



Nibley City
Planning Commission Meeting
Thursday, December 15, 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:** Recommendation on proposed zoning and annexation of Parcel 03-015-0004, located at 1525 W 2960 S, containing 10.94 acres (Applicant: MPI Group LLC)
4. **Discussion and Consideration:** Recommendation on proposed zoning and annexation of Parcel 03-015-0004, located at 1525 W 2960 S, containing 10.94 acres (Applicant: MPI Group LLC)
5. **Public Hearing:** Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W (Applicant: McKay Winkel)
6. **Discussion and Consideration:** Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W (Applicant: McKay Winkel)
7. **Public Hearing:** Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan
8. **Discussion and Consideration:** Recommendation for Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan
9. **Discussion and Consideration:** Resolution 2022-P1: Adopting the 2023 Nibley City Planning Commission Meeting Schedule
10. 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
December 15, 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

Update for December 15

During the November 17 Planning Commission meeting, members discussed the following changes which have been incorporated into the draft TDR Ordinance and Overlay Map:

1. R-PUD eligible areas that do not include already approved R-PUD overlay zones, outside of the proposed sending area east of Hwy 165, have been added to the map as sending areas.
2. Removing section 19.48.030(D)(4)(a) from the ordinance, which regulated the minimum number of TDR credits to bring to a project.
3. Removal of the area east of Hwy 165 as an R-PUD-eligible area.

Update for November 17

Based upon feedback obtained from the Planning Commission at the November 3 meeting, the following changes have been made to the Draft TDR Overlay Map.

1. Except for planned park areas, with some buffer, unincorporated agricultural areas to the south of central Nibley have been removed from the sending areas map.
2. Most areas along Hwy 89/91 have been reassigned as receiving areas.
3. Areas on the East side of Hwy 165 south of 3200 S and north of 4000 S have been reassigned as sending areas.
4. Some areas along Hwy 165, including areas between 4000 S and 4400 S along Hwy 165 have been reassigned as receiving areas.
5. Some receiving areas in central Nibley have been removed from the receiving areas map. Primarily those in close proximity to major transportation corridors (1200 W, Hwy 89/91 and Hwy 165) remain.

In addition to these significant changes to the TDR Overlay Map, Staff recommends the following changes to the Draft TDR Ordinance:

1. Modify code language that references additional TDR credits per acre for areas along the Blacksmith Fork River and replace with language that points to areas with public access (trails and parks). Increase the TDR credits per acre ratio to 5.
2. Add provision that requires dedication of public rights of way in sending areas if a Master-planned Street is affected.

Previous background information

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: MPI Group Annexation and Zoning Recommendation

Description

Public Hearing: Recommendation on proposed zoning and annexation of Parcel 03-015-0004, located at 1525 W 2960 S, containing 10.94 acres (Applicant: MPI Group LLC)

Discussion and Consideration: Recommendation on proposed zoning and annexation of Parcel 03-015-0004, located at 1525 W 2960 S, containing 10.94 acres (Applicant: MPI Group LLC)

Department

City Planning

Action Type

Legislative

Recommendation

Recommend to the Nibley City Council a zoning designation of Industrial for Parcel 03-015-0004, located at 1525 W 2960 S and proposed for annexation

Reviewed By

City Planner, City Attorney, City Recorder, City Manager

Background

MPI Group, Inc has filed an annexation petition for a property located at approximately 1525 West 2960 South, directly north and adjacent to their existing property and headquarters building. This property was recently disconnected from Logan City and is currently in unincorporated Cache County. The annexation would be contiguous with existing City boundaries and would not create any unincorporated islands or peninsulas. It is within the City's annexation declaration boundary of the annexation policy plan.

The applicant has indicated that the property is intended to be used as a parking lot to support the existing Office and Warehouse building. On November 18, 2021, the Nibley City Council approved an agreement with Malouf to use a temporary gravel parking lot for up to 24 months to allow the improvement of the permanent parking lot on parcel 03-015-0004. This improvement requires the disconnection from Logan and Annexation into Nibley City. The Future Land Use Plan designates this parcel as Industrial which would allow for the proposed parking lot.

The City Council accepted the annexation petition for further consideration on October 27 and the City Recorder has since certified the annexation petition. At this point in time, it is the Planning Commission's role to recommend the zoning designation for the property to City Council. As the Future Land Use Map designates this property as Industrial and this designation is compatible with the surrounding are, Staff recommends that the Planning Commission recommend an Industrial Zone for this property.

Agenda Item #5 & #6: Elkhorn Mobile Estates CUP

Description

Public Hearing: Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W (Applicant: McKay Winkel)

Discussion and Consideration: Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W (Applicant: McKay Winkel)

Department

City Planning

Action Type

Administrative

Recommendation

Approval of a Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W with the following conditions:

1. The applicant is required to complete the subdivision process enumerated in NCC 21 prior to developing the property.
2. Individual mobile homes are required to obtain building permits prior to locating at the site.
3. No parking signs are required along the 20' private lane to maintain safe emergency access.
4. The applicant is required to improve the frontage of 800 West with the curb, gutter, sidewalk and park strip (including trees) as a TS-7 cross section consistent with the Transportation Master Plan.
5. Trail crossings must be provided for at the corner of intersections and other safe locations not at skewed angles to the private roadways, as directed by the City Engineer.
6. A private utilities agreement must be developed and executed prior to subdivision completion and construction.
7. The applicant is required to supply sufficient water rights or shares as approved by the City Engineer, in accordance with NCC 21.12.020.
8. The applicant is required to replace the fire hydrant on 800 West.
9. The applicant shall coordinate any improvements to canals with the affected canal companies. Required easements shall be shown on the Subdivision Plat.
10. Canal bridges shall be designed by a structural engineer to accommodate 70,000 GVW truck signed with loading.

11. All lighting associated with the development that emanates beyond their property boundaries is limited to less than 0.01 foot-candles.’ All lighting, including those associated with individual mobile home units must comply with NCC 19.24.250- Outdoor lighting standards
12. Any noise associated with the use that emanates beyond their property boundaries is limited to less than 50 dBA.
13. A fence or wall of durable material (i.e. vinyl or block) must be provided along the entire south, east and north sides of the property to enhance security and mitigate aesthetic. Such fence or wall must be installed in accordance with NCC 19.24.090 Fence Regulations, including the requirement for a fence permit.
14. Trees are required to be planted along all public and private streets within the development every 50’ as required by NCC 21.12.170.
15. All common areas must be landscaped in accordance with Nibley City Engineering Design Standards Section 6(A)(7)(iv)(3) and be maintained and free of weeds in accordance with NCC 7.04

Reviewed By

City Planner, City Engineer, City Manager

Background

McKay Winkel has submitted an application for a Conditional Use Permit to develop a 68-unit Mobile Home Park at 2850 S 800 W. ‘Mobile Home Park’ is listed as a conditional use within the Industrial Zone in which the property is located. The applicant proposes to build the mobile home park on approximately 9.7 acres in the northern section of Parcel 03-019-0003.

Site Context

The property is located adjacent to an industrially-zoned area directly to the South which includes Logan Coach, a horse trailer manufacturing business and is bordered by residential zones and uses to the west, east and north. There are several single-family homes within close proximity to the property. The Morgan farm property borders the property to the north with a zoning designation of ‘Park/School’.

Subdivision

The applicant proposes to purchase and develop a portion of Parcel 03-019-0003. NCC 21.02.020(A) states the following:

No person shall subdivide any tract or parcel of land located wholly or in part in the City, except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land which is any part of a subdivision or a proposed subdivision submitted to the Planning Commission, nor offer for recording in the office of the county recorder any deed

conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.

In accordance with this provision, the applicant will be required to complete the subdivision process prior to developing the property.

Site Plan

NCC 19.28.020(D) provides that ‘detailed location, site and any applicable building plans shall accompany the complete application forms provided by the city.’ The applicant has provided a site plan which includes proposed locations for streets, utilities, trails, building pads and driveways. The applicant is not proposing specific buildings at this time, therefore there are no applicable building pads. Individual mobile homes will be required to obtain building permits prior to locating at the site.

Streets

All streets within the development are proposed to be private with a 29’ width of asphalt, a type ‘F’ curb and gutter and a 5’ wide sidewalk or 8’ asphalt trail on one side of the street. A loop road is proposed with entrances on the north and south edge of the 385’ wide property. Within the development, there is also a 20’ wide private drive to service 6 of the mobile home units. Regarding private lanes, NCC 21.12.050(C)(3)(a) provides:

Private roads are allowed for areas of three (3) lots or less. The cross section of the road shall include: twenty feet (20') of asphalt, two feet (2') of shoulder on each side and four (4) to six feet (6') (each side) for stormwater swale. These roads shall be built to the standards of the Nibley City Design Standards & Specifications and shall include five-foot (5') sidewalks where required by City ordinance.

Because the mobile home park will only include one lot (although there are several mobile home units proposed), this minimum standard will apply. Staff has determined that the proposed design of the roadway meets this standard and adequately accommodates anticipated traffic and emergency service for the proposed project. There is adequate width for on-street parking on the main 29’ private lane, but no parking signs should be required along the 20’ private lane to maintain safe emergency access.

NCC 19.28.050(C)(1)(b)(2) provides that “site plans must comply with the Transportation and Trails Master Plan.” According to the Transportation Master Plan, 800 West is a designated collector street TS-7 with a 66’ wide Right-of-Way. The applicant is proposing to dedicate an additional 12’ of Right-of Way along the frontage of the property, which would provide 33’ from the Center of the roadway. Staff recommends that the applicant be required to improve the frontage of 800 West with the curb, gutter, sidewalk and park strip (including trees) consistent with the Transportation Master Plan.

Parking

NCC 19.28.050(C)(1)(e) states: “applicant shall provide off-street parking for the proposed use. Parking may be contained in a driveway, RV pad, or parking lot.” NCC 19.24.160(B) provides that “2 off-street spaces in addition to any carport or garage for single-family dwelling units” be provided. Based upon the site plan provided, each mobile home pad includes a 12’ X 62’ parking area. A parking space typically requires an area that is 9’ X 18’. Therefore, the proposed parking area for each unit would provide for the 2 required off-street parking spaces. The applicant has also included 12 off-street guest parking spaces. In addition, as noted above there is sufficient width for parking along the 29’ private lane that abuts most of the mobile home pads, which will help further alleviate parking demand. Staff has determined that minimum parking requirements are met based upon the proposed site plan.

Trails

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.

The Nibley City Trails Master Plan includes two 8’ wide trails on this property. The applicant has provided proposed locations of such trails on the site plan. Staff recommends that trail crossings be adjusted to be provided for at the corner of intersections and not at skewed angles to the private roadways.

Utilities

The applicant proposes to provide water and sewer service to each of the mobile home units with a looped water and sewer line that follows the private roadway alignment. The City Engineer has reviewed these plans and requested that a private utilities agreement be developed prior to subdivisions and construction.

NCC 19.28.050(C)(2)(C)(2) states “A conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The City may require an applicant to turn over water shares or water rights in order to allow the City to provide long term water service to the site.” The applicant will be required to supply sufficient water rights, as with all developments, in accordance with this section.

According to the City Engineer, the existing fire hydrant along 800 West is non-functioning. The applicant will be required to replace the fire hydrant to meet fire code.

Canals

Two irrigation canals currently bisect the property proposed for development. At this time the applicant proposes to keep the canal open and construct bridges or culverts to cross the canal. NCC 21.12.090 provides:

Open ditches or canals are prohibited within or adjoining a subdivision except along rear or side lot lines or through permanently reserved open space. Subdividers may also be required to pipe any ditches and canals on the property. Subdividers shall coordinate any improvements to canals with the affected canal company, as stated herein.

As such, the applicant will be required to coordinate with the affected canal company including providing plans and mitigating any potential impacts to affected canals. This may occur at the time of subdivision.

In addition, based upon review by the Fire Marshall, Canal bridges shall be designed by a structural engineer to accommodate 70,000 GVW truck signed with loading to accommodate fire suppression equipment.

Building lay-out and space requirements

The site plan includes locations of driveways and building pads for mobile homes. A total of 19 double wide spaces and 47 single wide spaces are proposed. NCC 19.22 provides the following setback standards for principal uses in Industrial Zone: Front yard- 50', Side yard, interior – 0 or 50 feet where property line is adjacent to residential zone or residential dwelling unit. Rear yard - 0 or 50 feet where property line is adjacent to residential zone or residential dwelling unit. As measured from each property line, the proposed layout of all proposed mobile home pads are at least 50' setback from property lines when adjacent to a residential zone or dwelling unit. There are 14 units on the south end of the project which are 15' from the future property line (once subdivided) which would abut another industrially zoned property. Staff has determined that the proposed layout meets minimum setback requirements.

Basis for Issuance of Conditional Use Permit

NCC 19.28.050 states:

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

In addition to those issues identified above, specific considerations to mitigate potential detrimental impacts as defined by NCC 19.28.050, which may apply to this application include the following.

Traffic and connectivity

The applicant proposes two entrances/exits into the mobile home park, which are approximately 340' apart. Regarding the intersection spacing, in reviewing this application, absent a specific City-adopted standard on intersection spacing, a UDOT standard has been applied, which allows for 265' distance between intersections (center to center). Therefore, the spacing of entrances meets this standard.

NCC 19.28.050(C)(2)(b)(1) provides that 'roadways and intersections shall maintain a Level of Service (LOS) C. Conditional Use Applicants shall be required to make any road updates in order to ensure the roadway will maintain LOS C.' All traffic is proposed to access to site from 800 West. According to the ITE Trip Generation Manual, the 68 mobile homes are expected to generate approximately 31 trips during the PM peak hour. This amount of traffic generated from the site is not anticipated to significantly degrade the level of service of 800 West or any other roadway. NCC 21.06.040(A)(4) provides that a Traffic Impact Study is required for all phased developments, developments larger than 20 acres, or as specifically required by City Staff. Based upon this standard and the projected traffic generation for the development, Staff does not recommend requiring a Traffic Impact Study.

Noise and Light

Street lighting and outdoor lighting of individual mobile home units may impact nearby properties. NCC 19.28.050(C)(1)(d) states 'applicant may be required to limit light associated with the conditional use that emanates beyond their property boundaries to less than 0.01 foot-candles.' NCC 19.24.250 provides Outdoor lighting standards which the site, including all mobile homes, will need to adhere to.

Although the residential use for the site is not anticipated to have particular sound impacts different than other similar residential uses, the relative higher density of housing units as compared to surrounding residential properties may accumulate additional sound impacts. NCC 19.28.050(C)(1)(c) states "applicant may be required to limit noise associated with the conditional use that emanates beyond their property boundaries to less than 50 dBA." It is recommended that the applicant be required to meet this standard. In addition, the increased setback standards of the industrial zone will help mitigate potential sound impacts.

Aesthetics and Landscaping

NCC 19.28.050(C)(1)(d) states "the City may require the placement of fences or walls to enhance security and mitigate aesthetic or other impacts at facilities adjacent to residential areas." The east side of the property abuts Union Pacific Railroad tracks and adjacent land uses, including manufacturing and the security and aesthetics of existing residential may be impacted by the proposed use. Staff recommends that a fence or wall of durable material (i.e. vinyl or block) be provided on the south, east and north sides of the property to enhance security and mitigate aesthetic. Such fence or wall must be installed in accordance with NCC 19.24.090 Fence Regulations, including the requirement for a fence permit.

NCC 21.12.170 provides that “a variety of tree species, of similar shape and mature height, is required of all tree planting plans submitted to the City, with a minimum of one tree per fifty feet (50’).” A tree planting plan will be required as part of the Subdivision application. Staff recommends clarifying with the conditional use permit that trees be required along all public and private streets for the development.

In addition to street trees, Nibley City Engineering Design Standards Section 6(A)(7)(iv)(3) includes minimum landscaping requirements for ‘commercial, industrial, mixed use, and multi-family projects.’ As this project includes multiple housing units within one parcel with common areas, Staff recommends that the standards in this section be applied to the proposed project. Such standards include the following regulations:

- i. 50% of the required useable open space of the project shall be planted landscape area.*
- ii. Twenty trees shall be required per one (1) acre of gross land*
- iii. Fifty (50) shrubs shall be required per one (1) acre of gross land.*

Agenda Item #7 & #8: Moderate Income Housing Plan

Description

Public Hearing: Resolution 22-30: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Discussion and Consideration: Recommendation for Resolution 22-30: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Department

City Planning

Action Type

Legislative

Recommendation

Recommend approval of Resolution 22-30: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Reviewed By

City Planner, City Attorney, City Manager

Background

HB 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.

In accordance with this requirement, the City Council adopted an updated Moderate Income Housing Plan.

On November 18, The Utah State Department of Workforce Services- Housing and Community Development Division (CDD) sent Nibley City a ‘Moderate Income Housing Report 2022—Notice of Non-Compliance.’ In this notice, the State listed the following deficiency corrective actions:

Deficiency Corrective Action (1): Update strategies 1, 2, 3, 6, and 7 in the general plan to include the exact strategy language from the code 10-9a-403(2)(b)(iii).

Deficiency Corrective Action (2): The City must update the general plan to identify actionable and specific benchmarks or measures for strategy 7 to support implementation. If a strategy has been implemented, is complete, or is ongoing, measures and a specific timeline for program monitoring, review, or continued implementation must be included.

The primary issue with the currently adopted plan is that several of the strategies only include the language from State Code that is applicable to Nibley City. For example, in strategy 3 mention of development near major transit investment corridors was omitted. However, the State requires that these strategies be copied verbatim from State Code to be compliant, which makes the City eligible for certain transportation funds administered by UDOT.

Staff has communicated with CDD Staff to clarify these requirements and drafted updates to the plan to become compliant. CDD Staff has reviewed these changes and determined that, when adopted, the City will be compliant with State Code. Staff recommends adopting the presented changes to become compliant with State Code.

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.

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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 x B for agricultural property or TDR = A x 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 parcels without public access including agricultural parcels, the per acre potential development units to transfer shall be 3.
 - d. For parcels with public access, including trails and planned parks~~open space parcels from the Blacksmith Fork area~~, the per acre potential development units to transfer shall be 5~~4~~. If only a trail easement is ~~offered~~dedicated, it shall be eligible for a minimum of 1 credit. All parcels participating in the TDR program ~~along Blacksmith Fork~~which include trail(s) identified in the Nibley City Trails Master Plan shall provide a minimum 20' wide conservation easements and/or public trail easement(s) from property line to property line. Unimproved park areas identified in the Nibley City Parks Master Plan shall be eligible for the 5 credit per acre transfer ratio. Proposed park, trail or other publicly accessible open space areas not identified in the Parks Master Plan must be approved by Nibley City Council in order to receive the 5 credit per acre transfer ratio. 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.
- 6-7. Any land affected by streets identified in the Nibley City Transportation Master Plan

shall be dedicated as public rights of way, with the proper width and dimensions as part of the recording of the Deed of Severance for all sending zone properties.

7-8. 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.

8-9. 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 zones	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.

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 (½) 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				

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.

		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 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

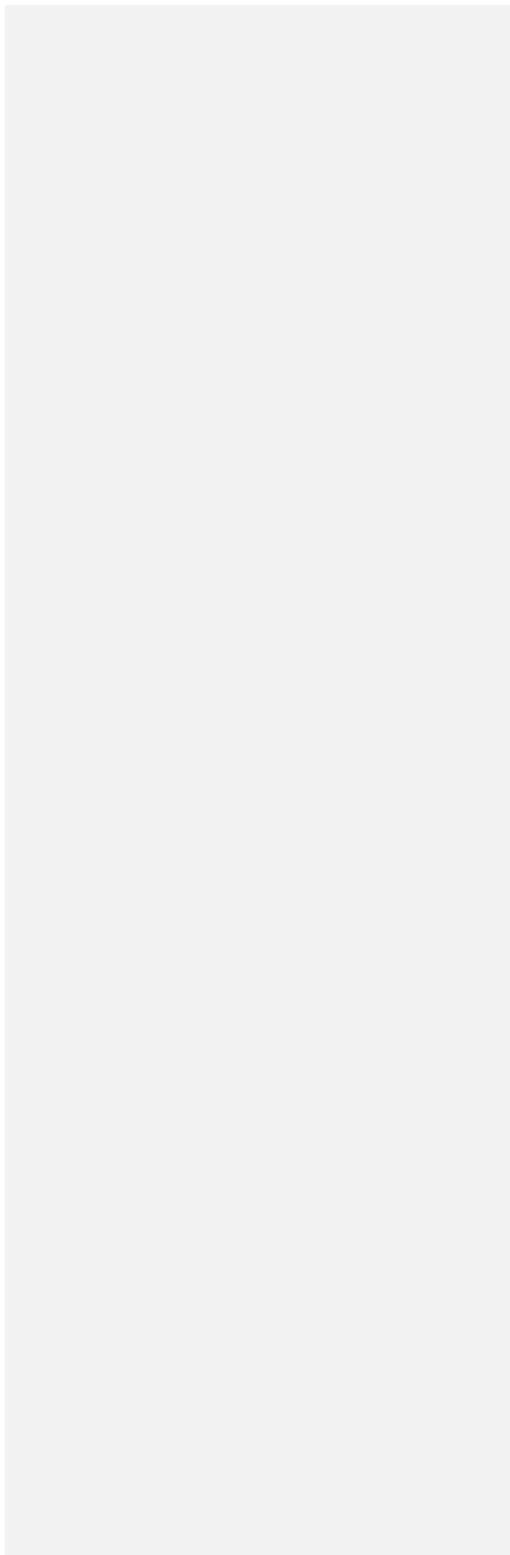
Date

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.

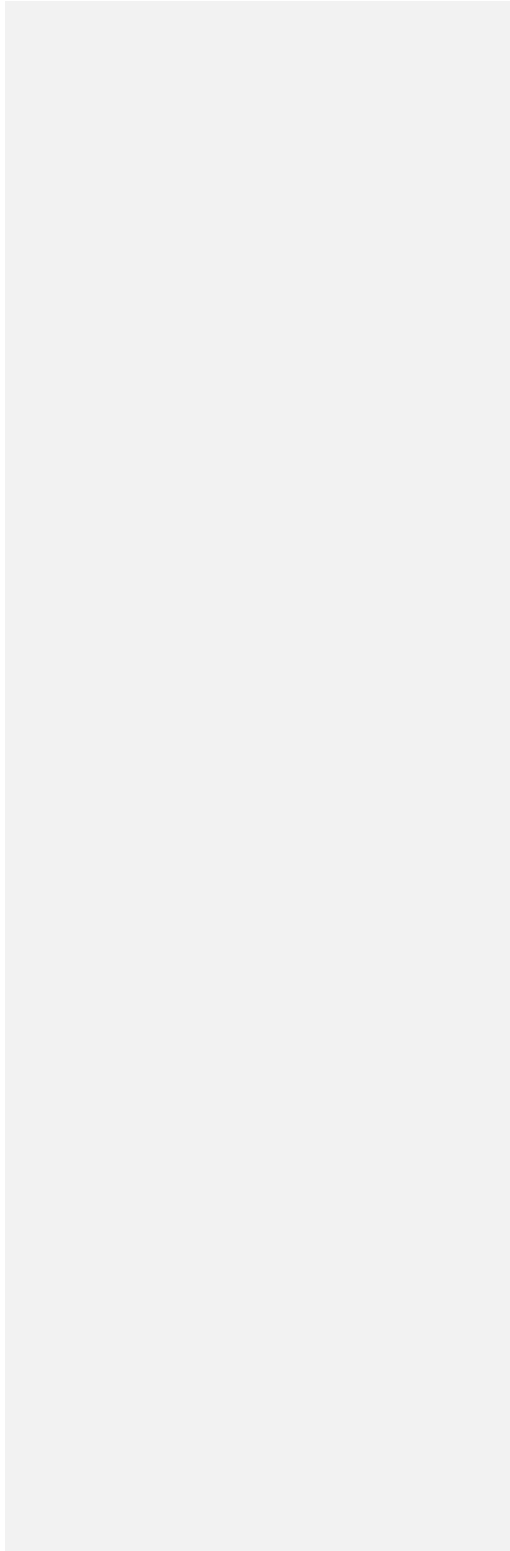
Transferable Development Rights: _____

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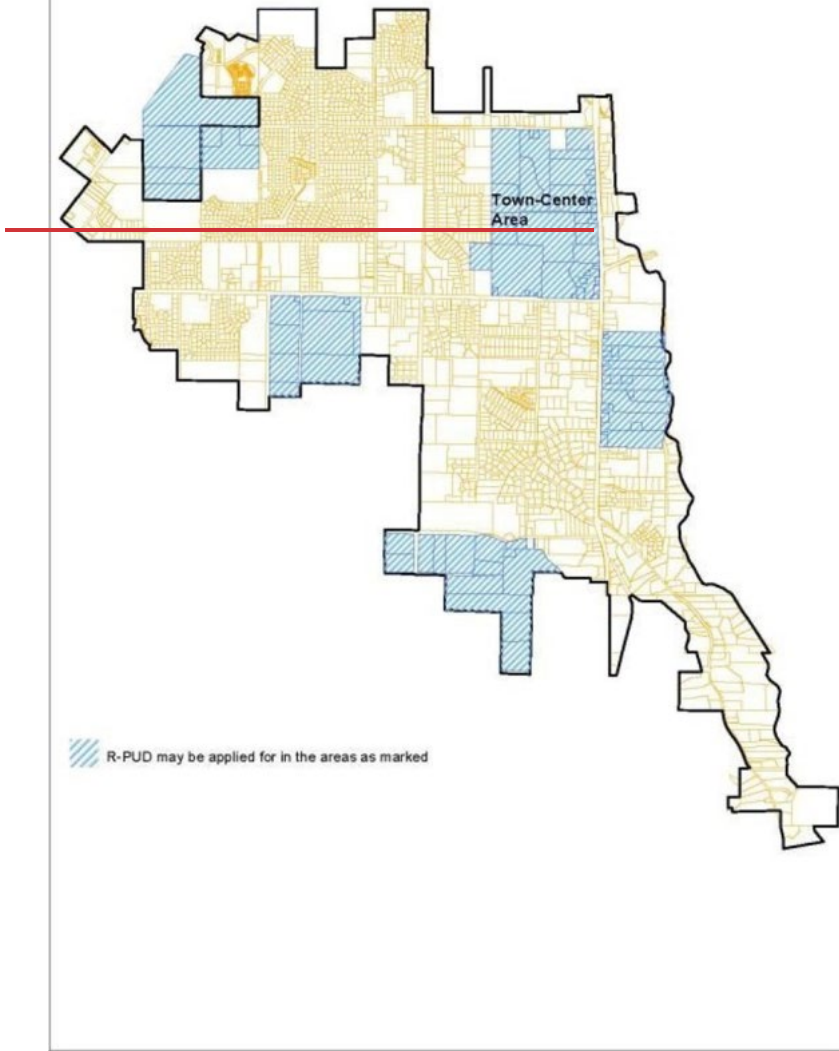
Classification will be determined on the basis of location, topographical features and other reasonable considerations to guide the orderly physical development and ensure neighborhood compatibility and stability of the city in accordance with the Nibley General Plan.

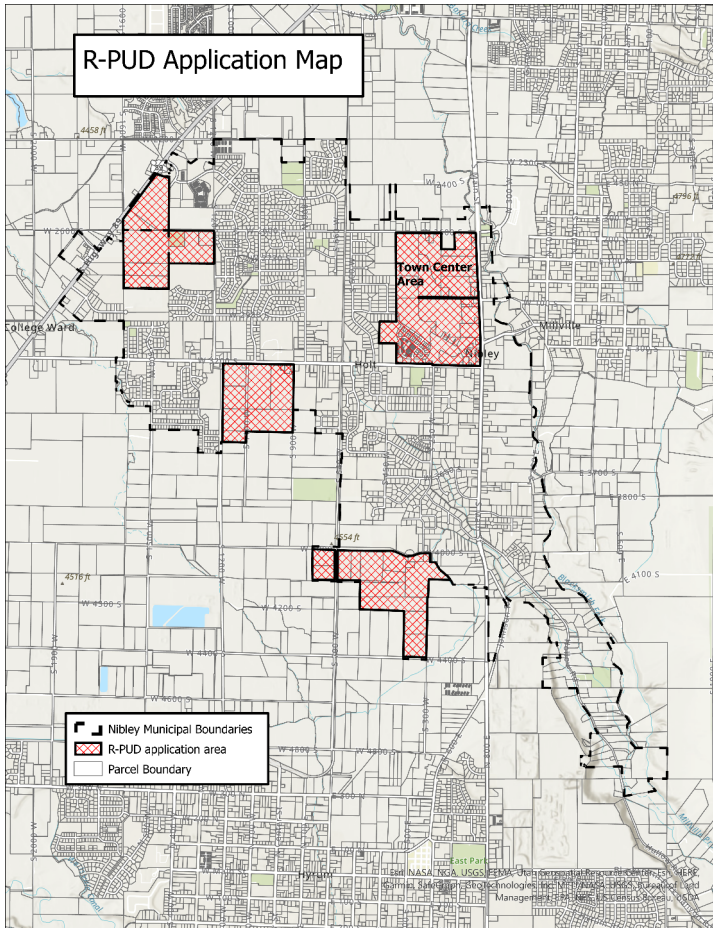
19.32.030 Use Regulations

- A. An R-PUD may be applied for by following the steps listed in 19.32.070 (A) on properties designated on the R-PUD Application Map in NCC 19.32.030(B). These areas keep their base zoning, with that zoning's standards, conditions, and restrictions, unless the City Council approves the use of the R-PUD through an R-PUD application process. R-PUDs are prohibited in all other areas. The City Council, with a recommendation from the Planning Commission, may make changes to what parcels are labeled on the R-PUD Application Map by following proper ordinance change procedures.

B. R-PUD Application Map

19.32.030 (B) R-PUD Application Map





- C. The following are permitted uses in an R-PUD:
1. Single Family and Townhome dwelling units may be permitted uses, as defined within this ordinance.
 2. Within the Town Center, Single Family, Patio Homes, Townhomes and Condominiums may be permitted uses, as defined within this ordinance.
 3. All other uses not defined within this chapter shall comply with the underlying zone, lot size, and the Land Use Chart in NCC 19.20, unless otherwise specified within this ordinance.
- D. Any uses not specifically permitted or conditionally permitted are prohibited.
- E. Animal Use: All animal uses shall be in accordance with Nibley City Code.
- F. Up to 30% of the Net Developable Area may be approved for neighborhood commercial use as part of an R-PUD. These uses shall comply with Nibley's City's Neighborhood Commercial Zone Use Chart and standards as listed in NCC 19.14.050. These parcels shall be labeled on the plat as Neighborhood Commercial.
- G. When calculating density for dwelling units, any Neighborhood Commercial area shall be subtracted from the Net Developable Area of the R-PUD.

- H. At no time shall the Planning Commission or City Council approve an R-PUD overlay application if the total possible percentage of R-PUD overlay areas exceed 15% of Nibley City's total land area.

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

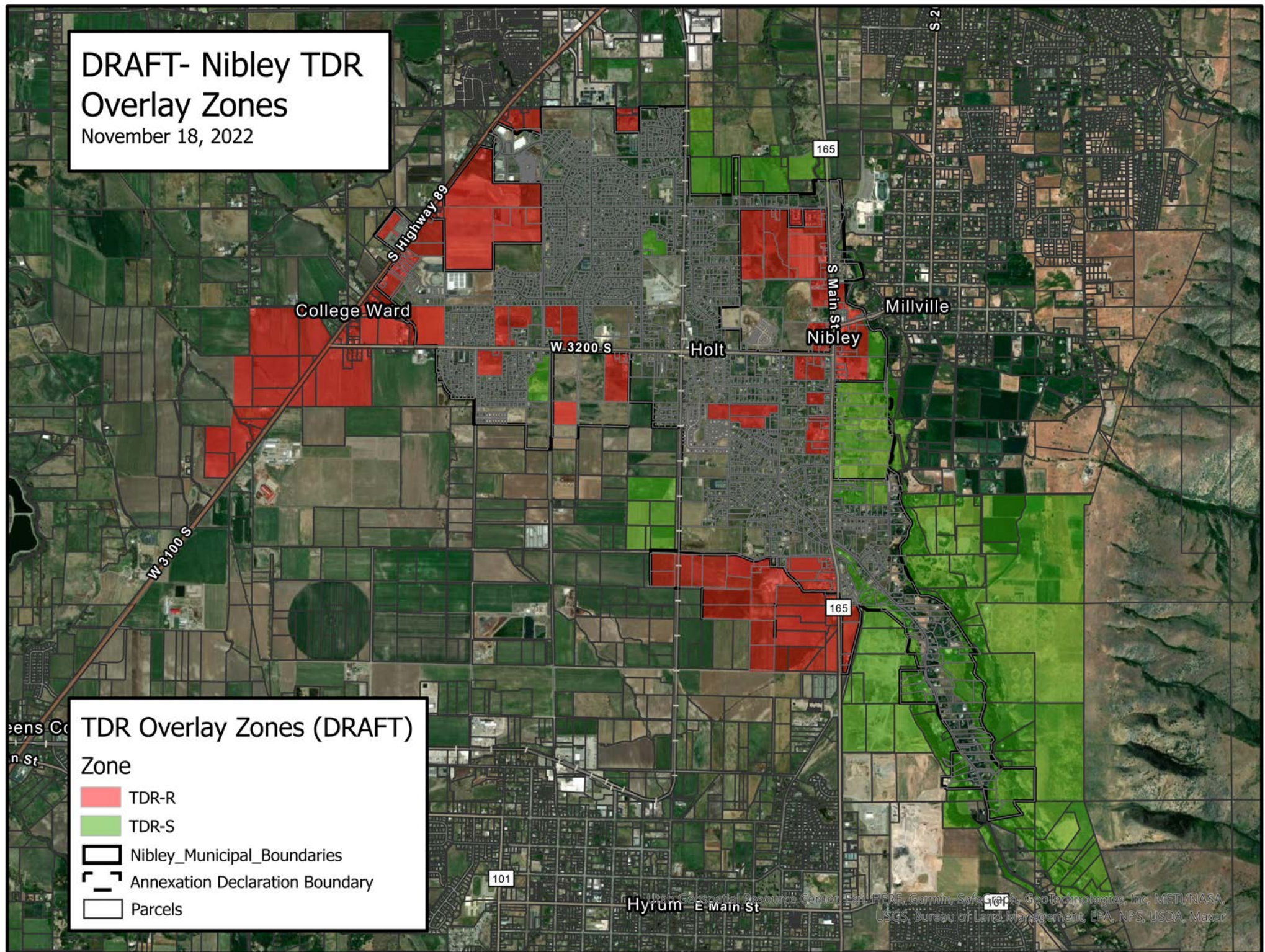
size of the building. The following architectural features shall be incorporated into the design of the building:

- 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

DRAFT- Nibley TDR Overlay Zones

November 18, 2022



TDR Overlay Zones (DRAFT)

Zone

■ TDR-R

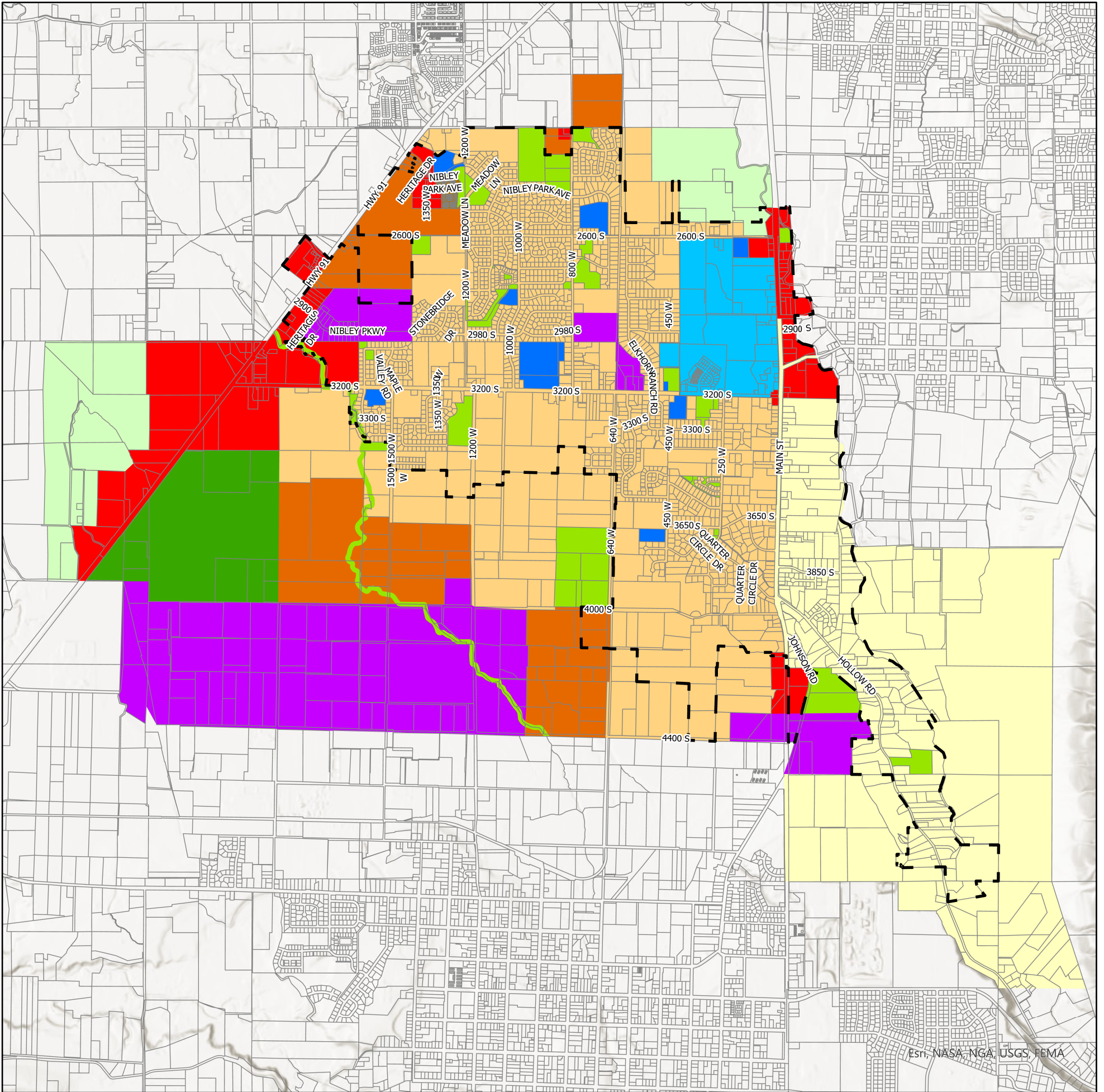
■ TDR-S

Nibley_Municipal_Boundaries

Annexation Declaration Boundary

Parcels

Nibley Future Land Use Map- July 2022



Legend

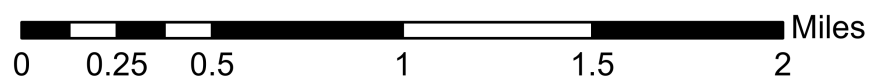
▭ Nibley Municipal Boundaries

▭ Parcels

Future Land Use

- Commercial
- Commercial and Medium to High Density Residential
- Industrial
- Town Center
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Open Space, Agriculture, and Low Density Residential
- Agriculture
- Parks, Open Space, and Trails
- Municipal, Schools, and Churches

*The Future Land Use Map is a guiding document for future zoning decisions and does not represent existing zoning which regulates Land Use within Nibley City.



Esri, NASA, NGA, USGS, FEMA



GENERAL NOTES

1. PROPERTY PROPOSED ZONE INDUSTRIAL.
2. ALL UTILITIES, EXCEPT FOR THE MASTER WATER METERS AND VAULTS, WILL BE OWNED AND MAINTAINED BY THE HOMETOWN COURTS HOMEOWNERS ASSOCIATION.

KEY NOTES

1. FIELD LOCATE AND CONNECT TO EXISTING CULINARY WATER LINE.
2. FIELD LOCATE AND CONNECT TO EXISTING SANITARY SEWER LINE.
3. INSTALL FIRE HYDRANT AND VALVE COMPLETE.
4. INSTALL SANITARY SEWER SERVICE.
5. INSTALL FIRE LINE.
6. INSTALL CULINARY WATER SERVICE LINE.
7. INSTALL MASTER WATER METER IN VAULT PER NIBLEY CITY STANDARDS AND SPECIFICATIONS.
8. INSTALL 8' CITY TRAIL PER NIBLEY CITY MASTER PLAN.



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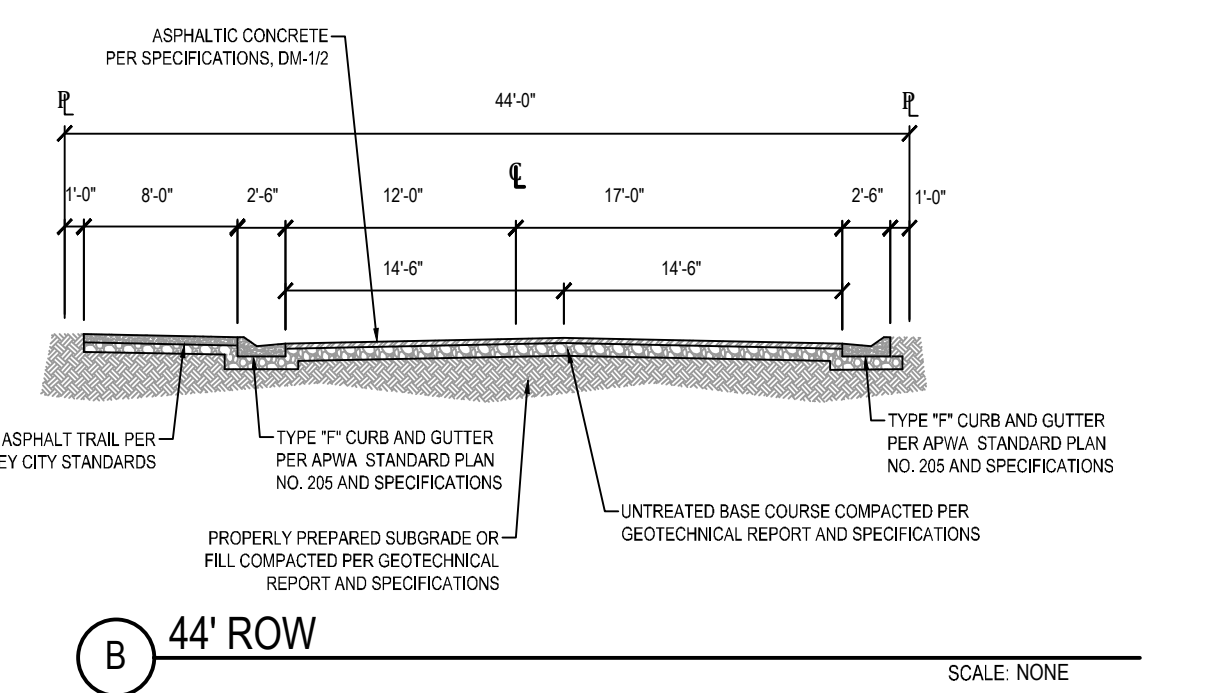
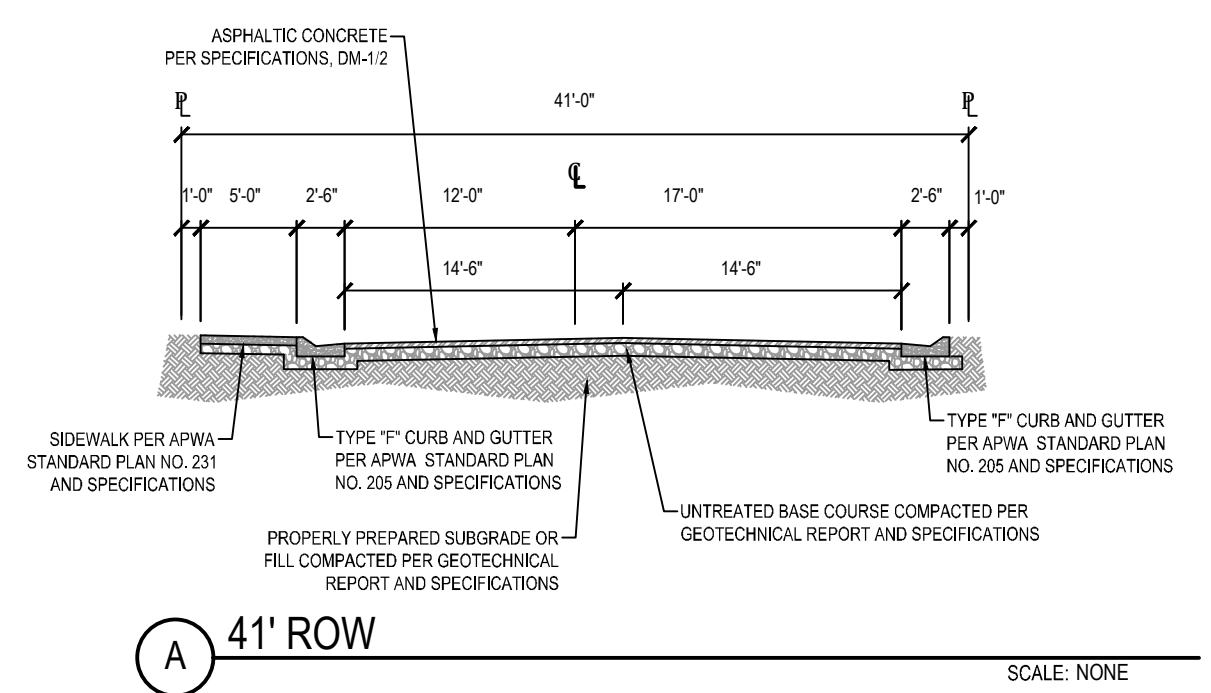
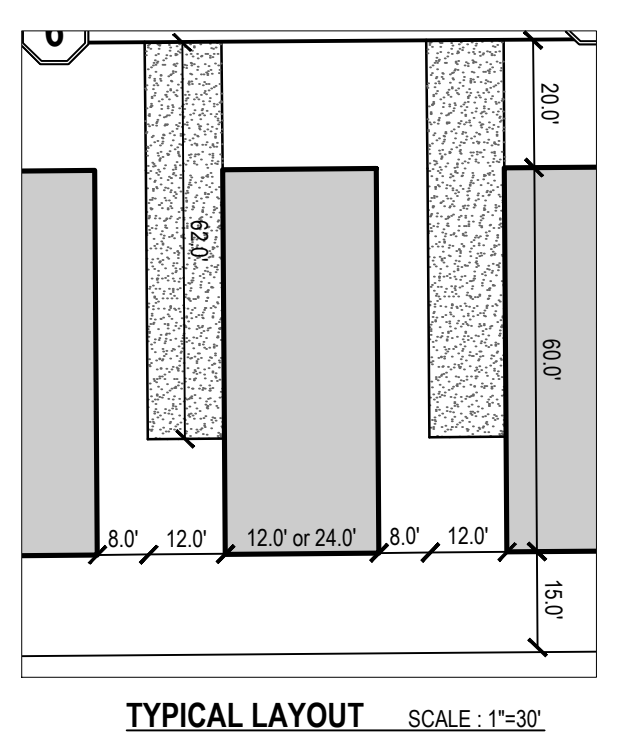
CONTACT:
MCKAY WINKEL
PHONE:

ELKHORN MOBILE ESTATES

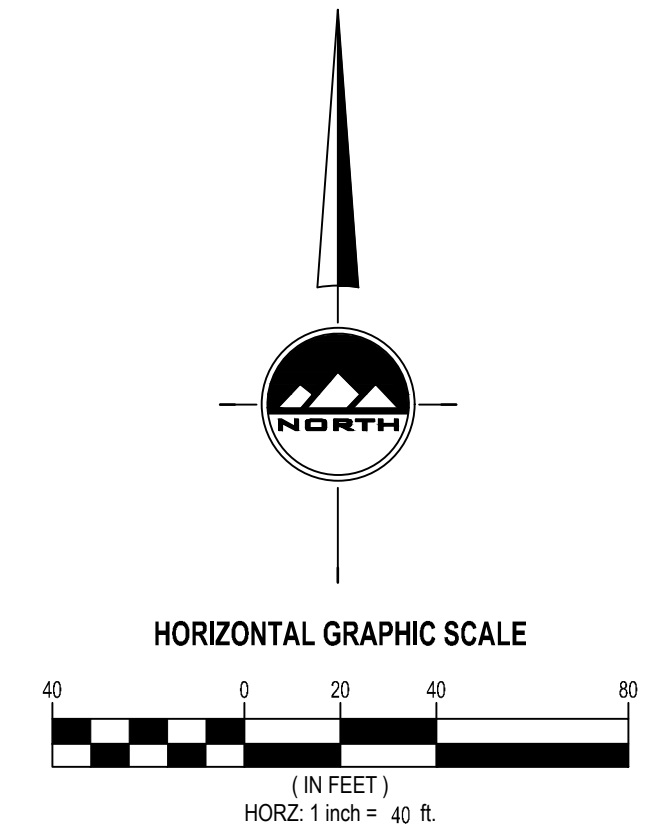
800 WEST 2850 SOUTH
NIBLEY, UTAH

SITE DATA TABLE

DOUBLE WIDE UNITS	19
SINGLE UNITS	47
AREA	9.695
UNITS PER ACRE	6.9



- LEGEND**
- SECTION CORNER
 - EXISTING STREET MONUMENT
 - PROPOSED STREET MONUMENT
 - SET 5/8" REBAR WITH YELLOW PLASTIC CAP, OR NAIL STAMPED "ENSIGN ENG. & LAND SURV." AT ALL LOT CORNERS; OFFSET PINS TO PLACED IN BACK OF CURBS
 - P.U.S.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
 - BOUNDARY LINE
 - CENTER LINE
 - EASEMENTS
 - PROPOSED FENCE
 - PROPOSED TRAIL
 - PROPOSED ASPHALT
 - PROPOSED SIDEWALK
 - PROPOSED FIREHYDRANT



CONCEPT PLAN

PROJECT NUMBER: 11985
PRINT DATE: 2022-09-26

PROJECT MANAGER: T. WILLIAMS
DESIGNED BY: M. ELMER

1 OF 1



Nibley City Moderate Income Housing Plan

2022



Adopted by Nibley City Council on XXX

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 26.5, and with 44.3% of its population 19 years old or younger (Census Bureau, ACS 5-year estimates- 2020). 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 plan for future growth, including ways to allow for the building of moderate income housing. 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.

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 and includes specific guidance regarding strategies that cities must select from for implementation. These required strategies were further refined in 2022, as part of H.B. 462. This Bill also requires that cities adopt an implementation plan as part of the moderate income housing plan. The implementation plan is included at the conclusion of this document.

This plan's conclusion includes seven strategies, including an implementation plan for each of the following:

1. Create or allow for, and Reduce regulations related to internal or detached accessory dwelling units in residential zones
2. Eliminate impact fees for any ~~detached~~-accessory dwelling unit that is not an internal accessory dwelling unit as defined in Utah Code Section 10-9a-530
3. 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
4. Rezone for densities necessary to facilitate the production of moderate income housing
5. ~~Implement~~ zoning incentives for moderate income units in new developments
6. 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
7. 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~~Partner with Bear River Association of Governments (BRAG) and Neighborhood Non-profit Housing Corporation for programs or for programs or~~ services that promote the construction or preservation of moderate income housing

POPULATION AND FUTURE GROWTH

Nibley City’s population, as of the 2020 Census, was estimated at 7,328 people, which is a 34% increase from the 2010 population of 5,466 (Census Bureau, 2020). 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.

Census	Projections					Absolute Change 2020-2060	Percent Change 2020-2060
2010	2020	2030	2040	2050	2060		
5,438	7,328	9,875	13,307	17,931	24,164	16,836	330%

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 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 next 40 years.

County	2020	2030	2040	2050	2060	Absolute Change 20-20-2060	Percent Change 2020-2060
Cache	133,743	163,344	185,948	207,094	226,084	92,341	69%

(Kem C. Gardner Policy Institute, The University of Utah, 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 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
 - 83.4% of properties were residential
 - 60.5% of total acres were residential
- Greenbelt areas were large properties
 - 0.8% of properties were greenbelt but totaled 9.8% of total acres
- There is still vacant land available for development, conservation or both
 - 9.6% 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
 - 5.4% of properties were townhomes
 - Only 0.2% of residential areas are townhomes

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

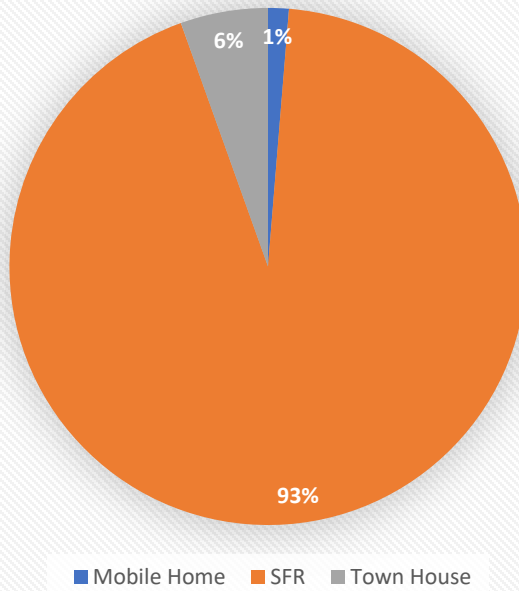
Land Use Type	Properties		Acres	
	#	%	#	%
Agriculture	21	2.2%	141	9.0%
Commercial	49	1.6%	104	6.7%
Greenbelt	88	0.8%	154	9.8%
Residential	1,907	83.4%	951	60.5%
Secondary	6	0.6%	7	0.4%
Vacant*	196	10.1%	150	9.6%
Not classified	31	1.3%	63	4.0%
Total	2,378	-	1,571	-

2022 Cache County Parcel Data

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

Housing Type	Number of Units in 2022
Single Family Homes	1,943
Townhomes	114
Mobile Homes	27

Nibley City Housing Type



2022 Cache County Parcel Data

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 has five approved housing developments that are not made up entirely of traditional single-family homes.

SPRING CREEK CROSSING PUD: TOWNHOMES



Spring Creek Crossing townhomes first started to be developed in 2007 and contains 124 units. The development is located on Nibley Park Ave. in the northwest corner of town. The subdivision was approved as a Planned Unit Development.

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.

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.

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 2020 American Community Survey was at \$90,650, compared to Cache County's Area Median Income (AMI) which was at \$71,000. According to projections of the Utah Housing and Community Development Five-Year Calculator, Nibley's Medium Household Income is expected to increase to \$95,979 by 2027. When planning for Moderate

Income and Affordable Housing, it is essential to use the AMI instead of the City’s Median Household Income, since AMI is a more accurate picture of the needs of housing for the whole area.

Definitions:

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

Renter Occupied Housing					
AMI Level	Households	Affordable Units	Affordable Units-Renter Households	Available Units	Available Units – Renter Households
≤ 30%	74	78	+4	0	-74
≤ 50%	214	255	+41	42	-172
≤ 80%	584	555	-29	402	-74

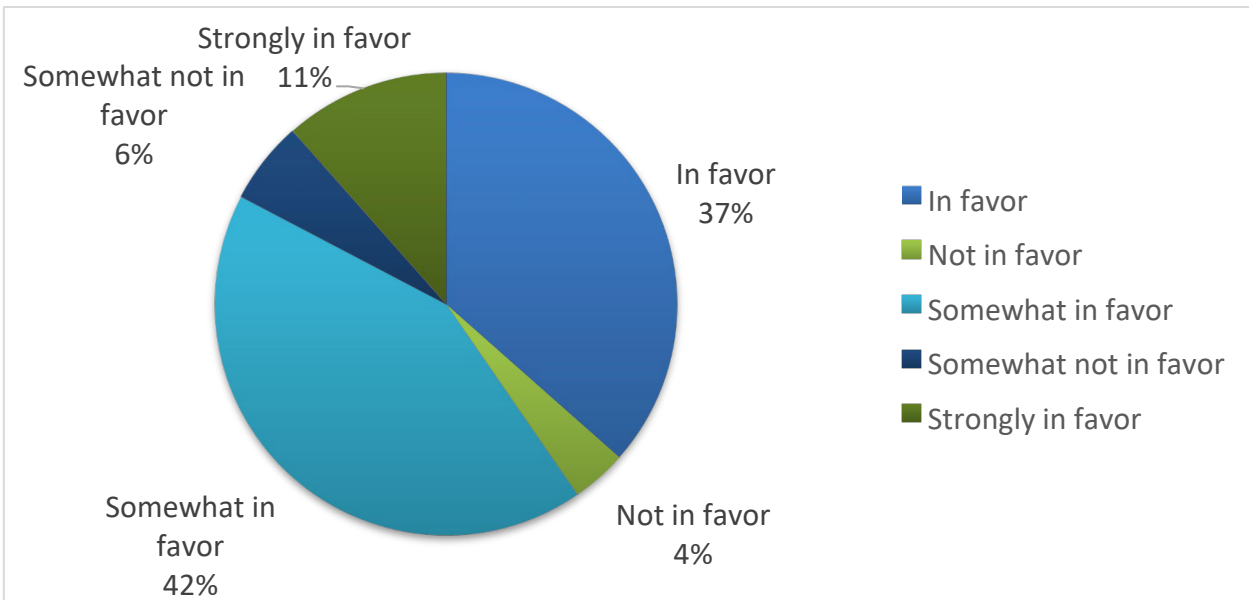
Source: Utah Division of Housing and Community Development 5-year Housing Projection Calculator

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:

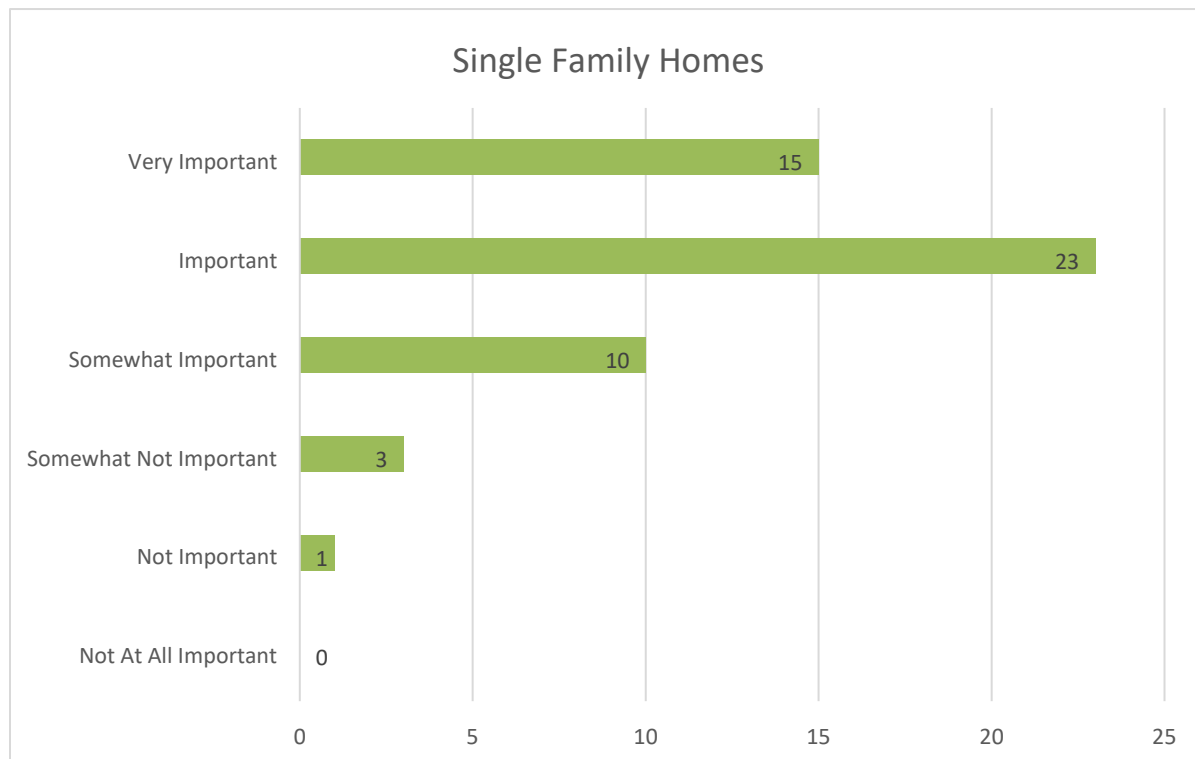
Town Center Questions:

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):

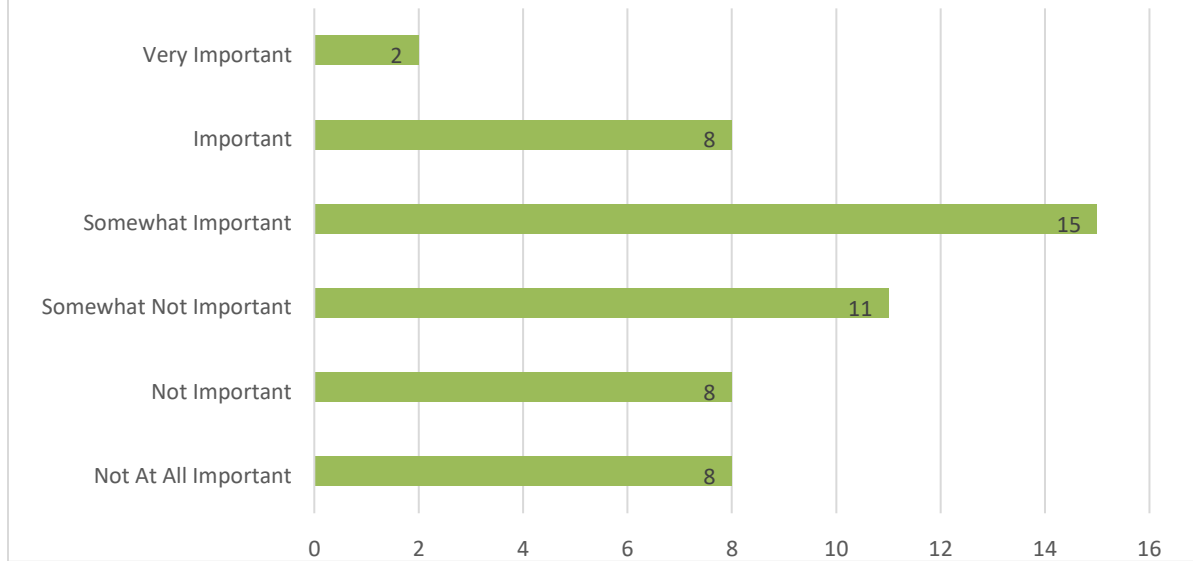


The following were the answers to the question:

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

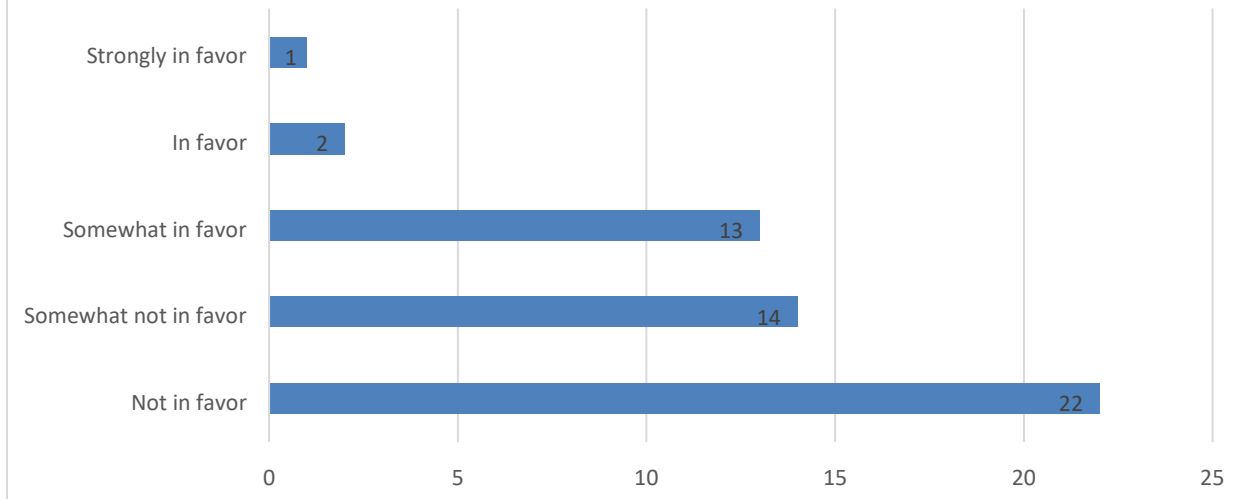


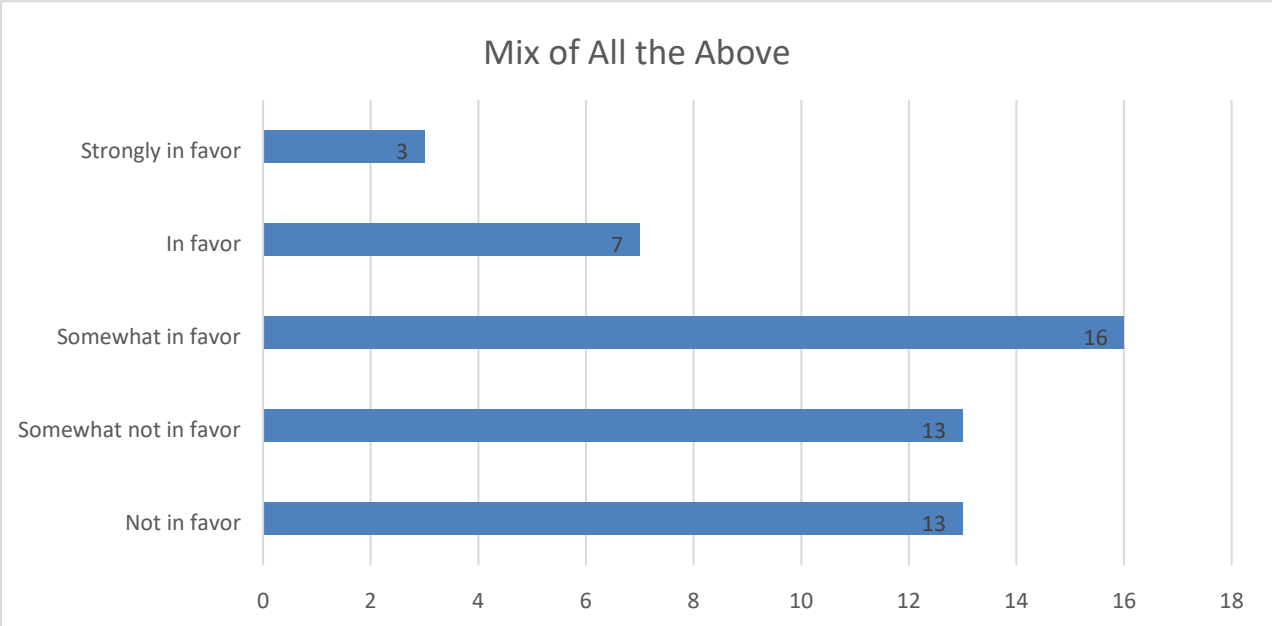
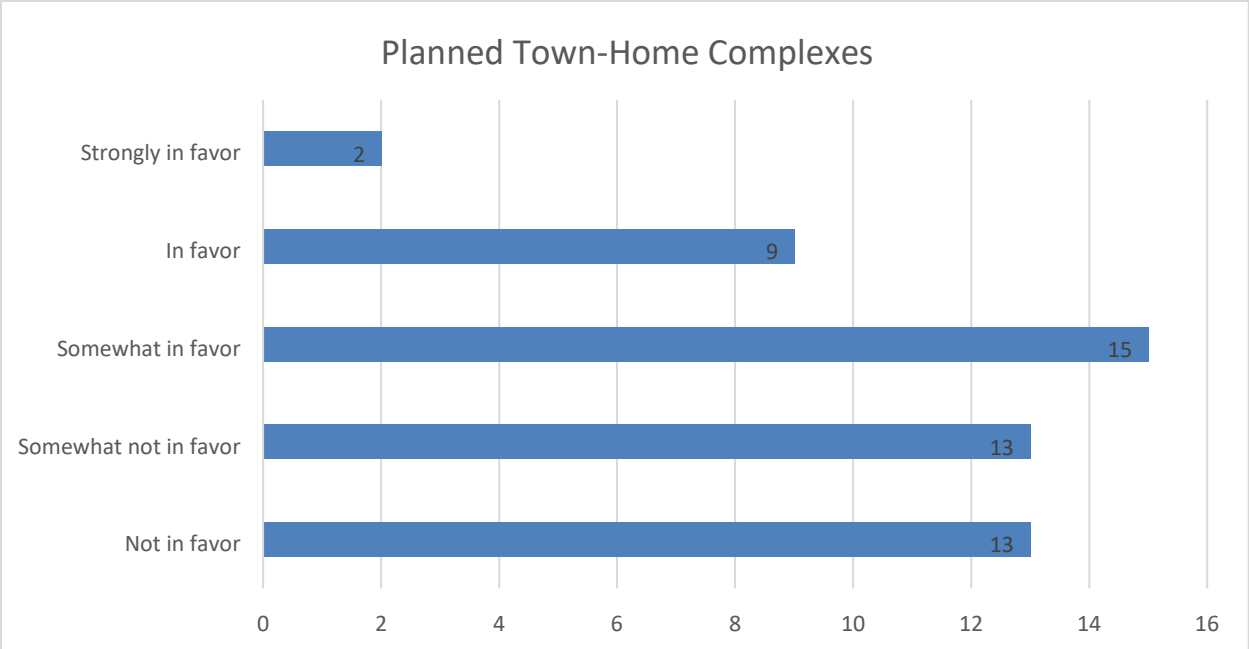
Small Family Housing: Townhomes, Apartments, Etc.



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?*

Apartments in Limited Areas





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.

What type of Housing do you want to see built in Nibley City



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 3.94 in 2020 (American Community Survey, 2020). This figure was still larger than the statewide average of 2.84 people, which is the largest of any state in the nation (American Community Survey, 2020).

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 add new housing at the most recent rate, 748 homes would be constructed 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 2.84 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.



MODERATE INCOME AND AFFORDABLE HOUSING

The tables below contain the information of estimate of the need for moderate income housing between 2019 and 2024.

Number of Housing Units Needed at AMI Thresholds by 2024

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

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

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

Housing Units 2017 Estimate and 2024 Projection

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

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

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

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

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

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

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

Percentage of Households and AMI Threshold

AMI Threshold	Total Units	Percentage of Total Units
≤30%	55	3.8%
≤50%	115	7.9%
≤80%	255	25.4%
≤100%	170	37.1%
>100%	915	100%
Total	1,455	

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

Projected Number of Housing Units Needed by AMI Thresholds in 2024

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

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

Total Percentage of Housing Units in 2024

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

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

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

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

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

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

Between 2019 and 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 between 2019 and 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 lot width, measured at setback line	200	200	200	150	100	100
B.	Setback principal uses						
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³
	Side yard, interior	15 ³	15	10	10	10	10
	Side yard, street	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³
	Rear yard	30	30	30	30	25	25

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

CLUSTER SUBDIVISIONS (SEE NCC 21.10.030)

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

Current Cluster Subdivision

- Stonebridge, located at 1200 W and 2980 S

PLANNED UNIT DEVELOPMENT (PUD) REPEALED

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

Current PUD Subdivisions

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



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

The Open Space 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 ten units per net developable acre with a mix of single-family homes and townhomes. At the time of this writing, three R-PUDs have been approved, as described above.

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.

STRATEGIES AND IMPLEMENTATION PLAN

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 determining what types of homes are built within these developments and the prices at which they are sold. The following strategies and implementation plan is adopted by Nibley 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.
- Incentivize developers to build affordable housing as part of developments as a condition of the rezone

STRATEGY 1: CREATE OR ALLOW FOR, AND REDUCE REGULATIONS RELATED TO, INTERNAL OR DETACHED ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES

Nibley City currently allows for attached, internal and detached accessory dwelling units (ADUs). Internal and attached accessory dwelling units are permitted in all zones of the City as ‘Two-family housing,’ which is inclusive of internal ADUs, attached ADUs or duplexes. In November 2020, the City adopted an ordinance which allows and regulates detached accessory dwelling units throughout Nibley City. Since this ordinance was passed, the City has only received two applications for detached accessory dwelling units. The City should conduct research to determine which barriers are currently in place to developing new ADUs, then consider specific amendments to the ADU ordinance that would encourage the construction of ADUs. 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.

Specific Action Items

- Track number of ADUs that are built (ongoing)
- Research barriers to building ADUs (Late 2023)
- Consider amendments to ADU ordinance based upon research findings (Early 2024)

Timeframe: Late 2022 - Early 2024

STRATEGY 2: ELIMINATE IMPACT FEES FOR ANY ~~DETACHED~~ ACCESSORY DWELLING UNIT THAT IS NOT AN INTERNAL ACCESSORY DWELLING UNIT AS DEFINED IN UTAH CODE SECTION 10-9A-530

Nibley City Code requires that impact fees be assessed for new detached ADUs. The ordinance provides for a rebate of these impact fees for providing affordable housing to those earning less than 50% AMI. However, it has been discussed that even with this rebate, the assessment of an impact fee for ADUs may be a barrier to building new ADUs. Furthermore, due to their limited footprint, the impact of an ADU may be lower than other housing units. The current impact fee for a new ADU is currently set at \$11,296, which includes sewer, water, transportation, park and Logan City wastewater. The City should consider eliminating impact fees for all ADUs in order to encourage production of new ADUs

Specific Measures and Benchmarks

- Analyze the overall cost of building an ADU in relation to the impact fee (Late 2023)
- Include an analysis of impact fee costs in relation to other potential barriers noted above (Late 2023)
- Consider removing impact fee requirement for ADUs (Early 2024)

Timeframe: Late 2023² - Early 2024

STRATEGY 3: 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

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 R-PUD allows for some commercial areas and condominiums, townhomes and small-lot single-family homes. A large portion of this area was approved as the Ridgeline Park Subdivision in April 2020 and the Subdivision is currently under construction. The northern portion of the Town Center remains vacant. The City should continue to plan and update City zoning code for the Town Center, including allowing mixed-use multi-family/commercial buildings within Commercial and Neighborhood Commercial Zones in the Town Center Area.

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.

Specific Measures and Benchmarks

- Create mixed-use areas within the Town-Center area (Early 2023)
- Allow for apartments and condominiums within Neighborhood Commercial Zones attached to commercial buildings (Early 2023)
- Plan for future 4400 S Industrial Corridor (Early 2025)

Timeframe: Early 2023 – Early 2025

STRATEGY 4: REZONE FOR DENSITIES NECESSARY TO FACILITATE THE PRODUCTION OF MODERATE INCOME HOUSING

Nibley City passed an R-PUD ordinance in 2019 with increased density within areas of the City. The R-PUD Overlay Zone increases the density from the underlying zone and allow up to ten units a per-net developable acre. The City approved three separate R-PUDs in 2020, which will provide additional housing options in different parts of the City. The City should continue to 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.

In addition to the R-PUD ordinance, Nibley City adopted a mixed-residential (R-M) zone which allows the development of a variety of multi-family housing types. The ordinance allows the application of the R-M zone in limited areas. The City should consider the expansion of this zone in areas with good transportation connections.

In 2022, the City has been working on a Transfer of Development Rights (TDR) Ordinance which will allow higher densities in exchange for transferring developing rights from areas of open space significance. The designation of appropriate sending and receiving zones will allow for a wider diversity of housing options within Nibley City.

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

- Specific Measures and Benchmarks Create a Town Center Overlay Ordinance that would allow for mixed-use, condominiums, townhomes, and single-family homes in addition to open space and commercial uses (Early 2023)
- Involve CVTD with Town Center and provide areas for bus stops and active transportation within the development (Early 2023)
- Consider additional areas in which the R-M zone could apply. (Late 2022)
- Adopt TDR ordinance designating TDR receiving areas where there is good access to jobs and services (Late 2022)
- Work closely with Developers and property owners and make appropriate rezones for R-PUD developments (Ongoing)

Timeframe: Late 2022-Ongoing

STRATEGY 5: IMPLEMENT ZONING INCENTIVES FOR MODERATE INCOME UNITS IN NEW DEVELOPMENTS

Although the City has made significant progress in rezoning for densities that allow the opportunity for the development of market rate housing which is affordable to moderate-income households, the housing market has vastly outpaced the growth in incomes. Therefore, it is becoming increasingly difficult to provide affordable market-rate housing. The City should consider incentivizing providing deed-restricted housing which is affordable to low and moderate-income households with new developments. A density bonus should be explored which allows for higher density with the dedication of affordable units. For example, within the R-PUD overlay zone, providing 10% of units within a development as affordable deed-restricted housing could allow for a 20% density bonus. Specific thresholds and incentives will need to be further analyzed and vetted based upon an updated affordable housing needs assessment.

Specific Measures and Benchmarks

- Study appropriate density bonus and incentive threshold to apply to the R-PUD zone or other zones within Nibley City. (Early 2024)
- Draft Ordinance with zoning incentives for moderate income units based upon findings of analysis for consideration (Late 2024)

Timeframe: 2024

STRATEGY 6: 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

The Malouf Community Reinvestment Project Area is currently in the process of being created. The CRA is anticipated to generate over \$10 million of tax increment financing over the course of 15 years. 10% of this revenue (approximately \$1 million) will be earmarked for affordable housing. The specific use of these funds will need to be explored and determined. A potential use will be to partner with Neighborhood Non-Profit Housing Corporation to develop low and moderate income housing within Nibley City.

Specific Measures and Benchmarks

- Determine appropriate use of TIF funds for affordable housing based upon housing needs assessment. (Late 2023)
- Apply funds to selected project(s). (Early 2024-2038)

Timeframe: 2023-2038

STRATEGY 7: 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~~PARTNER WITH BEAR RIVER ASSOCIATION OF GOVERNMENTS (BRAG) AND NEIGHBORHOOD NON-PROFIT HOUSING CORPORATION FOR PROGRAMS AND SERVICES THAT PROMOTE THE CONSTRUCTION OR PRESERVATION OF MODERATE INCOME HOUSING~~

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. Continued partnerships with these organizations, both promoting existing programs and supporting projects to build affordable housing will help more residents obtain affordable housing.

Specific Measures and Benchmarks

- ~~Seek partnerships with~~Meet with Neighborhood Non-profit Housing Corporation ~~representatives annually to seek opportunities or other non-profit organizations~~ to build affordable housing. (Late 2023~~-ongoing~~)
- Ensure Staff is trained to Rrefer those in need of housing assistance to BRAG and publicize helpful information about programs that are offered through BRAG and HUD. (~~ongoing~~Early 2023)

Time Frame: ~~Late 2023-Ongoing~~



RESOLUTION 22-P1

A RESOLUTION ADOPTING THE 2023 NIBLEY CITY PLANNING COMMISSION MEETING SCHEDULE

WHEREAS, the Open and Public Meetings Act, in section 52-4-202 (2) of the Utah Code, requires that a public body, which holds regular meetings that are scheduled in advance over the course of a year, shall give public notice at least once each year of its annual meeting schedule; and

WHEREAS, adopting an annual meeting schedule can make it easier for citizens to be involved in civic affairs by making them aware of normal Planning Commission meeting times.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF NIBLEY CITY, STATE OF UTAH, AS FOLLOWS:

Regular meetings for the Nibley City Planning Commission shall be held according to the dates and times listed on the attached schedule at Nibley City Hall, which is located at 455 West 3200 South in Nibley.

BE IT FURTHER RESOLVED THAT:

The Planning Commission may also convene special or emergency meetings pursuant to the provisions of the Open and Public Meetings Act.

The Planning Commission may also alter the scheduled below by canceling or changing dates, time, or location of a meeting. Any changes shall be properly noticed as required by the Utah Open and Public Meetings Act.

PASSED BY THE NIBLEY CITY PLANNING COMMISSION THIS ____ DAY OF ____, 2022

Bret Swenson, Planning Commission Chair

ATTEST

Cheryl Bodily, City Recorder

The following is hereby adopted as the 2023 Nibley City Planning Commission meeting schedule.

The meeting dates below all fall on a Thursday and the normal meeting start time is 6:30 p.m.

Meeting Date
January 5, 2023
January 19, 2023
February 2, 2023
February 16, 2023
March 2, 2023
March 16, 2023
April 13, 2023
May 4, 2023
May 18, 2023
June 1, 2023
June 15, 2023 - No Meeting Heritage Days
July 6, 2023
July 20, 2023
August 3, 2023
August 17, 2023
September 7, 2023
September 21, 2023
October 5, 2023
October 19, 2023
November 2, 2023
November 16, 2023
December 21, 2023
January 4, 2024

There may be circumstances that arise which may cause a meeting to be cancelled or for a special or emergency meeting to be scheduled, pursuant to the provisions of the Open and Public Meetings Act. Notification will be made as soon as reasonably possible in the event of a cancellation or special/emergency meeting.