



NIBLEY CITY
CITY COUNCIL MEETING AGENDA
Thursday, September 3, 2015 - 6:30 p.m.

Nibley City Hall
455 West 3200 South
Nibley, Utah 84321

Opening Ceremonies
Call to Order
Roll Call

1. Approval of Minutes and Agenda
2. PUBLIC HEARING: A public hearing to receive comment regarding Ordinance 15-06, An Ordinance Regulating Telecommunication Facilities in Nibley City
3. Discussion and Consideration of Ordinance 15-06, AN ORDINANCE REGULATING TELECOMMUNICATION FACILITIES IN NIBLEY CITY (Second Reading)
4. Discussion and Consideration of Ordinance 15-08, AN ORDINANCE ESTABLISHING PROCEDURES FOR THE SALE OF REAL PROPERTY BY NIBLEY CITY (First Reading)
5. Council and Staff Reports

Adjourn Meeting

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



Nibley City Council Agenda Report for September 3, 2015

Agenda Item #:2 & 3

Description	PUBLIC HEARING and Discussion and Consideration of Ordinance 15-06, An Ordinance Regulating Telecommunication Facilities in Nibley City (Second Reading)
Department	Planning
Presenter	City Planner
Sponsor	n/a
Applicant	n/a
Background	<p>In late 2014, David and I had a discussion regarding cell towers in the City. I began looking around at other cities' model ordinances and how they can be regulated. Using Hyde Park City's ordinance as a model, the Planning Commission has created an ordinance that outlines how telecommunication towers may be constructed in Nibley City.</p> <p>I understand that telecom towers are difficult for many to understand, so I will be making a PowerPoint presentation to Council, similar to what I did with the Planning Commission, in order to familiarize you all with what our limitations are, what the different types of towers are, and with the major points of the ordinance.</p> <p>A public hearing is required prior to the adoption of land use ordinances and will be held at this meeting prior to the second reading and potential adoption.</p>
Recommendation	Provide staff direction on any proposed changes and adopt ordinance
Financial Impact	Unknown
Reviewed By	City Planner, Mayor, City Manager, City Attorney

Agenda Item #4

Description	Discussion and Consideration of Ordinance 15-08, AN ORDINANCE ESTABLISHING PROCEDURES FOR THE SALE OF REAL PROPERTY BY NIBLEY CITY (First Reading)
Department	City Council
Presenter	City Manager
Sponsor	n/a
Applicant	n/a
Background	<p>During the adoption of the Fiscal Year 15/16 Budget, the City Council approved proposed revenue from the sale of two surplus lots on the southwest corner of 800 West and Nibley Park Avenue to be used for the construction of tennis courts at Virgil Gibbons Heritage Park.</p> <p>Upon staff review of the state law governing the sale of surplus property by cities and Nibley City codes addressing the topic, it was determined that the Nibley City code addresses the disposal of other types of property but does not sufficiently address the disposal of real property.</p> <p>In discussions with the city attorney, it was determined that the code should be amended to establish a procedure for disposing of real property. State law mandates that the ordinance must define what the city defines as a significant parcel and what type of notice would be given. The proposed ordinance would define a significant parcel as one that is developable in the zone where it is located and has financial value to the city.</p> <p>The ordinance also mandates that a public hearing would be held prior to disposal of the property and it designates the notice requirement as a 14-day notice posted in the newspaper, on the state public notice website, the city website and on the land to be sold.</p> <p>The proposed ordinance is based on one drafted by the city and recently adopted by North Logan City.</p>
Recommendation	The staff recommendation is that the Council advance this ordinance to second reading along with any suggestions or input.
Financial Impact	The sale of surplus properties will result in new revenue for the City and a cost savings created by relieving the City of the responsibility for maintaining such properties.
Reviewed By	Mayor, City Manager, City Attorney, City Planner

8-6-15- P&Z Approved

ORDINANCE 15-06

AN ORDINANCE REGULATING TELECOMMUNICATION FACILITIES IN NIBLEY CITY

WHEREAS, Nibley City is granted certain powers in order to promote the health, welfare and safety of its residents and the community; and

WHEREAS, the Federal Telecommunications Act of 1996 grants to municipalities limited powers of regulation over those land uses which are primary to the facilitation of telecommunication structures; and

WHEREAS, Nibley City wishes to enact regulations regarding telecommunication structures.

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

The attached ordinance, entitled "An Ordinance Regulating Telecommunication Facilities In Nibley City" is hereby adopted, by fact and by reference, as Title 10, Chapter 22 "Telecommunication Facilities" of the Nibley City Code.

1. 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.
2. 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.
3. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this _____ day of _____, 2015.

Shaun Dustin, Mayor

ATTEST: _____
City Recorder

AN ORDINANCE REGULATING TELECOMMUNICATION FACILITIES IN NIBLEY CITY

10-22 Telecommunication Facilities

- 10-22-1 Purpose
- 10-22-2 Definitions
- 10-22-3 Submissions Requirements for Conditional Use Telecommunications Facilities
- 10-22-4 Submissions Requirements for Permitted Use Telecommunications Facilities
- 10-22-5 Development Standards
- 10-22-6 Non-Maintained or Abandoned Facilities

10-22-1 Purpose. The purposes of this ordinance are:

- A. To ensure that all telecommunications facilities comply with Federal, State, County and City regulations;
- B. To regulate telecommunications services, antennas and support structures, and related electronic equipment and equipment enclosures;
- C. To provide for the orderly establishment of telecommunications facilities in the City;
- D. To minimize the number of antenna support structures and/or utility towers by encouraging the co-location of multiple antennas on a single structure, and by encouraging the location of antennas on pre-existing support structures;
- E. To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of telecommunications facilities;
- F. To comply with the Telecommunications Act of 1996 by establishing regulations that:
 - 1) Do not unreasonably discriminate among providers of functionally equivalent services;
 - 2) Do not prohibit or have the effect of prohibiting the provision of telecommunications services;
 - 3) Are not based on any claimed environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions; and

- 4) Ensure that all utility facilities/structures are located, installed, buffered/screened, and maintained in a manner that will minimize the impact of such facilities/structures on nearby landowners and will not adversely affect the rural, agricultural, small town character and scenic beauty of Nibley City.

10-22-2 Definitions. The following definitions apply to regulations on telecommunication facilities, including utility towers used for telecommunications facilities.

- A. Ancillary Support Building - A building which is associated with and subordinate to a utility tower, necessary for the normal function of the utility tower and located on the same site as the utility tower.
- B. Antenna - Any system of wires, poles, rods, arms, reflecting discs or similar devices of various sizes, materials, and shapes including but not limited to solid or wire-mesh dish, horn, spherical or bar configurations used for wireless transmission. Types of antennas include, but are not limited to the following.
 - 1) Wall Mounted Antenna. Any antenna mounted directly to the fascia or outside walls of a structure, existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roofline of such structures.
 - 2) Roof Mounted Antenna. An antenna mounted directly to the roof of a building, mechanical penthouse or parapet enclosure wall, which is on the rooftop of a building.
 - 3) Top-hat Antenna. Spatial array of antennas, generally located on a freestanding structure, where the visible width of antennas and antenna mounting structures are more than two (2) feet in width as viewed looking directly at the structure.
- C. Antenna Support Structure – A structure which may also be called a utility tower, the principal purpose of which is for location of antennas. Types of antenna support structures may include:
 - 1) Monopole – a standing antenna support structure placed directly on the ground to support one or more antennas.
 - 2) Lattice Tower – A multiple sided, open steel frame structure used to support one or more antennas.
 - 3) Guyed Tower – A communications tower that is supported, in whole or part, by guy wires and ground anchors.

8-6-15- P&Z Approved

- D. Co-Location – A telecommunications facility that includes a single antenna support structure, but more than one telecommunications provider’s antennas and telecommunication equipment.
- E. Cell on Wheels (COW) – A mobile temporary telecommunications facility located in a trailer.
- F. Equipment Enclosure – A structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals and other telecommunication equipment.
- G. Non-Stealth Design – Any antenna or equipment enclosures not camouflaged in a manner to blend with surrounding land uses, features or architecture. Non-stealth design does not conceal the intended use of the telecommunications facility. A monopole with equipment enclosures above ground and unscreened would be considered non-stealth.
- H. Stealth Design - Antennas, antenna support structures and telecommunication equipment enclosures camouflaged or designed to blend with surrounding land uses, features, and architecture, thus minimizing the aesthetic impact on adjacent uses, thereby concealing the intended use and appearance of the telecommunications facility such as heavy landscaping, or installing telecommunications equipment within existing buildings, behind vegetative screening, or placing equipment enclosures underground, thus preserving or striving to maintain the rural aesthetics. A flush wall mount antenna that is painted the same color as the background and located on a building where the telecommunications equipment is located inside the building would be one example of stealth design. Other examples of stealth design include, but not limited to roof mount antennas, utility pole antennas, light or flagpoles, artificial rocks or trees.
- I. Telecommunications Equipment – Equipment used in a telecommunications facility other than the Antenna, Antenna Support Structure, or Equipment Enclosures. Telecommunications equipment may include, but is not limited to electronic equipment necessary for processing wireless communication signals, air conditioning, backup power supplies, and emergency generators.
- J. Telecommunications Facility- An unmanned commercial structure, which consists of antennas, antenna support structures, telecommunications equipment, equipment enclosures as defined herein, that transmits and/or receives voice and/or data communications through radio signals such as, but not limited to "cellular" or "PCS" (Personal Communications System) communications and paging systems.
- K. Utility Structure and Related Facilities – May include a building/structure that is constructed so as to provide assistance, benefit, aid, directly or indirectly to a service such as electrical power, light and forms of communication; including telephone,

telegraph, fiber optic signals, cellular service for other analog and digital signals, radio and television signals to name a few. This list is not intended to be all-inclusive.

- L. Telecommunications Tower – A structure typically higher than its surroundings used to support and/or hold telecommunications facilities including; telephone, telegraph, fiber optic signals, cellular services for both analog and digital signals, radio and television signals to name a few. This list is not intended to be all-inclusive.

10-22-3 Submissions Requirements for Conditional Use Telecommunications Facilities

- A. Telecommunications Master Plan & Site Justification Study Required. For all new telecommunication facilities or structures, the applicant shall submit a Telecommunications Master Plan along with a completed application, and a Site Justification Study for each proposed telecommunications facility or structure. A Site Justification Study and Telecommunications Master Plan shall be submitted to the Planning Department, which will provide a review of the proposed project to ensure that the provisions of the Nibley City Code are being met. If the application is a co-location or stealth, go to Submissions Requirements for Telecommunications Facilities Allowed as a Permitted Use Chapter 3-14-3 for application requirements. The Planning Commission shall perform the required Conditional Use Permit review for any application that requires a Conditional Use Permit. Any conflicts shall be submitted to the Commission. Said Planning Commission shall review, take public comment and render a decision by 1) approving the application, 2) approving the application with conditions, or 3) denying the application. The applicant shall request in written form what, if any, information submitted with application is to be kept confidential from public review.
- B. Telecommunications Master Plan Requirements. Each company submitting an application for a Conditional Use Permit review shall complete a Telecommunications Master Plan. The Telecommunications Master Plan shall:
 - 1) Show where the applicant's proposed, existing, and future telecommunication facilities are within five miles of Nibley City. The Telecommunications Master Plan may be amended as needed by the carrier for future site applications.
 - 2) Show the number of possible co-locations that can be obtained on the proposed cell tower.
 - 3) Contain a copy of the applicant's current FCC license to the Nibley City Planning Department.
 - 4) Include an initial indication of where the road or access will be located to their proposed site. Prior to approval of a building permit, the applicant shall provide City Staff with a copy of recorded road easement(s) to the proposed site.

- 5) Include a signed agreement, stating that the applicant will:
 - (a) Encourage co-location with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower;
 - (b) Restore site to its former condition. (See Chapter 10-22-6 Non-Maintained or Abandoned Facilities),
 - 6) Include a security program or system that addresses unauthorized access and vandalism.
 - 7) Indicate the latitude and longitude of proposed telecommunications facility including any proposed tower location.
- C. Site Justification Study Requirements. A Site Justification Study shall be completed for each telecommunications facility site. The Study shall include the following:
- 1) Rationale
 - (a) An applicant proposing to erect a new telecommunications facility shall provide documentary evidence that a legitimate attempt has been made to locate the new telecommunications facility on existing buildings or structures or as a co-location on an existing antenna support structure. Such evidence shall include a radio frequency engineering analysis of the potential suitability of existing buildings or structures or co-location sites in the radio frequency coverage area for the proposed telecommunications facility. Efforts to secure such locations may be documented through correspondence between the applicant and the property owner(s) of the existing buildings, structures or co-location sites.
 - (b) The Site Justification Study shall also include a description of the elevations, vegetation, and rock formations in the area, a description of the telecommunications facilities proposed to be placed on the site with technical reasons for their design and the efforts made to minimize impacts on the activities found on the land. The applicant shall provide City Staff with propagation information for the proposed site. The applicant shall demonstrate that the telecommunications facility complies with the Nibley City General Plan, as well as the required setback, and landscaping requirements of the zoning district in which they are proposed to be located.
 - 2) Co-location. The Study shall also examine the potential for co-location at existing or the proposed site. If co-location is not possible at an existing site or if the proposed

new site is not available for co-location then the applicant shall include a written explanation of why co-location is not possible.

- 3) Equipment Enclosures The Study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment enclosures to be either:
 - (a) Located in an existing building or
 - (b) Designed whereby the incorporation of stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment enclosures, or
- 4) Visual Analysis On all new sites, applicant shall submit a detailed twenty-four by thirty-six inch (24"x 36") surveyed map, not more than one (1) inch equals one hundred (100) feet, which includes:
 - (a) The topography of the area (2 ft. elevations) in which tower and/or telecommunication facilities can be located while continuing to communicate with sister tower(s).
 - (b) Delineation of where telecommunication facilities can be placed so as to minimize:
 - (i) The placement of structures from being placed on slopes of thirty percent or greater; and
 - (ii) The intrusion of equipment enclosures from being silhouetted against the sky as seen from a public road; and
 - (c) Graphical illustration of the coverage of the proposed telecommunication facility.

Once a site is located by the applicant and City Staff the applicant shall provide an illustration which includes photo simulation(s), field mock up(s) or other techniques, which illustrate all possible visual impacts of the proposed telecommunication facility. The analysis should consider views from public areas (streets, parks, etc.) and from private residences. The applicant(s) shall identify all reasonable mitigation measures consistent with the technical aspects and requirements of the proposed facility to ensure that hill cuts for roads are minimized and, the telecommunication facility can be hidden as best as possible to preserve the rural character of the City. All costs associated with this requirement are to be borne by the applicant.

10-22-4 Submissions Requirements for Permitted Use Telecommunications Facilities

8-6-15- P&Z Approved

For telecommunications facilities allowed under a Permitted Use, the application shall comply with the requirements in this Chapter. Any request for telecommunications facilities differing from the standards as allowed in this section shall require a Conditional Use Permit review from the Nibley City Planning Commission, as set forth in Chapter 10-22-3 of the Nibley City Code.

- A. Telecommunications facilities must comply with the Nibley City General Plan, as well as the required setback, height requirements of the zoning district in which they are to be located, and are subject to all provisions as stated in the City's Zoning Ordinance.
- B. All permitted use telecommunication facilities listed in this section must:
 - 1) Be located on an existing antenna support structure without having to replace or extend said structure; or
 - 2) Incorporate stealth design technology or other visual screening that readily conceals the appearance of the antenna support structures, and equipment enclosures. Some examples of these may include, but not be limited to roof mounts, wall mounts, and utility, light or flag pole antennas.
- C. Telecommunications Master Plan and Site Justification. Each company submitting an application for a Permitted Use telecommunications facility shall complete a Telecommunications Master Plan following the guidelines in Chapter 10-22-3b unless an existing and applicable Telecommunications Master Plan already includes the proposed facility.
 - 1) Where the applicant's proposed, existing, and future telecommunication facilities are within Nibley City, the Telecommunications Master Plan may be amended as needed by the carrier for future site applications.
 - 2) The Telecommunications Master Plan shall contain a current copy of the applicant's current FCC license to the Nibley City Planning Department.
- D. Site Justification Study Requirements. A Site Justification Study shall be completed for each telecommunications facility site. The Study shall include the following
 - 1) Equipment Enclosures The Study must include a detailed written explanation and analysis, not limited to fiscal reasons alone, of the potential for the equipment enclosures to either:
 - (a) Be located in an existing building or

- (b) Be designed whereby the incorporation of stealth design technology or other visual screening is utilized that readily conceals the appearance of the equipment enclosures or
- 2) **Facility Placement.** The study must show a delineation of where telecommunication facilities can be placed so as to minimize:
 - (a) The placement of structures from being placed on slopes of thirty percent or greater; and
 - (b) The intrusion of equipment enclosures from being silhouetted against the sky as seen from a public road.
- 3) Existing roads shall, whenever possible, be upgraded to the minimum amount necessary for non-public use.
- E. **Review Procedure.** In proposals where either the applicant or the Planning Department determine that potential issues may arise or additional comment is needed from the community even if the facility is allowed as a permitted use, a public hearing on the application may be scheduled with the Nibley City Planning Commission. Following the public hearing, the Planning Commission shall make a recommendation regarding an "approval", "approval with conditions" or denial of the application as based upon Chapter 10-22-3.

10-22-5 Development Standards

- A. **Construction Standards, Building Codes and Safety Standards.** To ensure the structural integrity of telecommunications facilities, the owner of a telecommunication facility shall ensure that it is constructed and maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities, as amended from time to time.
- B. **General Requirements:**
 - 1) Height shall be minimized as much as reasonably possible. Height of the telecommunication facilities shall be measured from the existing grade to the top of the antenna support structure, or to the highest point of any portion of the telecommunications facility, whichever is greater. If the proposed site is a roof mount or wall mount the City may request that the study verify that the existing or proposed screening will screen telecommunications facility from view.
 - 2) Monopoles are permitted only in the Industrial or Commercial zones.
 - 3) Guyed and Lattice Towers are only allowed in an Agricultural zone.

8-6-15- P&Z Approved

- 4) Any telecommunication facility within the Logan Cache Airport traffic zone shall demonstrate compliance with FAA requirements and receive approval from the Logan Cache Airport Authority for installation of said facility.

C. Setbacks.

- 1) In order to ensure public safety from falling ice, debris, tools or materials, the minimum distance from the base of any tower to any property line, residential property, accessory apartment, occupied business or institutional structure and/or parking area, or public recreation area shall be equal to 100 percent of the height of the tower in all zones.
- 2) Monopoles and Guyed Towers shall be setback a minimum of 1 ½ feet (one and one-half feet) for every foot of pole height from the nearest property line. The Design Review Committee may reduce the required setback from a residential zone in the design review process if practical difficulties are demonstrated by the proponent and upon a finding by the Design Review Committee that a reduced setback would adequately protect the character of the neighborhood.
- 3) Any associated mechanical or electrical equipment shall be completely screened from view from public right-of-ways and adjacent properties, with a solid screen and landscaping.
- 4) Antennas mounted to the sides of a monopole may only be allowed in the case of a co-location in accordance with Chapter 10-22-3(C)(2).

- D. Signs, Flags and Lights. All commercial or public service signs, flags, lights, floodlights, and attachments other than those required for emergency identifications, communications operations, structural stability, or as required for flight visibility by the FAA or FCC shall be prohibited on any antenna or antenna structure. This prohibition shall include the attachment to the antenna or tower of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering, or revolving devices, but not including weather devices. Security lighting for on-ground facilities and equipment shall be shielded so that no light rays are emitted by the installed fixtures at angles above the horizontal plane and have no more than 1 candlepower. It must be controlled by motion sensor. If signage is required consistent with this standard, such signage shall comply with the requirements of Chapter 10-12-15, Sign Regulations.

- E. Access Roads shall be limited to twenty (20) feet in clear width except where safety considerations require otherwise, and they shall have gravel or other non-paved surface, unless they are a grass surface upon which a small truck can access the site. Existing roads shall, whenever possible, be upgraded the minimum amount necessary.

F. Security. The following measures shall be required in order to ensure the safety of the tower property:

1) Signage.

(a) Signs reading "No Trespassing" shall be posted at locations around the property, including, but not limited to, the fencing immediately around the tower, on both sides of the access road, and on each side of the outer boundaries of the property. Signs shall also include the name and number of who to contact in case of an emergency.

(b) Warning signs shall be limited to non-illuminated warning and equipment identification signs. Allowed signage shall be classified as "On-Site Informational Signs" and regulated as such in accordance with the City's Sign Ordinance.

2) Fencing. Security fencing eight feet in height shall surround the tower, equipment shelter and any guy wires. The fencing may include a locked gate across the access road. The Planning Commission may requiring additional reasonable fencing, if the property is adjacent to or located within five hundred feet (500') of a residential zone.

G. Landscaping. The following minimum landscaping requirements shall apply to all tower properties.

1) An evergreen screen shall be planted around all sides of the security fencing, except for that portion necessary for the locked fence across the access road. The screen may consist of hedges or planted trees and shall extend a minimum of five feet (5') from the fence outward towards the remainder of the property.

2) The remainder of the property not covered by the evergreen screen shall be kept and maintained in good condition. The applicant shall, as part of the conditional use process, present a plan demonstrating how the property will be landscaped, maintained and screened from adjoining uses. Landscaping may include: a mix of grass, trees and bushes, xeriscaping or active farming.

3) The Planning Commission may require reasonable additional landscaping requirements, if the property is adjacent to or located within five hundred feet (500') of a residential zone.

4)

H. Intent to Use. All applicants who apply to build only a tower shall provide at least one (1) letter of intent from a telecommunications company, which will locate on the tower.

Comment [SP1]: Mayor Dustin would like to add a #4, which reads: "Permanent automatic irrigation appropriate to agronomic use and compliant with City standards shall be installed in conjunction with the landscaping." I support this idea so that the landscaping is attractively maintained and the owner of the site can't just plant some bushes and walk away thinking they've fulfilled their responsibility.

10-22-6 Non-Maintained or Abandoned Facilities. The Planning Commission shall require each non-maintained or abandoned telecommunication facility to be removed when such a telecommunication facility has not been repaired or put into use by the owner, person having control, or person receiving benefit of such structure within six (6) months after written notice of non-maintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure.

DRAFT

ORDINANCE 15-08

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE SALE OF REAL PROPERTY BY NIBLEY CITY

WHEREAS, Nibley City owns certain parcels of real property in Cache County, Utah; and

WHEREAS, from time to time, it may become necessary for Nibley City to sell real property which it owns; and

WHEREAS, Nibley City wishes to establish procedures guiding the sale of real property by Nibley City.

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

The attached ordinance is hereby adopted, by fact and by reference, as Title 1, Chapter 11, Section 6, "Disposal of Significant Parcel(s) of Real Property" of the Nibley City Code.

1. 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.
2. 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.
3. This ordinance shall become effective upon posting as required by law.

Passed by the Nibley City Council this _____ day of _____, 2015.

Shaun Dustin, Mayor

David Zook, City Recorder

1-11-6 Disposal of Real Property

- A. Any transfer of real property, significant or not, as defined herein, under this section may be executed by a property transfer agreement, only after such agreement is approved by the City Council. The property transfer agreement may define the future restrictions or intended uses of any property that the City gifts, leases, or sells to a new owner.
- B. Pursuant to UCA 10-8-2(4), the City defines a significant parcel of real property as a parcel of real property which is eligible for residential or commercial development, based on the requirements of said parcel's underlying zone, and having such value to the City that the City would not dispose of the real property without selling or trading it for its full fair market value as determined by a current appraisal or by another reliable method for determining the value of real property, subject to reasonable adjustment within the discretion of the City Council.
- C. Before disposing of a significant parcel of real property, the City shall hold a public hearing, for the purpose of receiving public comment on the proposed disposition. Reasonable notice of the public hearing shall be given at least ten (14) days prior to the date of the public hearing and shall include notice of the date, time and place of the public hearing, and the purpose for which the public hearing is being held. "Reasonable Notice" shall be considered as having the notice published once in a newspaper of general circulation in the City, publishing the notice on the Utah Public Notice Website, posting the notice on the real property proposed for disposition, and posting the notice on the City's official website.