



NIBLEY CITY COUNCIL MEETING AGENDA  
Thursday, January 5, 2017 – 6:30 p.m.  
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Bernhardt)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period<sup>1</sup> (Chair)
  
5. Discussion and Consideration of Resolution 17-02: A RESOLUTION APPOINTING MICHELLE JENSEN AS CITY TREASURER FOR NIBLEY CITY
  
6. Discussion and consideration of a final plat and development agreement for Phase 2 of Summerfield Place, a 12-lot subdivision located at approximately 2700 S 1000 W. (Applicant: Kelly Loosle)
  
7. Discussion of the pending final plat and development agreement for The Cottonwoods at Hollow Road, a 17-lot conservation residential subdivision located at approximately 4030 Hollow Road (Applicant: Jim Johnson)
  
8. A Public Hearing to receive comment regarding a proposed amendment to the Nibley City Transportation Master Plan
  
9. Discussion and consideration of Ordinance 17-03: A proposed amendment to the Nibley City Transportation Master Plan (First Reading)
  
10. A Public Hearing to receive comment concerning the proposed Ordinance 17-02: A PROPOSED CHANGE TO THE NIBLEY CITY SUBDIVISION-STREET ORDINANCE (First Reading)
  
11. Discussion and consideration of Ordinance 17-02: A PROPOSED CHANGE TO THE NIBLEY CITY SUBDIVISION-STREET ORDINANCE (First Reading)
  
12. Discussion and consideration of Ordinance 17-01: An update to the Nibley City Fence Code (Second Reading)
  
13. Discussion and Consideration of Resolution 17-01: A RESOLUTION ADOPTING THE ANNUAL MEETING SCHEDULE FOR THE NIBLEY CITY COUNCIL
  
14. Council and Staff Reports

### **Adjourn Meeting**

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<sup>1</sup> Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.

*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 Council**  
**Agenda Item Report for January 5, 2017**

**Agenda Item #5**

<b>Description</b>	Discussion and Consideration of Resolution 17-02: A RESOLUTION APPOINTING MICHELLE JENSEN AS CITY TREASURER FOR NIBLEY CITY, UTAH
<b>Department</b>	City Council
<b>Presenter</b>	David Zook, City Manager
<b>Sponsor</b>	n/a
<b>Applicant</b>	n/a
<b>Background</b>	Nibley City's Treasurer, Stephen Nelson, was recently promoted to City Planner. In response, the City solicited applications for a new Treasurer/Utility Manager. The City received seven applications and conducted interviews with applicants. Michelle Jensen was offered the position, subject to Council approval. Michelle has worked for Hyrum City overseeing their utility billing for the past five years. She has a business degree from USU and has experience owning and operating a small business.
<b>Recommendation</b>	Waive the second reading of the resolution and vote to provide consent to the appointment.
<b>Financial Impact</b>	The position is currently vacant and funded in the annual budget.
<b>Reviewed By</b>	Mayor, City Manager

**Agenda Item #6**

<b>Description</b>	Discussion and consideration of a final plat and development agreement for Phase 2 of Summerfield Place, a 12-lot subdivision located at approximately 2700 S 1000 W. (Applicant: Kelly Loosle)												
<b>Department</b>	Planning												
<b>Presenter</b>	Stephen Nelson, City Planner												
<b>Sponsor</b>	n/a												
<b>Applicant</b>	Kelly Loosle												
<b>Background</b>	<p>This final plat is for a 12-lot subdivision located at approximately 2700 South 1000 West, just north of the Sunset Parks PUD. This is coming before the Council because the Developer is ready to have Phase 2 approved so he can begin work on both phases. Phase 1 and 2 were both approved by the Planning Commission on November 9, 2016.</p> <p>This property is zoned R-2A. The following are the development standards found in Nibley City Code 10-6C, for subdivisions in the R-2A zone, and whether the proposed final plat meets those standards:</p> <table border="0" data-bbox="467 1287 1417 1581"> <thead> <tr> <th></th> <th style="text-align: center;"><b>Zone Requirement</b></th> <th style="text-align: center;"><b>Final Plat</b></th> </tr> </thead> <tbody> <tr> <td><b>Min. Lot Size</b></td> <td style="text-align: center;">12,000</td> <td>All lots meet or exceed standard</td> </tr> <tr> <td><b>Lot Size Avg.</b></td> <td style="text-align: center;">14,000+</td> <td style="text-align: center;">14,793 sq. ft.</td> </tr> <tr> <td><b>Min. Frontage</b></td> <td style="text-align: center;">100'</td> <td>All lots meet or exceed standard</td> </tr> </tbody> </table> <p>The subdivision is proposed for development in two phases. Phase 1 will be Lots 1-9 and 22-28, which will be built along the outer perimeter of the subdivision along 1000 West, 2600 South and 1100 West. Phase 2 will be Lots 10-21 and will build on the cul-de-sac on the interior of the</p>		<b>Zone Requirement</b>	<b>Final Plat</b>	<b>Min. Lot Size</b>	12,000	All lots meet or exceed standard	<b>Lot Size Avg.</b>	14,000+	14,793 sq. ft.	<b>Min. Frontage</b>	100'	All lots meet or exceed standard
	<b>Zone Requirement</b>	<b>Final Plat</b>											
<b>Min. Lot Size</b>	12,000	All lots meet or exceed standard											
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<b>Min. Frontage</b>	100'	All lots meet or exceed standard											

subdivision. Staff and P&Z believe the phasing is acceptable.

**Development Agreement:** City Staff has worked with the developer in order to bring the proposed version of the development agreement to the City Council for approval. This Development agreement is close to the same agreement for Phase 1, but has been altered slightly to reflect references to the new Phase 2. A couple of items that have been changed is the required water shares, of which they are only required to provide .25 more water shares from College Ward Irrigation Company before they can proceed with Phase 2. We have also updated the Warrantee Bond Amount and Stormwater payment for the second phase.

**Staff and Engineering Review** The City Engineer reviewed the plat and provided comments to the developer directing that several corrections be made. The developer has responded with a written report to staff regarding the engineering review comments and has made the necessary changes to bring everything required up to standard.

**Roads** Nibley City engineering standards, as well as Nibley City Code 11-5-5(E), limit the length of a cul-de-sac to 660'. The cul-de-sac measures 620' to the center of the cul-de-sac, so it is acceptable for street development. The cul-de-sac will be a 60' ROW, which is acceptable for a local road. 1000 West, 1100 West and 2600 South will each be a 66' ROW, which is suitable for neighborhood roads that carry a larger traffic load than the cul-de-sac.

**Stormwater** Stormwater needs for this subdivision will be handled by the Sunrise Meadows regional ponds. Those ponds were built with this property in mind. Rather than building a separate pond at this site, stormwater will be piped to the regional Sunrise Meadows regional ponds and this developer will pay for a proportionate share of the cost for those ponds. Staff has calculated the cost to the developer with the credit for the stormwater infrastructure they will install and it has been included in the development agreement.

**Infrastructure** As part of the submittal of the final plat for each phase, the developer has submitted construction drawings related to the infrastructure construction. Those drawings have been reviewed by the City Engineer and staff for compliance with City standards and specifications.

**Pedestrian Right-of-Way (ROW)** Nibley City Code 11-5-5(E) requires that cul-de-sacs have a pedestrian ROW from the cul-de-sac, linking it to the nearest public ROW. The City Council has approved the preliminary and final plat based on the following changes to the pedestrian right-of-way:

A portion of the property (squaring the property) in the southwest corner of the proposal be included as land traded by the city to the proponent with the open space to be mitigated with the other parts of the proposal

That the pedestrian right of way be established, either through land acquisition in trade, or through a right-of-way easement running east and west along the south border of the proposal

The pedestrian right-of-way that was initially shown on the preliminary plat going to the east from the cul-de-sac would not be required

A north-south pedestrian right-of-way between lots 15 and 16 would be established to get to the south pedestrian right-of way

The City would split 50/50 the cost of developing the pedestrian access with the proponent. These items have been incorporated into the final plat.

This item was reviewed by the Planning Commission at its June 22, 2016 meeting and City Council on September 1, 2016 for the preliminary plat and was recommended for approval by the Planning Commission to the City Council on November 9, 2016. The City Council approved Phase 1 on December 1, 2016.

<b>Findings</b>	Summerfield Place Phase 2 meets the requirements of Nibley City Code.
<b>Recommendation</b>	Make a motion to find that Summerfield Place Phase 2 meets the

	requirements of Nibley City Code and should be approved. Approve Summerfield Place Phase 2.
<b>Financial Impact</b>	The addition of new subdivisions creates an ongoing cost for the City related to the new maintenance costs of infrastructure that will be dedicated to the City, such as streets, stormwater, sewer and water pipes, as well as the costs of providing other services to residents, such as public safety, recreation etc. These costs are offset by new tax and fee revenue paid by new residents who move into the subdivision.
<b>Reviewed By</b>	Planning and Zoning Commission, City Planner, City Attorney, City Manager, City Engineer

**Agenda Item #7**

<b>Description</b>	Discussion of the pending final plat and development agreement for The Cottonwoods at Hollow Road, a 17-lot conservation residential subdivision located at approximately 4030 Hollow Road (Applicant: Jim Johnson)
<b>Department</b>	Planning
<b>Presenter</b>	Stephen Nelson. City Planner
<b>Applicant</b>	n/a
<b>Background</b>	<p>The applicant on this project, Mr. Jim Johnson, who is a Nibley resident and Nibley Planning and Zoning Commissioner, has submitted a final plat for the subdivision he is proposing to develop. Mr. Jim Johnson and Nibley City staff are currently working to bring the proposal into complete compliance with Nibley City Code and Design Standards, and the Plat is not yet ready for final approval. Mr. Johnson would like the Council to review the draft Development Agreement today so it can be ready to be approved with the subdivision on January 15, 2017.</p> <p>Below is additional information about the development:</p> <p>The applicant is proposing a 17-lot conservation residential subdivision, with one remainder lot, located at approximately 4030 Hollow Rd. The property is a mixture of the R-1 and R-1A zones. The development proposed on the southern portion of the property is planned to be developed in an initial phase. Additional development on the northwest portion of the property is also anticipated in the future.</p> <p>City Code 10-18-4 states that in existing R-1 zones, the base density is calculated as if the property were R-1A zones. Thus, despite there being a blend of the R-1 and R-1A zones, City code dictates that this property all be developed as if it were an R-1A zone.</p> <p>a. "Applicants in existing R-1 zones may also choose to apply for a subdivision approval using the conservation residential subdivision. By so doing, the density from which all calculations</p>



shall be made shall be equal to 0.75 acre lots or the same density as the R-1A zone.”

- **Open Space/Density Calculations**

Project Size: 10.63 acres Original Lot Yield: 13 lots

ROW acreage: 1.96 acres Developable Property: 8.65 acres

Open Space: 3.65 acres Percentage of Open Space: 41.28%

Density Bonus: 50% Proposed Lots : 17 lots

Potential Lot Yield: 19

Avg. Lot Size: 12,399.06 sq. ft. Req. Avg. Lot Size: 11,000 sq. ft.

Req. Frontage: 90'- all lots meet or exceed required frontage.

- **Approval of the City Council**

The City Council approved The Cottonwood’s preliminary subdivision plat on December 1<sup>st</sup>, with the following motions:

“Councilwoman Beus made a motion to approve the preliminary plat for the Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately 4030 hollow Road; applicant, Jim Johnson, with the following conditions:

- That the Nibley City Transpiration Master Plan is changed to match the proposed road;
- That Nibley City code is changed to allow swale and curbing instead of gutter and curbing; and
- That the appeal that has been filed against the subdivision is denied. “

As noted on the agenda, staff has moved forward with making changes to the Transportation Masterplan and City code to

meet these requirements. The appeal mentioned above was denied on December 7, 2016.

- **Development Agreement**

The development agreement is still in draft form, however there are a couple of items staff wanted to mention to the Council before the subdivision is up for final approval.

One of the first items is that instead of dedicating a 60 ft. R-O-W on the remainder parcel, we are going to require an easement instead. This is because the R-O-W would subdivide that parcel further and our code would require the developer to put in the road. We are comfortable with the easement because it would provide a pathway for the road, and the new update to the road master plan would require once that lot is subdivided that the road be built as part of the development.

Some of the improvements along the Hollow Road frontage will be postponed and will not be completed with by the developer. Nibley City Code 11-5-5 (D)(3) states:

“The requirement for curb and gutter on existing streets may be waived only if future changes to the street are anticipated that would make the installation of curb and gutter unwise. In such cases, the Planning and Zoning Commission may require that the subdivider pay to the city a sum equal to the best estimate of the cost of the improvements not installed to allow sufficient funds to later complete the improvements. Any such proceeds shall be placed in the street capital improvement fund.”

Next week, on January 11, a Resolution will go before the Planning Commission to require this from the Developer.

- **Engineering Notes:**

Nibley City Engineer, Public Works Director, and City Planner are currently reviewing the construction drawing that was turned in with the final plat. There are a few minor items that the staff and the developer are currently working on to resolve and are planned to be resolved before the next City Council meeting.

- **Irrigation Canal**

There is a ditch on the property that will be relocated. Mr. Johnson has provided those drawings to the Nibley Blacksmith Fork Irrigation Company, which has acknowledged receipt of the drawings. The infrastructure details of the ditch relocation has been included as part of the construction drawings with the final plat.

- **Right-of-Way Width**

Having stormwater handled by swales rather than a larger pond, is a low-impact development technique, which is encouraged by Federal and State stormwater regulations. Additionally, not requiring curb/gutter allows this subdivision to maintain a more rural feel and blend in with the surrounding roads. However, City Code 11-5-5 (D) (2) requires that curb; gutter and sidewalk must be added to all residential developments outside of rural estates and the agricultural zones. Staff is in favor of the swales, but believes the code needs to be change in order to allow for this design to move forward. The R-O-W along Hollow Road has also had the addition of sidewalks, which is also required by the code in section 11-5-5 (d). As such, city staff has proposed Ordinance 17-02 which will resolve this concern.

- **250 East**

The Transportation Master Plan shows that a connection should be made through this property between Hollow Road and 250 East. The current Road Master Plan map, as shown below, has that connection coming directly from the current end of 250 East down to Hollow Road.



In that configuration, Mr. Johnson would be required to construct and dedicate a new portion of 250 East. In order to resolve this concern and following the will of the City Council, staff has proposed Ordinance 17-03 which will resolve this issue.

<p><b>Findings</b></p>	<ul style="list-style-type: none"> <li>• The density and layout of the lots complies with Nibley City code and meets the approval of the City Council.</li> <li>• Ordinances 17-02 and 17-03 must be approved by the City Council before the current proposal can be complaint with Nibley City Code.</li> <li>• The ability to waive the requirement for putting in all the improvements along Hollow Road must first be required by the Planning and Zoning Commission for the Developer to pay for those improvements, which has not been done at this point.</li> <li>• The Development Agreement is not ready for full approval.</li> <li>• There are errors in the construction drawing that are currently being worked on by City staff and the developer and the approval of the plat by the City Council should be delayed until the approval of the construction drawings by the City Engineer.</li> </ul>
<p><b>Recommendation</b></p>	<p>Provide any input regarding any other outstanding items on the plat or development agreement that staff and the developer need to address before bringing the final plat and development agreement back to the</p>

	Council for final agreement.
<b>Reviewed By</b>	City Council, Planning and Zoning Commission, City Planner, City Attorney, City Manager, City Engineer

**Agenda Item #s 8 and 9**

<b>Description</b>	A public hearing to receive comment regarding a proposed amendment to the Nibley City Transportation Master Plan  and  Discussion and consideration of Ordinance 17-03: A proposed amendment to the Nibley City Transportation Master Plan (First Reading)
<b>Department</b>	Planning
<b>Presenter</b>	Stephen Nelson, City Planner
<b>Applicant</b>	NA
<b>Background</b>	<p>The Transportation Master Plan shows that a connection should be made through the proposed Cottonwoods Subdivision and adjacent properties between Hollow Road and 250 East. The current Road Master Plan map, as shown below, has that connection coming directly from the current end of 250 East down to Hollow Road. The following are some items to consider about the changes to the road master plan:</p>  <p>1. The master plan alignment runs directly through a FEMA Flood Zone. To construct a road through this property could require significant costs because there could be a need to bring in fill dirt, and</p>

it is possible that there could be environmental issues that might need to be mitigated or permitted.

2. The property in the flood zone is on the lot east of the proposed subdivision and the road wouldn't necessarily be constructed as part of the Cottonwoods subdivision project. That portion of the road, between the current southern terminus of 250 East and the eastern boundary of the subdivision would either have to be constructed in a future potential development on that property or built by the city, in order to bridge the gap. If the City were to pursue construction, the City would need to acquire the property, deal with the flood zone issues and pay for construction of the road.

3. Another potential conflict with the alignment currently planned in the Road Master Plan is that it appears to conflict with an existing house east of the proposed subdivision. It is possible that the road could be curved to avoid the house.

4. It is important to note, that because of City Code 11-5-5-E, which limits the length of a cul-de-sac to 1/8 mile (660 ft.), this change could have impact on the ability of property to the Northeast of the proposed Cottonwood Subdivision to be developed.

5. The current Cottonwoods Subdivision proposal will construct and dedicate a 60 ft. R-O-W for a portion of the new proposed road plan, and would provide an easement on the remainder parcel.

6. A change of the Transportation Master Plan is needed because the road, even though keeping in the spirit of the plan, goes through different property than what is currently listed.

For the reasons above, the position of the Planning Commission and staff is that a road alignment following the current master plan map may not be the route preferred by the City.

The intent of having the road connection between 250 East and Hollow Road on the Master Road Plan was to provide a connection between Hollow Road and the Brookfield Meadows subdivision on 250 East. The current proposal lays out a connection between the neighborhoods that would take the road out of the floodplain and could potentially make the eventual connection more feasible, while maintaining the

intent of the route proposed in the master plan.

The City Council, on December 1, made approval of the preliminary plat of The Cottonwoods Subdivision contingent of making this proposed change to the Transportation Master Plan.

The second change proposed to be made to the road master plan by the adoption of this revised map is removing a road that appears to have been erroneously added to the map when it was recently updated. The road is 2730 S between 1000 W and 1100 W between the Sunset Parks Subdivision and the recently approved Summerfield Place Subdivision, where the Summerfield Place Subdivision Pedestrian R-O-W is planned to be built. There was a plan years ago to have this road constructed and ROW was even dedicated to the City, however, that ROW was vacated by the City and the road master plan adopted in 2011 removed this road. At some point since 2011, when the plan was updated, the road appears to have been mistakenly added back onto the map. Staff recommends removing that road as shown on the proposed plan.

Planning and Zoning Commission gave these changes a positive recommendation.

<b>Recommendation</b>	Approve changes to the Transportation Master Plan
<b>Financial Impact</b>	Staff and Engineering costs related to administrative changes
<b>Reviewed By</b>	City Planner, City Manager, Public Works Director, City Engineer, Planning Commission



**Agenda Item #s 10 and 11**

<p><b>Description</b></p>	<p>A public hearing to receive comment concerning a proposed change to the Nibley City subdivision-street ordinance: Ordinance 17-02</p> <p>Discussion and consideration of a proposed change to the Nibley City subdivision-street ordinance: Ordinance 17-02</p>
<p><b>Department</b></p>	<p>Planning</p>
<p><b>Presenter</b></p>	<p>Stephen Nelson, City Planner</p>
<p><b>Applicant</b></p>	<p>n/a</p>
<p><b>Background</b></p>	<p>The changes that are being proposed would allow the option of Low Impact Development (LID) options for stormwater detention and mitigation. One of the most common forms of LIDs are swales. Instead of a traditional curb and gutter and detention basin, which gather and concentrate stormwater from across a given area, and also concentrates pollutants, swales allow for the detention of stormwater over a much larger area. LIDs are now being encouraged by state and federal agencies as a better way to manage stormwater.</p> <p>One of the other benefits to this type of LID would be that the lack of curbs and gutters may maintain, preserve and/or create a rural atmosphere in their subdivisions.</p> <p>The proposed addition is written in such a way as to allow Nibley City’s Public Works Director and Engineer the ability to evaluate each circumstance to ensure that it is feasible in a given subdivision. Two versions of the language are being provided to the Council. The first is the one that was approved by the Planning Commission, and the second is the one that has some proposed additions to the language that were suggested by Mayor Dustin. His suggestion was to specifically note that the proposed LID method must be compliant with Nibley Design Standards and that the developer not be able to change the pavement section as part of the LID. A draft cross section of the drainage swale design standard is also being presented.</p> <p>It is also important to note that the final approval of the Cottonwoods Subdivision, as currently proposed, is contingent on this change to</p>

	<p>Nibley City code.</p> <p>Planning Commission recommends adopting this change to Nibley City Code.</p>
<b>Recommendation</b>	<p>Provide any input to staff and continue Ordinance 17-02 to second reading.</p>
<b>Financial Impact</b>	<p>The practice of handling stormwater in roadside swales rather than regional basins could result in significantly lower costs to the City by removing the need for large regional basins, as well as the piping to connect from the development to the basin.</p>
<b>Reviewed By</b>	<p>Mayor, City Planner, Public Works Director, City Attorney, City Manager, City Engineer, Planning Commission.</p>

**Agenda Item # 12**

<b>Description</b>	Discussion and consideration of Ordinance 17-01: An update to the Nibley City Fence Code (Second Reading)
<b>Department</b>	Planning
<b>Presenter</b>	Stephen Nelson, City Planner
<b>Sponsor</b>	n/a
<b>Applicant</b>	n/a
<b>Background</b>	<p>The changes to the fence regulations that are being proposed by the Planning and Zoning Commission primarily address the height of fences along pedestrian Rights-of-Way (R-O-W) and trails. The proposed changes come at the request of Mayor Dustin, who asked that the Commission review the City's regulation of fences along trails and on corner lots.</p> <p>The proposal contained in this amendment would limit opaque fences and landscaping elements to a height of 4 feet along pedestrian R-O-Ws that run between personal property. This change is mostly contained in section C of the ordinance. The reason this change is being proposed is out of a desire to create safe trails and to avoid creating narrow or obscured alleyways along pedestrian walkways.</p> <p>It is also important to note that Section A excluded fences that border city parks. The reason the Planning Commission decided to exclude fences along city parks is because there was not the same concern that fences would create alleyways and unsafe conditions as could occur in a 20 ft. pedestrian R-O-W with tall fences on each side.</p> <p>(C)(1): This section contains the new regulations for fences and landscaping that may exceed four feet in height.</p>

Fencing may not exceed 20% opaqueness if taller than 4 ft.

(C)(2): this section contains the new regulations for fences and landscaping that may not exceed four feet in height.

Any fencing less than 4 ft. may exceed 20% opaqueness.

- **What is a Trail?**

Trails were not defined in our code and there can be a variety of interpretation of what should be considered a trail. A definition is proposed to be added to this ordinance. In general, a trail has been interpreted as a transportation or recreation route that is closed to modernized traffic and designated by the City on a master plan or plat as such. However, even though the City does not have a codified definition of a trail, most subdivision that have trails in them also have trail easements or dedicated pedestrian R-O-Ws included in them. Staff has done some research and has included one in the code that was not included at the last meeting.

- **Corner Lots**

One issue that has been discussed by the Commission that these changes do not cover is setbacks for corner lots. After much discussion, the Commission and staff felt that there needs to be more research and discussion about corner lots, with the intent to allow a homeowner to build a fence to protect their privacy that would not cause safety concerns for vehicles on adjacent streets and driveways. The Commission and staff will continue to work on making the changes needed to fix corner fence regulations.

The following are the Mayor's suggestions that he passed to the Planning Commission:

"As we have begun to implement the provisions of our subdivision ordinance that require pedestrian walkways and trails, we've realized

that it creates a public safety issue. The fence ordinance needs to be revised to reflect this. There are some great examples of fences that allow for the compromise between private property and public responsibility, but essentially, the discussion in Council has been that 6 ft. privacy fences along the 20 ft. ROW for trails are a bad idea from a public safety/liability standpoint. We have examples of this at a couple of places in town and we need to get a handle on it before we inadvertently create spaces for bad things to happen while we are trying to do good things.

“We’ve also had a problem with the interpretation of code for fence permits on corner lots that effectively allows corner lot owners to use a loophole to build privacy fences to lot lines on one or both sides of the house if the house is set at an angle on the lot. This makes for issues with neighbors where the neighbor is governed by a different setback than the corner lot and results in dumb looking fences. That’s the technical term.

“I’ve proposed a couple of solutions below. I’d like P&Z to weigh in on these. I don’t feel that they are substantive changes that require a whole lot of agonizing; we should try them and if we don’t get it exactly right, we will change them again till we do get them right but these need to be implemented soon, preferably this month so when spring construction/permits start, we can be ready. Please have something to the Council ASAP. Ideally, Council will consider this and do our public hearing at our meeting Nov 19 and pass it in our December meeting.

“Fence Ordinance key points

Public Safety along Trails and other Public Rights of Way:

PROPOSAL: For fences along trails and similar public rights of way that are open to public non-motorized access, the following fence types are permitted (insert photographs). All heights given are as measured from the centerline of the public trail surface:

	<p>Post and Rail fences</p> <p>Field Fences</p> <p>Barbed Wire</p> <p>High Tension Wire</p> <p>Other types that are maximum 20% opaque</p> <p>Opaque fences or hedges not exceeding 42” height</p> <p>Chain Link to 42” height</p> <p>The following types are specifically not permitted</p> <p>Opaque fences exceeding 42” height</p> <p>Chain link exceeding 42” height</p> <p>Opaque fences to 42” high with lattice or other construction above the 42” level that is more than 20% opaque</p> <p>Clarification for fencing on corner lots</p> <p>For all corner lots or other irregular lots with frontage on more than one side to a public or private road: For the purposes of fencing, all frontage facing a public or private road shall be regarded as Front Yard for the purpose of determining setbacks and compliance with the fence ordinance. (Insert pictures to show examples)”</p>
<b>Recommendation</b>	Hold the public hearing to receive public comment. Review and provide input to staff and move to adopt the changes.
<b>Financial Impact</b>	N/A
<b>Reviewed By</b>	Planning and Zoning Commission, City Planner, City Attorney, City Manager

**Agenda Item # 13**

<b>Description</b>	Discussion and Consideration of Resolution 17-01: A RESOLUTION ADOPTING THE ANNUAL MEETING SCHEDULE FOR THE NIBLEY CITY COUNCIL
<b>Department</b>	City Council
<b>Presenter</b>	Shaun Dustin, Mayor and David Zook, City Manager
<b>Sponsor</b>	n/a
<b>Applicant</b>	n/a
<b>Background</b>	At the beginning of each year, the Council is required to approve a meeting schedule. The proposed schedule would continue the existing meeting days, on the first and third Thursdays. However, the proposal is to move the time from 6:30 p.m. to 6:00 p.m. There are some Thursdays on the schedule where it is noted that the normal meeting will be cancelled due to conflicts with city events or training conferences.
<b>Recommendation</b>	Make a motion to waive the second reading of the resolution and to adopt the annual meeting schedule.
<b>Financial Impact</b>	State law requires the Council to meet at least monthly. More frequent meetings have the potential for increased staff cost.
<b>Reviewed By</b>	Mayor, City Manager

RESOLUTION 17-02

A RESOLUTION APPOINTING MICHELLE JENSEN AS  
CITY TREASURER FOR NIBLEY CITY, UTAH

WHEREAS, pursuant to Utah State Code 10-3-916, the Mayor with the advice and consent of the City Council, shall appoint a City Treasurer; and

WHEREAS, it has become necessary for Nibley City to appoint a new City Treasurer; and

WHEREAS, Nibley City wishes to appoint Michelle Jensen as the City Treasurer.

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

Michelle Jensen is hereby appointed to serve as the City Treasurer for Nibley City, Utah.

Dated this 5<sup>th</sup> day of January 2017

---

Shaun Dustin, Mayor

---

David Zook, City Recorder



# SUMMERFIELD PLACE PHASE 2

## PART OF SEC 20, T11N, R1E, SLM

### NIBLEY CITY, CACHE COUNTY, UTAH



**03-174-0098**  
ARMANDO & PEARL KILBY

**03-174-0107**  
KONI LARSEN

**03-174-0108**  
PHILIP & ANNA DUTTON

**03-174-0109**  
NORA WARD

**03-174-0110**  
THOMAS & MELANIE FRADLER

**03-180-0043**  
JERRIN JANNER

**03-180-0044**  
JESSICA JEMES

**03-180-0046**  
KIMBERLY SORRENSON

**03-180-0047**  
ASHLEY SWANN

**03-180-0048**  
ANGEL PENNA

**03-182-0026**  
ADALBERTO SOTO

**03-192-0007**  
THOMAS FREDERICKSON

**03-192-0008**  
JULIE LEONISSE

**03-192-0020**  
CHRISTOPHER & KRISTIN HUNTER

**03-192-0027**  
MANDI PHELPS

**03-192-0019**  
SHELDON & CONNIE BROWNING

**03-192-0005**  
STEPHANIE ANAYA

**03-192-0006**  
DAVID & KELLY SCHROEDER

**03-175-0011**  
BANK OF IOWA

**03-175-0013**  
NORMA DAWSON TR

**03-175-0014**  
WARREN D & FLOREANNE S KOZEJA

**03-175-0015**  
BRIG TRUNNELL

**03-175-0016**  
GARTH T BRILL

**03-175-0017**  
MARLENE WILLET

**03-175-0018**  
GLEN & KAYMA WAITE

**03-175-0019**  
ROBERT & KATHLEEN VALES

**03-175-0020**  
MARGARET SAMUELS

**2740 SOUTH ST.**

**2730 SOUTH ST.**

**1100 WEST ST.**

**1060 WEST ST.**

**03-182-0005**  
STEPHANIE ANAYA

**03-192-0006**  
DAVID & KELLY SCHROEDER

**03-175-0011**  
BANK OF IOWA

**03-175-0013**  
NORMA DAWSON TR

**03-175-0014**  
WARREN D & FLOREANNE S KOZEJA

**03-175-0015**  
BRIG TRUNNELL

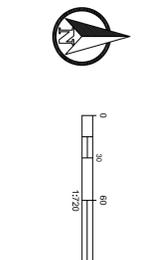
**03-175-0016**  
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**03-182-0044**  
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**03-182-0046**  
KIMBERLY SORRENSON

**03-182-0047**  
ASHLEY SWANN

**03-182-0048**  
ANGEL PENNA

LINE	LENGTH	BEARING
L1	18.48'	S032002°E
L2	21.34'	N2743437°W
L3	11.41'	S591724°W
L4	13.48'	S033020°E
L5	13.48'	N033020°W
L6	12.01'	S220033°W

CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	157.50'	443.00'	20222.15'	N681205°W	156.67'
C2	189.61'	357.00'	17413.53°W	187.39'	
C3	98.21'	170.00'	33055.55'	S170259°E	96.85'
C4	17.86'	170.00'	670105'	N083629°W	17.85'
C5	82.37'	230.00'	203111'	N292128°W	81.93'
C6	87.31'	230.00'	21533.86'	N880833°W	87.37'
C7	8.49'	230.00'	20655.7'	S351333°W	8.49'
C8	86.28'	530.00'	919.40'	S93452°W	86.19'
C9	19.20'	530.00'	20431'	N151657°E	19.20'
C10	20.23'	25.00'	462159'	N651472°W	19.68'
C11	56.64'	60.00'	540507'	N32013°W	54.95'
C12	63.30'	60.00'	602704'	N541552°E	60.41'
C13	20.09'	60.00'	191117'	S655457°E	20.00'
C14	61.30'	60.00'	582127'	S470310°E	58.67'

CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C15	91.01'	60.00'	985419'	S254008°W	82.53'
C16	6.07'	25.00'	139403'	S621016°W	6.05'
C17	17.32'	25.00'	394190'	S352220°W	16.86'
C18	81.37'	420.00'	107242'	S102904°W	83.66'
C19	3.24'	420.00'	02341'	S59592°W	3.24'
C20	101.91'	170.00'	3420149'	S121523°E	100.39'
C21	30.23'	170.00'	107114'	N343124°W	30.19'
C22	77.98'	230.00'	192532'	S295415°E	77.61'
C23	78.04'	230.00'	194427'	S102045°E	78.66'
C24	148.99'	423.00'	2078929'	N691026°W	149.21'
C25	158.54'	372.00'	231421'	N735301°W	151.86'
C26	158.54'	200.00'	3997100'	S200331°E	133.91'
C27	158.45'	200.00'	443203'	N172100°W	151.57'
C28	149.16'	500.00'	1705152'	N132748°E	148.60'

**LEGEND**

--- SECTION LINE

--- PROPERTY LINE

--- RIGHT-OF-WAY

--- STREET CENTERLINE

--- PUBLIC UTILITY EASEMENT 5-FEET WIDE WHERE SHOWN, EXCEPTIONS NOTED

--- MINIMUM BUILDING SETBACK FRONT = 30 FEET REAR = 25 FEET

--- PUBLIC STREET HEREBY DEDICATED

--- PUBLIC PEDESTRIAN RIGHT-OF-WAY HEREBY DEDICATED

1234 STREET ADDRESS

**CURVE TABLE**

CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
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C28	149.16'	500.00'	1705152'	N132748°E	148.60'

**NOTES & RESTRICTIONS**

- THIS PROPERTY IS LOCATED IN THE VICINITY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY OR MAY NOT IN THE FUTURE BE CONDUCTED IN THIS AREA AND THAT SUCH USES ARE PREVIOUSLY EXISTING USES. AGRICULTURAL USES AND SITUATIONS MUST BE SOUND AGRICULTURAL PRACTICES AND NOT BEAR A DIRECT THREAT TO THE PUBLIC HEALTH AND SAFETY.
- AREAS IN NIBLEY CITY HAVE GROUNDWATER PROBLEMS DUE TO THE VARYING DEPTHS OF A FLUCTUATING WATER TABLE. THE CITY'S APPROVAL OF A BUILDING PERMIT OR CONSTRUCTION PLANS DOES NOT CONSTITUTE A REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION OR LOCATION WILL SOLVE SUBSIDIARY OR GROUNDWATER PROBLEMS. IN ADDITION, CONCERNS FOR BUILDING RESPONSIBILITY AND FOR GRADING AND DRAINAGE OF THE BUILDING ARE THE RESPONSIBILITY OF THE LOT OR AND/OR CONTRACTOR. NIBLEY CITY IS NOT RESPONSIBLE FOR ANY SUBSIDIARY OR GROUNDWATER PROBLEMS WHICH MAY OCCUR, NOR FOR OTHER SUCH CONCERNS, INCLUDING, BUT NOT LIMITED TO, BUILDING LOCATION AND/OR ELEVATION, SITE GRADING AND DRAINAGE.
- THE FINISH FLOOR OF EACH HOUSE TO BE CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE AT AN ELEVATION OF 6-INCHES HIGHER THAN THE AVERAGE CURB HEIGHT IN FRONT OF THE HOUSE OR HIGHER. NO BASEMENTS ARE ALLOWED ON ANY LOT. GROUNDWATER WAS ENCOUNTERED AT AN ELEVATION OF 4503.30 FT ABOVE MSL (NAVD 88) OR A DEPTH OF APPROXIMATELY 8.5 FEET NEAR THE CENTER OF THE SUBDIVISION ON NOVEMBER 21, 2016.
- PURSUANT TO UTAH CODE ANN. § 94-3-32 THIS PLAT CONVEYS TO THE OWNER(S) OF OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED PURSUANT TO UTAH CODE ANN. § 17-27-603(1)(G)(i) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE P.U.E. AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
  - A RECORDED EASEMENT OR RIGHT-OF-WAY
  - THE LAW APPLICABLE TO PREScriptive RIGHTS
  - (ii) TITLE 54, CHAPTER 84, DAMAGE TO UNDERGROUND FACILITIES OR
  - (iv) ANY OTHER PROVISION OF LAW.

**LEGAL DESCRIPTION**

A PART SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN LOCATED IN THE CITY OF NIBLEY, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 23 OF SUMMERFIELD PLACE PHASE 1;

PHASE 1;

THENCE ALONG THE BOUNDARY OF SAID PHASE 1 THE FOLLOWING SIX COURSES:

1. N89°29'58"E 182.00 FEET;
2. N03°02'W 5.00 FEET;
3. N89°29'58"E 176.17 FEET;
4. S7°59'15"E 229.94 FEET;
5. S02°29'27"E 200.00 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
6. S92°27'36"W 243.46 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
7. N03°02'W 5.00 FEET;
8. S92°27'36"W 243.46 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
9. N03°02'W 5.00 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
10. S7°59'15"E 229.94 FEET;
11. S02°29'27"E 200.00 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
12. N03°02'W 5.00 FEET;
13. WESTERLY 157.50 FEET ALONG A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 443.00 FEET AND A LONG CHORD BEARING N69°12'05"W 156.67 FEET;
14. WESTERLY 189.61 FEET ALONG A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 357.00 FEET AND A LONG CHORD BEARING N47°13'53"W 187.39 FEET;
15. WESTERLY 98.21 FEET ALONG THE BOUNDARY OF SAID PHASE 1 TO THE POINT OF BEGINNING.

CONTAINING 5.22 ACRES, MORE OR LESS.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, STREETS, AND PEDESTRIAN RIGHTS, WHICH TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS SUMMERFIELD PLACE PHASE 2.

AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF THE UTILITY LINES AND FACILITIES THEREON. WE INCORPORATE ALL NOTES AND RESTRICTIONS AS LISTED HEREON.

**ACKNOWLEDGMENT**

STATE OF UTAH }  
 COUNTY OF CACHE } §  
 ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, PERSONALLY APPEARED BEFORE ME, \_\_\_\_\_, TRUSTEE OF THE KELLY C. LOOSELE TRUST DATED THE 3RD DAY OF DECEMBER, 2010, AND THE TRUSTEE WHO SUBSCRIBED TO ME THAT HE EXECUTED THE SAME IN SAID TRUST NAME, AND THAT SAID TRUST EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: \_\_\_\_\_  
 NOTARY PUBLIC FULL NAME: \_\_\_\_\_  
 COMMISSION NUMBER: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_  
 A NOTARY PUBLIC COMMISSIONED IN UTAH

**COUNTY RECORDER'S NO.** \_\_\_\_\_

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ TIME \_\_\_\_\_ FEE \_\_\_\_\_

ABSTRACTED \_\_\_\_\_

INDEX FILED IN: FILE OF PLATS \_\_\_\_\_

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**SURVEY NARRATIVE**

THIS SURVEY WAS ORDERED BY KELLY C. LOOSELE FOR THE PURPOSE OF CREATING RESIDENTIAL BUILDING LOTS. PREVIOUS SURVEYS DONE IN THIS AREA FOR THE SURROUNDING BUILDING LOTS. PREVIOUS SURVEYS WERE RETRACED AND USED TO RE-ESTABLISH THE BOUNDARY OF THE SUBDIVISION AS SHOWN ON THE BASIS OF BEARINGS USED HAS MONUMENT SET BY THE COUNTY SURVEYOR IN 1998. NUMBER 5 BEARS WITH CAPS STAMPED STEVEN C EARL PLUS 3189275" WERE SET AT ALL LOT CORNERS. EXPANSION WALLS WITH WASHERS ARE TO BE SET AT THE INTERSECTION OF THE CURB AND THE PROLONGATION OF THE SIDE LOT LINES AFTER CONSTRUCTION.

**COUNTY RECORDER'S NO.** \_\_\_\_\_

STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ TIME \_\_\_\_\_ FEE \_\_\_\_\_

ABSTRACTED \_\_\_\_\_

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APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**ENGINEER'S CERTIFICATE**

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

**PLANNING COMMISSION APPROVAL AND ACCEPTANCE**

PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

PLANNING COMMISSION CHAIRMAN \_\_\_\_\_

**CITY COUNCIL APPROVAL AND ACCEPTANCE**

PRESENTED TO THE NIBLEY CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR \_\_\_\_\_

**UTILITY COMPANY APPROVALS**

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED

QUESTAR GAS \_\_\_\_\_ DATE \_\_\_\_\_

ROCKY MOUNTAIN POWER \_\_\_\_\_ DATE \_\_\_\_\_

CENTURY LINK COMMUNICATIONS \_\_\_\_\_ DATE \_\_\_\_\_

COMCAST CORPORATION \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

PROJECT NUMBER: \_\_\_\_\_

SHEET: \_\_\_\_\_

**UTILITY COMPANY APPROVALS**

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED

QUESTAR GAS \_\_\_\_\_ DATE \_\_\_\_\_

ROCKY MOUNTAIN POWER \_\_\_\_\_ DATE \_\_\_\_\_

CENTURY LINK COMMUNICATIONS \_\_\_\_\_ DATE \_\_\_\_\_

COMCAST CORPORATION \_\_\_\_\_ DATE \_\_\_\_\_

CHECKED BY: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_

PROJECT NUMBER: \_\_\_\_\_

SHEET: \_\_\_\_\_

**PROJECT TITLE:** SUMMERFIELD PLACE PHASE 2

**SHEET DESCRIPTION:** FINAL PLAT

**DATE:** 9 NOVEMBER 2016

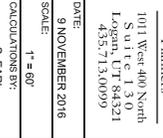
**SCALE:** 1" = 60'

**CHECKED BY:** L. ANDERSON

**APPROVED BY:** S. EARL

**PROJECT NUMBER:** 555-1601

**SHEET:** 1 of 1



**Cache - Landmark**

Engineers

Surveyors

Planners

1011 West 400 North  
 Salt Lake City, UT 84119  
 License No. 1310022  
 435.313.0099

NIBLEY CITY  
DEVELOPMENT AGREEMENT

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between KELLY C LOOSLE \_\_\_\_\_, hereinafter referred to as "Developer" and Nibley City, here in after referred to as "City," and

WHEREAS, SUMMERFIELD PLACE PHASE 2, hereinafter referred to as "the Development" has been approved for construction; and

WHEREAS, plans for the Development are on file with Nibley City and are incorporated by reference herein; and

WHEREAS, it is necessary for the interest of the public welfare that improvements made be constructed in accordance with the specifications set forth in said plan and as provided by Nibley City ordinances and Design Standards; and

WHEREAS, Developer desires to record a final plat of the Development in order to obtain building permits and construct structures after the necessary infrastructure is installed, approved an accepted; and

WHEREAS, in accordance with said Nibley City ordinances 11-5, the Developer is required to furnish security for the completion of all improvements or complete all improvements prior to recording a final plat.

NOW THEREFORE, to induce Nibley City to approve said plans and allow use of city-owned utilities and access and/or other improvements, the Developer does hereby unconditionally promise and agree with Nibley City as follows:

1. After approval of said plan, the Developer will construct all improvements as required to the furthestmost structure in the Development. All improvements, streets, and utilities as shown on plan and as required by Nibley City ordinances and standards will be completed by January 1, 2018 . However, no occupancy or use of a structure will be permitted until completion of said improvements to the Development.
2. The Developer shall complete all improvements as required in Nibley City Municipal Code and this agreement for Phase 2 prior to the release of the mylar for recordation and subsequent issuance of building permits for Phase 2. All improvements must meet Nibley City Design Standards and Specifications.
3. The Developer is to supply the City with water rights or shares as set forth in City ordinances (11-5-2) for the Development, as follows: 32.76 acre feet in water shares from College Ward Irrigation Company or an equivalent amount of acre feet from another irrigation company located in Nibley City. Said shares shall be provided to the City before commencement of construction.

- a. The City will credit the developer for 1.63 shares from College Ward Irrigation Company based on the area vacated by the City.
  - b. The Developer has to supplied 9 shares from College Ward Irrigation Company for Phase 1. The remainder of shares, .25 shares from College Ward or an equivalent amount from another irrigation company located in Nibley City, must be supplied to the City before commencement of construction of Phase 2.
4. The City shall give and transfer to the Developer a portion of Parcel Number 03-192-0000. The portion transferred shall be 2,200 square feet on the north end of Parcel number 03-192-0000. This property shall be transferred to the developer in consideration of the Developer's agreement to complete a pedestrian right of way on the south border of the development, as shown on the plat, and as discussed further in Section 5, below.
5. The Developer shall establish a pedestrian right-of-way running east to west along the south border of the development. The Developer shall also establish a pedestrian right-of-way between lots 15 and 16 that connects to the pedestrian right-of-way on the south border of the development. The Developer will construct and landscape the pedestrian right-of-way on the south border of the development, extending from 1000 West to 1100 West, as part of the development's first phase. The Developer shall construct and landscape the pedestrian right-of-way between lots 15 and 16 as part of the development's second phase. The costs of completing said pedestrian rights-of-way shall be shared equally by City and the Developer, and shall not exceed \$45,750. The Developer is to construct all pedestrian rights-of-way according to Nibley City design standards and Nibley City ordinance 11-5-6 and shall submit landscaping design plans to the Public Works Director for approval prior to construction. After construction of the above mentioned pedestrian right-of-way, and upon acceptance by the Public Works Director, the right-of-way shall be dedicated to the City.
  - a. See attached concept and landscaping plans
6. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided, however that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.
7. This development is served by the Sunrise Detention Basin, and as such is required to pay an assessment to Nibley City of \$2,500 per lot in the phase (12 lots) for a total of \$30,000.00.
  - a. The Developer has received a credit of \$8,412.50 for stormwater improvements being installed within Phase 1.
8. In the event that either of the parties to this Agreement shall be in default or breach of this Agreement, said party shall be liable to pay all reasonable attorney's fees, court costs and other related costs and expenses incurred by the non-defaulting or non-breaching party in pursuing its rights hereunder or under the laws of the State of Utah.
9. The Developer acknowledges and agrees that it shall be necessary to comply with all applicable federal, state, county and City requirements, regulations and laws for each aspect of this



On this \_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared before me David N. Zook, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.

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

STATE OF UTAH)

County of Cache ) : ss

On the \_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared before me, Developer, the signer of the foregoing instrument, who duly acknowledged to me that they executed the same.

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

DRAFT

NIBLEY CITY  
DEVELOPMENT AGREEMENT

THIS AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between JIM JOHNSON, and \_\_\_\_\_ (record title owners) who are the Owners of Parcel No. 03-034-0011, hereinafter referred to as "Developer" and Nibley City, here in after referred to as "City", and

WHEREAS, THE COTTONWOODS SUBDIVISION, hereinafter referred to as "the Development" has been approved for construction, and its legal description is on Exhibit "A" attached and incorporated by reference; and

WHEREAS, plans for the Development are on file with Nibley City and are incorporated by reference herein; and

WHEREAS, it is necessary for the interest of the public welfare that improvements made be constructed in accordance with the specifications set forth in said plans and as provided by Nibley City ordinances and Design Standards; and

WHEREAS, Developer desires to record a final plat of the Development in order to obtain building permits and construct structures after the necessary infrastructure is installed, approved and accepted; and

WHEREAS, in accordance with said Nibley City ordinances, including Section 11-5, the Developer is required to furnish security for the completion of all improvements or complete all improvements prior to recording a final plat.

NOW THEREFORE, to induce Nibley City to approve said plans and allow use of city-owned utilities and access and/or other improvements, the Developer does hereby unconditionally promise and agree with Nibley City as follows:

1. Developer hereby acknowledges receipt of a copy of the Nibley City Subdivision Ordinance. Developer hereby acknowledges that Developer has read the Subdivision Ordinance (or that an agent of Developer has), and that Developer understands the provisions of the Subdivision Ordinance and that Developer will fully and completely comply with the provisions and requirements therein contained.

2. After approval of said plan, the Developer will construct all improvements as required in the Development. All improvements, streets, and utilities as shown on the plans and as required by Nibley City ordinances and standards will be completed by February 1, 2018. However, building permits, no occupancy or use of a structure will be issued or permitted until completion of said improvements to the entire Development.

3. The Developer shall complete all improvements as required in the Nibley City Municipal Code and this agreement prior to the release of the mylar for recordation and subsequent issuance of building permits. All improvements must meet Nibley City Design Standards and Specifications.

4. The Developer is to supply the City with water rights or shares as set forth in City ordinances (Section 11-5-2) for the Development, as follows: 27.6 Acre-ft. from Blacksmith Fork Irrigation Company or an equivalent amount of acre feet from another irrigation company located in Nibley City. Said shares, signed over to the City, shall be provided to the City before recording of the mylar and before the commencement of construction.

5. The Developer will deed a 60 ft. easement on the remainder parcel in compliance with the Master Transportation Plan. The Developer has the right to build one single family home on the remainder parcel, but will be required to build the road on the remainder to comply with the Transportation Master Plan for any development beyond one (1) home. The remainder parcel shall have one (1) county tax id number.

a. Deed. Developer shall deed an exclusive open and unobstructed 60 foot wide easement in perpetuity for ingress, egress and utilities over and across that part of Parcel 03-043-0011 as described on Exhibit "B", attached and incorporated by reference, before or concurrent with recording the mylar.

b. Permitted Uses. This Easement is dedicated for the exclusive benefit of the public and any adjoining parcels and is to be a burden to Parcel 03-043-0011 and binding on the Developer, their successors and assigns, legal representatives, (hereafter collectively "Agents") for vehicular and pedestrian traffic, and utilities over, under, upon and across the Easement area.

c. Repair and Maintenance. The Owners of Parcel 03-043-0011 shall be responsible for and shall bear all costs of maintaining, repairing and improving the Easement.

d. Indemnity.

(1) The Owners of Parcel 03-043-0011, hereby waive any claims against Nibley City for loss or destruction of property, or injury or death to persons, arising out of use of the Easement, except to the extent caused by the negligence or willful misconduct of Nibley City. Except as caused by the negligence or willful misconduct of Nibley City, the Owner of Parcel 03-043-0011 shall indemnify, defend and hold harmless Nibley City from and against any and all claims, demands, liability, loss, cost or expense of any kind, including reasonable attorneys' fees, arising out of or in any way connected with the use of the Easement.

(2) Insurance. The Owner of Parcel 03-043-0011 shall maintain, at its own expense, a policy of comprehensive public liability insurance relating to its use and occupancy of the Easement. Such liability insurance shall (i) be in an amount of at least \$1,000,000.00; (ii) include Nibley City as an additional insured; (iii) provide that the insurer shall notify all named insureds, in writing, at least thirty (30) days prior to the cancellation or reduction of coverage of the policy; and (iv) with an insurer rated AA by Best Rating Agency and licensed to do business in the State of Utah. Upon request, the Owners of Parcel 03-043-0011 shall provide a certificate to Nibley City evidencing that such coverage has been maintained and is in full force and effect.

e. Easement Benefit/Burden. All provisions of this Section 5, including but not limited to the easement granted herein, shall “run with the land” and shall be binding on, and inure to the benefit of, the present and any future Owners of Parcel 03-043-0011 and Nibley City, respectively.

f. Taxes. The Owners of Parcel 03-043-0011 agree to pay all real property taxes as and when due.

g. The easement shall not be extinguished by non-use over a period of time.

6. The Developer will install an 8” inch water line or deposit with the City funds sufficient to install the line at a future date as determined by the City, according to Nibley City design standards along Hollow Road on the 15’ utility easement as shown on the plat.

7. The Developer will pay to the city a sum equal to the best estimate, made by the City Engineer, of the cost of the improvements along Hollow Road for anticipated future changes to the street.

8. All conservation lots will be privately owned and developed and maintained in compliance with the Nibley City Conservation Subdivision code.

9. Proposed LID measures must be safe guarded against unauthorized alteration by adjacent property owners, and maintenance standards that meet the Nibley City Design Standards must be included in the HOA’s CCR’s and Bylaws and must be approved by the City prior to recording of the mylar and must be recorded concurrent with the recording of the mylar.

10. The terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto mentioned and permitted successors and assigns; provided, however that this Agreement cannot be assigned, transferred or conveyed by either party, without the express, written consent of the other party.

11. In the event that either of the parties to this Agreement shall be in default or breach of this Agreement, said party shall be liable to pay all reasonable attorney’s fees, court costs and other related costs and expenses incurred by the non-defaulting or non-breaching party in pursuing its rights hereunder or under the laws of the State of Utah.

12. The Developer acknowledges and agrees that it shall be necessary to comply with all applicable federal, state, county and City requirements, regulations and laws for each aspect of this Development, including payment of fees and compliance with design and construction standards. Nothing in this Agreement shall be deemed to relieve the Developer from the obligation to comply with all such applicable laws, ordinances and requirements as now existing and as enacted and/or amended.

13. The Developer shall provide a Surety Bond in the sum equal to ten percent (10%), of the estimated costs of all improvements installed in the Development as estimated by the City Engineer for the period of the Developer’s warranty on the improvements. Security in amounts more than 10% may be required by the City Manager if it is deemed appropriate and necessary. The Warranty Bond shall meet all the criteria outlined in Nibley City Code Section 11-6.

14. The Developer agrees no construction or disturbance of soil will take place prior to issuance of



Notice to Proceed by the Public Works Director.

15. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

16. Time is of the Essence. Time is of the essence to this Agreement and every right or responsibility shall be performed within the times specified.

17. Mutual Drafting. Each party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either party based on which party drafted any particular portion of this Agreement.

18. Entire Agreement. This Agreement, and all Exhibits thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all parties.

19. Recordation and Running with the Land. This Agreement shall be recorded in the chain of title for the Development. This Agreement shall be deemed to run with the land.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NIBLEY CITY

DEVELOPER

By \_\_\_\_\_

By \_\_\_\_\_

State of Utah            )  
                                  :SS  
County of Cache        )

On this \_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared before me David N. Zook, City Manager, the signer of the within instrument, who duly acknowledged to me that he executed the same as City Manager for Nibley City Corporation.

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

STATE OF UTAH)

County of Cache ) : ss

On the \_\_\_\_ day of \_\_\_\_\_, 2016, personally appeared before me, Developer, the signer of the foregoing instrument, who duly acknowledged to me that they executed the same.

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

J:\MPJ\Cities\Nibley\01 - Subdivisions\Cottonwoods Hollow\Development Agreement.Clean Copy.1.docx  
N-6512.O

DRAFT

**THE COTTONWOODS SUBDIVISION**  
**S.W. 1/4 OF SECTION 27**  
**T. 11 NORTH, RANGE 1 EAST S.L.B.&M.**  
**NIBLEY CITY, CACHE COUNTY, UTAH**  
**DECEMBER 2016**

POINT OF RECORD AS BEING	Lot	Groundwater	Basement FF
NORTH 759.41' AND 934.04' EAST OF THE SOUTHWEST CORNER OF SECTION 27, T. 11 N., R. 1 E.	1	4586.0	4590.5
	2	84.0	89.5
	3	85.2	90.5
	4	83.6	91.2
	5	84.7	92.7
	6	81.2	93.0
	7	87.2	93.5
	8	89.1	93.5
	9	88.3	93.0
	10	86.3	92.7
	11	85.0	91.9
	12	85.0	91.5
	13	83.8	90.5
	14	80.8	89.0
	15	83.6	89.0
	16	84.5	89.5
	17	5.5	90.5

POINT OF RECORD AS BEING N 1°17'30" E 58' OF A POINT NORTH 759.41' AND 934.04' EAST OF THE SOUTHWEST CORNER OF SECTION 27, T. 11 N., R. 1 E.

FOUND & HELD IRON PIN

EXISTING 25' R-O-W GRANTED TO PARCEL 03-043-0038 PER INST #

TO BE VACATED WITH THIS PLAT REQUIRES SIGNATURE OF ALEXSHA & AMANDA JAMES

NEW 25' ACCESS AND UTILITY EASEMENT TO BE GRANTED TO PARCEL 03-043-0038 TO REPLACE EASEMENT VACATED PER THIS PLAT

10' HOA TRAIL EASEMENT

EASEMENT VACATION ACKNOWLEDGMENT

WE, ALEXSHA JAMES AND AMANDA A JAMES, DO HEREBY VACATE THE EXISTING INGRESS AND EGRESS EASEMENT GRANTED TO PARCEL 03-043-0057 BY QUIT CLAIM DEED #764258, DATED JULY 2, 2001 IN EXCHANGE FOR THE NEW INGRESS, EGRESS, AND UTILITY EASEMENT GRANTED TO SAID PARCEL 03-043-0057 PER THIS PLAT.

IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS \_\_\_\_\_ DAY \_\_\_\_\_ OF 20\_\_\_\_

CL1 Length = 124.47' Radius 200.00' Delta = 0.35°39'33" Bearing = N 58°22'25" E Chord = 122.47'

CL2 Length = 172.49' Radius 200.00' Delta = 0.49°24'51" Bearing = N 24°44'55" W Chord = 167.19'

CL3 Length = 124.47' Radius 200.00' Delta = 0.35°39'33" Bearing = N 58°22'25" E Chord = 122.47'

20' IRRIGATION PUMP EASEMENT

PUBLIC UTILITY EASEMENT DEDICATIONS ARE: 10' FRONT 5' SIDE AND REAR

LOT #	S.F.	ACRE	DESCRIPTION
LOT 1	11016	0.25	112 EAST 4030 SOUTH
LOT 2	11104	0.25	122 EAST 4030 SOUTH
LOT 3	11285	0.26	138 EAST 4030 SOUTH OR 3997 SOUTH COTTONWOODS COURT (150 EAST)
LOT 4	11065	0.25	4009 SOUTH COTTONWOODS COURT (150 EAST)
LOT 5	13867	0.32	4025 SOUTH COTTONWOODS COURT (150 EAST)
LOT 6	13412	0.31	4041 SOUTH COTTONWOODS COURT (150 EAST)
LOT 7	17097	0.39	4053 SOUTH COTTONWOODS COURT (150 EAST)
LOT 8	13940	0.32	4054 SOUTH COTTONWOODS COURT (150 EAST)
LOT 9	12118	0.28	4042 SOUTH COTTONWOODS COURT (150 EAST)
LOT 10	14014	0.32	4024 SOUTH COTTONWOODS COURT (150 EAST)
LOT 11	13721	0.31	4008 SOUTH COTTONWOODS COURT (150 EAST)
LOT 12	13718	0.31	3992 SOUTH COTTONWOODS COURT (150 EAST)
LOT 13	11022	0.25	3982 SOUTH COTTONWOODS COURT (150 EAST)
LOT 14	11935	0.27	3954 SOUTH COTTONWOOD COURT (100 EAST)
LOT 15	11110	0.26	3963 SOUTH COTTONWOOD COURT (100 EAST)
LOT 16	13389	0.31	107 EAST 4030 SOUTH
LOT 17	11583	0.27	93 EAST 4030 SOUTH
CONSERVANCY PARCEL 1	14801	0.34	4014 SOUTH HOLLOW ROAD
CONSERVANCY PARCEL 2	6712	0.15	123 EAST 4030 SOUTH OR 3982 SOUTH COTTWOOD COURT (100 EAST)
CONSERVANCY PARCEL 3	38622	0.89	4048 SOUTH HOLLOW ROAD
CONSERVANCY PARCEL 4	14270	0.33	4064 SOUTH HOLLOW ROAD
CONSERVANCY PARCEL 5	50645	1.16	3980 SOUTH COTTONWOOD COURT (100 EAST)
CONSERVANCY PARCEL 6	31504	0.72	3968 SOUTH COTTONWOOD COURT
REMAINDER PARCEL 03-043-0011	216293	3.97	4.97 Acre

Curve #	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	34.21'	230.00'	8°31'17"	S 44°48'17" W	34.18'
C2	33.38'	170.00'	11°15'05"	S 46°10'11" W	33.33'
C3	72.42'	170.00'	24°24'28"	S 63°59'58" W	71.87'
C4	108.94'	230.00'	27°08'16"	S 62°38'04" W	107.92'
C5	36.33'	230.00'	9°03'02"	N 71°40'41" E	36.29'
C6	103.94'	230.00'	25°53'32"	N 54°12'23" E	103.06'
C7	102.61'	170.00'	34°35'05"	N 58°54'39" E	101.06'
C8	15.90'	10.00'	91°04'28"	N 03°55'07" W	14.27'
C9	15.58'	10.00'	89°17'02"	S 85°54'08" W	14.05'
C10	12.72'	230.00'	3°10'08"	N 47°52'17" W	12.72'
C11	89.06'	230.00'	22°11'08"	N 35°11'39" W	88.50'
C12	96.58'	230.00'	24°03'36"	N 12°04'17" W	95.87'
C13	129.20'	170.00'	43°32'43"	N 27°41'00" W	126.11'
C14	17.41'	170.00'	5°52'09"	N 02°58'34" W	17.41'
C15	9.63'	10.00'	55°09'00"	N 27°32'01" E	9.26'
C16	96.29'	60.00'	91°56'46"	S 09°08'08" W	86.28'
C17	61.79'	60.00'	59°00'26"	S 66°20'28" E	59.10'
C18	62.55'	60.00'	59°44'05"	N 54°17'16" E	59.76'
C19	83.37'	60.00'	79°36'44"	N 15°23'08" W	76.82'
C20	9.63'	10.00'	55°09'00"	S 27°37'00" E	9.26'

C P # = CONSERVANCY PARCEL NUMBER

L1 = N 43°26'24" W 5.90'

L2 = N 01°03'53" W 51.75' (N 2°17'30" E 58' BR)

L3 = S 42°32'53" E 42.43'

**NOTE**

THIS PROPERTY IS LOCATED IN THE VICINITY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH USES AND ACTIVITIES MAY OR MAY NOT IN THE FUTURE BE CONDUCTED IN THIS AREA AND SUCH USES ARE PREVIOUSLY EXISTING USES. AGRICULTURAL USES AND SITUATIONS MUST BE SOUND AGRICULTURAL PRACTICES AND NOT BEAR A DIRECT THREAT TO PUBLIC HEALTH AND SAFETY.

**EASEMENT VACATION ACKNOWLEDGMENT**

WE, ALEXSHA JAMES AND AMANDA A JAMES, DO HEREBY VACATE THE EXISTING INGRESS AND EGRESS EASEMENT GRANTED TO PARCEL 03-043-0057 BY QUIT CLAIM DEED #764258, DATED JULY 2, 2001 IN EXCHANGE FOR THE NEW INGRESS, EGRESS, AND UTILITY EASEMENT GRANTED TO SAID PARCEL 03-043-0057 PER THIS PLAT.

IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS \_\_\_\_\_ DAY \_\_\_\_\_ OF 20\_\_\_\_

**SETBACKS**

FRONT YARD = 30'

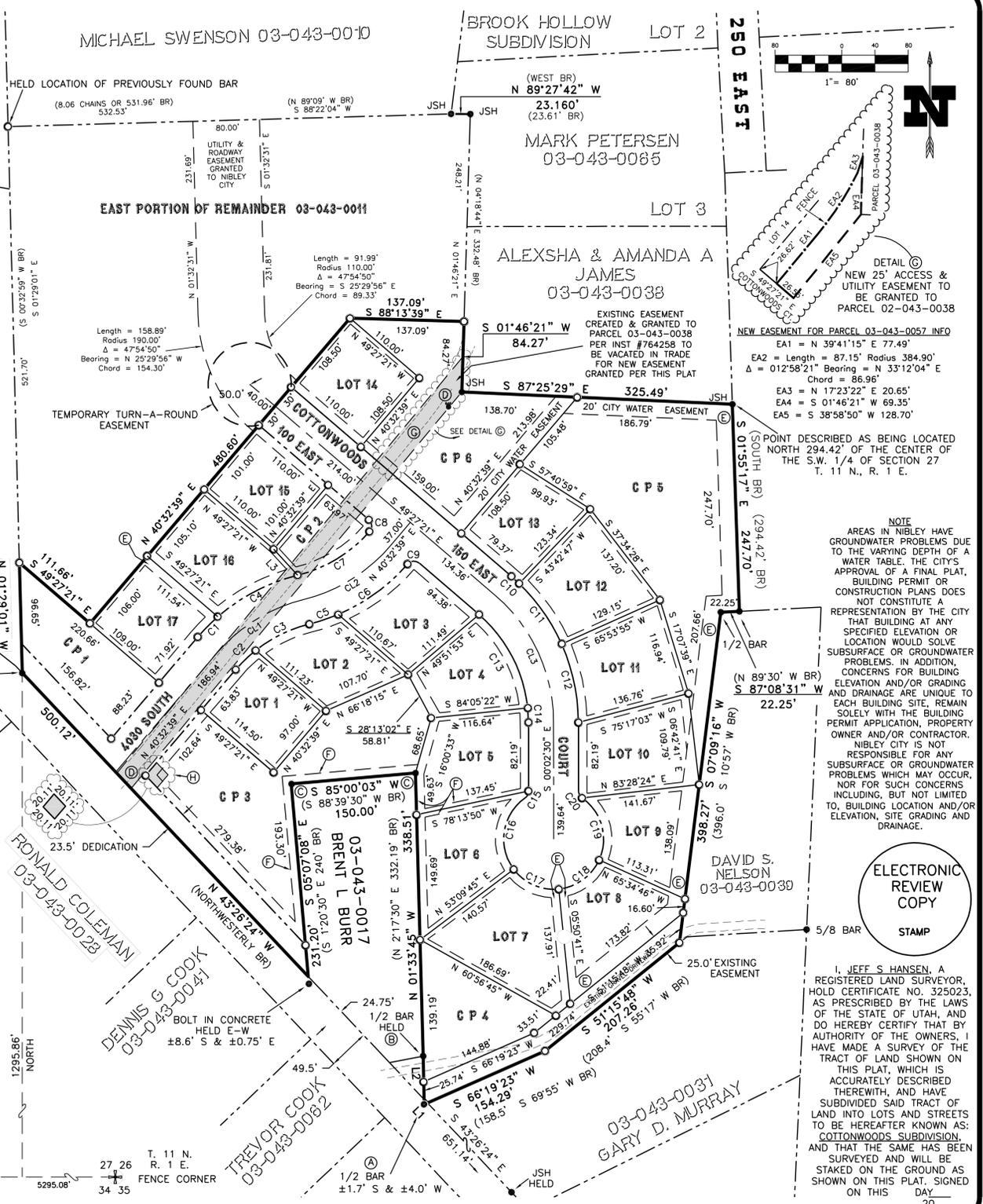
REAR YARD = 30'

STREET SIDE YARD = 35'

INTERIOR SID YARD = 10'

**P.O.B.**

HELD IRON PIN DESCRIBED OF RECORD AS BEING N 39°46'30" W 621.6' ALONG NIBLEY HOLLOW ROAD FROM A POINT 4.64 CHAINS NORTH AN 20 CHAINS EAST OF THE SOUTHWEST CORNER OF SECTION 27, T. 11 N., R. 1 E.



### LEGAL DESCRIPTIONS

A PARCEL OF GROUND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE FOUND AT THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 11 NORTH, RANGE 1 EAST OF THE SALT LAKE BASE AND MERIDIAN, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION BEARS NORTH 87°01'00" EAST 5,295.08 FEET, AND RUNNING THENCE NORTH 87°01'00" EAST 393.47 FEET; THENCE NORTH 00°00'01" EAST 1,295.86 FEET TO THE TRUE POINT OF BEGINNING, AND A FOUND IRON PIN ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF HOLLOW ROAD AT A POINT DESCRIBED OF RECORD NORTH 39°46'30" WEST ALONG HOLLOW ROAD FROM A POINT 4.64 CHAINS NORTH AND 20 CHAINS EAST OF THE SOUTHWEST CORNER OF SAID SECTION 27, FROM WHICH A JSH BAR AND CAP FOUND AT SAID NORTHERLY RIGHT-OF-WAY LINE BEARS SOUTH 43°26'24" EAST 1,359.30 FEET; AND RUNNING THENCE NORTH 01°29'01" WEST (NORTH 00°32'59" EAST BY RECORD) 131.80 FEET; THENCE SOUTH 49°27'21" EAST 111.66 FEET; THENCE NORTH 40°32'39" EAST 480.60 FEET; THENCE SOUTH 88°13'39" EAST 137.09 FEET; THENCE SOUTH 01°46'21" WEST 84.27 FEET TO JSH BAR AND CAP; THENCE SOUTH 87°25'29" EAST 325.49 FEET TO JSH BAR AND CAP FOUND AT A POINT DESCRIBED OF RECORD AS BEING NORTH 294.42 FEET OF THE CENTER OF THE SOUTHWEST QUARTER OF SECTION 27; THENCE SOUTH 01°55'17" EAST 247.70 FEET (SOUTH 294.42 FEET BY RECORD) ALONG FENCE TO A FOUND BAR AT FENCE CORNER; THENCE SOUTH 87°08'31" WEST (NORTH 89°30' WEST BY RECORD) 22.25 FEET TO A FOUND BAR AT FENCE CORNER; THENCE SOUTH 07°09'16" WEST 398.27 FEET (SOUTH 10°57' WEST 396 FEET BY RECORD); THENCE SOUTH 51°15'48" WEST 207.26 FEET (SOUTH 55°17' WEST 208.4 FEET BY RECORD); THENCE SOUTH 66°19'23" WEST 154.29 FEET (SOUTH 69°55' WEST 158.5 FEET BY RECORD) TO A POINT ON THE NORTH-RIGHT-OF-WAY LINE OF HOLLOW ROAD; THENCE NORTH 43°26'24" WEST ALONG SAID RIGHT-OF-WAY LINE 5.90 FEET; THENCE NORTH 01°03'53" WEST 51.75 FEET (NORTH 2°17'30" EAST 58 FEET BY RECORD) TO FOUND BAR; THENCE NORTH 01°33'45" WEST 338.51 FEET (NORTH 2°17'30" EAST 332.19 FEET BY RECORD) TO FOUND BAR; THENCE SOUTH 85°00'03" WEST (SOUTH 88°39'30" WEST BY RECORD) 150.00 FEET TO FOUND BAR; THENCE SOUTH 05°07'08" EAST 231.20 FEET (SOUTH 12°03'01" EAST 240 FEET BY RECORD) TO THE NORTHERLY LINE OF HOLLOW ROAD; THENCE NORTH 43°26'24" WEST (NORTHWESTERLY BY RECORD) ALONG HOLLOW ROAD 500.12 FEET TO THE POINT OF BEGINNING, CONTAINING 10.69 ACRES.

**NOTE**

AREAS IN NIBLEY HAVE GROUNDWATER PROBLEMS DUE TO THE VARYING DEPTH OF A WATER TABLE. THE CITY'S APPROVAL OF A FINAL PLAT, BUILDING PERMIT OR CONSTRUCTION PLANS DOES NOT CONSTITUTE A REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION OR LOCATION WOULD SOLVE SUBSURFACE OR GROUNDWATER PROBLEMS. IN ADDITION, CONCERNS FOR BUILDING ELEVATION AND/OR GRADING AND DRAINAGE ARE UNIQUE TO EACH BUILDING SITE, REMAIN SOLELY WITH THE BUILDING OWNER AND/OR CONTRACTOR. NIBLEY CITY IS NOT RESPONSIBLE FOR ANY SUBSURFACE OR GROUNDWATER PROBLEMS WHICH MAY OCCUR, NOR FOR ANY CONCERNS INCLUDING, BUT NOT LIMITED TO, BUILDING LOCATION AND/OR ELEVATION, SITE GRADING AND DRAINAGE.

### OWNER'S DEDICATION

KNOW ALL BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO HEREAFTER BE KNOWN AS: COTTONWOODS SUBDIVISION.

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND AND SAVE THE MUNICIPALITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH THE MUNICIPALITY'S USE, OPERATION AND MAINTENANCE OF THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN, WITH THE SAME WARRANTY AS GIVEN FOR OTHER DEDICATED PROPERTY, IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS \_\_\_\_\_ DAY OF 20\_\_\_\_.

### ACKNOWLEDGEMENT

STATE OF UTAH \_\_\_\_\_ SUBDIVISION  
 COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

### ACKNOWLEDGEMENT

STATE OF UTAH \_\_\_\_\_ EASEMENT VACATION  
 COUNTY OF \_\_\_\_\_

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF \_\_\_\_\_, IN SAID STATE OF UTAH, THE SIGNERS OF THE HERON EASEMENT VACATION, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

NOTARY PUBLIC \_\_\_\_\_  
 MY COMMISSION EXPIRES \_\_\_\_\_

### COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE.

DATE \_\_\_\_\_ COUNTY SURVEYOR \_\_\_\_\_

### PLANNING COMMISSION APPROVAL

PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION ON THIS DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.

PLANNING COMMISSION CHAIRPERSON \_\_\_\_\_ DATE \_\_\_\_\_

### CITY APPROVAL AND ACCEPTANCE

PRESENTED TO THE NIBLEY CITY COUNCIL THIS DAY OF \_\_\_\_\_, 20\_\_\_\_, AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR \_\_\_\_\_ RECORDER \_\_\_\_\_

### BEAR RIVER DISTRICT HEALTH DEPT. APPROVAL

WASTE DISPOSAL SYSTEM & CULINARY SYSTEM APPROVAL THIS DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

DISTRICT SANITARIAN \_\_\_\_\_

### COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF \_\_\_\_\_, RECORDED AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ FEE \_\_\_\_\_ ABSTRACTED \_\_\_\_\_

INDEX FILED IN: FILE OF PLATS \_\_\_\_\_ COUNTY RECORDER \_\_\_\_\_

### APPROVAL AS TO FORM

APPROVED AS TO FORM THIS DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

ATTORNEY \_\_\_\_\_

### ENGINEER'S CERTIFICATE

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCES.

DATE \_\_\_\_\_ ENGINEER \_\_\_\_\_

### UTILITY COMPANY APPROVALS

QUESTAR GAS \_\_\_\_\_ DATE \_\_\_\_\_  
 ROCKY MOUNTAIN POWER \_\_\_\_\_ DATE \_\_\_\_\_  
 CENTURY LINK \_\_\_\_\_ DATE \_\_\_\_\_  
 COMCAST COMMUNICATIONS \_\_\_\_\_ DATE \_\_\_\_\_

JSH SURVEYING & DRAFTING INC.  
 P.O. BOX 300 • WELLSVILLE, UTAH 84339  
 (435) 245-9090 • TOLL FREE 1-888-420-0268

**ORDINANCE 17-03**

**AN ORDINANCE AMENDING A PORTION OF THE NIBLEY CITY  
TRANSPORTATION MASTER PLAN**

WHEREAS, Nibley City has a transportation master plan ("Plan") which outlines anticipated future development of its transportation infrastructure; and

WHEREAS, although Nibley City tries to make transportation decisions in light of the Plan, from time to time, it becomes necessary to amend the Plan; and

WHEREAS, Nibley City desires to amend the Plan at this time to clarify its transportation goals in a certain part of Nibley City.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL LOCATED AT NIBLEY, UTAH, THAT:

1. The attached map, entitled "Nibley City Master Road Plan" is hereby adopted, by fact and by reference.
2. All other portions of the previously adopted Plan remain in full force and effect.
3. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.
4. Should any provision, clause or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply, The valid part of any provision, clause or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
5. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

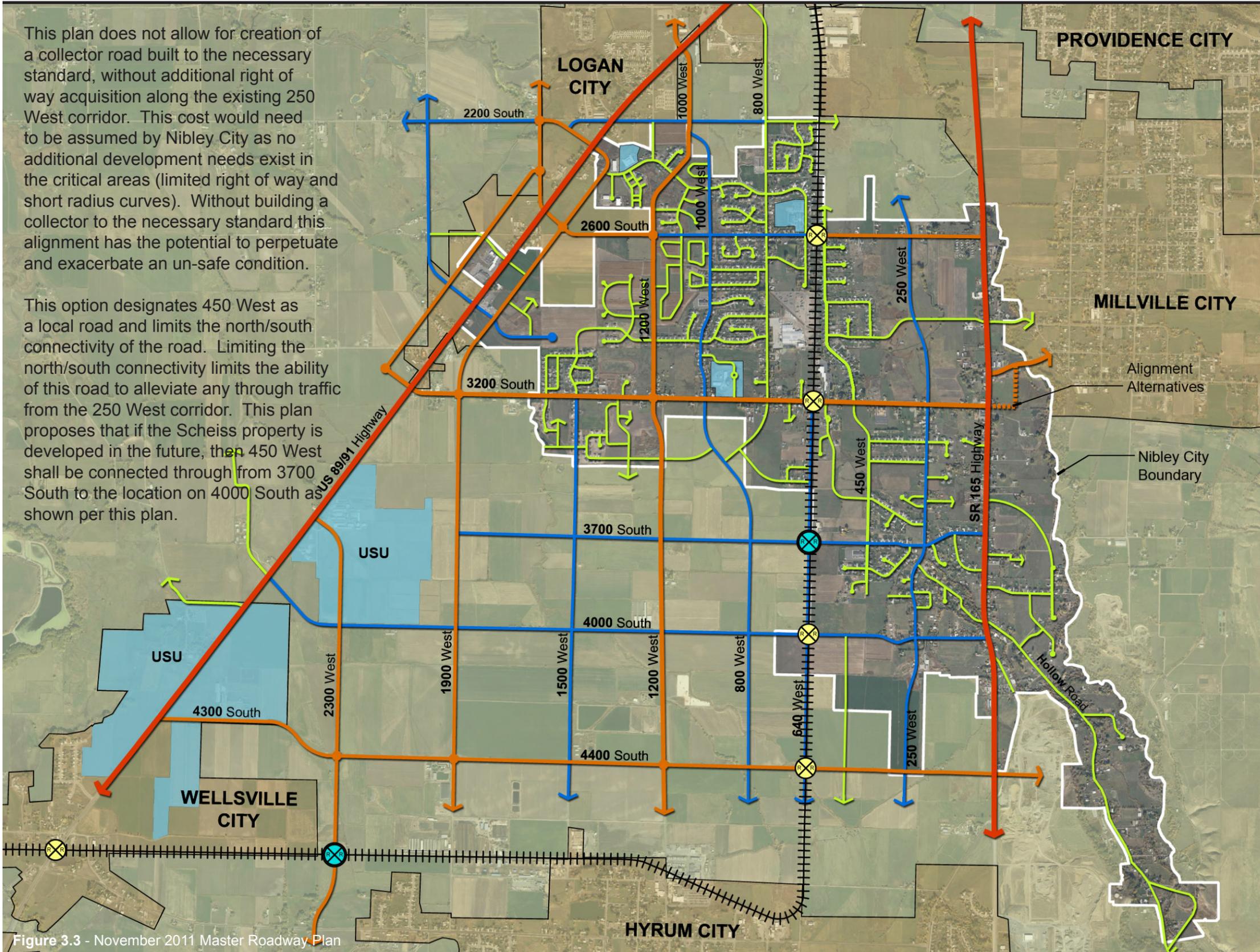
\_\_\_\_\_  
J. Shaun Dustin, Mayor

ATTEST: \_\_\_\_\_  
David Zook, City Recorder

# Master Roadway Plan

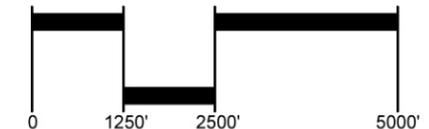
This plan does not allow for creation of a collector road built to the necessary standard, without additional right of way acquisition along the existing 250 West corridor. This cost would need to be assumed by Nibley City as no additional development needs exist in the critical areas (limited right of way and short radius curves). Without building a collector to the necessary standard this alignment has the potential to perpetuate and exacerbate an un-safe condition.

This option designates 450 West as a local road and limits the north/south connectivity of the road. Limiting the north/south connectivity limits the ability of this road to alleviate any through traffic from the 250 West corridor. This plan proposes that if the Scheiss property is developed in the future, then 450 West shall be connected through from 3700 South to the location on 4000 South as shown per this plan.



## LEGEND

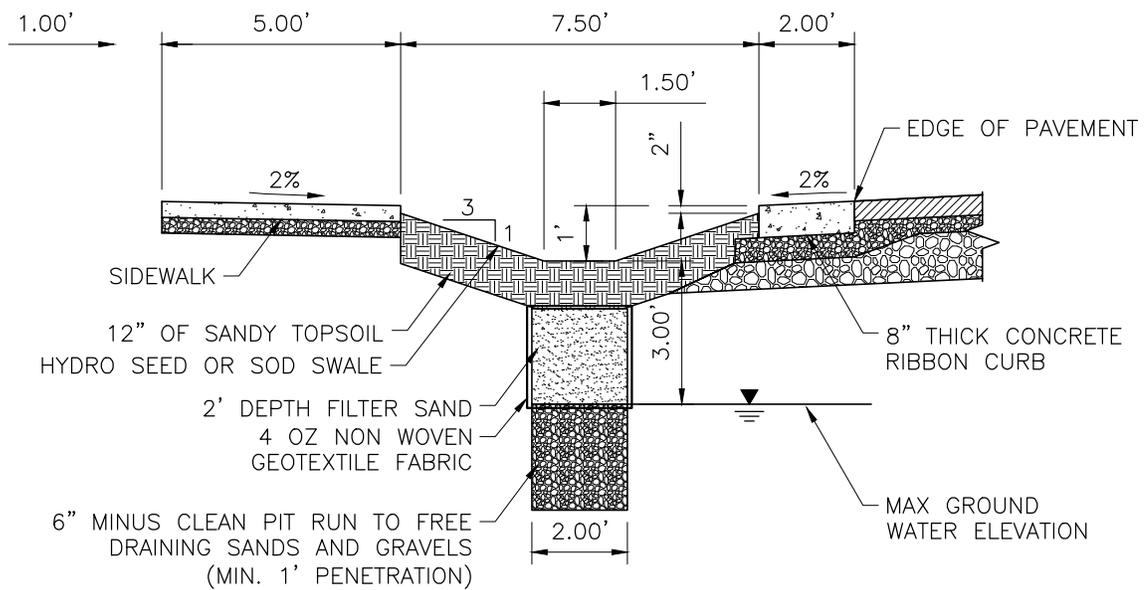
- HIGHWAYS (PRINCIPAL ARTERIAL - 120' ROW)
- MINOR ARTERIAL ROADS (80' & 99' ROW)
- COLLECTOR ROADS (66' ROW)
- LOCAL ROADS (50' & 60' ROW)
- +++++ RAILROAD TRACKS
-  RAILROAD CROSSINGS (EXISTING)
-  RAILROAD CROSSINGS (PROPOSED)
- PARCELS OF SPECIAL INTERESTS  
Utah State University  
City/County Schools



**CL** CACHE • LANDMARK  
ENGINEERS • SURVEYORS • PLANNERS  
1011 WEST 400 NORTH, SUITE 130  
LOGAN, UT 84321 • 435.713.0099

Figure 3.3 - November 2011 Master Roadway Plan

NOT TO SCALE



NOTES:

1. SAND TRENCH SHALL BE INSTALLED BELOW ALL SWALE AREAS.
2. SWALE IS DESIGNED FOR INFILTRATION OF STORM WATER. STORM WATER IS NOT INTENDED TO FLOW ALONG SWALE. SWALE GRADE TO BE 0% TO A MAXIMUM OF 1%.
3. SANDY TOPSOIL SPECIFICATIONS:  
 50% COARSE SAND BY VOLUM  
 20% SANDY LOAM  
 30% COMPOST  
 FINES <10% PASSING #200 SIEVE  
 NO CLAY
4. REQUIRES BUILDING PERMIT FEE. FEE IS REFUNDABLE AFTER INSPECTION OF SWALE BEFORE OCCUPANCY.

NIBLEY CITY PUBLIC  
WORKS DEPARTMENT

ROADSIDE SWALE  
SECTION

DRAWING: S-1

REVISION: 10/19/2016

ORDINANCE 17-02

A PROPOSED CHANGE TO THE NIBLEY CITY SUBDIVISION-STREET ORDINANCE

WHEREAS, Nibley City desires to allow Low Impact Development (LID) practices for the collection and treatment of stormwater, which would allow Nibley City to be better able to follow state and federal stormwater guideline; and

WHEREAS, Low Impact Development (LID) practices can enhance the rural atmosphere of new subdivision, and creating and maintaining a rural atmosphere is encouraged by the General Plan.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH, THAT:

1. The following be adopted as Nibley City Code in 11-5-D:

*4. Alternate curb, ~~and~~ gutter ~~and street~~ cross sections may be proposed as part of Low Impact Development (LID) practices. Proposed alternates shall be in compliance with Nibley City Design Standards and include design drawings and engineering calculations showing the effectiveness of the proposed LID technique. Proposed alternates shall be reviewed and approved by the City Engineer and Public Works Director.*

2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

---

Shaun Dustin, Mayor

ATTEST:

---

City Recorder



ORDINANCE 17-02

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4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

---

Shaun Dustin, Mayor

ATTEST:

---

City Recorder

ORDINANCE ~~17-0116-06~~

AN UPDATE TO THE NIBLEY CITY FENCE CODE

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WHEREAS, Nibley City has promoted greater connectivity in the city for pedestrians and bicyclist through developing trails, sidewalks and pedestrian rights-of-way; and

WHEREAS, Nibley City has an obligation to insure that those trails, sidewalks and pedestrian rights-of-way remain safe, and

WHEREAS, to insure safety on public trails, sidewalks and pedestrian rights-of-way; these connection must remain visible, and

WHEREAS, property owners along trails have the ability to fence their property according to Nibley City Code, and

WHEREAS, Nibley City has the authority to establish policies to regulate fencing throughout the City in order to balance safety and privacy.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH, THAT:

1. The attached revision of the Fence Regulations code is hereby adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Shaun Dustin, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

## 10-12-9 Fence Regulations

### Definitions:

Public Trail: A public trail shall be defined as a multi-use path, whether improved or unimproved, used primarily for muscle-powered activities such as, but not limited to, bicycling, walking, jogging or cross-country skiing, and which is used by the public, or to which the public has access, regardless of ownership, or as designated on the City's Trails Master Plans and/or a subdivision plat. Sidewalks that do not meet the definition above are not considered a Public Trail.

A. Fence: No fence, wall or other similar structure or landscaping element shall be erected or maintained in any front yard setback area to a height in excess of four feet (4'); nor shall any fence, wall or other similar structure or landscaping element be erected or maintained in any side or rear yard to a height in excess of seven feet (7') for an opaque fence- (eighty percent (80%) or more opaque), e.g., solid wood, and eight feet (8') for a non-opaque (less than twenty percent (20%) opaque) fence, e.g., chain-link, subject to the limitations identified herein for fences bordering Public Trails, Public Walkways and Public Easements for non-motorized vehicles (collectively Public Trails hereafter). Public Trails located in Public Parks are excluded from the fence regulations, conditions and provisions of Section C of this Ordinance. Under all circumstances, no structure or landscaping element may interfere with property address identification. Landscaping elements exclude varieties of trees approved by the City Planner or Planning Department. Any conflicts between this Chapter and Chapter 10-11-1 shall be governed by the more restrictive or limiting provision.

### B. Corner Lots:

1. Corner lot fences shall comply with ~~one of~~ the following:

a. No opaque fence, wall or other similar structure shall be erected in any yardlot bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'). These four-foot fences may be built on the property line.

b. Six-foot (6') tall opaque fences adjacent to a street are allowed at the side yard setback line, starting at the corner lot's front-yard setback line and running to the corner lot's rear property line. When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, the maximum fence height is six feet (6') in the part of corner lot's rear yard that is adjacent to the neighboring lot's front-yard setback area. The following figure shows where six-foot fences are allowed on corner lots. Although this figure shows the

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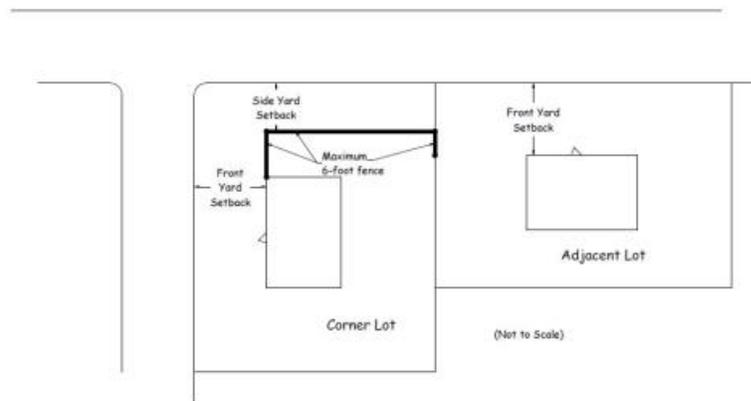
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front of each house placed at the front-yard setback line, houses may also be placed behind the front-yard setback lines. In this case, the six-foot fence placement is still defined by the setback lines, not by the houses.



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1  
ning the placement of corner-lot fences adjacent to private streets are referenced from the edge of the private-street easement or from the property line, whichever is further from the center of the private street.

e.d. Transparent fences shall conform to the guidelines of section 10-11-1 of this chapter.

e. For the purposes of this section, all lot frontage adjoining a public or private road, regardless of the location of a home or the shape of the lot, shall be determined to be the front yard for the purposes of establishing appropriate setbacks and compliance with this ordinance.

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2. All fences on corner lots shall comply with the clear view of intersecting streets as defined in 10-12-11 of this chapter.

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C. Fencing or landscaping elements along Public Trails: All fences or landscaping elements adjacent to Public Trails, shall be limited to the following:

1. Fencing or landscaping elements that may exceed four feet (4') but not be more than eight feet (8') in height:
  - a. Post and rail fencing;
  - b. Field fencing;
  - c. High-tension wire fencing; and
  - d. Any other fencing or landscaping elements not exceeding twenty percent (20%) opaque.
2. Fencing or landscaping elements that may not exceed four feet (4') in height:
  - a. Chain-link fencing;
  - b. Hedges or other shrubbery; and
  - c. Any other fencing or landscaping elements exceeding twenty percent (20%) opaque.
3. Fencing or landscaping elements may be combined so long as non-permitted elements do not exceed four feet (4') in height.
4. All heights under this subsection shall be determined based upon the centerline of the Public Trail.
5. Nothing in this subsection shall be interpreted to limit the height of fences or landscaping elements that are adjacent to a street as identified in subpart (E) below.

C.D. Elevation Changes: Where there is a difference in the elevation on either side of a fence or a wall, the height of the fence shall be determined by the difference between the top of the fence and the average of two points that are perpendicularly ten feet (~~40"~~10') on either side of the fence.

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E. Opaque fences in rear yards that are adjacent to a street or adjacent to the front yard setback of another lot, shall not exceed six feet (6") in height. Wherever possible and feasible, Nibley City will negotiate a minimum ten-foot (~~40"~~10') public easement between the placement of these six-foot fences and the rear property line.

~~D.~~

E.F. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or ~~public easements~~ Public Trails shall open inward (toward the property owner's yardlot).

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~~F.G.~~ Fences shall not be built within ~~twelve inches (12")~~ one foot (1') of a sidewalk ~~or~~ the projected location of a future sidewalk.

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~~G.H.~~ Access to a rear yard is required for emergency purposes and shall be at least four feet wide.

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~~H.I.~~ A permit is required to build a fence. Nibley City staff shall have the authority to review and grant permit applications for fences consistent with this Ordinance. Citizens ~~disagreeing with City may appeal~~ staff decisions ~~may appeal those decisions~~ to the Nibley City Planning ~~and Zoning~~ Commission within ten (10) days after approval or denial of a permit.

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ORDINANCE 17-01

AN UPDATE TO THE NIBLEY CITY FENCE CODE

WHEREAS, Nibley City has promoted greater connectivity in the city for pedestrians and bicyclist through developing trails, sidewalks and pedestrian rights-of-way; and

WHEREAS, Nibley City has an obligation to insure that those trails, sidewalks and pedestrian rights-of-way remain safe, and

WHEREAS, to insure safety on public trails, sidewalks and pedestrian rights-of-way; these connection must remain visible, and

WHEREAS, property owners along trails have the ability to fence their property according to Nibley City Code, and

WHEREAS, Nibley City has the authority to establish policies to regulate fencing throughout the City in order to balance safety and privacy.

NOW THEREFORE, BE IT ORDAINED BY THE NIBLEY CITY COUNCIL OF NIBLEY, UTAH, THAT:

1. The attached revision of the Fence Regulations code is hereby adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

---

Shaun Dustin, Mayor

ATTEST:

---

City Recorder

## **10-12-9 Fence Regulations**

### Definitions:

**Public Trail:** A public trail shall be defined as a multi-use path, whether improved or unimproved, used primarily for muscle-powered activities such as, but not limited to, bicycling, walking, jogging or cross-country skiing, and which is used by the public, or to which the public has access, regardless of ownership, or as designated on the City's Trails Master Plans and/or a subdivision plat. Sidewalks that do not meet the definition above are not considered a Public Trail.

A. **Fence:** No fence, wall or other similar structure or landscaping element shall be erected or maintained in any front yard setback area to a height in excess of four feet (4'); nor shall any fence, wall or other similar structure or landscaping element be erected or maintained in any side or rear yard to a height in excess of seven feet (7') for an opaque fence (eighty percent (80%) or more opaque), e.g., solid wood, and eight feet (8') for a non-opaque (less than twenty percent (20%) opaque) fence, e.g., chain-link, subject to the limitations identified herein for fences bordering Public Trails, Public Walkways and Public Easements for non-motorized vehicles (collectively Public Trails hereafter). Public Trails located in Public Parks are excluded from the fence regulations, conditions and provisions of Section C of this Ordinance. Under all circumstances, no structure or landscaping element may interfere with property address identification. Landscaping elements exclude varieties of trees approved by the City Planner or Planning Department. Any conflicts between this Chapter and Chapter 10-11-1 shall be governed by the more restrictive or limiting provision.

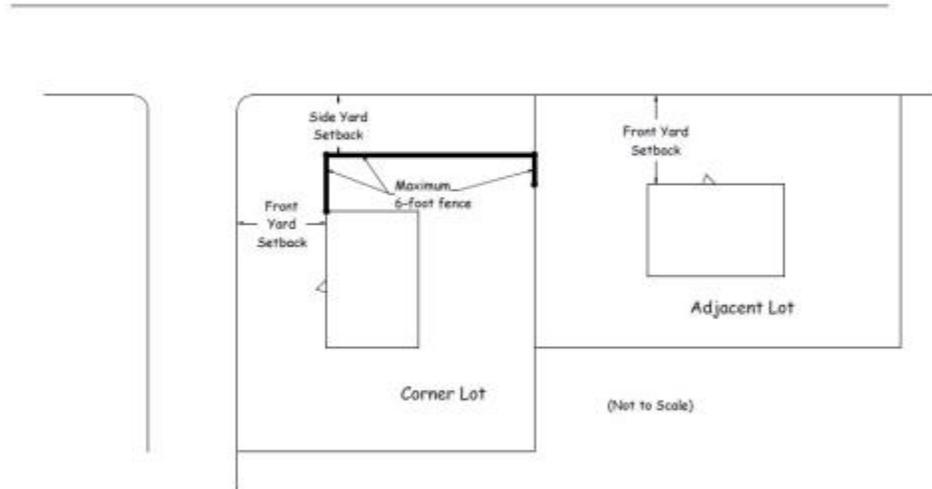
B. **Corner Lots:**

1. Corner lot fences shall comply with the following:

a. No opaque fence, wall or other similar structure shall be erected in any lot bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'). These four-foot fences may be built on the property line.

b. Six-foot (6') tall opaque fences adjacent to a street are allowed at the side yard setback line, starting at the corner lot's front-yard setback line and running to the corner lot's rear property line. When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, the maximum fence height is six feet (6') in the part of corner lot's rear yard that is adjacent to the neighboring lot's front-yard setback area. The following figure shows where six-foot fences are allowed on corner lots. Although this figure shows the front of each house placed at the front-yard setback line, houses

may also be placed behind the front-yard setback lines. In this case, the six-foot fence placement is still defined by the setback lines, not by the houses.



<sup>1</sup> ning the placement of corner-lot fences adjacent to private streets are referenced from the edge of the private-street easement or from the property line, whichever is further from the center of the private street.

- d. Transparent fences shall conform to the guidelines of section 10-11-1 of this chapter.
- e. For the purposes of this section, all lot frontage adjoining a public or private road, regardless of the location of a home or the shape of the lot, shall be determined to be the front yard for the purposes of establishing appropriate setbacks and compliance with this ordinance.

2. All fences on corner lots shall comply with the clear view of intersecting streets as defined in 10-12-11 of this chapter.

C. Fencing or landscaping elements along Public Trails: All fences or landscaping elements adjacent to Public Trails, shall be limited to the following:

1. Fencing or landscaping elements that may exceed four feet (4') but not be more than eight feet (8') in height:
    - a. Post and rail fencing;
    - b. Field fencing;
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    - a. Chain-link fencing;
    - b. Hedges or other shrubbery; and
    - c. Any other fencing or landscaping elements exceeding twenty percent (20%) opaque.
  3. Fencing or landscaping elements may be combined so long as non-permitted elements do not exceed four feet (4') in height.
  4. All heights under this subsection shall be determined based upon the centerline of the Public Trail.
  5. Nothing in this subsection shall be interpreted to limit the height of fences or landscaping elements that are adjacent to a street as identified in subpart (E) below.
- D. Elevation Changes: Where there is a difference in the elevation on either side of a fence or a wall, the height of the fence shall be determined by the difference between the top of the fence and the average of two points that are perpendicularly ten feet (10') on either side of the fence.
- E. Opaque fences in rear yards that are adjacent to a street or adjacent to the front yard setback of another lot, shall not exceed six feet (6") in height. Wherever possible and feasible, Nibley City will negotiate a minimum ten-foot (10') public easement between the placement of these six-foot fences and the rear property line.
- F. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or Public Trails shall open inward (toward the property owner's lot).
- G. Fences shall not be built within one foot (1') of a sidewalk or the projected location of a future sidewalk.

- H. Access to a rear yard is required for emergency purposes and shall be at least four feet wide.
- I. A permit is required to build a fence. Nibley City staff shall have the authority to review and grant permit applications for fences consistent with this Ordinance. Citizens may appeal staff decisions to the Nibley City Planning Commission within ten (10) days after approval or denial of a permit.

RESOLUTION 17-01

A RESOLUTION ADOPTING THE ANNUAL MEETING SCHEDULE FOR THE NIBLEY CITY COUNCIL

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 City Council meeting times.

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

Regular meetings for the Nibley City Council shall be held on the dates listed on the attached schedule at 6:00 p.m. at Nibley City Hall, which is located at 455 West 3200 South in Nibley.

BE IT FURTHER RESOLVED THAT:

The City Council may also call special or emergency meetings pursuant to the provisions of the Open and Public Meetings Act.

Dated this 5<sup>th</sup> day of January, 2017

---

Shaun Dustin, Mayor

ATTEST

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David Zook, City Recorder

The following is hereby adopted as the 2017 Nibley City Council meeting schedule.

The below meeting dates all fall on a Thursday and will begin at 6:00 p.m.

<b>Meeting Date</b>
January 5, 2017
January 19, 2017
February 2, 2017
February 16, 2017
March 2, 2017
March 16, 2017
April 6, 2017-Cancelled for ULCT Conference
April 20, 2017
May 4, 2017
May 18, 2017
June 1, 2017
June 15, 2017-Cancelled for Heritage Days
July 6, 2017
July 20, 2017
August 3, 2017
August 17, 2017-Cancelled for Employee Picnic
September 7, 2017
September 21, 2017
October 5, 2017
October 19, 2017
November 2, 2017
November 16, 2017
December 7, 2017
December 21, 2017-Cancelled for Annual Dinner

There may be circumstances that arise and cause a meeting to be cancelled.

Notification will be made as soon as reasonably possible in the event of a cancellation.

The City Council may also call special or emergency meetings pursuant to the provisions of the Open and Public Meetings Act.



1 A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South,  
2 Nibley, Utah, on Thursday, December 1, 2016.

3  
4 The following actions were made during the meeting:

5  
6 **Councilmember Hansen motioned to approve the agreement for the Ridgeline**  
7 **trail with Millville City. Councilmember Ramirez seconded the motion. The**  
8 **motion passed unanimously 5-0; with Councilmember Hansen,**  
9 **Councilmember Ramirez, Councilmember Jacobsen, Councilwoman Beus, and**  
10 **Councilmember Bernhardt all in favor.**

11  
12 **Councilmember Jacobsen motioned to advance Ordinance 16-06: An update to**  
13 **the Nibley City Fence Code to second reading. Councilwoman Beus seconded**  
14 **the motion. The motion passed unanimously 5-0; with Councilmember**  
15 **Jacobsen, Councilwoman Beus, Councilmember Hansen, Councilmember**  
16 **Bernhardt, and Councilmember Ramirez all in favor.**

17  
18 **Councilmember Jacobsen motioned that the north half of parcel 03-192-000,**  
19 **adjacent to the Summerfield Place subdivision, be given to the developer in**  
20 **consideration of the extra area that will be dedicated to the city in association**  
21 **with the east-west trail on the back end of the proposed subdivision at 2700**  
22 **South 1000 West. Councilmember Bernhardt seconded the motion. The**  
23 **motion passed unanimously 5-0; with Councilmember Jacobsen,**  
24 **Councilmember Bernhardt, Councilmember Hansen, Councilwoman Beus and**  
25 **Councilmember Ramirez all in favor.**

26  
27 **Councilmember Jacobsen motioned that Nibley City would split the cost of**  
28 **\$45,750 with the subdivision developer (Kelly Loosle) for landscape and east-**  
29 **west trail on the back end of the proposed subdivision at 2700 South 1000.**  
30 **Councilmember Bernhardt seconded the motion. The motion passed**  
31 **unanimously 5-0; with Councilmember Jacobsen, Councilmember Bernhardt,**  
32 **Councilmember Hansen, Councilwoman Beus, and Councilmember Ramirez all**  
33 **in favor.**

34  
35 **Councilmember Bernhardt motioned to approve the final plat for Phase 1 of**  
36 **Summerfield Place, a 28-lot subdivision located at approximately 2700 South**  
37 **1000 West; applicant, Kelly Loosle. Councilwoman Beus seconded the motion.**  
38 **The motion passed unanimously 5-0; with Councilmember Bernhardt,**  
39 **Councilwoman Beus, Councilmember Hansen, Councilmember Jacobsen, and**  
40 **Councilmember Ramirez all in favor.**

41  
42 **Councilwoman Beus motioned to approve the preliminary plat for the**  
43 **Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision**  
44 **located at approximately 4030 hollow Road; applicant, Jim Johnson, with the**  
45 **following conditions:**

46

- 1 • That the Nibley City Transpiration Master Plan is changed to match the
- 2 proposed road;
- 3 • That Nibley City code is changed to allow swale and curbing instead of
- 4 gutter and curbing; and
- 5 • That the appeal that has been filed against the subdivision is denied.

6  
7 **Councilmember Ramirez seconded the motion. The motion passed 4-1; with**  
8 **Councilwoman Beus, Councilmember Ramirez, Councilmember Hansen, and**  
9 **Councilmember Jacobsen all in favor. Councilmember Hansen abstained from**  
10 **the vote.**

---

11  
12  
13 **OFFICIAL MINUTES OF THE MEETING**  
14 Minutes were taken by Deputy City Recorder Cheryl Bodily

15  
16 **Opening Ceremonies**

17 Councilmember Tim Ramirez led the City Council and public present in the Pledge of  
18 Allegiance.

19  
20 **Call to Order**

21 Mayor Shaun Dustin called the Thursday, December 1, 2016, Nibley City Council  
22 meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin,  
23 Councilman Bryan Hansen, Councilmember Larry Jacobsen, Councilman Thomas  
24 Bernhardt, and Councilmember Tim Ramirez. Mr. David Zook, Nibley City Manager,  
25 Stephen Nelson, Nibley City Planner, and Justin Maughn, Nibley City Public Works  
26 Director were also in attendance.

27  
28 **Approval of agenda; and approval of the November 17, 2016 meeting minutes**

29 Councilmember Bernhardt made a motion to approve the previous meeting  
30 minutes. Councilmember Jacobsen seconded the motion. The motion passed  
31 unanimously 4-0; with Councilmember Bernhardt, Councilmember Jacobsen,  
32 Councilmember Hansen, and Councilmember Ramirez all in favor.

33  
34 **Public Comment Period**

35 Mayor Dustin gave directions pertaining the public comment period and noted there  
36 were no names on the public comment sign-in sheet. He asked if the public present  
37 had any comments. None of the public present had a comment.

38  
39 Councilwoman Beus arrived at 6:34 p.m.

40  
41 **Discussion and Consideration of the Ridgeline Trail Agreement**

42 Mr. Zook reminded the City Council that Nibley City had filed a joint grant  
43 application with Millville City for Congestion Mitigation Air Quality funds to  
44 construct a trail on the east side of the Blacksmith Fork River near the new  
45 Ridgeline High School in early 2016. Nibley City was awarded \$372,000 in grant

1 funds to construct the trail. Mr. Zook described that the trail was currently in the  
2 design phase and construction was expected to begin the summer of 2017 but prior  
3 to construction it was necessary for Nibley and Millville to enter into an agreement  
4 to address several aspects of the trail's construction and maintenance. Mr. Zook said  
5 Nibley staff, with review by the city attorney, had prepared an agreement between  
6 both cities that would address several aspects of trail construction and management  
7 after the trail was constructed. He said the agreement would allow the trail to be  
8 constructed in Millville's right-of-way and designated which city was responsible for  
9 maintenance of which portions of the trail after it was constructed. Mr. Zook said the  
10 agreement also defined how the trail would be landscaped and defined allowable  
11 uses on the trail. Mr. Zook said the landscaping plan was for a natural landscape and  
12 was also being designed for allowable uses such as bicycling. He said this would be a  
13 shared use trail between pedestrians and bicyclists. Mr. Zook said Millville's City  
14 Council had been given the same agreement to review.

15  
16 Councilmember Bernhardt said he believed the agreement was that Nibley would  
17 maintain the trail in Nibley and Millville would maintain the property in Millville. He  
18 said the agreement didn't read this way. Mr. Zook said Nibley was responsible for  
19 the trail on Nibley's property, which led to some confusion because Nibley owned  
20 property in Millville. Councilmember Bernhardt read from the agreement:

21  
22 *"NIBLEY shall own, operate and maintain the portion of the trail that is located within*  
23 *NIBLEY City limits, as well as the portions of the trail that are located on NIBLEY City-*  
24 *owned property within MILLVILLE's City limits."*

25  
26 Mr. Zook said Nibley City intended to maintain the property because Nibley owned  
27 the property. Councilmember Ramirez asked if the trail would be plowed during the  
28 winter. Mr. Zook said if the trail was a design that was plow able then it would be  
29 plowed and said he assumed they would plow the entire trail because it didn't make  
30 much sense to stop with such a short distance left on Millville property.

31 Councilmember Hansen said he was curious about the preliminary design. Mr. Zook  
32 said he would send the preliminary design to the City Council.

33  
34 Councilmember Hansen made a motion to approve the agreement for the Ridgeline  
35 trail with Millville City. Councilmember Ramirez seconded the motion. The motion  
36 passed unanimously 5-0; with Councilmember Hansen, Councilmember Ramirez,  
37 Councilmember Jacobsen, Councilwoman Beus, and Councilmember Bernhardt all in  
38 favor.

39  
40 **Public hearing regarding an update to the Nibley City Fence Ordinance**  
41 Mayor Dustin summarized previous discussion by the City Council, Planning and  
42 Zoning Commission, and city staff regarding the update to the Nibley City Fence  
43 Ordinance with the primary concern being fences along pedestrian right-of-way. Mr.  
44 Nelson described the changes that had been proposed in the Nibley City fence  
45 ordinance. He highlighted and described the changes in section A & C.

46

1           *"A. Fence: No fence, wall or other similar structure or landscaping element shall*  
2 *be erected or maintained in any front yard setback area to a height in excess of*  
3 *four feet (4'); nor shall any fence, wall or other similar structure or landscaping*  
4 *element be erected or maintained in any side or rear yard to a height in excess*  
5 *of seven feet (7') for an opaque fence (eighty percent (80%) or more opaque),*  
6 *e.g., solid wood, and eight feet (8') for a non-opaque (less than twenty percent*  
7 *(20%) opaque) fence, e.g., chain-link, subject to the limitations identified herein*  
8 *for fences bordering Public Trails, Public Walkways and Public Easements for*  
9 *nonmotorized vehicles (collectively Public Trails hereafter). Public Trails*  
10 *located in Public Parks are excluded from the fence regulations, conditions and*  
11 *provisions of Section C of this Ordinance. Under all circumstances, no structure*  
12 *or landscaping element may interfere with property address identification.*  
13 *Landscaping elements exclude varieties of trees approved by the City Planner*  
14 *or Planning Department. Any conflicts between this Chapter and Chapter 10-*  
15 *11-1 shall be governed by the more restrictive or limiting provision. . . ."*  
16

17 Mr. Nelson noted that public trail locating in public pars were excluded from the  
18 fence regulations of section C because there were a lot of public parks with private  
19 properties up against the park and he and Planning and Zoning Commission didn't  
20 feel this situation presented the same safety concern as properties abutting a  
21 pedestrian right-of-way. Mr. Nelson talked through section C. of the proposed  
22 ordinance.  
23

24           *"C. Fencing or landscaping elements along Public Trails: All fences or landscaping*  
25 *elements adjacent to Public Trails, shall be limited to the following:*

- 26           1. *Fencing or landscaping elements that may exceed four feet (4') but not be*  
27           *more than eight feet (8') in height:*
  - 28                   a. *Post and rail fencing;*
  - 29                   b. *Field fencing;*
  - 30                   c. *High-tension wire fencing; and*
  - 31                   d. *Any other fencing or landscaping elements not exceeding twenty*  
32                   *percent (20%) opaque.*
- 33           2. *Fencing or landscaping elements that may not exceed four feet (4') in*  
34           *height:*
  - 35                   a. *Chain-link fencing;*
  - 36                   b. *Hedges or other shrubbery; and*
  - 37                   c. *Any other fencing or landscaping elements exceeding twenty percent*  
38                   *(20%) opaque.*
- 39           3. *Fencing or landscaping elements may be combined so long as nonpermitted*  
40           *elements do not exceed four feet (4') in height.*
- 41           4. *All heights under this subsection shall be determined based upon the*  
42           *centerline of the Public Trail.*
- 43           5. *Nothing in this subsection shall be interpreted to limit the height of fences*  
44           *or landscaping elements that are adjacent to a street as identified in*  
45           *subpart (E) below."*  
46

1 Mr. Nelson explained that some of Mayor Dustin’s initial changes had not been  
2 addressed in the proposed ordinance were what to do with corner lots. He said  
3 there had been confusion on corner lots and how the ordinance would apply. He  
4 said the Planning and Zoning Commission had asked for more research regarding  
5 balancing people’s rights to fence their property and public safety.

6  
7 Mayor Dustin gave direction to the public present and opened the public hearing at  
8 6:48 p.m.

9  
10 Seeing no comments, Mayor Dustin closed the public hearing at 6:48 p.m.

11  
12 **Discussion and consideration of Ordinance 16-06: An update to the Nibley City**  
13 **Fence Code (First Reading)**

14 Councilmember Jacobsen questioned section C and asked if they had a definition of  
15 what a public trail was. He felt the ordinance needed clarification of exactly what it  
16 was they were talking about. Councilmember Jacobsen said the concerns with  
17 corner lots were interesting and encouraged the City Council to think about safety,  
18 public property rights, and additionally the neighbor next door to the corner lot. He  
19 said a fence built out the streetscape for the lot next to the corner lot.  
20 Councilmember Jacobsen said they also needed to be careful to not take to much  
21 property from a side lot. He said he had no solution and Mayor Dustin stated that  
22 this is why the changed had been taken out of the proposed ordinance. Mayor  
23 Dustin said he thought the corner fence regulation might be a question of consistent  
24 enforcement and not of the regulations of the ordinance. Councilmember Jacobsen  
25 encouraged the City Council to review the definition of a front yard setback and a  
26 front yard. He said this helped him to interpret the ordinance. Mayor Dustin told the  
27 City Council that he and Mr. Nelson would work out what they felt was a good,  
28 consistent interpretation of the current code and then if the City Council didn’t like  
29 the interpretation they could change the ordinance. Councilmember Ramirez asked  
30 if this would exempt already build fences. Mr. Zook said current fences would be  
31 “grandfathered” in. Mayor Dustin said this was a safety issue and would like to see it  
32 resolved quickly. He asked the City Council to consider the ordinance and to take  
33 pictures of concerns or fencing options that they liked for their next Council  
34 meeting. The Council reviewed some of the fencing pictures that had been provided  
35 in their box. Councilmember Jacobsen asked for a “changes tracked” copy of the  
36 proposed ordinance which Mr. Nelson said he would make available.

37  
38 Councilmember Jacobsen made a motion to advance Ordinance 16-06: An update to  
39 the Nibley City Fence Code to second reading. Councilwoman Beus seconded the  
40 motion. The motion passed unanimously 5-0; with Councilmember Jacobsen,  
41 Councilwoman Beus, Councilmember Hansen, Councilmember Bernhardt, and  
42 Councilmember Ramirez all in favor.

43  
44 **Discussion and consideration of a final plat for Phase 1 of Summerfield Place,**  
45 **a 28-lot subdivision located at approximately 2700 S 1000 W. (Applicant:**  
46 **Kelly Loosle)**

1 Mr. Kelly Loosle was present at the meeting.

2  
3 Mayor Dustin said this was the subdivision that had sparked the discussion about  
4 fences. He made the City Council that they were starting the practice of bringing the  
5 development agreement in with the subdivision so they could both be reviewed. He  
6 noted the City Council had never given specific direction in arranging the land swap  
7 between the city and the developer to accommodate the trail the City Council had  
8 requested. Mayor Dustin said city staff had suggested the property to be dealt with  
9 as a land swap instead of the sale of property.

10  
11 Mr. Nelson summarized the specifications of the proposed subdivision noting that  
12 the subdivision met with the provision outlined in Nibley's subdivision ordinance.  
13 Mr. Nelson said city staff needed further clarification about the proposed pedestrian  
14 right-of-way trail that would run east to west along the south end of the subdivision.  
15 Mr. Nelson reminded the City Council that part of the agreement for the trail was  
16 that the City agreed to pay for 50% of the landscaping and development of this trail.  
17 Mr. Nelson said the developer had brought some proposed ideas including the cost  
18 of development for each plan and would present these to the City Council. One plan  
19 included ideas that had been discussed by the Council but the cost was more than  
20 what was originally discussed. Mr. Nelson said staff was seeking the Council's  
21 feedback before and plat agreements were signed and were looking for something  
22 that would be low maintenance in the future, affordable, and pretty.

23  
24 Mr. Nelson said staff also needed clarification on what the Council's expectations  
25 were for the city owned land that would be used for a portion of the right-of-way  
26 trail. He said they had interpreted that the city would give the developer a portion of  
27 the city owned land to help the developer put in a 28<sup>th</sup> lot. The developer would  
28 then put in the trail, paying 50% of it, and dedicating it to the City afterwards. He  
29 said Nibley Staff felt this was a fair trade because the developer had lost developable  
30 space because of the Council's request. Mr. Nelson said the proposed subdivision  
31 trail would meet Nibley City code under 11-5-5-E. and said that phase under 11-1-8-  
32 C. required that

33  
34 *"When such improvements are approved as part of the subdivision approval,*  
35 *they shall be phased in proportion, based on percentage of the total value of the*  
36 *amenities in the subdivision, to the total number of lots in the subdivision, per*  
37 *phase."*

38  
39 Mr. Nelson said this meant that when a subdivision was put in the amenities had to  
40 be included as a proportion of the subdivision phasing, which meant the developer  
41 had agreed to put in the entire south end trail as part of the first phase. Mr. Nelson  
42 said staff needed clear direction if the City Council intended the land would be  
43 traded and swapped or if the land would need to be purchase and feedback of what  
44 type of landscaping was wanted for the trail development. Mr. Zook asked the City  
45 Council to make a separate motion regarding the property transfer. He said city staff  
46 would put the City Council's directions in the development agreement.

1  
2 Councilmember Jacobsen made a motion that the north half of parcel 03-192-000,  
3 adjacent to the Summerfield Place subdivision, be given to the developer in  
4 consideration of the extra area that will be dedicated to the city in association with  
5 the east-west trail on the back end of the proposed subdivision at 2700 South 1000  
6 West. Councilmember Bernhardt seconded the motion. The motion passed  
7 unanimously 5-0; with Councilmember Jacobsen, Councilmember Bernhardt,  
8 Councilmember Hansen, Councilwoman Beus and Councilmember Ramirez all in  
9 favor.

10  
11 Mr. Loosle presented two options for trail development/landscaping and the costs  
12 associated with each option; one with sod and a sprinkler system (\$45,000) and the  
13 other with an extensive plan that included landscaping, plants and shrubs  
14 (\$78,000). Mr. Loosle said he wanted to do the sod option. Mr. Maughn said Cache  
15 Landmark had been instructed to mimic what was in the medians on 800 West and  
16 3200 South on the more extensive, xeriscaping option. The Mayor, City  
17 Council, and Mr. Maughn discussed the pros and cons of each option. Mayor Dustin  
18 asked if Mr. Maughn had a recommendation. Mr. Maughn said a beautiful city and a  
19 trail that people would want to walk down was important to Public Works. He said  
20 they would take the direction of what the City Council wanted them to do and  
21 discussed variables in maintenance costs and said the City would need to be willing  
22 to pay for what the Council asked for. Councilwoman Beus stated she like the  
23 xeriscaping option and the Council discussed the maintenance variables of each  
24 option. The City Council debated a scaled back version of the xeriscape option.

25  
26 Councilmember Jacobsen made a motion that Nibley City would split the cost of \$45,  
27 750 (\$12,000 sidewalk/\$33, 750 landscaping) with the subdivision developer (Kelly  
28 Loosle) for landscape and east-west trail on the back end of the proposed  
29 subdivision at 2700 South 1000. Councilmember Bernhardt seconded the motion.  
30 The motion passed unanimously 5-0; with Councilmember Jacobsen,  
31 Councilmember Bernhardt, Councilmember Hansen, Councilwoman Beus, and  
32 Councilmember Ramirez all in favor.

33  
34 Councilmember Jacobsen directed City staff to move somewhere between the two  
35 plans that had been presented. He asked for the trail to be a little bit natural.  
36 Councilmember Jacobsen said that he appreciated that the proponent had worked  
37 with the city on the trail. He said it was a good thing. Mr. Maughn asked the City  
38 Council to keep the trail discussion in mind when working on the Parks and Trails  
39 Master plan. He said he would prefer to not have this discussion every time a trail  
40 came up. He would like to have trail-planning put into the Parks and Trails Master  
41 Plan.

42  
43 Councilmember Bernhardt made a motion to approve the final plat for Phase 1 of  
44 Summerfield Place, a 28-lot subdivision located at approximately 2700 South 1000  
45 West; applicant, Kelly Loosle. Councilwoman Beus seconded the motion. The motion  
46 passed unanimously 5-0; with Councilmember Bernhardt, Councilwoman Beus,

1 Councilmember Hansen, Councilmember Jacobsen, and Councilmember Ramirez all  
2 in favor.

3  
4 **Discussion and consideration of a preliminary plat for the The Cottonwoods at**  
5 **Hollow Rd, a 17-lot conservation residential subdivision located at**  
6 **approximately 4030 hollow Road (Applicant: Jim Johnson)**

7 Mr. Nelson described that nothing on the plat had changed from the plat that was  
8 presented to the City Council two weeks previously when they had indicated that  
9 they like the plat as presented based on the conditions that he Road Master Plan  
10 would be changed and changing the subdivision street section to allow for swales.

11 Mr. Nelson described the process city staff was going through to accommodate these  
12 conditions and said both items were slated to be included on the next Planning and  
13 Zoning Commission meeting agenda.

14  
15 Mr. Nelson described that an appeal had been filed regarding the subdivision on  
16 whether the Planning and Zoning Commission needed to hold a second public  
17 hearing because changes were made to the plat after the first public hearing. Mr.  
18 Nelson said Nibley's attorney had offered an opinion of why he felt the appeal  
19 should be denied and summarized the city attorney's notes. He said they could move  
20 forward with the plat conditionally based on denial of the appeal.

21  
22 Mr. Johnson asked for clarification on the trail access at the end of the subdivision  
23 cul-de-sac. He needed indication of where the cul-de-sac measurement was from.  
24 Mayor Dustin said the intent was that it was measured along the sidewalk so both  
25 legs of the cul-de-sac would be counted. Mayor Dustin agreed with Mr. Johnson that  
26 the ordinance was not clear. Mr. Johnson, Mayor Dustin, Councilmember Jacobsen,  
27 Mr. Zook, discussed the public hearing process that the appeal that had been filed  
28 against the subdivision. Mr. Johnson guaranteed that conservancy lot 5 would be  
29 sold and associated with and attached to one of the subdivision building lots. He said  
30 this was included in the development agreement.

31  
32 Councilwoman Beus made a motion to approve the preliminary plat for the  
33 Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at  
34 approximately 4030 hollow Road; applicant, Jim Johnson, with the following  
35 conditions:

- 36  
37 • That the Nibley City Transpiration Master Plan is changed to match the  
38 proposed road;  
39 • That Nibley City code is changed to allow swale and curbing instead of gutter  
40 and curbing; and  
41 • That the appeal that has been filed against the subdivision is denied.

42  
43 Councilmember Ramirez seconded the motion. The motion passed 4-1; with  
44 Councilwoman Beus, Councilmember Ramirez, Councilmember Hansen, and



1 Councilmember Jacobsen all in favor. Councilmember Hansen abstained from the  
2 vote.

3  
4 **Council and Staff Reports**

5 Councilmember Ramirez commended the public works department for their work  
6 during the most current Nibley City snowstorm.

7  
8 Councilmember Bernhardt said he would like to see members of the Planning and  
9 Zoning Commission, city staff, or City Council not pushing for a certain subdivision.  
10 He said there sometimes appeared to be conflicts of interest. Mayor Dustin, the City  
11 Council, and Mr. Zook debated ethics and conflicts of interest.

12  
13 Mayor Dustin reported on his interactions with Nibley’s engineering services. Mayor  
14 Dustin said he would like to revisit Nibley’s contract with current engineering  
15 services.

16  
17 Mr. Zook reported on a trail development requirement with Neighborhood Non-  
18 Profit housing and involving the LDS Church.

19  
20 Mr. Zook described the proposed trail system at SR 165 and Riverhawk Drive.

21  
22 Mr. Zook directed the City Council to the notifications they had received on their  
23 desk about events in Nibley City; the Snowman Building contest, Holiday Open  
24 House, Holiday Decorating Contest, and Live Nativity.

25  
26 Mr. Zook asked for a City Council member to sit on the review committee for 3200  
27 South/SR 165 realignment proposals. Councilmember Bernhardt volunteered to sit  
28 on the review committee.

29  
30 Mr. Zook said that Nibley’s Tree City application had been submitted.

31  
32 There was general consent to adjourn the meeting at 8:55 p.m.

33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45 Attest: \_\_\_\_\_  
46 Deputy City Recorder

1 An Executive Session of the Nibley City Council held at Utah State University, David  
2 B. Haight Alumni House Dining Room, 7500 Old Main Hill Logan, Utah, on Thursday,  
3 December 15, 2016.

4  
5 **The following actions were made during the meeting:**

6  
7 **Councilmember Hansen motioned to approve the purchase of a 3-lot property at**  
8 **3247 South 250 West, Nibley, UT, based on the asking price. Councilmember**  
9 **Bernhardt seconded the motion.**

10  
11 **Councilmember Bernhardt made a motion to amend to make an offer on the**  
12 **property at 3247 South 250 West, Nibley, UT, with contingencies that the**  
13 **appraisal price is what the city is willing to pay, that the proper funding**  
14 **mechanism is found, that the city identify viable use cases for the property,**  
15 **that the house and shed pass inspection, and with a purchase price of not**  
16 **over \$300,000; subject to City Council approval. Councilmember Ramirez**  
17 **seconded the amendment. The amendment passed 3-2; with Councilmember**  
18 **Bernhardt, Councilmember Ramirez, and Councilmember Hansen in favor.**  
19 **Councilwoman Beus and Councilmember Jacobsen were opposed.**

20  
21 **The amended motion passed 3-2; with Councilmember Bernhardt, Councilmember**  
22 **Ramirez and Councilmember Hansen in favor. Councilwoman Beus and**  
23 **Councilmember Jacobsen were opposed.**

---

24  
25  
26 **OFFICIAL MINUTES OF THE MEETING**

27 Minutes were taken by Deputy City Recorder, Cheryl Bodily

28  
29 Mayor Shaun Dustin called the Executive Session of the Nibley City Council to order at  
30 5:25 p.m. on Thursday, December 15, 2016. Those in attendance included Mayor Shaun  
31 Dustin, Councilmember Bryan Hansen, Councilwoman Kathryn Beus, Councilman  
32 Thomas Bernhardt, and Councilmember Tim Ramirez. Mr. David Zook, Nibley City  
33 Manager, and Chad Wright, Nibley City Recreation Director, were also in attendance.  
34 Councilmember Larry Jacobsen was in attendance via telephone. Patience Fischer, with  
35 Bonneville Reality was also in attendance.

---

36  
37  
38 **Discussion of the Purchase of Real Property Pursuant to Utah Code 52-4-205**

39 Mayor Dustin said the meeting was to discuss the potential acquisition of real estate. He  
40 said there was a potential property on 250 West that was brought to his attention. He  
41 asked city staff to bring a proposal because this property was in an area where there were  
42 some issues that impacted the city. Mayor Dustin said this was not part of their current  
43 plan. Mayor Dustin said he had asked Ms. Fisher to participate in the meeting and give  
44 her assessment of the property and value.

46 Mr. Zook said the property was at 3247 South 250 West and just east of Anhder Park.  
47 Mr. Zook presented the asking price of the property and that there was a current offer on  
48 the home that was contingent on the sale of the interested party's home. Mr. Zook  
49 presented potentials for use of the property. Ms. Fisher also gave her description of the  
50 property. Mr. Zook described potential funding options to purchase the property.

51  
52 The City Council, Mayor Dustin, Mr. Zook, and Ms. Fisher discussed and debated the  
53 property's value, funding for the property, and long-term use to Nibley City.

54  
55 Councilmember Hansen made a motion to approve the purchase of a 3-lot property at  
56 3247 South 250 West, Nibley, UT, based on the asking price. Councilmember Bernhardt  
57 seconded the motion.

58  
59 The City Council, Mayor Dustin, Mr. Zook and Ms. Fisher continued to discuss and  
60 debate issues such as the property's value, funding for the property, and use of the  
61 property to Nibley City.

62  
63 Mr. Wright left the meeting at 5:53 p.m.

64  
65 Councilmember Bernhardt made a motion to amend to make an offer on the property at  
66 3247 South 250 West, Nibley, UT, with contingencies that the appraisal price is what the  
67 city is willing to pay, that the proper funding mechanism is found, that the city identify  
68 viable use cases for the property, that the house and shed pass inspection, and with a  
69 purchase price of not over \$300,000; subject to City Council approval. Councilmember  
70 Ramirez seconded the amendment.

71  
72 The City Council agreed that they were not willing to pay the current appraised price.

73  
74 The vote on the amendment was as follows:

75 Councilmember Jacobsen was opposed.

76 Councilwoman Beus was opposed.

77 Councilmember Ramirez was in favor.

78 Councilmember Bernhardt was in favor.

79 Councilmember Hansen was in favor.

80  
81 The amendment passed 3-2; with Councilmember Bernhardt, Councilmember Ramirez,  
82 and Councilmember Hansen in favor. Councilwoman Beus and Councilmember Jacobsen  
83 were opposed.

84  
85 The vote on the motion was as follows:

86  
87 Councilmember Hansen was in favor

88 Councilmember Bernhardt was in favor

89 Councilmember Ramirez was in favor

90 Councilwoman Beus was opposed

91 Councilmember Jacobsen was opposed

92  
93 The amended motion passed 3-2; with Councilmember Bernhardt, Councilmember  
94 Ramirez and Councilmember Hansen in favor. Councilwoman Beus and Councilmember  
95 Jacobsen were opposed.

96  
97 Councilwoman Beus made a motion to adjourn the 12-15-16 executive meeting at 6:18  
98 p.m. Councilmember Bernhardt seconded the motion. The motion passed unanimously  
99 5-0; with Councilwoman Beus, Councilmember Bernhardt, Councilmember Hansen,  
100 Councilmember Jacobsen, and Councilmember Ramirez all in favor

101  
102 The meeting was adjourned at 6:18 p.m. and returned to regular meeting schedule at 6:18  
103 p.m.

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Attest: \_\_\_\_\_  
Deputy City Recorder