include required improvements of a 10' wide trail design.
3. Need to include a note at final plat that stormwater is to be managed by individual lots

Reviewed By

City Planner, City Engineer, City Manager, Public Works

Background

Todd Stimpson has applied for Preliminary Plat approval for Johnson Meadows Subdivision. The proposed Johnson Meadows Subdivision is located near 3400 South 450 West within an R-2 zone. Below is a summary of the development and zoning requirements:

	NCC Requirements	Johnson Meadows
Total Gross Acres	N/A	9.5
Total Lots	N/A	11
Minimum Lot Size	½ acre	0.51 acre
Minimum street frontage	100 ft.	100 ft.

Zoning and space requirements

The proposed preliminary plat is located within an R-2 zone. NCC 19.22.010 requires a minimum lot size of ½ acre. The frontage requirement of the R-2 zone is 100 ft. The application meets each of these standards. The preliminary plat denotes setbacks that meets setback requirements.

Phasing

The applicant proposes to develop the subdivision in two phases, which include 9 lots in Phase 1 and 2 lots in Phase 2. Regarding phasing, NCC 21.02.080© states the following:

Developers may choose to construct infrastructure improvements within the proposed subdivision, which may include, but are not limited to: utilities, parks, open space, stormwater facilities, trails, etc. When such improvements are approved as part of the subdivision approval, they shall be phased in proportion, based on percentage of the total value of the amenities in the subdivision, to the total number of lots in the subdivision, per phase. Example: If a phase contains 25% of the lots for the subdivision, then 25% of the total value of the subdivision's amenities are required to be constructed along with that phase.

Based upon estimates provided by the applicant, \$88,223.50 is estimated to be expended for Phase 1 improvements, while \$60,930.75 is estimated in Phase 2. This equates to 59% of the cost of improvements being proposed in Phase 1, while this phase includes 82% of the lots. The cost per lot of the improvements is approximately \$9,803 in Phase 1 and \$30,465 in Phase 2. It is Staff's opinion that the proposed improvements in Phase 1 are not commensurate with the

number of lots as required in NCC 21.02.080©. Staff recommends that the applicant be required to amend the phasing plan so that the value of the improvements with each phase are approximately commensurate with the number of lots in each phase. This may be accomplished by either improving a longer stretch of the planned infrastructure (street and sidewalk) along 3400 South or by moving the phase line so that the number of lots are more equally distributed between phases.

Utility Lines, Easements, and Storm Water

The applicant has shown a preliminary plan for connecting utilities to Nibley City's utility system, including locations of sewer, water lines. Both water and sewer lines already exist to the edge of the property along 450 West, as well as along 3400 South. Public utility easements are shown where necessary, as required by the City Engineer. Nibley City engineer and public works director have reviewed the plans to ensure feasibility and compliance with City standards. Regarding stormwater, it is anticipated that due to the density and scale of this development, stormwater may be managed onsite, but the City Engineer recommends that a note be added to the plat to signify this requirement.

Another condition of note is that there are existing Rocky Mountain Power lines along the north edge of the property. The applicant has indicated that they intend to relocate the power lines and poles, as required.

Canals

There is an irrigation ditch which runs north/south on the west portion of the proposed subdivision. At the request of Nibley-Blacksmith Fork Irrigation, the applicant is proposing to pipe this canal and dedicate a 20' wide easement for maintenance of the canal.

The applicant has provided a letter which they have sent to the Nibley-BSF Irrigation Company, with an opportunity for response to Nibley City dated August 19. The City has not received any response from Nibley-BSF.

Transportation

The currently adopted Transportation Master Plan shows 450 West as a local street along the western edge of the proposed subdivision. The applicant proposes to dedicate approximately 53' to the City for this roadway and align with the existing 450 West Right-of-Way. The proposed road will improve 450 West with curb, gutter and sidewalk and 20' of asphalt on the east side of the road. The applicant is proposing to dedicate 17' of 3400 South, which currently includes 43' of dedicated ROW to bring the ROW to a full 60' width. The applicant proposes a modified TS-14 cross section, installing a ribbon burb, swale and sidewalk along this roadway, while improving the asphalt to a 29' width. 250 W is a Master-planned collector street and the applicant proposes to improve the sidewalk and curb along the street which borders the development, matching the existing sidewalk to the south.

In addition to the master-planned street, there is a master-planned trail along the alignment of the existing canal. NCC 21.12.060(F)(1) provides:

Trails, bike paths, and horse trails shall be provided by the Developer in accordance with the City Trails Master Plan and where otherwise necessary as determined by the Approval Authority. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, future and existing city trails and other significant natural features. Such trails shall be built to City specifications and ROW shall be dedicated for such trails. The trails shall be constructed with the accompanying phase and development, unless the Approval Authority determines otherwise.

Below is an image of the planned trails in this area.



The applicant proposes a modification to this alignment and dedicate a 15' trail easement on the south side of Lot 11. Staff has reviewed this proposed alignment and determined that this does not adequately comply with the Trails Master Plan and this provision of Nibley City Code. Staff recommends that the alignment of the trail be modified to more closely match the Trails Master Plan. If the alignment is considered acceptable, Staff recommends that the applicant be required to improve the trail with 10' of paved trail, including along 450 West to connect the trail to a planned trail junction at 450 W 3400 S.

Street Trees

NCC 21.12.170 provides that street trees be planted every 50'. The proposed preliminary plat includes a preliminary street tree plan with planted trees, as required.

Flood plain

There is a FEMA designated floodplain which impacts three of the lots on the western side of the proposed development. Any building on these lots will be subject to the standards and limitations of Nibley City Code Chapter 23- Flood Control.



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.

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.

- A. The purposes of this Transfer of Development Rights Program, or TDR Program, include, but are not limited to:
 1. Protect and enhance private property rights by enabling the transfer of potential development rights.
 2. Maintain the rural heritage of Nibley City.
 3. Promote the public health, safety, and general welfare of Nibley City by establishing procedures, methods, and standards for the transfer of development rights.
 4. Establish a procedure enabling Nibley City and its landowners to voluntarily sever development rights from a sending property.
 5. 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.
 6. Establish certain incentives for attaching development rights to receiving properties.
 7. Preserve open space, scenic views, agricultural, riparian and critical/sensitive lands.
 8. Protect lands, resources and structures of aesthetic, architectural, recreational, and historic significance.
 9. Assist in shaping the character and direction of the development of Nibley City.

B. Permitted Uses within Sending Areas after a Deed of Severance and conservation easement is recorded. Uses not listed are not allowed:

1. 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.
2. Public rights of way and easements, including quasi-public utility easements
3. Commercial horse riding, training and boarding stables.
4. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry
5. One (1) single-family dwelling and one Accessory Dwelling Unit on parcels with 20 or more acres.
6. Municipal facilities required for local service and/or recreation needs.
7. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conserved land.
8. The creation and Transfer of Development Rights in accordance with this chapter
9. Restoration, maintenance, enhancement of native vegetation.
10. Publicly accessible recreational lands and facilities including trails, parks and natural lands.
11. Agritourism
12. Conservation of open land in its natural state, e.g., meadows, tree stands, wetlands, forestland.

C. Conditional uses within Sending Areas:

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

Commented [JJ1]: Policy - note that Home Occs are a CUP in all zones - change to CU?

D. Sending Areas Identified.

1. 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 planned City parks or 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 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,

Commented [RP2]: 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?

by the City Council where such connections provide a continuous, usable trail segment.

2. 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.
3. 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).
4. 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.
5. 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.
6. 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 [RP3]: We should use this phrase throughout to identify this as a specific zone that must be applied for and then granted by the City.

E. Determination of Transferable Development Rights.

1. The City Planner or designee shall establish and maintain a system for monitoring the determination, severance, ownership, assignment, and transfer of development rights.
2. 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.
3. The following information shall accompany the application:
 - a. 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.
 - b. Use of the property.
 - c. Title policy or title documentation.
 - d. Existing water rights needed to continue the current use on the property. Total water rights available to the property.
 - e. Applicable fees.
 - f. For agricultural parcels, commitment to farming by the owner or a lease for 10 years
 - g. Annexation status, if applicable
 - h. Slope and floodplain mapping

4. Nibley City shall determine the number of development rights using the following formula, and rounded to the nearest whole number:
 - a. $TDRs = A \times B$ for agricultural property or $TDR = A \times OSA$ for open space properties
 - b. Where TDR means Transferrable Development Rights, A means the total area (acres) of the property, B means the allowable potential development rights on an agricultural property, OSA means the allowable potential development rights on an open space property.
 - c. For agricultural parcels, the per acre potential development units to transfer shall be 3.
 - d. For open space parcels from the Blacksmith Fork area, the per acre potential development units to transfer shall be 4. If only a trail easement is offered, it shall be eligible for 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.

F. Severance of Development Rights.

1. 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.
2. Nibley City may not require property owners to sever development rights as a condition of the development of any property.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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:
 - a. The TDRs are severed from the sending property.
 - b. The conservation easement shall be in compliance with the permitted uses in the Transfer of Development Rights Sending Overlay.
8. 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.

- A. Permitted Uses in Receiving Areas are limited to those uses which are permitted in the underlying zoning districts or as modified in below.
- B. Permitted Uses that include written additional standards – such standards shall still apply.
- C. Receiving Areas Identified.
 1. 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.
 2. 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).
 3. 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.
 4. 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.
 5. 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 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 [JJ4]: Policy - suggesting a change in base density to the R-PUD and housing types allowed in the zone

Commented [LR5]: These thresholds depend upon where the R-M ordinance changes land.

zones		
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6. 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.

- a. Provide to the City the total area contained within the subdivision plat.
- b. Provide to the City the total area being dedicated to rights-of-way.
- c. Provide to the City the total acres of Constrained and Sensitive Land.
- d. Provide the City the total Net Developable Land area as defined within this section.
- e. State the area of proposed Open Space Land.
- f. Calculate Open Space Ratio.
- g. 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 acre
 - 3) Base Number of Lots R-2 = Net Developable Land / 0.5 acre
 - 4) Base Number of Lots R-2A = Net Developable Land / 0.32 acre
 - 5) Base Number of Lots R-PUD eligible areas = Net Developable Land / 0.2 acre
 - 6) Base Number of Lots R-M eligible areas = Net Developable Land / 0.1 acre
- h. Determine density bonus based upon the following: number of TDRs to be transferred to the project / Base number of Lots = Bonus Density multiplier
- i. Total allowed lots = Base number of lots + Base number of lots multiplied by the Bonus Density multiplier with the limits noted above.

- D. 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. Properties designated as receiving areas that are within R-PUD or R-M eligible areas shall be vested in the density of the R-PUD or R-M zoning designation plus additional development credits up to the limits shown in "e" above. Transfer of Development Rights to Receiving Properties shall comply with the following:

1. 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.
2. 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.
3. 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:

- a. A completed determination of eligibility application and TDR Certificate from the sending property.
 - b. A tax map, plat or site plan outlining the boundaries of the property for each lot, tract or parcel as described in the deed.
 - c. The existing zoning of the property.
 - d. A title policy or other title documentation for the receiving property including a legal description of the receiving property.
 - e. A copy of a survey plat of the proposed receiving parcel prepared by a surveyor licensed in the State of Utah.
 - f. Water shares or rights necessary to support the new project as provided in NCC 21.12.020.
 - g. 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.
 - h. All applicable fees.
 - i. A signed conservation easement agreement covering the sending property with a certified Land Trust, non-profit organization or Nibley City
 - j. 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.
4. 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.
 - a. Each development project must have a minimum of 10 TDR credits or one half ($\frac{1}{2}$) TDR credit per net developable acre of the development in the receiving zone, whichever is greater.
 5. 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.
 6. 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.
 7. 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.
 8. 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.
 9. 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.

10. 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.

11. The existing zoning district regulations may be reduced/modified in terms of the following table:

	R-M Eligible Areas	R-PUD Eligible Areas	R-1	R-1A	R-2	R-2A
Minimum lot area ¹ (Single-family) ²	4,500 sq. ft.	4,500 sq. ft.	14,000 sq. ft.	12,000 sq. ft.	10,000 sq. ft.	6,000 sq. ft.
Minimum lot width ³	50'	50'	100'	80'	70'	65'
Minimum front yard setback (principal use) ⁴	7'	7'	20'		12'	
Minimum garage front setback ⁵	20'	20'	25'		22'	
Minimum side yard, interior setback	5'		10'		8'	
Minimum side yard, street setback	15'		20'		15'	
Minimum rear yard setback ⁶	10'		20'		15'	
Parking	10% parking minimum reduction	10% parking minimum reduction	Not applicable			
Unit Types & Unit Split	Not applicable	A minimum of 20% percent of the units must be single-family detached. Remaining units may be flexible attached and/or multi-family units				
Minimum project size	Not applicable	20 acres				

12. Developments in R-PUD eligible areas – housing types may include flexible attached units

¹ Lot bonus increase is only granted a maximum per table in 19.48.030 C 5 and it is expected that each development will have a variety of lot sizes and not all lots will be the minimum size.

² Two-family housing is permitted per Nibley City Code 19.20. Minimum lot size per two-family home is 9,000 sq. ft or minimum area per zone in TDR ordinance, whichever is greater.

³ Lot width is measured at the front yard setback line.

⁴ The building home setback includes the front of the home, living spaces, and porches, but not garages.

⁵ The garage is intended to be setback further than the home.

⁶ Minimum alley or rear loaded setbacks are 5' if garage is located on the rear and is accessed from the alley.

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.

13. 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 project in order to allow for density which is greater than 50% greater than the underlying residential zoning designation. R-PUD projects shall follow the development standards and approval process of NCC 19.32, except as provided in this chapter.

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 LEGAL DESCRIPTION

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

Property Legal Description:

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

Property Legal Description:

19.08.010 Establishment Of Zones

For the purpose of this title, the city is divided into the following zones and districts in which land uses shall be limited as specified in this title:

Agricultural zone (A)
Rural estate zone (R-E)
Residential zone low density (R-1)
Residential zone low density (R-1A)
Residential zone medium density (R-2)
Residential zone medium density (R-2A)
Residential zone-high densitymixed use (R-M)
Commercial zone (C)
Neighborhood commercial zone (C-N)
Industrial zone (I)
Floodplain overlay district-zone (FP)
Residential Planned Unit Development Overlay Zone (R-PUD)
Transfer of Development Rights Sending Overlay Zone (TDR-S)
Transfer of Development Rights Receiving Overlay Zone (TDR-R)

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Classification will be determined on the basis of location, topographical features and other reasonable considerations to guide the orderly physical development and ensure neighborhood compatibility and stability of the city in accordance with the Nibley General Plan.

19.32.040 Area And Density Regulations

- A. Minimum development size: The minimum total area for an R-PUD shall be 40 acres
- B. Housing Types: Only single-family homes and town homes are allowed in the R-PUD in residential areas, except as allowed in the Town-Center Area. The density shall be based on Net Developable Acres of the development as follows:
 1. Equal to or less than 5 units per Net Developable Acre a. Single Family Home R-PUD must contain a minimum of 50 units.
 2. A Mix of Single Family and Townhomes: Equal to or less than 40-5 units per Net Developable Acre. Up to 60% of dwelling units can be townhomes. a. A Mix of Single Family and Townhomes R-PUD must contain a minimum of 120 units.

19.32.080 Development Standards

These standards are intended to create R-PUD developments that will establish permanent neighborhoods and provide a sense of community. To meet the intent of this section, the following provisions shall be applied to all new multi-family residential and mixed-use developments. For exterior remodels, these standards shall be required. Commercial areas of an R-PUD must comply with Nibley City Commercial design standards for commercial developments.

- A. Townhome, Patio Homes, and Condominium Architectural Standards
 1. 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.
 2. 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.
 3. 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, 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.

4. 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.

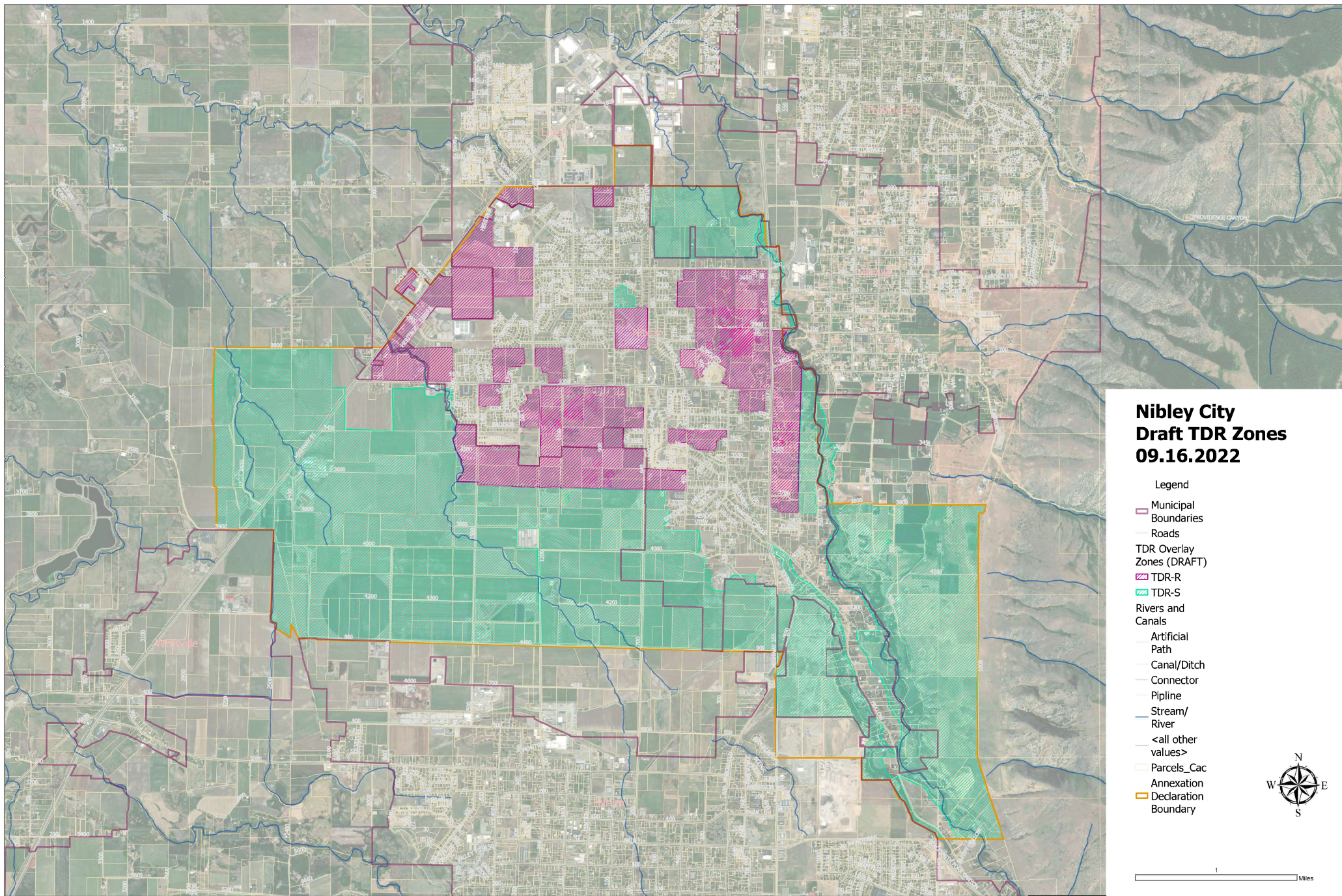
~~4-5.~~ Building Length: Building length shall not exceed 150 feet.

- ~~5-6.~~ 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.

~~6-7.~~ Variation. Townhome dwellings units 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:

- a. Change in building materials;
- b. Building projections measuring at least twelve (12) inches in depth based on the scale of the proposed building;
- c. Awnings and lighting, or another architectural variation as approved on a case-by-case basis that creates visual interest.

~~7-8.~~ Garages. Townhomes shall be designed oriented toward exterior public roads with rear loading garages accessed by a paved parking area or alleyway, except along Highway 165 and 89/91 as approved. Rear loading garages are highly encouraged for townhomes located on interior project roads with units oriented toward a road or common courtyard area. Front loading garages may be allowed for townhomes that do not have any portion of the building adjacent to a current or planned public road or street outside of the development. Multiple unit structures shall have garages incorporated into the primary structure. At least fifty percent (50%) of units shall contain a two-car garage. Detached garages are prohibited in R-PUDs



**Nibley City
Draft TDR Zones
09.16.2022**

- 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



1 Miles

*A Part of the Southwest Quarter of Section 28,
Township 11 North, Range 1 East of the Salt Lake Base and Meridian
and a Part of Lot 16, Block 17, of the Millville West Field Survey*

I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 7881387, as prescribed under the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land hereafter to be known as Teuscher Flag Lot Subdivision and the same had been correctly surveyed and all streets are the dimensions shown.



All of Lot 1 of the Nixon Agricultural Subdivision and a Part of the Southwest Quarter of Section 28, Township 11 North, Range 1 East of the Salt Lake Base and Meridian and a Part of Lot 16, Block 17, of the Millville West Field Survey

Beginning at the Northwest Corner of said Lot 1 at a Point Located 148.75 Feet South 00°13'12" West from the Northwest Corner of said Lot 16 and RUNNING THENCE Along the Perimeter of said Lot 1 the Following Five (5) Courses: (1) North 89°08'22" East 666.56 Feet Along the South Line of Sheridan Ridge Phase 2 to the Southeast Corner of said Sheridan Ridge Phase 2; (2) South 20°28'25" West 162.28 Feet Along the West Line of Quarter Circle Unit 3 Subdivision; (3) South 23°44'58" West 4.44 Feet; (4) South 89°47'42" West 608.51 Feet; (5) North 00°13'12" East 148.25 Feet to the Point of Beginning. Containing 2.223 Acres.

Know all men by these present that we, the undersigned owners of the tract of land (Parcel 03-048-0045) depicted and described hereon, having caused the same to be subdivided into lots, parcels, and streets (as partents), together with easements as set forth to be hereafter known as the "Tauscher Flag Lot Subdivision", as depicted hereon and we hereby dedicate for the perpetual use of the public all streets and other areas shown on this plat as intended for public use. The undersigned owner's also convey to any and all public utility companies and their successors and assigns all easements and appurtenances shown on this plat. The same to be used for installation, maintenance, and operation of public utility service lines and facilities. The undersigned owner's also hereby convey any other easements as shown on this plat to the parties indicated and for the purpose shown hereon.

Ethan Teuscher Date _____

Lisa Teuscher *Date*

State of _____
County of _____

On this _____ day of _____, 20____, Ethan Teuscher and Lisa Teuscher, husband and wife, personally appeared before me, the undersigned Notary Public in and for said State and County, the signers of the attached Owners Dedication, whom duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

Notary Public Signature

Notary Public Commissioned in Utah
(Print Name)

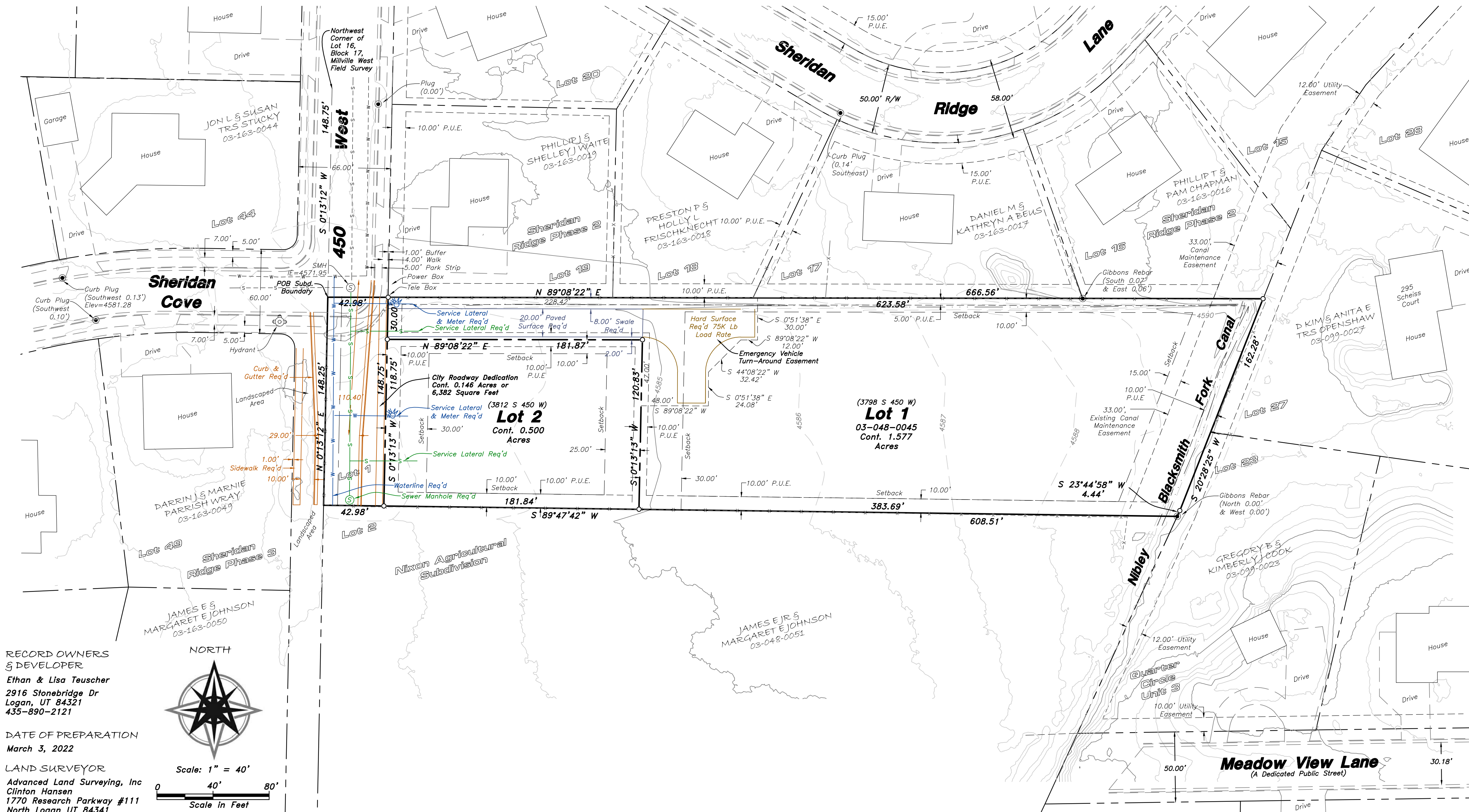
Commission Number – Expires

State of Utah
County of Cache

This plat has been duly acknowledged, certified, and approved and may lawfully be recorded in Cache County, Utah.

Filed and Recorded:
Filing No.: _____
Date: _____
Time: _____
Book: _____
Page: _____
Request of: _____

Cache County Recorder



RECORD OWNERS
& DEVELOPER

Ethan & Lisa Teuscher
2916 Stonebridge Dr
Logan, UT 84321
435-890-2121

DATE OF PREPARATION
March 3, 2022

LAND SURVEYOR
Advanced Land Surveying, Inc.
Clinton Hansen
1770 Research Parkway #111
North Logan UT 84341



Scale: 1" = 40'

40' 80'

Scale in Feet

LEGEND

- | | | | |
|--|-------------------------|--|--------------------------------|
| | Subdivision Boundary | | Section Corner |
| | Lot Line | | Found Survey Point |
| | Adjoining property Line | | Set 5/8" by 24" Rebar With Cap |
| | Existing Water | | Public Utility Easement |
| | Existing Fence Line | | |
| | Existing Concrete Edge | | |
| | Existing Storm Sewer | | |
| | Existing Sewer | | |
| | Existing Flow Line | | |
| | 1' Contour Minor | | |
| | 5' Contour Major | | |
| | Existing Power Pole | | |
| | Existing Fire Hydrant | | |
| | Existing Sewer Manhole | | |
| | | | Proposed Sewer |
| | | | Proposed Water |
| | | | Proposed Paving |
| | | | Proposed Concrete |
| | | | Proposed Gravel |

ATTORNEY APPROVAL

Approved as to form this ___ day of _____,
20__.

City Attorney

GENERAL NOTES:

1. Areas in Nibley have groundwater problems due to the varying depth of a water table. The City's approval of a final plat, building permit or construction plans does not constitute a representation by the City that building at any specified elevation or location would solve subsurface or groundwater problems. In addition, concerns for building elevation and/or grading and drainage are unique to each building site, remain the sole responsibility of the building permit applicant, property owner and/or contractor. Nibley City is not responsible for any subsurface or groundwater problems which may occur, nor for such concerns including, but not limited to, building location and/or elevation, site grading and drainage.

2. No structures may be built within any public utility easement, except as approved by the city engineer and affected public utility providers.

3. All expenses involving the necessary improvements or extensions for sanitary sewer systems, gas service, electrical service, grading and landscaping, storm drain systems, curbs and gutters, fire hydrants, pavement, sidewalks, street lighting and signing, and other improvements shall be financed by the subdivider.

ENGINEER'S APPROVAL

I certify that I have examined this plat and find it to be correct and in accordance with the information in this office and the city ordinance

City Engineer Date

PLANNING COMMISSION APPROVAL

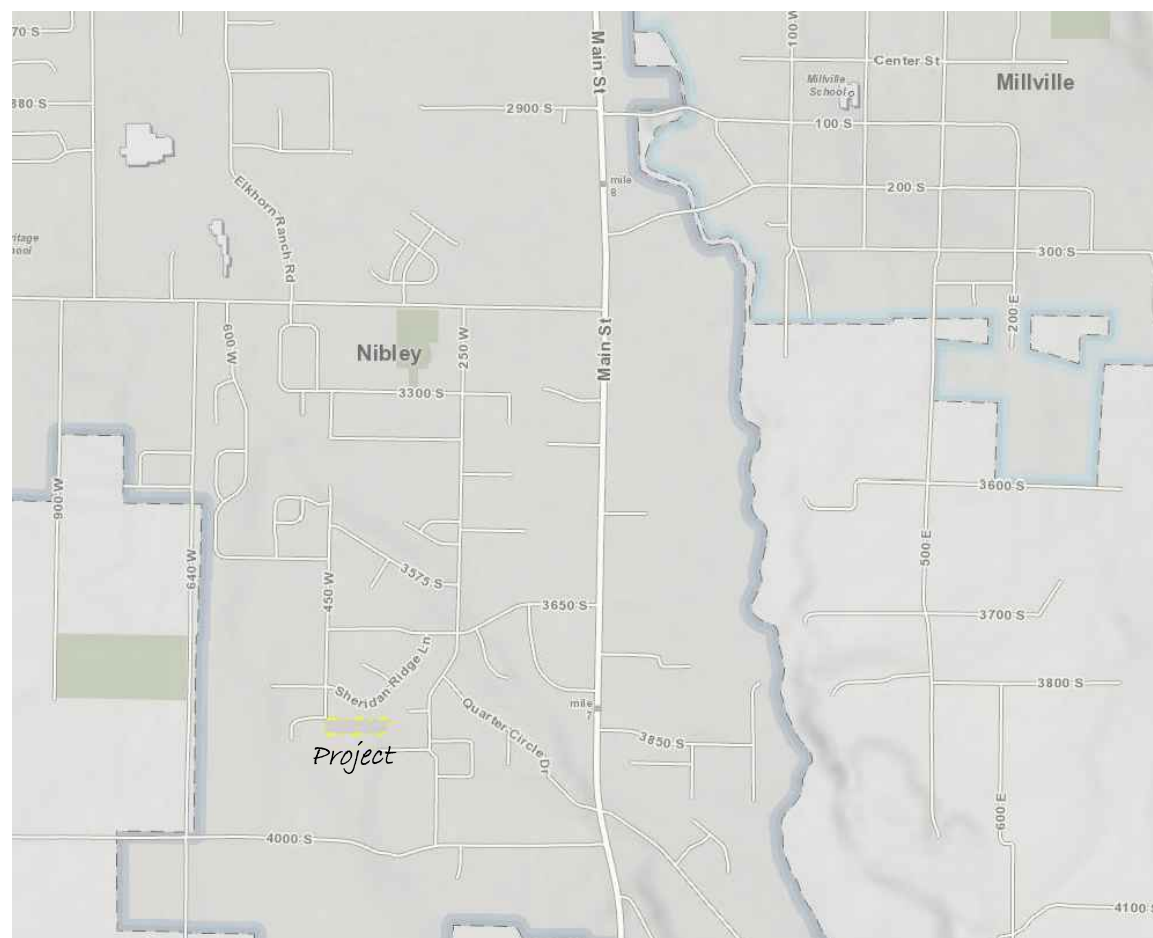
*This plat recommended for approval by the
Nibley City Planning Commission this____,
day of _____ A.D., 20__.*

Chairman Date

COUNCIL APPROVAL

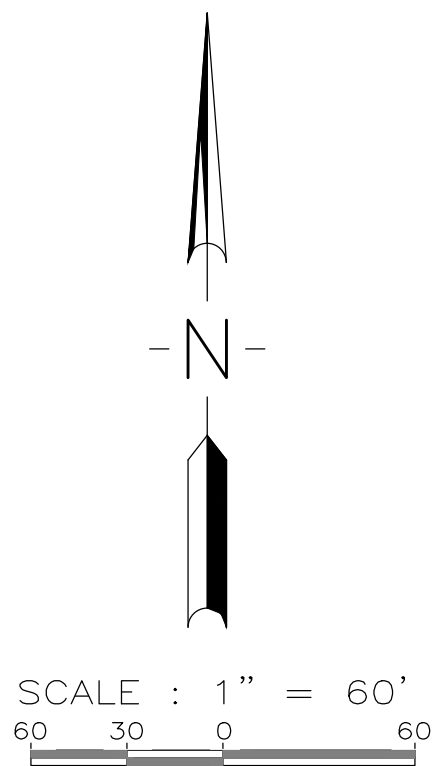
Approved & Accepted by the Nibley City Council,
this _____ day of _____ A.D.,
20__.

Chairman _____
Attest: _____ City Clerk



VICINITY MAP - NO SCALE

PRELIMINARY PLAT
FOR THE
STIMPSON SUBDIVISION
NIBLEY CITY, CACHE COUNTY, UTAH
PART OF SECTION 28
TOWNSHIP 11 N., RANGE 1 E.
SALT LAKE BASE AND MERIDIAN
AUGUST 2022



	PROPOSED	EXISTING		PROPOSED	EXISTING
SANITARY SEWER MANHOLE	●	○	FIRE HYDRANT	⬆	⬆
SANITARY CLEANOUT	●	○	CONCRETE CURB	—	---
SANITARY SEWER	—	—SA—	LIGHT POLE	●	◇
STORM MANHOLE	⊙	⊙	POWER POLE	●	◇
STORM SEWER	---	---SD---	BENCH MARK	⊕	⊕
IRRIGATION INLET	⌋	⌋			
STORM DRAIN BOX	≡	⌋	EXISTING PAVEMENT	■	
WATERMAIN & VALVE	⌋	⌋	PROPOSED PAVEMENT	■	
WATER METER & SERVICE	⌋	⌋			
WATERLINE BLOWOFF	⌋	⌋			

Notes:

There are no wetlands on the property as defined by the USACE, areas shown in a 100-yr floodplain on FEMA maps, water bodies, floodways, drainage ways, slopes exceeding 20%, or any other natural feature.

The development will incorporate the street section using an 18" flat ribbon curb, planter strip drainage swale, and concrete sidewalk. The section dimensions may need to be modified slightly to fit the 29' of pavement in the proposed 60' right of way. An additional 17' of right of way will be dedicated on the south side of 3400 South to establish the 60' right of way.

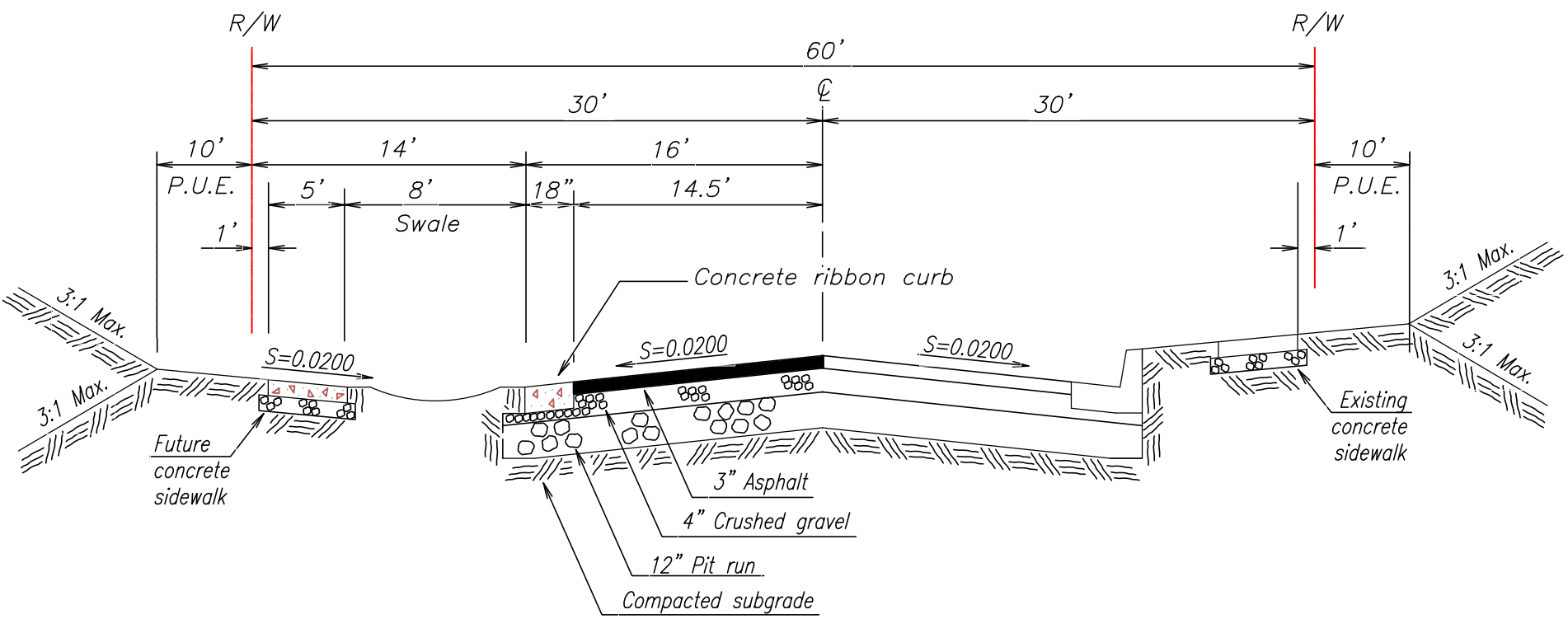
The development will be done in two phases. Phase 1 will be lots 1-9 and Phase 2 will be lots 10-11.



Storm water notes:

All lots will be required to manage storm water on their individual lot. This includes runoff from roofs and driveways.

The additional pavement on 3400 South will travel over the flat, ribbon curb to a roadside swale. This swale meets the requirement for treating the runoff before leaving the site.



TS-13: LOCAL: 2-LANE WITH SWALE

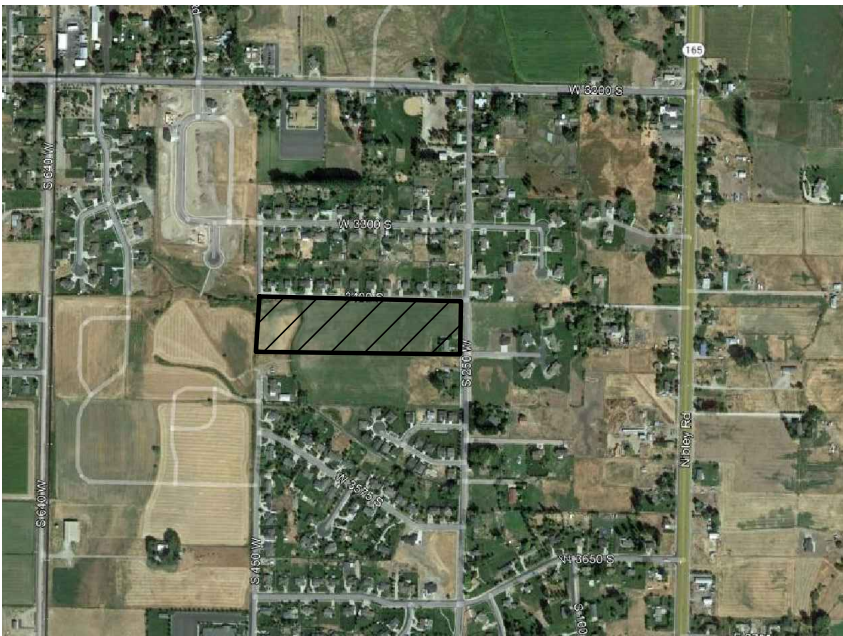
NO SCALE

LEGAL DESCRIPTION

The legal description contained hereon is from the boundary survey completed on 5/2/2005 by Hansen and Associates. The survey is recorded in the Cache County recorders office as 2005-0074.

A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN AND A PART OF LOT 12, BLOCK 17, MILLVILLE WEST FIELD SURVEY, BEGINNING AT THE NORTHEAST CORNER OF SAID LOT AND RUNNING THENCE SOUTH 00°58'43" WEST 231.65 FEET (230.00 FEET BY RECORD) ALONG THE EAST LINE OF SAID LOT; THENCE NORTH 88°58'38" WEST 217.80 FEET; THENCE SOUTH 00°58'43" WEST 100.00 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID LOT; THENCE NORTH 88°58'38" WEST 1099.72 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID LOT; THENCE NORTH 00°33'43" EAST 330.45 FEET (330.00 FEET BY RECORD) TO THE NORTH LINE OF SAID LOT; THENCE SOUTH 89°01'48" EAST 1319.93 FEET (1320.00 FEET BY RECORD) ALONG THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING. CONTAINING 9.52 ACRES±

VICINITY MAP



OWNER / DEVELOPER

TODD STIMPSON
3425 SOUTH 250 WEST
NIBLEY, UTAH
435-512-3675

PRELIMINARY PLAT

STIMPSON SUBDIVISION

NIBLEY, UTAH

Turner Design
Engineering, Inc.

CIVIL ENGINEERING ▲ LAND PLANNING
46 SOUTH 410 WEST PROVIDENCE, UTAH
(435) 695-8245

Know all men by these presents that we, the undersigned, are registered representatives of the owner of the property. Authorization of this action has been given expressly by Todd Stimpson. Under this designation of representation, we submit the certificate of clear title on the land shown on this plat.

In witness we have hereunto set our signature this the ____ day of ____ , 2022.

Aug. 2, 2022

Date

1" = 60'

Scale

D.T.

Designed by

D.T.

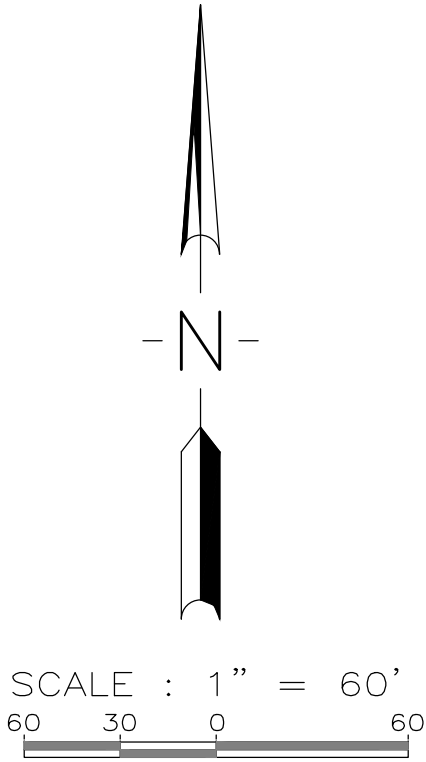
Drawn By

Job Number

22-002

Sheet

1 of 2

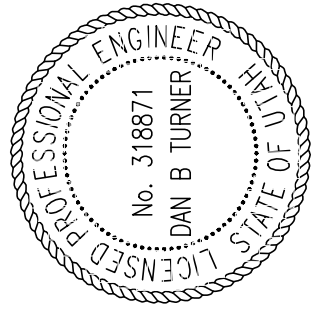


Notes:

The street trees shown shall be selected from an approved list of acceptable trees compiled by the Tree Board of Nibley City, and shall be planted per any corresponding specifications and methods.

The city arborist shall be consulted prior to planting the trees.

Turner Design Engineering, Inc.
CIVIL ENGINEERING ▲ LAND PLANNING
46 SOUTH 410 WEST PROVIDENCE, UTAH 84332
(435) 695-8245



LANDSCAPING PLAN

STIMPSON SUBDIVISION

NIBLEY, UTAH

Revisions	

Aug. 2, 2022 <i>Date</i> 1" = 60' <i>Scale</i>	Job Number
	22-002
D.T. <i>Designed by</i> D.T. <i>Drawn by</i>	Sheet
	2 of 2

Turner Design Engineering, Inc.

CIVIL ENGINEERING ▲ LAND PLANNING
46 South 410 West Providence, UT 84332
(435) 695-8245

Friday, August 19, 2022

Blacksmith Fork – Nibley canal company
Attn: Jay Tuddingham

RE: STIMPSON DEVELOPMENT

Jay:

This letter and the attached plans serve notice that Todd Stimpson is moving forward with the process to develop his land into residential building lots. As part of this development, the existing canal on the west portion of his land will be piped and covered. There will be a 20' easement recorded over the installed pipe for maintenance by the canal company. When we spoke personally on the phone, you had agreed to the piping and did not have any comments or reservations.

From the date of this letter, the canal company will have 60 days to comment on the development in regard to this piping project. Any comments should be directed to the City, not the owner.

Sincerely,



Dan Turner, P.E. (for Todd Stimpson)

Cc:



Turner Design Engineering, Inc.

CIVIL ENGINEERING & LAND PLANNING
46 S 410 W PROVIDENCE UTAH
(435) 752-1669 (435) 770-2240



TRAIL EXHIBIT

STIMPSON SUBDIVISION

NIBLEY CITY,

UTAH

Revisions

August 2022
Date
No Scale
Scale
D.T.
Designed by
D.T.
Drawn by

Job Number

22-002

Sheet

1 of 1