



Nibley City
Planning Commission
Wednesday, January 11, 2017
455 W. 3200 S.
Nibley, UT

5:30 p.m. Call to Order
 Approval of Agenda
 Approval of Minutes

1. Discussion and election of the 2017 chair and vice-chair for the Nibley City Planning Commission: Resolution 17-P1
2. Discussion and consideration of the 2017 Nibley City Planning Commission Meeting Schedule: Resolution 17-P2
3. **Williams Flooring LLC**- discussion and consideration of a conditional use permit and business license for a home office- (Applicant: Harley Williams at 2929 S 1080 W)
4. **Baby Squeegees**- discussion and consideration of a conditional use permit and business license for a home office- (Applicant: Kiley Mathis at 1259 W 2890 S)
5. A public hearing to receive comment regarding a preliminary plat for the Heritage Parkway subdivision, located at approximately 1200 W and 2700 S
6. Discussion and consideration of a preliminary plat for the Heritage Parkway Subdivision, located at approximately 1200 W and 2700 S
7. A public Hearing to receive comment regarding a preliminary plat for Green Acres subdivision, located at approximately at 250 W 3600 S
8. Discussion and consideration of a preliminary plat for Green Acres subdivision, located at approximately at 250 W 3600 S.
9. Discussion and consideration of a proposed Nibley City Canal Ordinance
10. Discussion and consideration of a proposed resolution by the Planning Commission to require Cottonwoods Subdivision to pay Nibley City for future improvements to the Hollow Road Frontage : Resolution 17-P3
11. Discussion and consideration of changes to the Nibley City Conservation Subdivision Ordinance
12. Staff Report and Action Items
 - a. Utility easements for accessory building permits
 - b. Conservation Subdivision
 - c. Schedule for 2017
 - d. Having Attorney Present for meeting for Canal Ordinance

*Planning Commission agenda items may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

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



**Nibley City Council
Agenda Report for
January 11, 2016**

Agenda Item #1

Description	Discussion and election of the 2017 chair and vice-chair for the Nibley City Planning Commission: Resolution 17-P1
Department	Planning
Presenter	City Planner
Applicant	
Background	Nibley City Code 2-1-3 gives the Planning and Zoning Commission authority to select their own Chair and other officers as deemed necessary. Because the terms of the previous Chairs expired at the end of the 2016, the Planning and Zoning Commission needs to select a new Chair. Staff also recommends that a Vice-Chair also be selected to fill in for the Chair at their absences.
Findings	
Recommendation	Select a Chair and Vice-Chair for the calendar year 2017
Financial Impact	
Reviewed By	City Planner and the City Manager

Agenda Item #2

Description	Discussion and consideration of the 2017 Nibley City Planning Commission Meeting Schedule: Resolution 17-P2
Department	Planning
Presenter	Stephen Nelson
Background	<p>The Utah 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.</p> <p>Therefore a meeting schedule for 2017 is being proposed to the Commission tonight. The proposed meeting schedule is for the second and fourth Wednesday of each month, except for November and December which will just have one meeting a month. Each meeting is planned to be held at 5:30 and located at Nibley City Hall. This is the same schedule as adopted last year.</p>
Findings	<ul style="list-style-type: none">• The Utah Open and Public Meetings Act require Nibley City Planning Commission to adopted an annual schedule.• Nibley City Code and State Code requires that the Planning Commission meets at least one a month.
Recommendation	Adopt an annual schedule for 2017.
Reviewed By	City Planner

Agenda Item #3

Description	Williams Flooring LLC- discussion and consideration of a conditional use permit and business license for a home office- (Applicant: Harley Williams at 2929 S 1080 W)
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	Harley Williams
Background	<ul style="list-style-type: none">• Harley Williams application is for a business license and permit for a home office for flooring sales installation. According to the application, there will be no one employed who does not live at the home but for a few subcontractors that will not work at the home and no part of the business will take place in an accessory building. There will also be no client visits and no deliveries a month. There will be no signage posted on the property.• The Nibley City Home Office definition is:<ul style="list-style-type: none">○ HOME OFFICE: The use of a portion of a dwelling as an office for a business where: 1) no client visits are conducted and 2) no persons not living in the home are employed by the business. Home-based businesses that do not meet these requirements may still be conducted but shall be classified as a home occupation rather than a home office.• If the business meets the definition above, then it may be licensed as a home office.
Findings	<ul style="list-style-type: none">• The property is zoned Residential R-2A. The Nibley City Land Use Chart allows for home office as a permitted use.• Harley Williams application meets the requirements to be classified and approved as a home office.

Recommendation	Approval the application for conditional use permit/ business license
Reviewed By	Stephen Nelson, City Planner

Agenda Item #4

Description	Baby Squeegees- discussion and consideration of a conditional use permit and business license for a home office- (Applicant: Kiley Mathis at 1259 W 2890 S)
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	Kiley Mathis
Background	<ul style="list-style-type: none">• Kiley Mathis application is for a business license and permit for a home office for selling baby burp rags and bibs. According to the application, there will be no one employed who does not live at the home and no part of the business will take place in an accessory building. There will also be no client visits and there will be about one delivery per-business day. There will be no signage posted on the property.• The Nibley City Home Office definition is:<ul style="list-style-type: none">○ HOME OFFICE: The use of a portion of a dwelling as an office for a business where: 1) no client visits are conducted and 2) no persons not living in the home are employed by the business. Home-based businesses that do not meet these requirements may still be conducted but shall be classified as a home occupation rather than a home office.• If the business meets the definition above, then it may be licensed as a home office.
Findings	<ul style="list-style-type: none">• The property is zoned Residential R-2A. The Nibley City Land Use Chart allows for home office as a permitted use.• Harley Williams application meets the requirements to be classified and approved as a home office.
Recommendation	Approval the application for conditional use permit/ business license
Reviewed By	Stephen Nelson, City Planner

Agenda Item # 5 and 6

Description	A public hearing to receive comment regarding a preliminary plat for the Heritage Parkway subdivision, located at approximately 1200 W and 2700 S Discussion and consideration of a preliminary plat for the Heritage Parkway Subdivision, located at approximately 1200 W and 2700 S													
Department	Planning													
Presenter	Stephen Nelson, City Planner													
Applicant	Matt Hansen													
Background	<p>Heritage Parkway is a proposed 40 lot subdivision located at approximately 1200 W and 2700 S. This is the second time this developer has proposed a development on this property. The developer is proposing a standard subdivision. Information about the subdivision is listed below.</p> <p>Contains 19.88 Acres, 40 lots</p> <table><tr><td></td><td>R-2A Zone Requires</td><td>Heritage Parkway</td></tr><tr><td>Min Lot Size</td><td>12,000 sq. ft.</td><td>All Lots meet or exceed</td></tr><tr><td>Average Lot Size</td><td>14,000 sq. ft.</td><td>15,405 sq. ft.</td></tr><tr><td>Frontage</td><td>100 ft.</td><td>All lots meet or exceed</td></tr></table> <p>The plat complies with Nibley City Code in reference to lot sizes and frontage.</p> <p>Public Hearing: All public hearing rules were followed, notice were published on the Nibley City webpage, published in the Herald Journal, posted on the property, posted on the Utah Public Meeting Website, and mailed to all resident within 300' ft. The only item that was not followed was the sign posted on the property was not perpendicular, but was still clearly visible. The sign was corrected last week.</p> <p>Storm Water: Storm water will be handled by the future regional detention basin located just North West of the property. The developer would have to pay per lot for their portion of the retention basin.</p> <p>Stonebridge will also tie into the regional detention basin, and there will need to be a 20' ft. easement add to plat for a stormwater pipe that will be installed in</p>			R-2A Zone Requires	Heritage Parkway	Min Lot Size	12,000 sq. ft.	All Lots meet or exceed	Average Lot Size	14,000 sq. ft.	15,405 sq. ft.	Frontage	100 ft.	All lots meet or exceed
	R-2A Zone Requires	Heritage Parkway												
Min Lot Size	12,000 sq. ft.	All Lots meet or exceed												
Average Lot Size	14,000 sq. ft.	15,405 sq. ft.												
Frontage	100 ft.	All lots meet or exceed												

the future. The master planned pipe can be seen here on page 20.

http://nibleycity.com/images/departments/planning_and_zoning/Master_Plans/Stormwater_Master_Plan_11-19-15.pdf

Infrastructure and Transportation: The Developer will need to pave half of 2600 S boarding their property and will finish 1200 W boarding their property. The developer is proposing to pipe the canal that runs along 1200 west, but leave it open on the back of some homes.

There is a concern about the half cul-de-sac located by lots 17 and 18. According to our design standards 8.9.E, Nibley City does not allow for partial cul-de-sacs in the City. This aspect of the plat would need to change before approval by the City Council.

Nibley City would also require that no driveways connect onto 2600 S or 1200 W.

Trails and Pedestrian ROWs: The current plat does not comply with the Street and Block code within the Subdivision ordinance. 11-5-5 (E) (1) - (4) states:

1. *The subdivider shall provide a pedestrian ROW as outlined below linking the cul-de-sac to the nearest adjacent public ROW unless expressly prohibited by conflict with previously developed subdivisions or land uses.*
2. *In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.*
3. *All pedestrian ROWs shall be designed for compliance with the Transportation Master plan to maximize non-motorized transportation network efficiency.*
4. *The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.*

	<p>The cul-de-sac for 1230 W does not comply with this code.</p> <p>The next item that it does not comply with is with 11-5-6 and it states:</p> <p><i>Road segments longer than 660 feet shall provide a pedestrian ROW at minimum 660-foot intervals as outlined below linking the block to the nearest adjacent public or private street or cul-de-sac unless expressly prohibited by conflict with previously developed subdivisions or land uses.</i></p> <p>The road segment at 2735 S. is longer than the 660 feet, therefore it must provide a pedestrian ROW to the nearest adjacent ROW.</p> <p>For both of these trails, they could potentially link to the south to the Stonebridge property. The preliminary plat for Stonebridge shows that there are two possible cul-de-sacs they can link up to with both sections. Linking to these two future cul-de-sac would be the best trail linkage so that there would be a good connecting between the two subdivisions. The pedestrian ROW for the west end could even double for the easement for stormwater pipe. These pedestrian ROWs would need to be added before approval of the City Council.</p>
Findings	<p>Find that:</p> <ul style="list-style-type: none"> • Public Hearing Notices procedures were followed. • Lot size and frontage meet Nibley City Code for the zone • The half cul-de-sac does not meet Nibley City design standards. • There would need to be added a 20 ft. easement for stormwater pipe. • The plat does not comply with code 11-5-5 (E) • The plat does not comply with code 11-5-6
Recommendation	Deny, approve with condition based on the findings above, or postpone approval until changes could be made.
Financial Impact	<p>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.</p>

Reviewed By	City Planner, Public Works Director, City Engineer, City Manager, City Attorney.
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Agenda Item # 7 and 8

Description	<p>A public Hearing to receive comment regarding a preliminary plat for Green Acres subdivision, located at approximately at 250 W 3600 S</p> <p>Discussion and consideration of a preliminary plat for Green Acres subdivision, located at approximately at 250 W 3600 S.</p>										
Department	Planning										
Presenter	Stephen Nelson-City Planner										
Sponsor											
Applicant	Bill Green										
Background	<p>Green Acres is a five lot subdivision on Bill Green's property. Bill Green is a resident and also a member of the Planning Commission. The property is zoned R-2. Mr. Green is proposes a standard Subdivision.</p> <table border="1"> <tr> <th></th><th>R-2 Zone Requires</th><th>Green Acres</th></tr> <tr> <td>Min Lot Size</td><td>.5 acres</td><td>All Lots meet or exceed</td></tr> <tr> <td>Frontage</td><td>100 ft.</td><td>All lots meet or exceed</td></tr> </table> <p>Infrastructure and Transportation: Most of the primary infrastructure has previously been installed. Stormwater, streets, sidewalk, curb and gutter, and utility service are already installed. The developer will need to cut into the road to add water and sewer laterals for each lot. Our Engineer has reviewed the plat and does not have any concerns about the plat.</p> <p>Lot Line Adjustment: The developer will need to do a lot line adjustment in order for Lot 1 to meet frontage requirements. Nibley City Code 11-4-3 states the following:</p> <p style="text-align: center;"><u>11-4-3 Lot Line Adjustments</u></p> <p style="text-align: center;"><i>An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be</i></p>			R-2 Zone Requires	Green Acres	Min Lot Size	.5 acres	All Lots meet or exceed	Frontage	100 ft.	All lots meet or exceed
	R-2 Zone Requires	Green Acres									
Min Lot Size	.5 acres	All Lots meet or exceed									
Frontage	100 ft.	All lots meet or exceed									

executed by the owners of record of said properties and recorded upon execution, if the following conditions are met:

- A. No new lot results from the lot line adjustment.*
- B. No previously existing lot is eliminated as a result of the adjustment.*
- C. If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and Title 10 of the Nibley City code.*
- D. No lot is made undevelopable without a variance or other special consideration.*
- E. All property owners directly affected by the lot line adjustment give their consent.*
- F. The lot line adjustment does not result in a remnant piece of land that did not exist previously.*
- G. The lot line adjustment does not result in the violation of any applicable zoning ordinance.*
- H. The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.*

Provided the above conditions are met, no municipal land use authority approval is required.



The lot line adjustment meets all the requirements listed above, and the developer is currently working with county to have the lot line adjustment recorded.

Findings	<ul style="list-style-type: none"> • Public Hearing Notices procedures were followed. • Lot size and frontage meet the requirements for the zone • The preliminary plat meets Nibley City code
Recommendation	Recommend approval of the preliminary plat for Green Acres Subdivision to the Nibley City Council
Financial Impact	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.
Reviewed By	City Planner, City Manager, City Engineer, City Public Works Director.

Agenda Item # 9

Description	Discussion and consideration of an update to Nibley City Canal Ordinance
Department	Planning
Presenter	Stephen Nelson, City Planner
Applicant	N/A
Background	<p>Staff and the City Attorney have been working to create a canal ordinance. The goal of this ordinance is to reduce conflicts that has occurred between canal companies and adjacent land uses. There have been some issues in the past when the canal companies in Nibley were not able to access their canals for maintenance and repairs. Parts of this ordinance have been taken from an agreement that the City entered into with the Nibley Blacksmith Fork Canal Company. This ordinance would formalize those aspects of the agreement. The canal companies have been sent a copy of the ordinance so they might provide input. Significant input has already been received from Nibley Blacksmith Fork Irrigation Company's attorney.</p> <p>Because of concerns about proposal, the commission asked that the City Attorney be present at the meeting. The City Attorney has confirmed that he will be at the meeting to answer questions about the ordinance.</p> <p>Setback:</p> <ul style="list-style-type: none">• Based on the changes requested by the commission, it is being proposed that there be a 30-foot easement along an open canal, 15 ft. on each side measured from the center line of the canal; and a 20 ft. easement for piped canals, 10 ft. each direction measured from the centerline of the pipe.• To encourage new developers to provide this set back through a deeded public R-O-W, they will be provided a 10% density bonus. This ordinance also gives us the option to require a developer to submit a Preliminary Plat to the local canal company. <p>Section 5</p> <ul style="list-style-type: none">• This is taken from an agreement from NBF Canal Company. The reason it has only been applied to NBF is because these were concerns that NBF had for their canal. Staff and the City Attorney did not believe it was necessary to be applied generally to all canal companies in the City.• As per the request of the Planning commission, letter "h" has

	<p>been removed from Section 5 and moved to Section 6, therefore it would apply more generally to all canal companies.</p> <p>Appeal</p> <ul style="list-style-type: none"> • One of the primary concerns from the Commission at our last meeting was to allow for the ability for residents to appeal any decision made by the canal company or the City. Staff and the City Attorney are currently doing research and working on an addition to add to the proposed ordinance. • It is a little more complicated because the canal company do have some rights to their canal by state law and then this ordinance would give them some additional authority. In some cases the City might be the proper appeal authority, but in others it might be the courts. <p>Marking Piped Canals</p> <ul style="list-style-type: none"> • State law places liability with the canal company if they do not mark their piped canal.
Recommendation	Continue to work through the proposed ordinance and recommend any changes desired.
Reviewed By	City Planner, City Manager, City Attorney, Mayor, Planning and Zoning Commission

Agenda Item # 10

Description	Discussion and consideration of a proposed resolution by the Planning Commission to require Cottonwoods Subdivision to pay Nibley City for future improvements to the Hollow Road Frontage : Resolution 17-P3
Department	Planning
Presenter	City Planner
Background	<p>Staff and the Developer for the Cottonwoods Subdivision are proposing that some of the improvements along the Hollow Road frontage to be postponed and not be completed by the developer. Nibley City Code 11-5-5 (D)(3) states:</p> <p><i>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.</i></p> <p>The reason for this proposal is that Nibley City is currently planning improvement to Hollow Road for the future, and desires all improvement to be made in accordance to those plans and in conjunction with future projects, but is not ready for improvement to be made. Therefore, staff is worried that if the developer installs curb and gutter or LID improvements that City will have to tear them out latter as the City completes improvement to Hollow Road. This code would still require the developer to install sidewalks along the Hollow Road frontage.</p> <p>According to the code, the Planning and Zoning Commission has the authority to require the developer to make that payment for improvements.</p>
Findings	<ul style="list-style-type: none">• The Planning and Zoning Commission can require the developer to pay the City for improvements along existing streets if future changes to the street are anticipated that would make the installation of the curb and gutter unwise.

Recommendation	Pass Resolution 17-P3
Financial Impact	
Reviewed By	City Planner, City Manager, City Engineer, City Public Works Director.

Agenda Item # 11

Description	Discussion and consideration of changes to the Nibley City Conservation Subdivision Ordinance
Department	Planning
Presenter	Stephen Nelson
Sponsor	N/A
Applicant	N/A
Background	<p>This item has been postpone over the last several meeting because of a change in staff and a several other projects and items that the commission needed to address. The revision being brought before you is the same revision you saw last time with a few added comments from staff's review. Please review the ordinance and come with any suggested changes. Below are notes from the last couple of meeting this has come before the Planning and Zoning Commission.</p> <p>Waiver: The waiver within the ordinance has been removed.</p> <p>Residential Design Standards: When this matter was brought before the Commission at the 8/10 meeting, the Commission expressed a desire to have residential design standards in place on smaller lots, in order to ensure the quality of housing was not adversely impacted by the size of the lot. South Salt Lake City has residential design guidelines that I have modified in a few spots and which staff believes is a good starting point for discussion. Staff has incorporated those guidelines into the document.</p> <p>Frontage/Setbacks on Small Lots- Staff has some sketches to go over (we have included them with the meeting materials), but as staff has gone through the development standards, staff has some concerns about the effect that the combination of frontage and setback requirements will have on small lots.</p> <p>On a 6,000 sq. ft. lot, with an 80' frontage, there is only 75' depth on the lot. If you factor in the setbacks outlined in our current conservation subdivision ordinance of 30' front, 25' back, 10' side, you are left with a 60'x20' buildable area on the lot. It is not possible to get</p>

	<p>a quality home on a lot that is only 20' deep.</p> <p>The sketches that have been included will show the buildable area on a lot if we make adjustments to the setback requirements. Alternatively, we could adjust the frontage (which staff has done in the ordinance draft so that we could discuss the point) so that there is more depth to the lot. It seems that mid-sized homes run from 35'-45' deep.</p>
Findings	
Recommendation	Provide feedback to staff for updates and changes made to the working copy.
Reviewed By	City Planner.

Agenda Item # 11

Description	Discussion and consideration of a proposed resolution by the Planning Commission to require Cottonwoods Subdivision to pay Nibley City for future improvements to the Hollow Road Frontage : Resolution 17-P3
Department	Planning
Presenter	City Planner
Background	<p>Staff and the Developer for the Cottonwoods Subdivision are proposing that some of the improvements along the Hollow Road frontage to be postponed and not be completed by the developer. Nibley City Code 11-5-5 (D)(3) states:</p> <p><i>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.</i></p> <p>The reason for this proposal is that Nibley City is currently planning improvement to Hollow Road for the future, and desires all improvement to be made in accordance to those plans and in conjunction with future projects, but is not ready for improvement to be made. Therefore, staff is worried that if the developer installs curb and gutter or LID improvements that City will have to tear them out latter as the City completes improvement to Hollow Road. This code would still require the developer to install sidewalks along the Hollow Road frontage.</p> <p>According to the code, the Planning and Zoning Commission has the authority to require the developer to make that payment for improvements.</p>
Findings	<ul style="list-style-type: none">• The Planning and Zoning Commission can require the developer to pay the City for improvements along existing streets if future changes to the street are anticipated that would make the installation of the curb and gutter unwise.

Recommendation	Pass Resolution 17-P3
Financial Impact	
Reviewed By	City Planner, City Manager, City Engineer, City Public Works Director.

RESOLUTION 17-P1

A RESOLUTION AND ELECTION OF THE 2017 CHAIR AND VICE-CHAIR FOR THE
NIBLEY CITY PLANNING COMMISSION:

WHEREAS, Nibley City Code 2-1-3 gives the Planning and Zoning Commission authority to select their own Chair and other officers as deemed necessary; and

WHEREAS, a selection of a Vice-Chair is deemed necessary by the Commission in order to fulfill the Chair's duties in Chair's absents; and

WHEREAS, the term of the Chairs for 2016 has expired and selection of a new Chair is necessary.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING
COMMISSION OF NIBLEY, UTAH, THAT:

_____ has been elected Chair of the Nibley City Planning and Zoning Commission for 2017 and _____ has been elected Vice-Chair of the Nibley City Planning and Zoning Commission for 2017.

PASSED BY THE NIBLEY CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2017.

Planning Commission Chair

Deputy Recorder

RESOLUTION 17-P2

A RESOLUTION ADOPTING THE 2017 NIBLEY CITY PLANNING COMMISSION
MEETING SCHEDULE

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

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

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

Regular meetings for the Nibley City Planning and Zoning Commission shall be held on the dates listed on the attached schedule at 5:30 p.m. at Nibley City Hall, which is located at 455 West 3200 South in Nibley.

BE IT FURTHER RESOLVED THAT:

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

PASSED BY THE NIBLEY CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2017.

Planning Commission Chair

Deputy Recorder

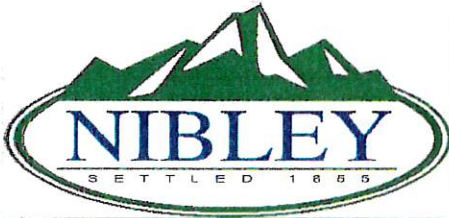
Persons wishing to submit items for consideration must have all materials submitted and applicable fees paid by the application deadline.

Meeting Date		Application Deadline
January 11, 2017		December 28, 2016
January 25, 2017		January 11, 2017
February 8, 2017		January 25, 2017
February 22, 2017		February 8, 2017
March 8, 2017		February 22, 2017
March 22, 2017		March 8, 2017
April 12, 2017		March 29, 2017
April 26, 2017		April 12, 2017
May 10, 2017		April 26, 2017
May 24, 2017		May 10, 2017
June 14, 2017		May 31, 2017
June 28, 2017		June 14, 2017
July 12, 2017		June 28, 2017
July 26, 2017		July 12, 2017
August 9, 2017		July 26, 2017
August 23, 2017		August 9, 2017
September 13, 2017		August 30, 2017
September 27, 2017		September 13, 2017
October 11, 2017		September 27, 2017
October 25, 2017		October 11, 2017
November 8, 2017		October 25, 2017
December 13, 2017		November 29, 2017

In the event the application deadline falls on a holiday, the following business day will be the application deadline.

There may be circumstances that arise which cause a meeting to be cancelled. Notification will be made as soon as reasonably possible in the event of a cancellation.

1/11/2017



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only	
Date Received	12/19/2016
Fee Paid	25.00
Rec'd By	Stephen Nelson

Name Harley Williams (Williams Flooring LLC)
Address 2929 US 1080 W Nibley UT 84321
Phone [REDACTED] Cell [REDACTED] Fax [REDACTED]
Email [REDACTED]

Please Note: The owner/operator of this business must live at the address stated above. Nibley City cannot issue conditional use permit/business licenses for home occupations to persons who do not live at the address where the business will be located.

Please describe the reason you are requesting a conditional use permit/business license:

☒ Home Office ☐ Sales ☐ Manufacturing ☐ Day Care
☐ Other (please describe): _____

Proposed business name: Williams Flooring LLC

Description of business: Flooring Sales Installation

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: Will not affect. all activity will be office duties!

Do you plan to employ persons not living at this address as part of the business? ☒ N

Will those employees be working in your home or at another location? Please describe: All Employees/Workers will be at outside Subcontractors at a warehouse location

Do you plan to conduct any of the business in an accessory building at this address? ☒ N

How many clients will visit this location weekly? 0

Describe how you will provide parking for client visits (if applicable): _____

Will you have business vehicles which will require parking accommodations? ☒ N

If so, please describe the vehicles and parking plans: _____

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? 0

Will you be able to provide adequate indoor storage for these deliveries? ☒ N

If applicable, describe any signs at this address which will advertise the business: _____

File the completed application at:

Nibley City
455 West 3200 South
Nibley, UT 84321
(435) 752-0431

Once the application has been completed and submitted, along with any and all applicable fees (see attached "Nibley City Fee Schedule"), the item will be placed on an upcoming agenda for the Nibley Planning Commission meeting. Planning Commission meetings have a two-week prior application deadline, so be aware that it may be up to _____ application is on the agenda.

Applicant Certification

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Property Owner Signature

12/10/16

Date

FOR OFFICE USE ONLY

Approved _____ Denied _____ Approved w/Conditions _____

Comments _____

Signature

Date

Print Name

Will you be able to provide adequate indoor storage for these deliveries? Y N

If applicable, describe any signs at this address which will advertise the business: _____

File the completed application at:

Nibley City
455 West 3200 South
Nibley, UT 84321
(435) 752-0431

Once the application has been completed and submitted, along with any and all applicable fees (see attached "Nibley City Fee Schedule"), the item will be placed on an upcoming agenda for the Nibley Planning Commission meeting. Planning Commission meetings have a two-week prior application deadline, so be aware that it may be up to 4 weeks before this application is on the agenda.

Applicant Certification

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that Nibley may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Nibley City Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses.

Kyle Mahis
Property Owner Signature

12/12/10
Date

FOR OFFICE USE ONLY

Approved _____

Denied _____

Approved w/Conditions _____

Comments _____

Signature

Date

Print Name

Port of the Northwest Quarter of Section 20, Township 11 North, Range 1 East of the Salt Lake Baseline and Meridian described as follows:

Beginning at the N/4 corner of SEC 20 Township 11N Range 1East, thence S 00°32'01" E 42.67, FT to the true point of beginning and running thence S 00°32'01" E 531.3, FT, thence N 89°46'38" W 1326.96 FT, thence N 00°32'16" W 492.0, FT, thence S 89°48'15 E 466.7, FT, thence N 00°32'16 W 466.7, FT, thence S 89°48'15 E 420.34 FT, thence S 00°32'01 E 42.57, FT, thence S 89°48'15 E 440.0 FT to the true to beginning, containing 1.988 acres.

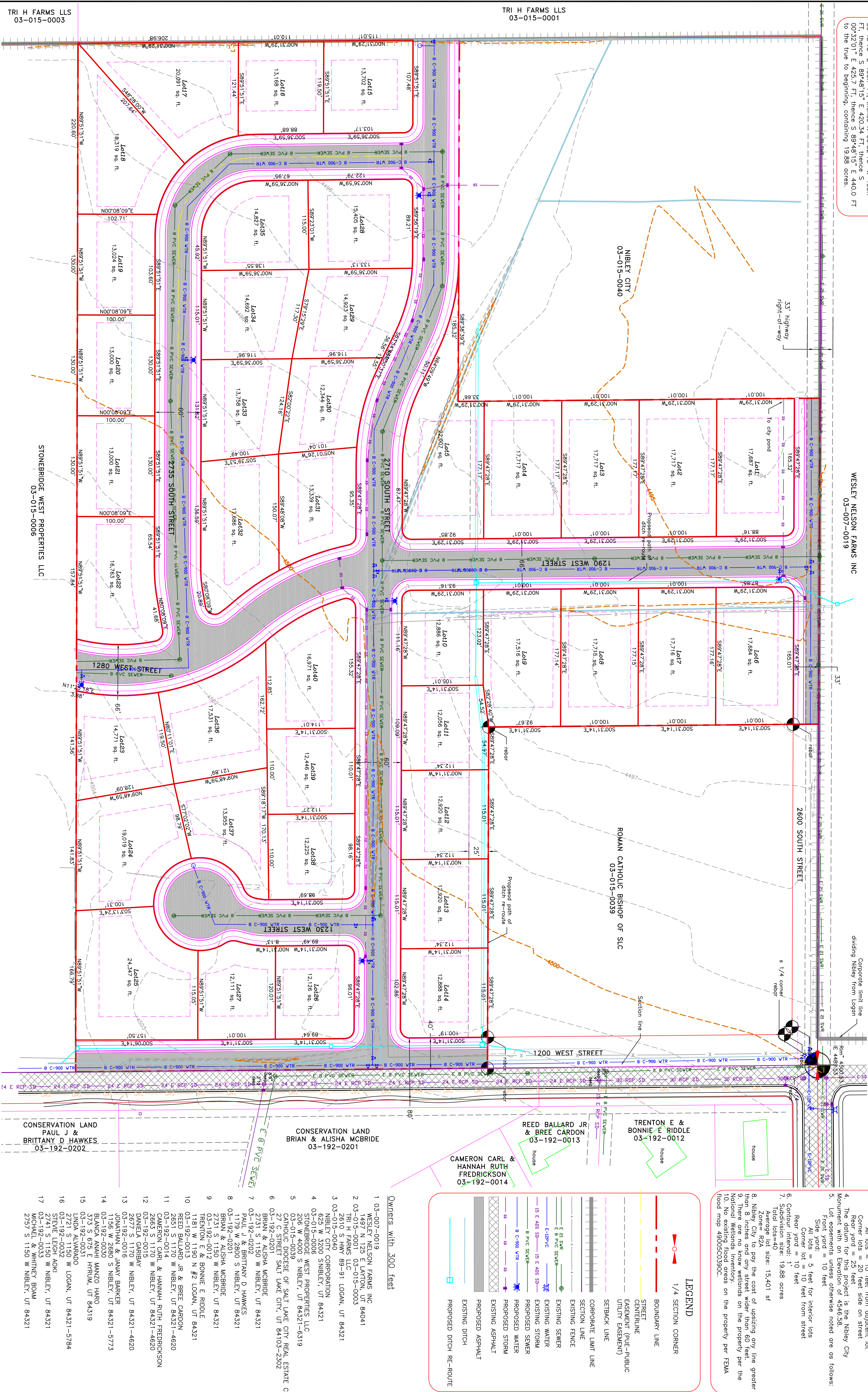
PART OF THE NORTHWEST QUARTER OF SECTION 20,

-

CONSTRUCTION DOCUMENTS THAT ARE DISTRIBUTED FOR BIDDING PURPOSES SHALL NOT BE RETURNED AND SHALL BE DESTROYED WITHIN 30 DAYS AFTER THE BID OPENING BY THE PLAN HOLDER.

AE

**ALLIANCE CONSULTING
ENGINEERS**
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
ALLIANCELOGAN@YAHOO.COM



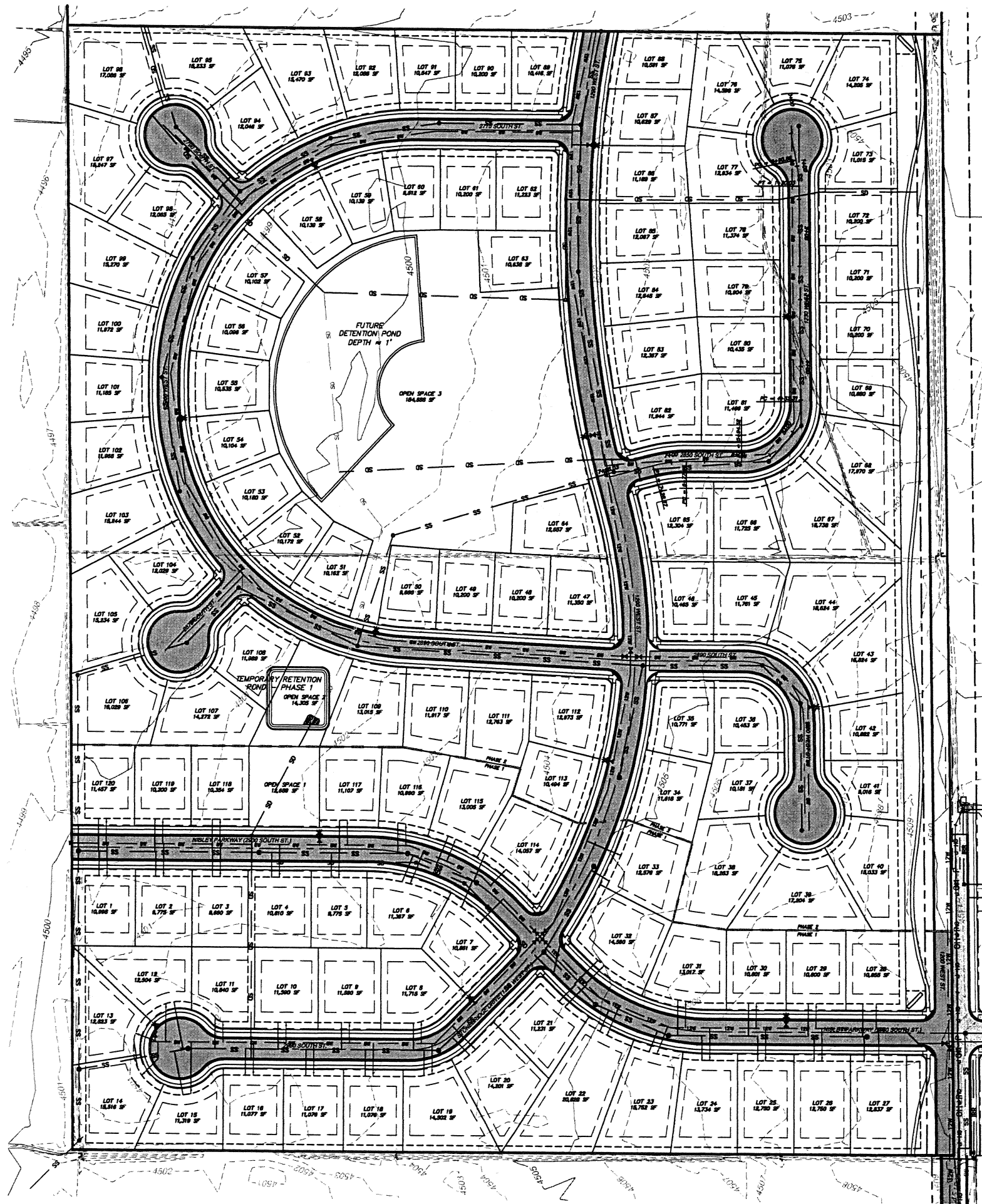
PART OF THE NORTHWEST QUARTER OF SECTION 20,
TOWNSHIP 11 NORTH, RANGE 1 EAST,
SALT LAKE BASELINE AND MERIDIAN

PROJECT TITLE

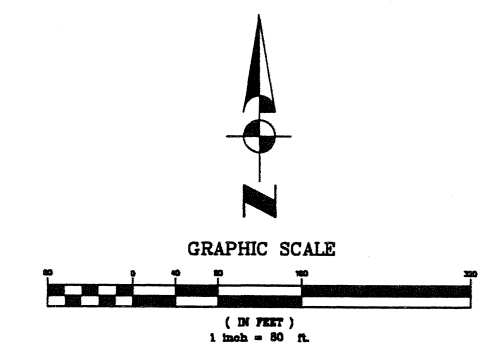
PA

Date:	REVISIONS/ SUBMISSIONS
REVIEWED :	
CAD FILE :	

1

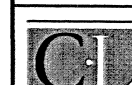


- LEGEND**
- PHASE LINE
 - PROPERTY LINE
 - RIGHT-OF-WAY
 - PUBLIC UTILITY EASEMENT
 - MINIMUM BUILDING SETBACK
 - ROAD CENTERLINE
 - STD. CURB & GUTTER
 - SS --- SANITARY SEWER
 - BW --- WATER LINE & SIZE
 - OH-P --- OVERHEAD POWER
 - P --- UNDERGROUND POWER
 - TELE --- UNDERGROUND TELEPHONE
 - GAS --- UNDERGROUND NATURAL GAS
 - SD --- STORM DRAIN PIPE
 - --- STORM DRAIN BOX
 - ⊙ --- FIRE HYDRANT
 - ⊙ --- MANHOLE
 - NEW PAVEMENT
 - EXISTING PAVEMENT
 - 4500.0 --- EXISTING CONTOUR



**OVERALL
DETENTION PLAN**

STONEBRIDGE SUBDIVISION
1200 WEST 2980 SOUTH
Nibley, Utah



Cache • Landmark
Engineers
Surveyors
Planners

1011 West 400 North
Suite 130
Logan, UT 84321
435.713.0099

DATE: 11 SEPT. 2008

SCALE: 1" = 80'

CALCULATED BY: D. CASTEEL

CHECKED BY: R. BLOSSOM

APPROVED BY: R. BLOSSOM

PROJECT NUMBER: 835-0401

SHEET:

C-1

PRELIMINARY PLAT
Green Acres Subdivision

A PART OF SECTION 28, T11N, R1E, S.L.B.&M.
NIBLEY, CACHE COUNTY, UTAH
Containing 2.89 Acres in 5 Lots

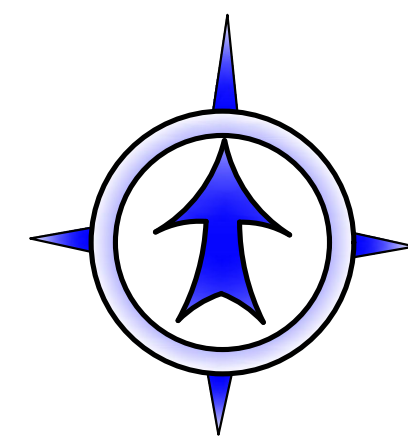
NORTHWEST CORNER LOT 13, BLOCK 17,
MILLVILLE WEST FIELD SURVEY (BY RECORD)

Northeast Corner Section 28, Township
11 North, Range 1 East, SLB&M

West 172 Rods
(By Record)

South 32 Rods
(By Record)

Southeast Corner Section
28, Township 11 North,
Range 1 East, SLB&M

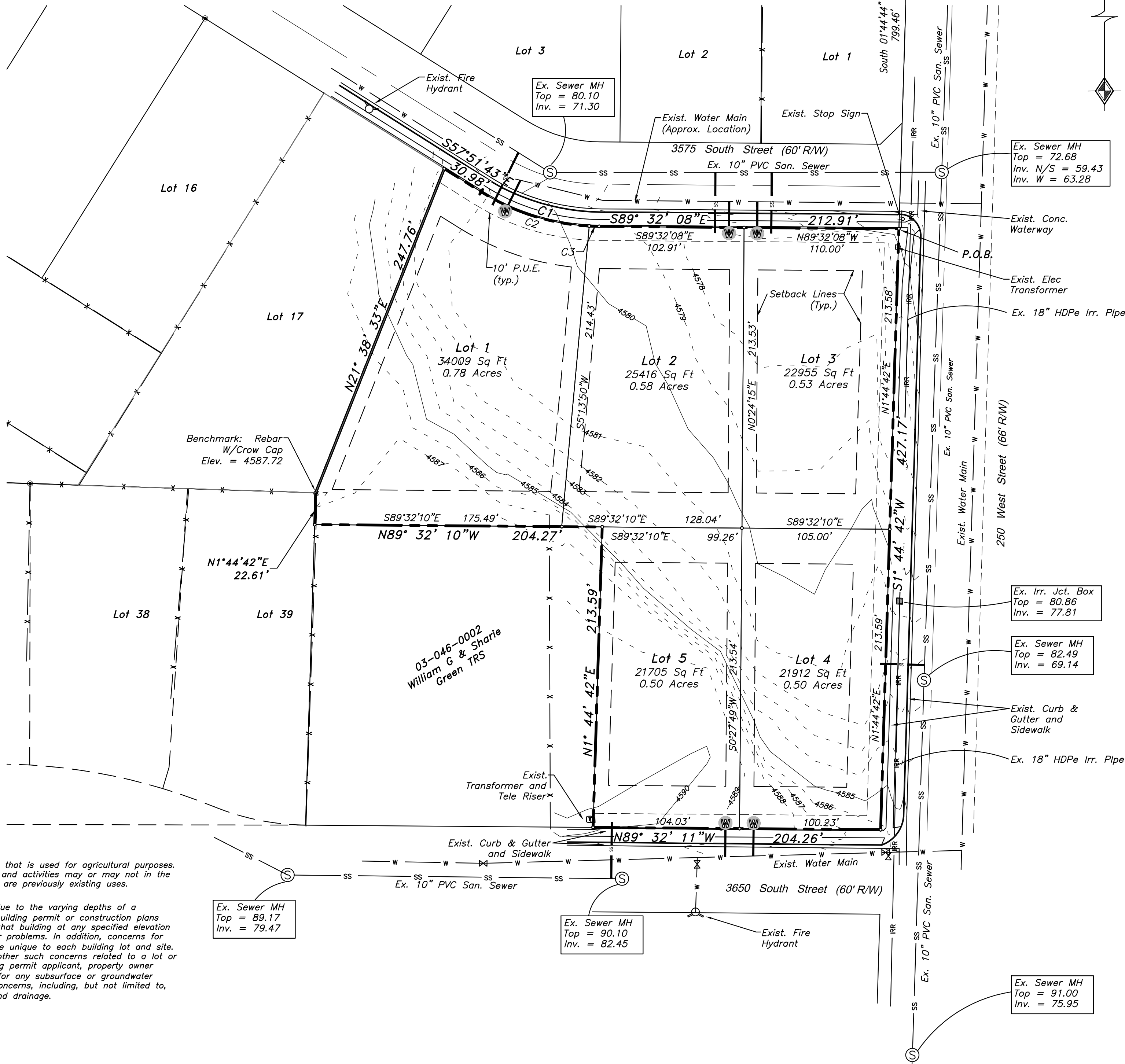


November 14, 2016

GRAPHIC SCALE



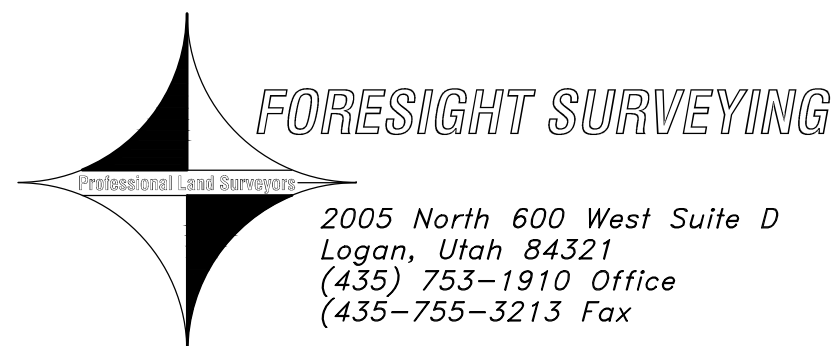
(IN FEET)
1 inch = 50 ft.



Curve Table				
Curve #	Length	Radius	Delta	Chord Brg
C1	88.45'	160.00'	031°40'26"	S73°41'56"E 87.33'
C2	81.36'	160.00'	029°08'01"	N72°25'44"W 80.48'
C3	7.09'	160.00'	002°32'24"	N88°15'57"W 7.09'

LEGEND:

- SUBDIVISION BOUNDARY
- LOT LINE
- CENTERLINE
- SETBACK LINE
- EASEMENT LINE
- EXIST. FENCE LINE
- EXIST. IRRIGATION LINE
- EXIST. SEWER LINE
- NEW SEWER SERVICE
- EXIST. WATER LINE
- NEW WATER SERVICE
- EXIST. CURB & GUTTER
- NEW WATER METER
- EXIST. WATER VALVE
- EXIST. FIRE HYDRANT
- EXIST. SEWER MANHOLE
- TELEPHONE PEDESTAL
- IRIG. JUNCTION BOX
- FOUND REBAR AND CAP
- SECTION CORNER
- SET 3/8" REBAR W/ CAP



Record Owners: William and Sharie Green
299 West 3650 South
Nibley, Utah 84321

GENERAL NOTES:

- 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 such uses are previously existing uses.
- 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 would solve subsurface or groundwater problems. In addition, concerns for building elevation and/or grading and drainage are unique to each building lot and site. Responsibility for these stated concerns, and all other such concerns related to a lot or other building site, remains solely with the building permit applicant, property owner and/or contractor. Nibley City is not responsible for any subsurface or groundwater problems which may occur, nor for other such concerns, including, but not limited to, building location and/or elevation, site grading, and drainage.
- Current Zoning: Residential R2
Minimum Lot Size: 0.50 Acres
Minimum Lot Frontage: 100.00 feet
Setback lines are for primary buildings only.
Front: 30.00'
Rear: 25.00'
Side: 10.00'
Side along Roadway: 25.00'

CITY COUNCIL APPROVAL & ACCEPTANCE

PRESENTED TO THE NIBLEY CITY COUNCIL THIS _____ DAY
OF _____ A.D. 20____, AT WHICH TIME THIS
SUBDIVISION WAS APPROVED AND ACCEPTED.

MAYOR

PLANNING COMMISSION APPROVAL

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

PLANNING COMMISSION CHAIRMAN

CITY ATTORNEY APPROVAL

APPROVED AS TO FORM THIS _____ DAY
OF _____, 20____.

CITY 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 ORDINANCE.

DATE

CITY ENGINEER

UTILITY COMPANY APPROVALS
THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED

ROCKY MOUNTAIN POWER	DATE
COMCAST	DATE
QUESTAR GAS	DATE
CENTURY LINK	DATE

SURVEYOR'S CERTIFICATE

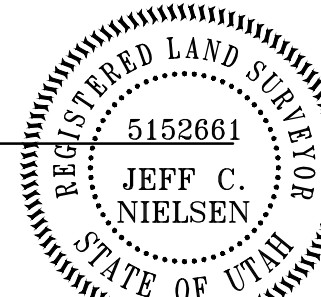
I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A
REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661
AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER
CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY
OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW,
AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS
HEREAFTER TO BE KNOWN AS: GREEN ACRES SUBDIVISION AND THE
SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE
DIMENSIONS SHOWN.

Green Acres Subdivision Boundary

PART OF SECTION 28, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

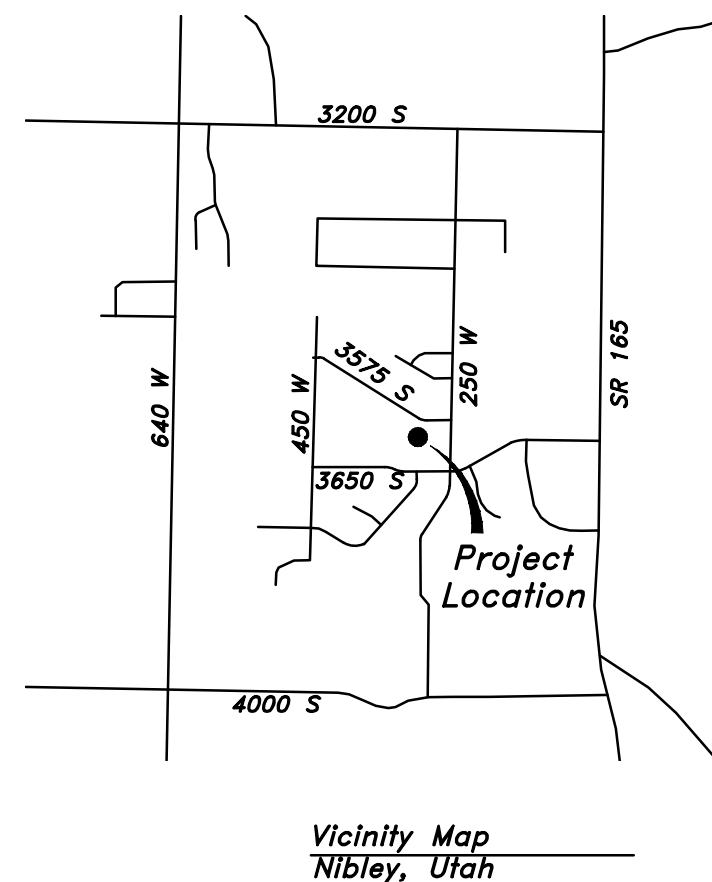
BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF 3575 SOUTH STREET AND THE WEST LINE
OF 250 WEST STREET BEING LOCATED BY RECORD SOUTH 88°41'03" EAST A DISTANCE OF 1314.50
FEET AND SOUTH 01°44'44" WEST A DISTANCE OF 799.46 FEET FROM THE NORTHWEST CORNER OF
LOT 13, BLOCK 17, MILLVILLE WEST FIELD SURVEY, AND RUNNING THENCE SOUTH 1°44'42" WEST, A
DISTANCE OF 427.17 FEET ALONG SAID WEST LINE TO THE INTERSECTION OF
SAID WEST LINE AND THE NORTH LINE OF 3650 SOUTH STREET, THENCE NORTH 89°32'11" WEST, A
DISTANCE OF 204.26 FEET ALONG SAID NORTH LINE, THENCE NORTH 1°44'42" EAST, A DISTANCE OF
213.59 FEET, THENCE NORTH 89°32'10" WEST, A DISTANCE OF 204.27 FEET TO THE EAST LINE OF
HERITAGE HILLS PHASE 2 SUBDIVISION, THENCE NORTH 1°44'42" EAST, A DISTANCE OF 22.61 FEET
ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF HERITAGE HILLS PHASE 1 SUBDIVISION,
THENCE NORTH 21°38'33" EAST, A DISTANCE OF 247.76 FEET ALONG THE EAST LINE OF SAID PHASE 1
TO THE SOUTH LINE OF SAID 3575 SOUTH STREET, THENCE ALONG SAID SOUTH LINE IN THREE
COURSES:

- (1) SOUTH 57°51'43" EAST, A DISTANCE OF 30.98 FEET
- (2) ALONG A 160.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 88.45 FEET WITH A LONG
CHORD BEARING SOUTH 73°41'56" EAST A DISTANCE OF 87.33 FEET
- (3) SOUTH 89°32'08" EAST, A DISTANCE OF 212.91 FEET TO THE POINT OF BEGINNING.
CONTAINING 2.89 ACRES +/-



SIGNATURE

DATE



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
GREEN ACRES 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 HEREUNTO SET OUR HANDS THIS
_____ DAY OF _____, 20____

ACKNOWLEDGMENT

state of UTAH
County of CACHE
on this _____ day of _____, 20____

personally appeared before me, the undersigned notary public in and for said
county of Cache, in the state of Utah, the signers of the attached owners
dedication, _____ In numbers, who duly acknowledged to me they signed it freely
and voluntarily and for the purpose therein mentioned.

NOTARY PUBLIC

COUNTY RECORDER

STATE OF UTAH,
COUNTY OF CACHE.

THIS PLAT HAS BEEN DULY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND
MAY LAWFULLY BE RECORDED IN CACHE COUNTY, UTAH.

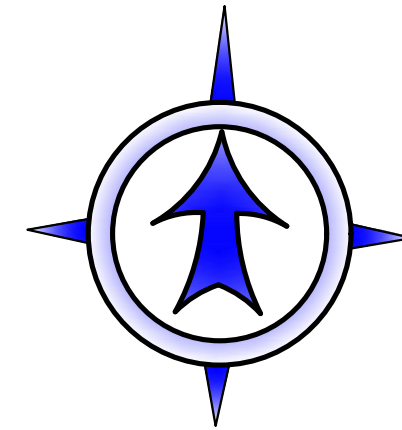
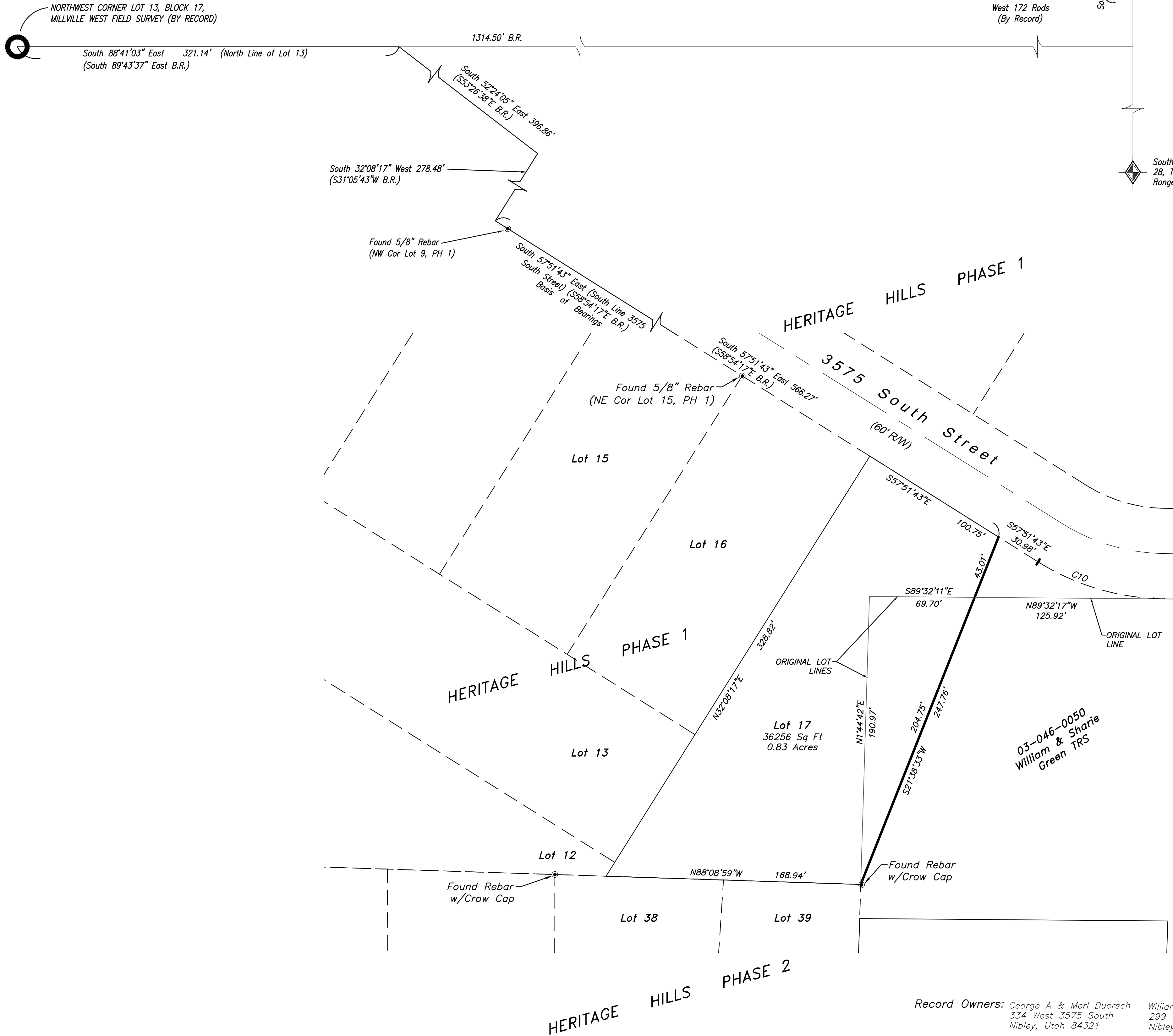
FILED AND RECORDED:
FILING NO.: _____
DATE: _____
TIME: _____
BOOK: _____
PAGE: _____
REQUEST OF: _____

CACHE COUNTY RECORDER

Heritage Hills Phase 1 Subdivision 1st Amendment

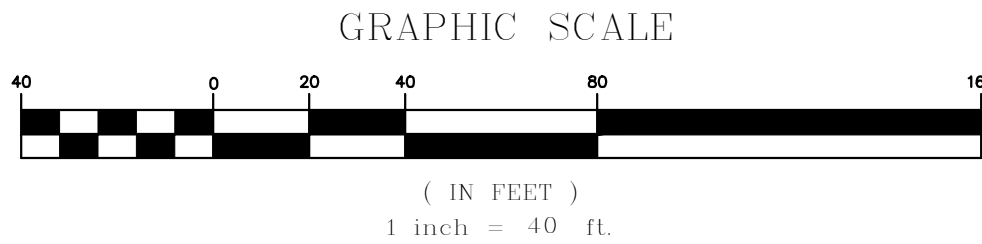
Amending the boundary between Lot 17 and Parcel 03-046-0050

A PART OF THE NORTHEAST QUARTER OF SECTION 28, T11N, R1E, S.L.B.&M.
NIBLEY, CACHE COUNTY, UTAH



October 31, 2016

**Heritage Hills Ph 1
1st Amendment**



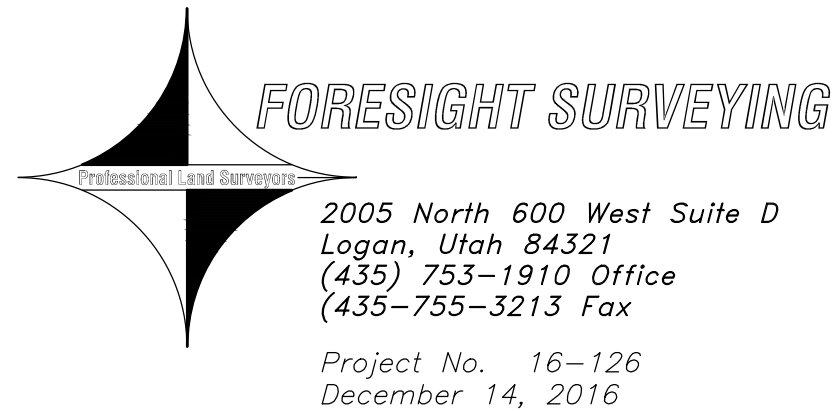
- LEGEND:**
- ADJUSTED LOT LINE
 - ADJACENT PROPERTY
 - CENTERLINE
 - Found Rebar and Cap
 - Section Corner
 - SET 5/8" REBAR W/ CAP

THE PURPOSE OF THIS AMENDMENT
IS TO RE-ALIGN THE BOUNDARY
BETWEEN LOT 29 AND PARCEL
03-046-0050.

Curve Table				
Curve #	Length	Radius	Delta	Chord Brg
C10	88.45'	160.00'	031°40'28"	S73°41'57"E

GENERAL NOTES:

- 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 such uses are previously existing uses.
- 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 would solve subsurface or groundwater problems. In addition, concerns for building elevation and/or grading and drainage are unique to each building lot and site. Responsibility for these stated concerns, and all other such concerns related to a lot or other building site, remains solely with the building permit applicant, property owner and/or contractor. Nibley City is not responsible for any subsurface or groundwater problems which may occur, nor for other such concerns, including, but not limited to, building location and/or elevation, site grading, and drainage.
- Current Zoning: Residential R2
Minimum Lot Size: 0.50 Acres
Minimum Lot Frontage: 100.00 feet
Setback lines are for primary buildings only.
Front: 30.00'
Rear: 25.00'
Side: 10.00'
Side along Roadway: 25.00'



2005 North 600 West Suite D
Logan, Utah 84321
(435) 753-1910 Office
(435)-755-3213 Fax

Project No. 16-126
December 14, 2016

Record Owners: George A & Merl Duersch
334 West 3575 South
Nibley, Utah 84321
William & Sharie Green TRS
299 West 3650 South
Nibley, Utah 84321

SURVEYOR'S CERTIFICATE

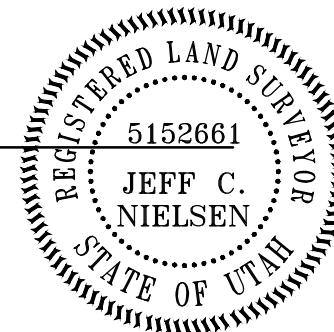
I, JEFF C. NIELSEN, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5152661 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH, I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS HEREAFTER TO BE KNOWN AS: HIGH COUNTRY ESTATES SUBDIVISION 1ST AMENDMENT AND THE SAME HAS BEEN CORRECTLY SURVEYED AND ALL STREETS ARE THE DIMENSIONS SHOWN.

Subdivision Amendment Boundary

PART OF LOT 13 AND LOT 14, BLOCK 17, MILLVILLE WEST FIELDS SURVEY, ALSO KNOWN AS J.W. FOXES CHURCH FARM SURVEY AS RECORDED IN THE OFFICE OF THE CACHE COUNTY RECORDER, DESCRIBED AS FOLLOWS:

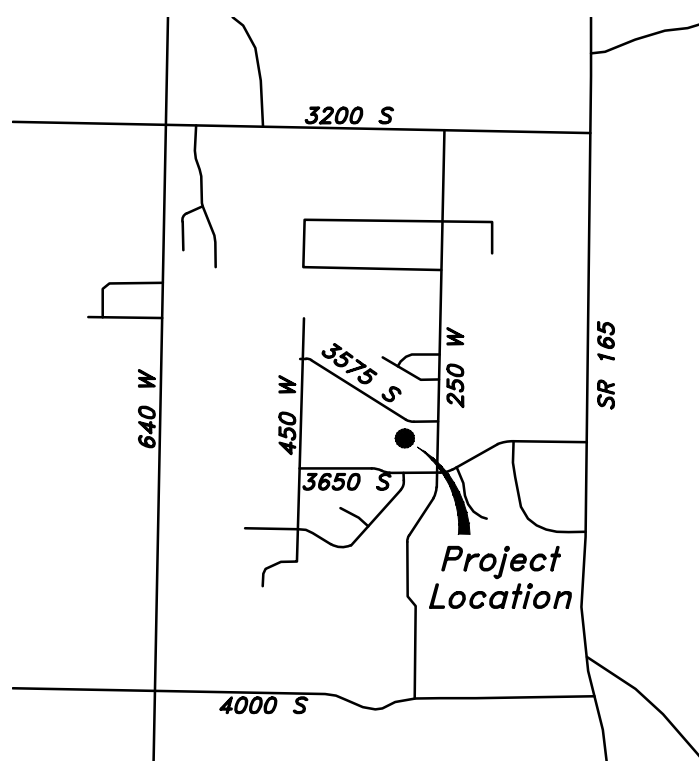
LOT 17, HERITAGE HILLS SUBDIVISION PHASE 1, LESS THE FOLLOWING: BEGINNING AT A POINT ON THE SOUTH LINE OF 3575 SOUTH STREET LOCATED SOUTH 88°41'03" EAST A DISTANCE OF 321.14 FEET, AND SOUTH 52°24'05" EAST A DISTANCE OF 396.86 FEET, AND SOUTH 32°08'17" WEST A DISTANCE OF 278.48 FEET, AND SOUTH 57°51'43" EAST A DISTANCE OF 566.27 FEET FROM THE NORTHWEST CORNER OF SAID LOT 13 AND RUNNING THENCE ALONG SAID NORTH LINE IN TWO (2) COURSES: (1) SOUTH 57°51'43" EAST, A DISTANCE OF 30.98 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 160.00 FEET AND A CENTRAL ANGLE OF 31°40'28"; (2) EASTERLY ALONG THE ARC A DISTANCE OF 88.45 FEET, CHORD BEARS SOUTH 73°41'57" EAST, A DISTANCE OF 87.33 FEET; THENCE NORTH 89°32'17" WEST, A DISTANCE OF 125.92 FEET; THENCE NORTH 21°38'33" EAST, A DISTANCE OF 43.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING: BEGINNING AT A POINT LOCATED SOUTH 88°41'03" EAST A DISTANCE OF 321.14 FEET, AND SOUTH 52°24'05" EAST A DISTANCE OF 396.86 FEET, AND SOUTH 32°08'17" WEST A DISTANCE OF 278.48 FEET, AND SOUTH 57°51'43" EAST A DISTANCE OF 566.27 FEET, AND SOUTH 21°38'33" WEST A DISTANCE OF 43.01 FEET FROM THE NORTHWEST CORNER OF SAID LOT 13 AND RUNNING THENCE SOUTH 21°38'33" WEST A DISTANCE OF 204.75 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE NORTH 01°44'42" EAST, A DISTANCE OF 190.97 FEET; THENCE SOUTH 89°32'11" EAST, A DISTANCE OF 69.70 FEET TO THE POINT OF BEGINNING. CONTAINING 0.83 ACRES IN ALL.



SIGNATURE

DATE



Vicinity Map
Nibley, Utah

OWNER'S DEDICATION

THE UNDERSIGNED, BEING ALL OWNERS OF RECORD OF THE ABOVE-DESCRIBED PARCEL OF LAND DO HEREBY SUBMIT SAID PARCEL OF LAND TO BE AMENDED AND KNOWN AS HERITAGE HILLS PHASE 1 SUBDIVISION 1ST AMENDMENT.

_____, HAVE EXECUTED THIS PLAT AND
DEDICATION THE _____ DAY OF _____, 20____

ACKNOWLEDGMENT

state of UTAH
County of CACHE
on this _____ day of _____, _____
personally appeared before me, the undersigned notary public in and for said county of Cache, in the state of Utah, the signers of the attached owners dedication, _____ in numbers, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

NOTARY PUBLIC

COUNTY RECORDER

STATE OF UTAH,
COUNTY OF CACHE.
THIS PLAT HAS BEEN DULY ACKNOWLEDGED, CERTIFIED, AND APPROVED AND MAY LAWFULLY BE RECORDED IN CACHE COUNTY, UTAH.
FILED AND RECORDED:
FILING NO.: _____
DATE: _____
TIME: _____
BOOK: _____
PAGE: _____
REQUEST OF: _____
CACHE COUNTY RECORDER

DEPUTY COUNTY SURVEYOR'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE; AND FURTHER, IT MEETS THE MINIMUM STANDARDS FOR PLATS REQUIRED BY COUNTY ORDINANCE AND STATE LAW.

DATE

DEPUTY CACHE COUNTY SURVEYOR

DIRECTOR OF DEVELOPMENT SERVICES

THIS PLAT WAS APPROVED AND ACCEPTED BY THE CACHE COUNTY DIRECTOR OF DEVELOPMENT SERVICES ON THIS _____ DAY OF _____, 20____.

BY: _____, DIRECTOR

COUNTY ATTORNEY APPROVAL

I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND APPROVE THE PLAT AS TO FORM AS REQUIRED BY STATE LAW AND COUNTY ORDINANCE THIS _____ DAY OF _____, 2016.

CACHE COUNTY ATTORNEY

BEAR RIVER HEALTH DEPT. APPROVAL

THE SUBDIVISION DESCRIBED IN THIS PLAT HAS BEEN APPROVED BY THE BEAR RIVER HEALTH DEPARTMENT THIS _____ DAY OF _____, 2016.

BY: _____ TITLE: _____

ACKNOWLEDGMENT

state of UTAH
County of CACHE
on this _____ day of _____, _____
personally appeared before me, the undersigned notary public in and for said county of Cache, in the state of Utah, the signers of the attached owners dedication, _____ in numbers, who duly acknowledged to me they signed it freely and voluntarily and for the purpose therein mentioned.

NOTARY PUBLIC

ORDINANCE 16-07
AN ORDINANCE PRESERVING THE
SAFETY AND ALLOWING FOR MAINTENANCE OF CANALS AND WATERWAYS

WHEREAS, Nibley City has an ownership interest in all canal and/or irrigation companies within the City; and

WHEREAS, Nibley residents rely on free-flowing and clean canals and waterways for the conveyance of irrigation water to agricultural and rural landscapes, and also for the conveyance of City stormwater; and

WHEREAS, unobstructed canals and waterways are critical to controlling flooding of private and public property within the City, and, in some cases, are integral parts of the City's stormwater infrastructure; and

WHEREAS, open canals and waterways provide critical wildlife habitat and corridors, opportunities for connectivity and recreation, and are an integral part of the rural landscape; and

WHEREAS, increased development pressure is impeding canal and waterway owners' ability to maintain the infrastructure such that it can function for its intended purposes of flood control and irrigation delivery; and

WHEREAS, Nibley City has certain contractual obligations with respect to the Nibley Blacksmith Fork Irrigation Company (NBFI); and

WHEREAS, Nibley City has the authority to establish policies to control the impact of development on commonly held assets and resources within the City.

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

1. The attached ordinance, titled "An Ordinance Preserving the Safety and Allowing for Maintenance of Canals and Waterways" 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

ORDINANCE 16-____
AN ORDINANCE PRESERVING THE
SAFETY AND ALLOWING FOR MAINTENANCE OF CANALS AND WATERWAYS

1. Waterways as used in this Ordinance includes surface water runoff and drainage, drainage ditches and irrigation ditches, whether surface or subsurface, and includes open canals as well as canals that are piped.

2. Irrigation and canal companies shall have the right of access to canals and waterways as allowed by state law, and as permitted by the easements and rights of way of such companies.

3. Nibley City will not issue building, fence, grading or other permits that would limit, hinder, infringe or encroach upon any established rights of way, whether established by deed, use, or otherwise, for access to or maintenance of the canals and waterways within the City. The City will require a 30-foot easement on all development where there are canals and waterways traversing the development to have an easement, which is feet (15') on either side of the canal from the centerline of the canal; in total of a 30 feet (30') easement; to be identified on the property plat. The City shall designate in consultation with any Canal Company, if needed, with respect to which side has the fifteen foot (15') or five foot (5') easement. To protect this easement, there is a fifteen foot (15') setback requirement prohibiting any fences, structures or permanent improvements within fifteen feet (15') of the centerline of any canal or waterway except as approved by both Nibley City and the canal company. The City will not require permits for existing fences, structures or permanent improvements within the fifteen foot (15') setback if such were legal under Nibley City Ordinances when installed. Areas where canals are piped shall have a ten foot (10') easement and setback from both sides of the centerline of any portion that has been piped, subject to the same restrictions and conditions in the easement areas as provided in this paragraph.

~~3. Nibley City will not issue building, fence, grading or other permits that would limit, hinder, infringe or encroach upon any established rights of way, whether established by deed, use, or otherwise, for access to or maintenance of the canals and waterways within the City. Absent clear and convincing evidence otherwise, the City presumes that all canals and waterways have an access easement and setback fifteen feet (15') on one (1) side and five feet (5') on the opposite side, in width from the top of each inside bank or the toe of the Canal, whichever is greater, to the edge of the easement. The City shall designate in consultation with any Canal Company, if needed, with respect to which side has the fifteen foot (15') or five foot (5') easement. To protect this easement, there is a fifteen foot (15') or five foot (5'), whichever the case maybe, setback requirement prohibiting any fences, structures or permanent improvements within fifteen feet (15') or five feet (5'), whichever the case maybe, of the bank of any canal or waterway. The City will not require permits for existing fences, structures or permanent improvements within the fifteen foot (15') or five foot (5'), whichever the case maybe, setback if such were legal under Nibley City Ordinances when installed. Areas where canals are piped shall have a ten foot (10') easement and setback from both sides of the~~

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~~centerline of any portion that has been piped, subject to the same restrictions and conditions in the easement areas as provided in this paragraph.~~

4. For changes in land use, including but not limited to building permits, new subdivisions, rezones, annexations, and development:

a. Nibley City may condition approval upon the formal recording of any reasonable canal and/or waterway easements, for access, maintenance, and public safety.

b. Canal and waterway easements will not count against zoning density requirements for open canals and waterways.

c. Easements for canals and waterways and for access to the same within any new subdivision shall be required for approval of any proposed subdivision.

d. Easements for canals and waterways and for access to the same may be required by Nibley City across property that adjoins the subdivision when necessary to properly serve the subdivision or protect the City and may be a condition for approval of any proposed subdivision.

e. Developers who choose to establish deeded public rights-of-way along canals and waterways shall be entitled to an increased (10%) density bonus, as outlined in the Nibley City Subdivision Ordinance.

f. The City may require Preliminary Plats to be submitted to canal or irrigation companies, who may be impacted by the subdivision, for review, comment and/or approval.

5. The City adopts the following conditions and requirements with respect to any land use change, development, or improvement that may impact the NBF Canal ("Canal") and which, at the discretion of the City Manager, in consultation with the Mayor, may be applied to and required for other canals and water ways within the City prior to any land use change, development or improvement:

a. Authorization for New Storm Water Inlet Structures and Outlet Structures. No new or additional Storm Water Inlet Structures and Outlet Structures and no increases in the flow of such inlets or outlets beyond the Current Discharge as defined by an Agreement between the City and NBF, shall be created or maintained except in conformance with the following procedure.

(1) The City, a landowner or a developer may at any time contact NBF to evaluate the potential for new Inlet Structures and Outlet Structures, or the potential for an increase in the capacity of any existing Inlet Structure or Outlet Structure.

(2) The City, a landowner or a developer shall provide a written request to NBF for each additional Storm Water Inlet Structure or Outlet Structure, and

for increases in flow beyond the Current Discharge or any previously approved increase for existing Inlet Structures or Outlet Structures. The request shall be accompanied by the following:

(i) Drawings in both digital and printed copy showing the location, size and design specifications of each Inlet Structure or Outlet Structure proposed to be added or increased.

(ii) Drawings showing the drainage area to be served by the Inlet Structure.

(iii) Expected occurrences that will cause Storm Water inflow into the Canal, including an estimate of the time of year during which maximum inflows are expected, subject to subsection (iv) below.

(iv) An estimate of the maximum inflow to be expected from the area to be served by the Inlet Structure (with the understanding that the maximum flow may not exceed the flow allowed by Current Design Standards). This rate is determined by completing a hydrologic analysis based on soil types to determine the runoff rates prior to any land use change, development or improvement for sites greater than 1 acre, or by assuming a historical runoff rate of 0.1 cfs per acre for sites smaller than 1 acre.

(v) Written disclosure of whether the Storm Water discharge to the Canal is expected to contain any Pollutant regulated under the Utah Clean Water Act and implementing regulations thereof.

(vi) Certification that the City, landowner or developer have complied and will comply with all applicable requirements of the Utah Water Quality Act and associated regulations.

(vii) Any additional documentation or information reasonably requested by NBF.

b. Any objections of any kind by NBF to a new proposed Inlet Structure, Outlet Structure, or the enlargement of either, shall be given by written notice within sixty (60) days after receipt by NBF of the written request for the same from the City, landowner or developer. NBF shall have the right to refuse such approval only if, as demonstrated by empirical data:

(1) in the case of a new Inlet Structure or enlargement of an existing Inlet Structure, water inflow into the Canal from such inlet will exceed the Current Discharge into the Canal from the drainage area to be served by such inlet;

(2) the inflows are found by a City-County Health Department or other State, County or federal agency to be physically harmful to animals, crops of any kind, or any other beneficial use of the water; or

(3) the proposed Inlet Structure or Outlet Structure will diminish the ability to utilize all of the water to which NBFI is entitled under its water rights, hinder water deliveries, or alter, damage or obstruct, diversion structures, measuring devices, or regulating headgates on the Canal.

c. If NBFI does not provide written objections within sixty (60) days after receipt of the City's, landowner's, or developer's written request, NBFI shall be deemed to have approved the additional Inlet Structure, Outlet Structure, or increase in capacity of either.

d. If the request for additional Inlet Structures, Outlet Structures or increase in capacity of an inlet or outlet is not agreed to, NBFI shall work with the City, landowner or developer in an attempt to reach an equitable resolution in order to provide for the same.

e. If the additional Inlet Structure, Outlet Structure or increase in flow is formally approved or deemed approved as provided herein, the City shall allow commencement of construction or modification only after a written Agreement has been agreed-to, signed by the City, landowner or developer and NBFI.

f. The City shall require, as a condition to any land use change, development or improvement approval, that infrastructure (such as fencing or other improvements) be installed by a landowner or developer as part of a land development project, when reasonably determined by the City to be necessary.

g. Landowners or developers of any land within the City must include with their plans and specifications a storm water detention plan that provides for all storm water to be retained at the site of such any land use change, development, or improvement except as may be otherwise approved by the City and NBFI.

~~h. If any landowner or developer of any land proposes any piping of the Canal, the construction of bridges or retaining walls, the installation of culverts, or any other action which may in any way affect the Canal, the City shall require that the plans and specifications be delivered to NBFI, and that NBFI consent to the same, in writing, prior to the approval of such land development by the City, which consent or the basis for denying such consent shall be given by NBFI within sixty (60) days after NBFI receipt of the request for approval.~~

~~i.~~ h. Trash Racks. The City shall require landowners or developers to install, in connection with City-approved land use changes, development plans, or improvements, trash racks and inlet grates on all Inlet Structures so as to prevent clogging of the headgates, screens and pipelines situated within the Canal.

6. If any landowner or developer of any land proposes any piping of a Canal, the construction of bridges or retaining walls, the installation of culverts, or any other action which may in any way affect a Canal, the City shall require that the plans and specifications be delivered to the canal company, and that the canal company consent to the same, in writing, prior to the approval of such land development by the City, which consent or the basis for denying such consent shall be given by the canal company within sixty (60) days after receipt of the request for approval.

~~6-7.~~ Alteration of canals or waterways, including grading, modification, contouring or removal of vegetation or soil of banks to canals and waterways, shall only be done by the canal or irrigation company, or pursuant a written permit issued by the canal or irrigation company.

~~7-8.~~ Vested rights in the established canals and waterways for both conveyance of water and for access and maintenance of the canal or other waterway shall be protected against all encroachments and no improvements shall be erected that interfere with the same and the City shall issue no permits for improvements that interfere with the same.

~~8-9.~~ A civil action for damages and other relief under this ordinance may be brought by the City or any person injured by another's actions in violation of this ordinance. Such civil action may be brought independent of any criminal action.

~~9-10.~~ It is unlawful for any person to place any pole, board or other obstruction whatsoever, or any trash, yard waste or other waste material, other than irrigation water, in any ditch, waterway, or canal for any purpose, or in any manner to interfere with the free and unobstructed flow of water in such ditch, waterway, or canal. Violation of this provision constitutes a Class B misdemeanor under this Code.

~~10-11.~~ It shall be unlawful to willfully or maliciously alter, break, or injure any dam, canal, headgate, water ditch, or other means of diverting or conveying water for irrigation or other useful purpose, or to dig away the bank or banks of any ditch, canal, or reservoir within the Nibley City boundaries. Violation of this provision constitutes a Class B misdemeanor under this Ordinance.

~~11-12.~~ Whenever any irrigation or canal company has a right-of-way for any canal or other waterway, it shall be unlawful for any person to place or maintain in place any obstruction, or change of the water flow by fence or otherwise, along or across or in such canal or waterway, without first receiving written permission for the change from the irrigation or canal company. Violation of this provision constitutes a Class B misdemeanor under this Ordinance.

~~12-13.~~ Any person who in any way unlawfully interferes with, injures, destroys, or removes any dam, head gate, weir, casing, valve, cap, or other appliance for the diversion, apportionment, measurement, or regulation of water, or who interferes with any person authorized to apportion water while in the discharge of his or her duties, is guilty of a class B misdemeanor under this Ordinance.

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~~13.~~14. It shall be unlawful for any person to place or cause to be placed in the easement, channel, bed or bank of any river, stream, wash or other natural drain or within or upon any storm drain, flood control channel, reservoir, detention basin, debris basin, or other property over which the City, canal or irrigation company has an interest, matter of any kind that may operate to impede, retard or change the normal direction of the flow of flood, storm or other waters, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water, without first obtaining a written permit for such placement from the City and canal and/or irrigation company. Violation of this provision constitutes a Class B Misdemeanor under this Ordinance.

~~14.~~15. In the event any person violates any of the provisions of this Ordinance and the City takes action to correct the violation in order to protect the health, safety or welfare of its residents or to protect public or private property, the violator shall pay all reasonable costs and expenses incurred by the City (including but not limited to reasonable charges for use of City equipment and employees plus ten percent (10%) overhead) when invoiced by the City. Failure to pay within thirty (30) days of invoice shall cause the amount due to bear interest at eighteen percent (18%) per annum from the invoice date until paid, plus attorney fees and costs incurred by the City in collecting the same.

RESOLUTION 17-P3

A RESOLUTION TO REQUIRE THE COTTONWOODS SUBDIVISION TO PAY
NIBLEY CITY FOR FUTURE IMPROVEMENTS TO THE HOLLOW ROAD
FRONTAGE

WHEREAS, Nibley City Code 11-5-5 (D) (3) allows the Planning and Zoning Commission the ability waive the requirement of curb and gutter on existing streets if future changes to the street are anticipated that would make the installation of curb and gutter unwise; and

WHEREAS, The Cottonwoods Subdivision has frontage along Hollow Road, and

WHEREAS, Nibley City is currently planning improvement to Hollow Road for the future, and desires all improvement to be made in accordance to those plans and in conjunction with future projects, but is not ready for improvement to be made; and

WHEREAS, the Nibley City Planning and Zoning Commission has authority to 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.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING
COMMISSION OF NIBLEY, UTAH, THAT:

1. Require that the Developer of The Cottonwoods Subdivision pay to Nibley City the best estimate cost, made by the City Engineer, for the curb and gutter or LID improvements along The Cottonwoods Subdivision Hollow Road frontage.
 - a. The estimated cost of improvements comes to \$14,408.00
 - b. Nibley City shall place those funds into the Street Capital Improvement Fund and shall use those funds only for improvements made along The Cottonwood Subdivision Hollow Road frontage.
2. Shall require the Developer that these funds be paid to Nibley City before the Notice to Proceed can be given by the Public Works Director.

PASSED BY THE NIBLEY CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2017.

Planning Commission Chair

Deputy Recorder

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

①	Lot	Groundwater	Basement FF
POINT OF RECORD AS BEING 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
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.	6	81.2	93.0
	7	87.2	93.5
	8	89.1	93.5
	9	88.3	93.0
	10	86.5	92.7
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.	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
FOUND & HELD IRON PIN	16	84.5	89.5
	17	5.5	90.5

EXISTING 25' R-O-W GRANTED TO PARCELO3-043-0038

20' TRAIL EASEMENT 10' TRAIL EASEMENT

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

SETBACKS
CL1 Length = 124.47' Radius 200.00" Delta = 035°39'33" Bearing = N 58° 22' 25" E Chord = 122.47'
CL2 Length = 172.49' Radius 200.00" Delta = 049°24'51" Bearing = N 24° 44' 55" W Chord = 167.19'
CL3 Length = 124.47' Radius 200.00" Delta = 035°39'33" Chord = 122.47'
L1 = S 42°32'53" E 42.43'

LOT 1 = 11016 S.F. 0.25 Acre
LOT 2 = 11104 S.F. 0.25 Acre
LOT 3 = 11285 S.F. 0.26 Acre

LOT 4 = 11065 S.F. 0.25 Acre
LOT 5 = 13867 S.F. 0.32 Acre
LOT 6 = 13412 S.F. 0.31 Acre
LOT 7 = 17097 S.F. 0.39 Acre
LOT 8 = 13940 S.F. 0.32 Acre
LOT 9 = 12118 S.F. 0.28 Acre
LOT 10 = 14014 S.F. 0.32 Acre
LOT 11 = 13721 S.F. 0.31 Acre
LOT 12 = 13718 S.F. 0.31 Acre
LOT 13 = 11022 S.F. 0.25 Acre
LOT 14 = 11935 S.F. 0.27 Acre
LOT 15 = 11110 S.F. 0.26 Acre
LOT 16 = 13389 s.f. 0.31 Acre
LOT 17 11583 S.F. 0.27 Acre

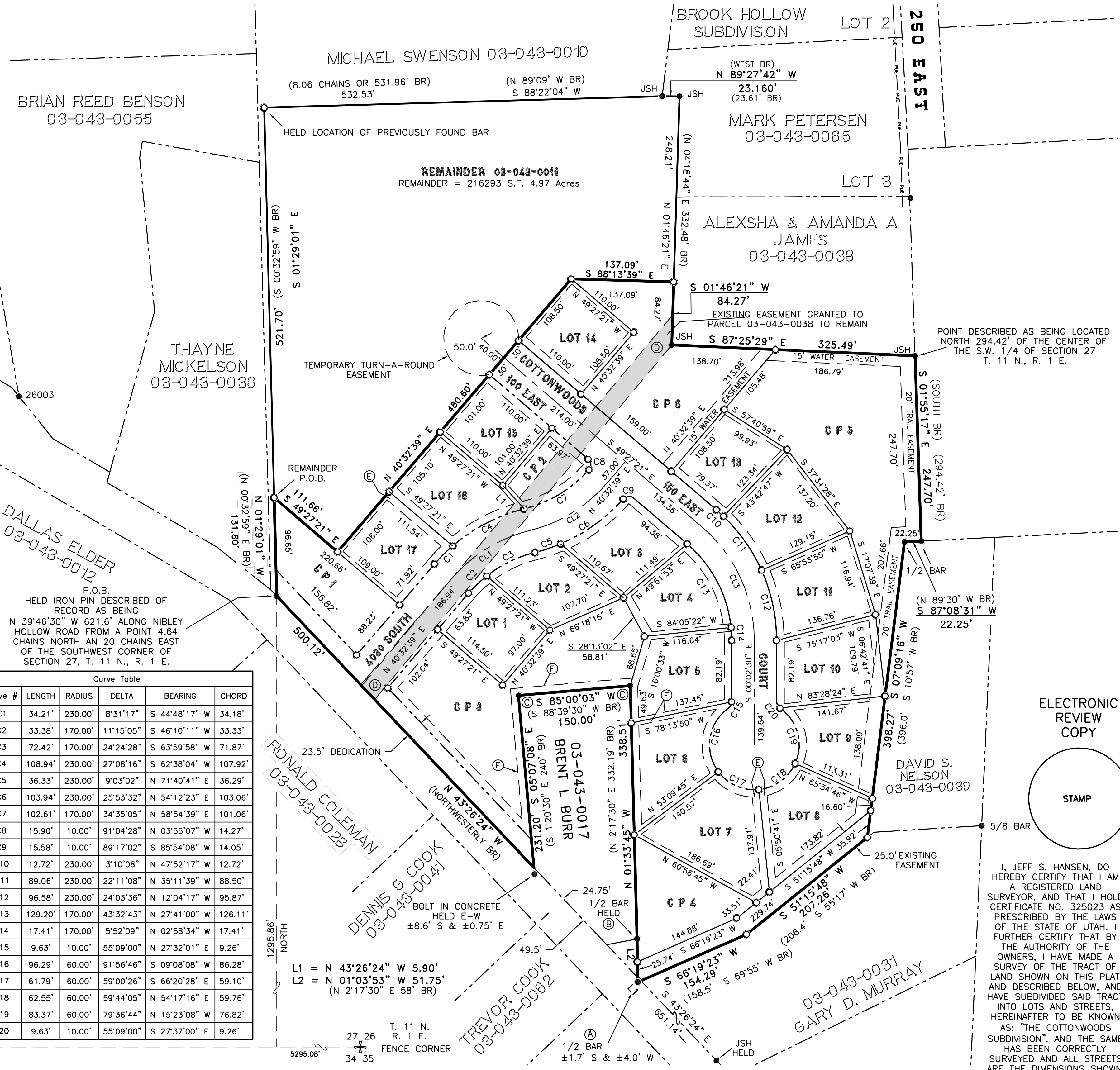
CONSERVANCY PARCEL 1 = 14801 S.F. 0.34 Acre, 4014 SOUTH HOLLOW ROAD
CONSERVANCY PARCEL 2 = 6712 s.f. 0.15 Acre, 123 EAST 4030 SOUTH OR

3982 SOUTH COTTWOOD COURT (100 EAST)
CONSERVANCY PARCEL 3 = 38622 S.F. 0.89 Acre, 4048 SOUTH HOLLOW ROAD
CONSERVANCY PARCEL 4 = 14270 S.F. 0.33 Acre, 4064 SOUTH HOLLOW ROAD
CONSERVANCY PARCEL 5 = 50645 S.F. 1.16 Acre, 3980 SOUTH COTTONWOOD COURT (100 EAST)

CONSERVANCY PARCEL 6 = 31504 S.F. 0.72 Acre, 3968 SOUTH COTTONWOOD COURT
REMAINDER PARCEL 03-043-0011 = 216293 S.F. 4.97 Acre

C P # = CONSERVANCY PARCEL NUMBER

T. 11 N.
R. 1 E.
RR SPIKE
28, 27
33 34
N 87°01'00" E 393.47'



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°00'00" 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 ON 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 1°20'30" 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.

REMAINDER PARCEL
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°00'00" 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 ON SAID NORTHERLY RIGHT-OF-WAY LINE BEARS SOUTH 43°26'24" EAST 1,359.30 FEET; THENCE NORTH 01°29'01" WEST (NORTH 00°32'59" EAST BY RECORD) 131.80 FEET TO THE TRUE POINT OF BEGINNING; AND RUNNING 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 NORTH 01°46'21" EAST 248.21 FEET (NORTH 04°18'44" EAST 332.48 FEET BY RECORD) TO FOUND BAR; THENCE NORTH 89°27'42" WEST 23.16 FEET (WEST 23.16 FEET BY RECORD) TO FOUND BAR; THENCE SOUTH 88°22'04" WEST 532.53 FEET (WEST 531.96 FEET BY RECORD); THENCE SOUTH 01°29'01" EAST (SOUTH 00°32'59" WEST BY RECORD) 521.70 FEET TO THE POINT OF BEGINNING, CONTAINING 4.965 ACRES.

OWNER'S DEDICATION

KNOW ALL MEN 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 BE HEREINAFTER KNOWN AS: "THE COTTONWOODS SUBDIVISION"
DO HEREBY DEDICATE, GRANT AND CONVEY TO NIBLEY CITY, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE TO NIBLEY CITY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS INTENDED FOR PUBLIC USE.

IN WITNESS WE HAVE HEREUNTO SET OUR SIGNATURES THIS _____ DAY OF _____ A.D. 20____

ACKNOWLEDGEMENT

STATE OF UTAH
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 _____

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

APPROVED THIS _____ DAY OF _____ A.D. 20____
BY THE NIBLEY CITY PLANNING AND ZONING COMMISSION.

CHAIRPERSON

COUNCIL APPROVAL AND ACCEPTANCE

PRESENTED TO THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____ A.D. 20____ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

COUNCIL CHAIRPERSON

ATTEST

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.

DATE

ENGINEER

SUBDIVISIONS

PROPERTY SURVEYS
TOPOGRAPHIC SURVEYS
CONSTRUCTION STAKING

JOB # 16-072
JSH
SURVEYING & DRAFTING INC.
P.O. BOX 300 • WELLSVILLE, UTAH 84339
(435) 245-9090 * TOLL FREE 1-888-420-0268

CONSERVATION RESIDENTIAL SUBDIVISION ORDINANCE

10-18-1	Purpose
10-18-2	Applicability
10-18-3	Definitions
10-18-4	Development Options
10-18-5	Approval Process
10-18-6	Development Activities Prohibited
10-18-7	Waiver
10-18-8	Sensitive Area Designation Plan
10-18-9	Master Development Plan
10-18-10	Dimensional Standards
10-18-11	Design Standards
10-18-12	Attached Housing
10-18-13	Conservancy Lots
10-18-14	Use Regulations
10-18-15	Conservation Land Design Standards
10-18-16	Permanent Protection of Conservation Lands
10-18-17	Ownership of Conservation Lands
10-18-18	Maintenance of Conservation Lands

10-18-1 Purpose: The purpose of this Chapter is to provide for subdivision development within Nibley City in a manner that:

- A. Protects areas of the City with productive agricultural soils for continued agricultural use by conserving blocks of land large enough to allow for farm operations;
- B. Provides standards accommodating to some extent the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and
- C. Protects constrained and sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands, by setting them aside from development;
- D. Conserves conservation and open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
- E. Provides greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;

- F. Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
- G. Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
- H. Provides incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents;
- I. Implements adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resource and agricultural lands as set forth in the Comprehensive General Plan;
- J. Implements adopted land use, environment, natural hazards, transportation, and community policies, as identified in the Comprehensive General Plan;
- K. Creates neighborhoods with direct visual and/or recreational access to constrained, sensitive and conservation land;
- L. Provides for the conservation and maintenance of constrained, sensitive and conservation land within the City to achieve the goals of the Nibley City General Plan;
- M. Provides incentives and design alternatives for landowners to minimize impacts on environmental resources such as, sensitive lands, wetlands, floodplain, and steep slopes, and to minimize disturbance of natural or cultural features such as, mature woodlands, tree lines, wildlife habitats and corridors, and historic buildings;
- N. Conserves scenic views and elements of the City's rural and scenic character and minimizes perceived density by minimizing views of new development from existing roads.

10-18-2 Applicability

- A. The intent of this Chapter and the Conservation Residential Subdivision options is to encourage the creation and development of flexibly-designed open space subdivisions. Conservation Residential Subdivisions may be developed within applicable residential zones of the City. Conservation Residential Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this Chapter.
- B. Residential subdivisions in the R-2 and R-2A zones in Nibley City shall develop as conservation subdivisions, if the gross acreage of the property, prior to subdividing, is at least five (5) acres.

- C. In the R-1 and R-1A zones in Nibley City, developers may elect to develop the conservation residential subdivision if the gross acreage of the property, prior to subdividing, is at least five (5) acres.
- D. Conservation residential subdivisions shall not be permitted in the R-E zone.
- E. In cases of conflict with other Nibley City ordinances, this shall be the prevailing ordinance.

10-18-3 Definitions. For purposes of this Chapter, the following words shall have the meanings set forth herein:

- A. Conservation Land. Conservation land means land containing unique, historic, cultural, archeological, natural or other significant features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, and open space.
- B. Constrained and Sensitive Land. Constrained and sensitive land means land which is generally unbuildable and which contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other geologically or environmentally sensitive features.

10-18-4 Development Options

- A. The intent of the conservation residential subdivision is to encourage the preservation of usable open space, thus helping to maintain the rural character of Nibley City. The City will provide density bonuses to developers as outlined in this ordinance, and as an incentive for preservation of an increased amount of open space. Density bonuses shall be calculated in accordance with the provisions outlined in this chapter.
- B. Developers desiring to develop property as a Conservation Residential Subdivision are subject to the development standards, conditions, procedures and regulations of this Chapter.

10-18-5 Approval Process

- A. **Concept Plan.** All applications for a Conservation Residential Subdivision shall submit a concept plan to the Nibley City Planning Commission for their review and comment. The concept plan shall include an overall layout of the property, including road alignments and lot sizes. Additionally, the developer shall submit a brief written plan for development, ownership and management of the open space, including conceptual landscape plans, and options for amenities.

- B. Once the Planning Commission has had an opportunity to review and comment on the concept plan, applications for a Conservation Residential Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this Chapter, including, but not limited to, submission of a Sensitive Area Designation Plan and/or Master Development Plan.

10-18-6 Development Activities Prohibited

- A. In order to ensure the preservation and enhancement of existing conditions of certain property within the City, including, but not limited to, constrained and sensitive lands, natural and cultural resources, wildlife habitat and other unique and sensitive lands, no new development activity shall be permitted on property proposed for development as a Conservation Residential Subdivision prior to final plat approval as provided herein. Upon final plat approval, all development activity shall be conducted in accordance with and subject to applicable permit and development approval processes required by City Ordinances, rules and regulations. For purposes of this Section, “development activity” shall include any disturbance or alteration of the property in any way, but shall not include continuation of any currently existing permitted use of the property.

~~10-18-7 Waiver~~

- ~~A. Subject to the provisions set forth herein, any provision of this Chapter may be waived by the City Council upon a vote of not less than three (3) members of the City Council. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property, nor shall any waiver be granted for reasons of financial hardship. No waiver shall be granted that would be contrary to the public interest or contrary to the underlying intent of this Chapter. Any waiver of the required minimum conservation land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.~~

10-18-8 Sensitive Area Designation Plan Map

- A. All applications for a Conservation Residential Subdivision shall include a Sensitive Area Designation Plan Map prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan Map shall identify all constrained and sensitive lands within the property boundaries and within four hundred (400) feet outside of the property boundaries, including, but not limited to, floodplains, wetlands, and steep slopes. The Sensitive Area Designation Plan Map shall also clearly identify all natural or cultural resources present on the property and within four hundred (400) feet outside of the property, including, but not limited to, geographic features, including, but not limited to,

meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space. Applicants are solely responsible for checking and ensuring the accuracy and designation of constrained and sensitive lands and natural and cultural resources on the Sensitive Area Designation Plan Map for their particular project and applicable adjacent property. If site analysis, surveying and/or identification of constrained and sensitive lands and natural and cultural resources require entry onto adjacent properties, applicants are solely responsible for obtaining all required permits and/or approvals for such entry and analysis, surveying and/or identification.

10-18-9 Master Development Plan

- A. Application and approval for a Conservation Residential Subdivision shall include a Master Development Plan and/or Development Agreement. Such Master Development Plan and/or Development Agreement shall be reviewed and approved as part of the subdivision approval process.

10-18-10 Dimensional Standards

- A. Density. The permitted density for development within a Conservation Residential Subdivision shall be determined in accordance with the following chart, hereinafter referred to as the “Development Incentive Chart”.

Development Incentive Chart- R-2			
Conservation Land	Incentive Multiplier	Lot Size Minimum	Minimum Frontage
25%	25%	12,000	100'
30%	31.25	10,500	95'
35%	37.5	9,000	90'
40%	45%	7,500	85'

Development Incentive Chart- R-2A			
Conservation Land	Incentive Multiplier	Lot Size Minimum	Minimum Frontage
25%	18.75%	9,000	95'
30%	25%	8,000	90'-85'
35%	31.25%	7,000	80-85'
40%	37.5%	6,000	70'-80'

Comment [SP1]: Staff has been looking at the buildable area of small lots and how that is impacted by our setback requirements. Building lots typically need more depth than width in order to accommodate quality housing. Staff would suggest reducing the required frontage so that people can have the depth needed on their yard to maintain our current setbacks but still have enough space to build a high-quality, good sized home.

Developers who opt to develop a conservation residential subdivision in the R-1 and R-1A zones shall do so in accordance with the development incentive charts listed below, and in accordance with all other applicable provisions of this Chapter.

Development Incentive Chart- R-1			
Conservation Land	Incentive Multiplier	Lot Size Minimum	Minimum Frontage
25%	18.75%	25,000	100'
30%	25%	22,500	95'
35%	31.25%	20,000	85'
40%	37.5%	18,000	80'

Development Incentive Chart- R-1A			
Conservation Land	Incentive Multiplier	Lot Size Minimum	Minimum Frontage
25%	25%	17,000	100'
30%	33.33	15,000	100'
35%	41.67%	13,000	95'
40%	50%	11,000	90'

- B. Procedure For Calculating Density Bonuses. The density bonus for a conservation subdivision shall be arrived at by multiplying the incentive multiplier for the percentage of conservation land by the original number of lots. The original number of lots shall be calculated as follows:
1. R-1 zone: Gross acreage x .8 = original yield
 2. R-1A zone: Gross acreage x 1.2= original lot yield
 3. R-2 zone: Gross acreage x 1.6= original lot yield
 4. R-2a zone: Gross acreage x 2.3 = original lot yield
- C. Minimum Required Conservation Land. All Conservation Residential Subdivisions shall provide a minimum of 25% conservation land within the Conservation Residential Subdivision as set forth in the Development Incentive Chart in Subsection A. The percentage of required conservation land for any given Conservation Residential Subdivision shall be calculated based upon the gross acreage of property within the proposed subdivision, less the acreage needed for publicly dedicated rights-of-way. Except as otherwise provided herein, conservation land shall not be included within any residential lot.
- D. Density Bonuses Not Otherwise Listed. Developers may choose to set aside open space in excess of what is provided for in the incentive charts included herein. The City Council may choose to approve an increase in density beyond what is provided for in the charts in exchange for an increased percentage of open space. However, in no case shall the density bonus exceed fifty percent (50%).
- E. Lot Area. The lot area and minimum lot size for lots within a Conservation Residential Subdivision shall be determined in accordance with the Development Incentive Chart set

forth in Subsection A. The typical lot area is likely to be much closer in size to the established threshold for each zone because that lot size can be delivered by developers while still meeting the minimum conservation land requirements set forth herein.

- F. **Lot Width at Front Setback.** The minimum lot width at the front setback (Required Frontage) for main buildings within a Conservation Residential Subdivision shall be in accordance with the Development Incentive Chart.
- G. **Yard Regulations.** All yard regulations, including building setbacks, heights and regulations on accessory structures shall be in compliance with the Nibley City zoning and subdivision codes.

10-18-11 Design Standards

- A. **As part of the application for a Conservation Residential Subdivision, developers shall be required to submit drawings showing the design options for the primary dwelling on lots within the subdivision. Such designs shall be in accordance with the provisions contained in this section.**
- B. **Individual Lots.** Individual lots in Conservation Residential Subdivisions shall be laid out pursuant to the dimensional standards set forth herein. With the exception of conservancy lots, individual residential lots shall not encroach upon or contain any of the required minimum designated conservation land for the Subdivision or any constrained or sensitive lands, as defined herein.
- C. **Orientation.** All principal dwelling structures shall front a publicly dedicated street or private drive.
- D. **Building Height.** All building heights shall comply with Nibley City Code 10-11-1 "Space Requirements Chart".
- E. **Materials.**
 - 1. Allowable primary materials for shall be wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, stucco, or similar material.
 - 2. Allowable secondary materials can include cementitious fiber board, brick, wood, exposed smooth-finish concrete block, stone, glass, architectural metal panels, EIFS, corrugated metal, or similar material.
 - 3. Pitched roofs of structures shall be clad in asphalt shingles, wood shingles, standing seam metal, a similar material, or a combination of similar materials.
- F. **Porches, Landings, Stoops, or Porticos.** All buildings shall have a covered porch, a covered landing, a stoop, or a portico. This element shall be:
 - 1. The primary architectural element of the façade where located;

2. Located on the front facade of the structure; and
3. Porches must be at least six feet deep;
4. Stoops and landings must be at least four feet deep.
5. Porticos must provide a depth of covering of at least four feet.

G. **Roofs and Overhangs.** Roofs and overhangs on buildings using shall comply with the following standards:

1. Pitched roofs covering the main body of the structure shall be hip style, shed style, mansard, or shall have symmetrical gables.
2. Shed roofs shall maintain a minimum pitch of 2:12 and all other roofs covering the main body shall maintain a minimum roof pitch of 6:12 or steeper.
3. Overhanging eaves may expose rafters, but flush eaves shall be finished with profiled molding or gutters.
4. Flat roofs may not be used.

H. **Facades.** Any structure with a front façade of thirty feet (30') or more shall incorporate wall offsets in the form of projections or recesses in the front façade plane. Offsets shall have a minimum depth of two feet (2').

I. **Garages.** All structures intended for residential occupancy shall include a garage. The following garage standards shall apply:

1. Street facing garage façades shall not visually or architecturally dominate the front façade elevation of the primary building. Compliance is determined by:
 - a. The living space is the dominant element of the front façade;
 - b. The roof accent gabling is visually dominant over the living space instead of the garage;
 - c. Front facing garages must contain at least two of the following:
 - i. Single carriage house garage doors with windows;
 - ii. Garage doors that include windows and are painted to match the main or accent color of the dwelling;
 - iii. Ornamental light fixtures flanking the doors;
 - iv. Arbor or trellis;
 - v. Columns flanking doors and/or an eyebrow overhand;
 - vi. Portico;
 - vii. Dormers;
 - viii. Twelve-inch overhangs over garage doors;

- ix. Eaves with exposed rafters with a minimum six inch (6") projection from the front plane;
 - x. A vertical element such as a tower, placed over the primary pedestrian entrance; or
 - xi. Roof line changes.
- d. In addition to the two required elements described in the section above, front-facing garages protruding up to four (4) feet from the front plane shall have garage doors with windows.
- e. Front facing garages protruding more than four feet (4') from the front façade shall include a porch or covered landing that extends a minimum of six feet (6') from the plane of the living space. In no case shall a street facing garage protrude more than eight feet (8') from the plane of the living space.
- f. In no case shall front facing garage doors comprise more than fifty percent (50%) of the primary façade.
- i. Front facing garage doors that comprise from forty percent (40%) to fifty percent (50%) of the primary façade shall be recessed from the primary façade by at least four feet (4') Front facing garage doors that are flush with the primary façade or that protrude up to four feet (4') from the front façade shall comprise no more than forty percent (40%) of the primary façade
 - ii. Front facing garage doors protruding more than four feet (4') from the front façade shall comprise no more than thirty percent (30%) of the primary façade.
2. All garages with more than two bays or with doors exceeding sixteen feet (16') in width shall be located behind the rear façade of a structure or shall be side-loaded. Buildings using this form that incorporate side-loaded garages shall emphasize the pedestrian entrance to the building. Side loaded garages along front facades shall incorporate a portico, arbor, trellis, or some other element to articulate the façade incorporating the garage

J. Architectural Variability.

1. All residential subdivision of three lots or more that are intended solely for single-family detached structures shall include multiple distinctly different front façade designs within any single phase of the development. Developments of three to ten units shall have a minimum of three façade variations. One additional façade variation will be required to be included for each additional ten units.
2. No structure shall be of the same primary façade design as any other structure within three building lots along the same block face, and no single front façade design may

constitute more than 25 percent of the front façade design within any single phase of a subdivision.

- K. Conservation Land Coordination. Conservation land shall be coordinated and located so as to maximize the continued use of the space. In order to create larger areas of conservation land and to combine open space from a variety of developments, conservation land shall be coordinated either with existing adjacent conservation land or with planned future conservation land. If no adjacent parcels of land are planned for development, conservation land shall be planned to provide the greatest likelihood of adjoining future developments' conservation land.
- L. Conservation Lands. Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the conservation land within a Conservation Residential Subdivision shall be complied with as provided herein.
- M. Constrained and Sensitive Lands. Restrictions and regulations regarding the preservation, protection, ownership and maintenance of constrained and sensitive lands within a Conservation Residential Subdivision shall be complied with as provided herein.

10-18-12 Attached Housing Development

- A. Conservation residential subdivisions in the R-1a, R-2 and R-2a zones in excess of twenty-five (25) acres may develop as a Planned Unit Development and include up to fifty percent (50%) of the property as single-family attached (townhome) housing, subject to the standards outlined in the Nibley City ordinance regulating Planned Unit Developments.

10-18-12 Conservancy Lots

- A. Conservancy Lots. Conservation land and constrained and sensitive land may be included within individual residential lots in limited circumstances when such areas can be properly protected and preserved in accordance with the intent and purpose of this Chapter. Such lots shall be known and referred to as "Conservancy Lots" and must be approved by the City Council in conjunction with the subdivision approval.
- B. Regulations. Conservation land and constrained and sensitive land within a Conservancy Lot shall remain subject to all regulations and requirements for such land as set forth herein, including, but not limited to, use, design, maintenance, ownership and permanent protection.
- C. Ownership. Ownership may be held in perpetuity by an individual or corporation with a restriction on the recorded plat preventing further development by providing a conservation easement to Nibley City.

10-18-13 Use Regulations

A. Subdivision. Subject to use and development restrictions of constrained and sensitive lands as set forth herein, land within Conservation Residential Subdivisions may be used for the following purposes:

1. Permitted Uses. Any uses permitted in the relevant zone.
2. Conservation Land. Conservation land, subject to the use and development restrictions of conservation land as set forth herein.
3. Accessory Uses. Any permitted accessory uses as provided in the relevant zoning regulations.

B. Conservation Land. Conservation land may be used for the following purposes:

1. Permitted Uses. The following uses are permitted in conservation land areas:
 - a. Conservation of open land in its natural state; e.g., meadow, grassland, tree stands, farmland, etc.
 - b. Agricultural and horticultural uses, including raising crops.
 - c. Underground utility easements for drainage, access, sewer or water lines, or other public purposes.
 - d. Above-ground utility and street rights-of-way may traverse conservation land if permitted under City Ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required conservation land for the Subdivision.
 - e. Conservation land of less than one half (.5) acre may be used as landscaped buffers for road ways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities as approved by the Planning Commission.
2. Conditional Uses. The following uses shall be considered as conditional in conservation land areas:
 - a. Agricultural uses, not otherwise permitted, including livestock and associated buildings that support an active, agricultural or horticultural operation, but excluding livestock operations involving swine, poultry, and mink.
 - b. Pastureland for sheep, cows and horses.
 - c. Equestrian facilities.

- d. Wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations.
 - e. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 - f. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, passive recreation parks and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact.
 - g. Active non-commercial recreation areas, such as trails, playing fields, playgrounds, courts, and bikeways.
 - h. Golf courses, not including miniature golf.
 - i. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation land.
 - j. Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the conservation land.
3. Prohibited Uses. The following uses shall be considered prohibited in conservation land areas:
- a. Any residential, commercial or industrial activity;
 - b. Any development, construction or location of any manmade modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except as may be necessary to support a permitted or conditional use;
 - c. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property;
 - d. Any dumping or storing of ashes, trash, garbage or junk vehicles or equipment;
 - e. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes;

- f. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property;
- g. Hunting or trapping for any purpose other than predatory or problem animal control;
- h. Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same;
- i. Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;
- j. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
- k. The division, subdivision or de facto subdivision of the property;
- l. Changing the topography of the property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes; and
- m. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement.

C. Constrained and Sensitive Lands. Except for passive recreational activities, no development or residential uses shall be permitted within constrained and sensitive lands.

10-18-14 Conservation Land Design Standards. Designated conservation land within a Conservation Residential Subdivision shall meet the following standards:

- A. Construction of Conservation Land and other Amenities. Regardless of the overall phasing of the project, all conservation land and other amenities that will be constructed as part of the Conservation Residential Subdivision shall be constructed and installed in the first phase of the development.
- B. Significant Areas and Features. Conservation land should include the most unique and sensitive resources and locally significant features of the property within the Subdivision such as meadows, grasslands, tree stands, streams, stream corridors, berms, watercourses, farmlands, wildlife corridors and/or habitat, historic buildings and/or sites, archeological

sites, cultural features, green space, scenic views, etc. Developers, as part of the subdivision application, shall submit a report detailing why the conservation land was selected and what features and resources it is preserving.

- C. **Contiguous Land.** Conservation lands within a development shall be contiguous to provide for large and integrated open space areas within the Subdivision. Non-contiguous parcels of conservation lands may be approved by the City Council during plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations. Long thin strips of conservation land (less than one hundred (100) feet wide) are prohibited, unless approved by the City Council during plat approval process upon a finding that such configuration of the conservation land is necessary and/or desirable to connect other significant areas, to protect linear resources such as streams or trails, or to provide a buffer.
- D. **Open Space Network Connection.** Conservation land within a Conservation Residential Subdivision shall be designed and laid out as part of a larger continuous and integrated open space system to ensure that an interconnected network of open space will be provided throughout the City.
- E. **Trail Connection.** Wherever practical, conservation land within a Conservation Residential Subdivision shall incorporate trail connections into the design of the conservation land.
- F. **Canal.** Wherever canals traverse the property on which the Conservation Residential Subdivision, the Developer shall leave a minimum of ten feet (10') of open space on each side of the canal's top banks. This open space may count towards the required open space and also towards the required trail connections, provided the open space along the canal is developed in a manner that it can be reasonably and safely used as a pedestrian corridor.
- G. **Visibility.** Conservation land shall be located and designed within the Conservation Residential Subdivision to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space. Such enhanced visibility of conservation land may be accomplished through design and location of such open space as terminals at the ends of streets or along "single-loaded" street segments, particularly along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter "greenbelt" conservation land.
- H. **Buffering.** Conservation land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks. Where the proposed development abuts a national forest or other public park, open space, wildlife sanctuary or preserve, a natural greenway buffer at least twenty-five (25') feet wide shall be provided within the development along its common boundary with said land, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction or fire safety). Where

this buffer is unwooded, the City may require vegetative screening to be planted at developer's sole cost and expense and/or that the buffer be managed to encourage natural forest succession through policies and the periodic removal of invasive alien plant and tree species.

- I. Pedestrian Access. Developer shall provide adequate pedestrian access to conservation land which is open to public or resident use.
- J. Maintenance Access. Developer shall provide sufficient maintenance access to all conservation land and constrained and sensitive lands within the Conservation Residential Subdivision.
- K. Landscaping. All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or other approved open space, shall be landscaped at developer's sole cost and expense in accordance with landscaping requirements for subdivisions.

10-18-15 Permanent Protection of Conservation Lands.

- A. Conservation Easement. All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the conservation land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Conservation Residential Subdivision. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Residential Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the Conservation Residential Subdivision.
- B. Terms and Conditions. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Residential Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:
 - 1. legal description of the easement;
 - 2. description of the current use and condition of the property;
 - 3. permanent duration of easement;
 - 4. permitted and conditional uses;
 - 5. prohibited development and/or uses;
 - 6. maintenance responsibilities and duties; and
 - 7. enforcement rights and procedures.

- C. Grantee. Unless otherwise approved by the City Council, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization or governmental entity. The City may, but shall not be required to, accept, as grantee, a Conservation Easement encumbering conservation lands within a Conservation Residential Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the conservation land are provided.

10-18-16 Ownership of Conservation Lands.

- A. Undivided Ownership. Unless otherwise approved by the City and subject to the provisions set forth in this Chapter, the underlying fee ownership of the conservation land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.
- B. Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.
- C. Owners' Association. Conservation land may be held in common ownership by a condominium homeowners' or other acceptable owners' association, subject to all of the provisions for owners' associations set forth in State regulations and the City's Subdivision regulations. In addition, the following regulations shall be met:
1. A description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for conservation land, including restrictive covenants for the Subdivision, shall be submitted by the developer with the Final Plat application.
 2. The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the Final Plat for the Subdivision.
 3. Membership in the association shall be mandatory for all purchasers of property within the Subdivision and their successors in title.
 4. The association shall be responsible for maintenance and insurance of conservation land.
 5. The by-laws of the association and restrictive covenants for the Subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

6. Written notice of any proposed transfer of conservation land by the association or the assumption of maintenance for the conservation land must be given to all members of the association and to the City no less than thirty (30) days prior to such event.
7. The association shall have adequate staff to administer, maintain, and operate such conservation land.

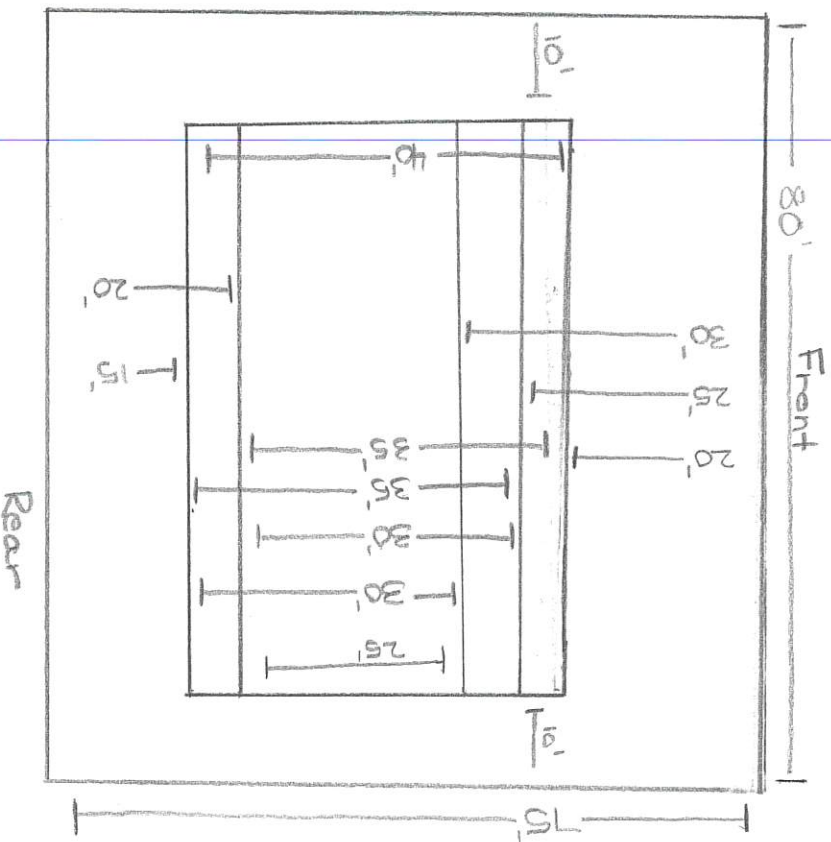
10-18-17 Development and Maintenance of Conservation Lands.

- A. Costs. Unless otherwise agreed to by the City, the cost and responsibility of maintaining conservation land shall be borne by the owner of the underlying fee of the conservation land.
- B. Plan. Each stage of required approval of a Conservation Residential Subdivision, developers shall submit an Open Space Development Plan, with increasing levels of detail.
 1. At the concept plan stage, the developer shall submit a brief written plan for development, ownership and management of the open space, including conceptual landscape plans, and options for amenities.
 2. As part of the preliminary plat approval, developers shall submit a detailed Open Space Development Plan, outlining landscaping, maintenance and operations of the conservation land and providing for and addressing the means for permanent maintenance of the conservation land within the proposed Conservation Residential Subdivision with the Preliminary Plat application for the Subdivision. Schematics for the landscaping shall be included with the preliminary Open Space Development Plan.
 3. As part of final plat approval, developers shall submit an Open Space Development Plan which, in addition to the items required of the preliminary Open Space Development Plan, shall include the following items:
 - a. The Plan shall define ownership.
 - b. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.).
 - c. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
 - d. At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year following acceptance by the City.

- C. Approval. The Maintenance Plan must be approved by the City Council prior to or concurrent with Final Plat approval for the Subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall be approved by the City Council.
- D. Failure to Maintain. In the event that the organization established to maintain the conservation land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.
- E. Corrective Action. The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the County Recorder's office. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.
- F. The developer shall fund implementation and maintenance of the conservation easement until such time as the control of the easement is transferred to the long-term manager. The developer shall address implementation, development, maintenance and transfer procedures in the Sensitive Area Designation Plan Map or Master Development Plan, as applicable

10,000 square foot lot

Buildable Area



Setback (Front/Rear)	Depth x Width
20/15	40x60
20/20	35x60
25/15	35x60
25/20	30x60
30/15	30x60
30/20*	25x60

* - current setbacks in R-2a

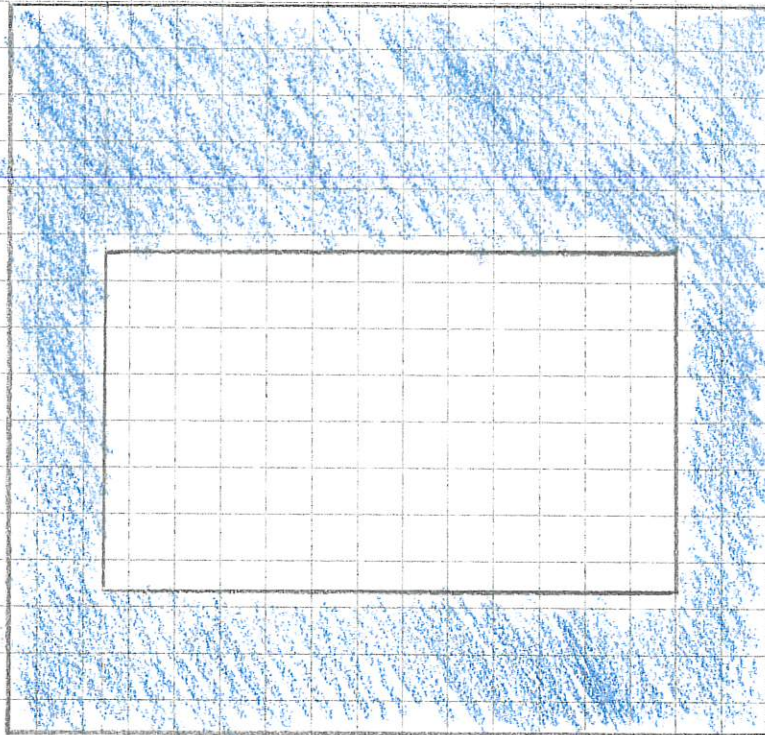
80' x 75'
Lot

25' F.S.

15' R.S.

10' S.S.

60 x 35 (W x D)
Buildable
Area



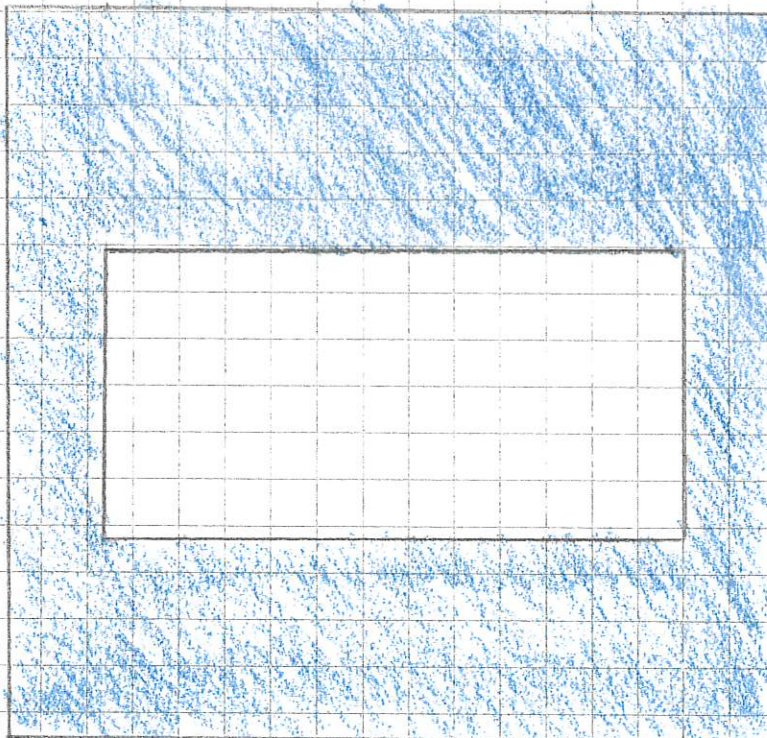
80' x 75' Lot

25' F.S.

20' R.S.

10' S.S.

60 x 30 (W x D)
Buildable
Area



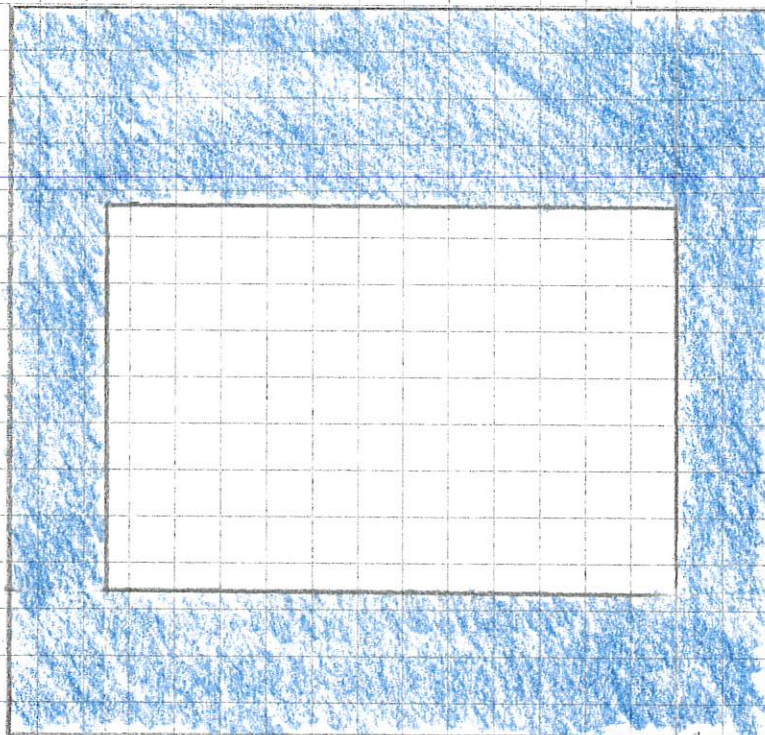
80' x 75'
Lot

20' F.S.

15' R.S.

10' S.S.

60x40 (wxD)
Buildable
Area



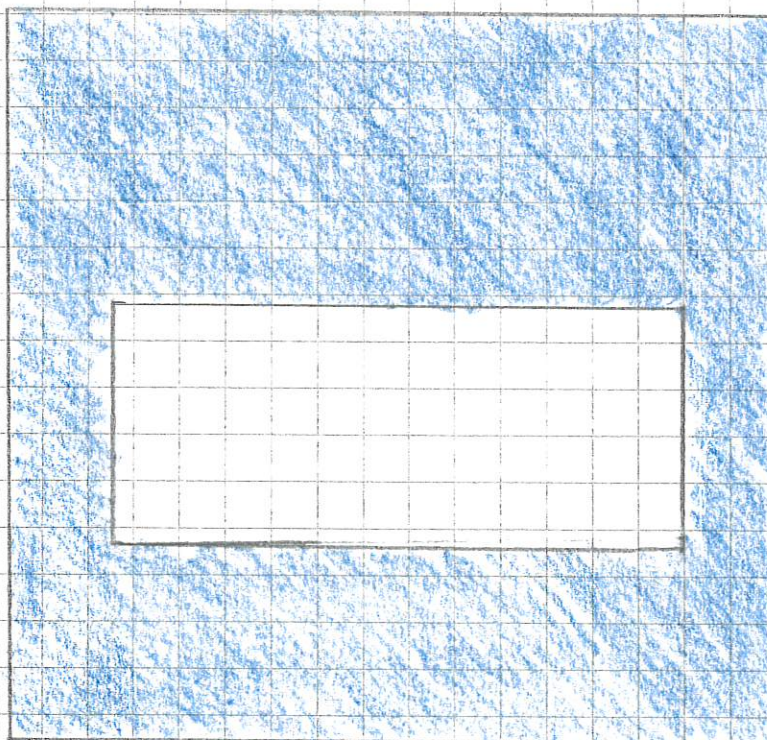
80' x 75' Lot*

30' F.S.

20' R.S.

10' S.S.

60x25 (wxD)
Buildable
Area



* - Current R-2a setbacks