



Nibley City
Planning Commission
Wednesday, June 8, 2016
455 W. 3200 S.
Nibley, UT

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

Public Hearing

A public hearing to receive comment concerning a preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West.

Discussion and consideration of a preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West (Applicant: Kelly Loosle)

Public Hearing

A public hearing to receive comment concerning a proposal to amend the Nibley City annexation policy plan.

Discussion and consideration of an amendment to the Nibley City annexation policy plan.

Discussion regarding an update to Nibley City Code 10-18: Conservation Residential Subdivisions.

*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.



6/2/16

The following items are on the agenda for the June 8, 2016 Nibley City Planning Commission meeting.

- 1. Public Hearing: A public hearing to receive comment concerning a preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West.**

Discussion and consideration of a preliminary plat for Summerfield Place, a 29-lot subdivision located at approximately 2700 South 1000 West (Applicant: Kelly Loosle)

This 29-lot subdivision is proposed on 12 acres of property located just north of the Sunset Parks 55+ PUD, at approximately 2700 South 1000 West. It had originally been platted as a 55+ PUD, but the developer has instead chosen to develop it as a traditional single-family subdivision.

The public hearing was appropriately noticed, on the property, on the City website, on the State of Utah Public Meeting Notice website, and in the Herald Journal. The required ten (10) days prior notification includes the day the notification is published, and the day of the public hearing. That would require the notifications for this public hearing to have occurred not later than Monday, May 30th, 2016. All notifications were done and in place prior to that time. Additionally, State and City code require direct notification of property owners within three-hundred (300') of the property proposed for subdivision. These notifications were mailed on Friday, May 27, 2016, and included information about the public hearing and a copy of the proposed preliminary plat.

This property is zoned R-2A. The following are the development standards found in Nibley City Code 10-6C, for subdivisions in the R-2A zone, and whether the proposed preliminary plat meets those standards:

	Zone Requirement	Preliminary Plat
Minimum Lot Size	12,000	All lots meet or exceed standard
Lot Size Average	14,000+	14,049 sq ft
Minimum Frontage	100'	All lots meet or exceed standard

The subdivision is proposed for development in two phases. Phase 1 will be Lots 1-10 and 23-29, which will build along 1000 West, 2600 South and 1100 West. Phase 2 will be Lots 11-22 and will build on the cul-de-sac. The phasing is acceptable.

Roads Our engineering standards, as well as Nibley City Code 11-5-5(E) limit the length of a cul-de-sac to 660'. The cul-de-sac measures 640' to the center of the cul-de-sac, so is acceptable for street development.

Stormwater Stormwater needs for this subdivision will be handled by the Sunrise Meadows ponds. Those ponds were built with this property in mind.

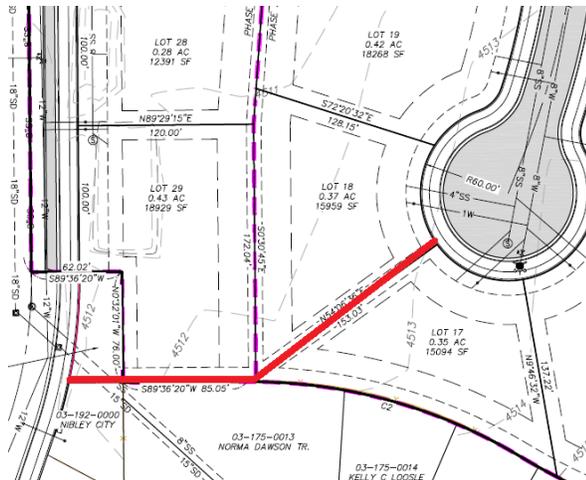
Infrastructure As part of the submittal of the final plat for each phase, the developer will be

required to submit construction drawings related to the infrastructure construction. Those drawings will be reviewed by the City Engineer for compliance with our standards and specifications.

Pedestrian Access City Code 11-5-5(E)(1) through 11-5-5(E)(4) states the following:

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.

The plat does not provide the required pedestrian ROW from the cul-de-sac. The most likely place to provide the ROW would be between Lots 17 and 18, along the south portion of Lot 29 and out to 1100 West, as shown below. The ROW would be approximately 215' long and 20' wide.



The pedestrian ROW should be resolved and included on the preliminary plat. It does not have to be in the location shown above. The Commission may select an alternate location if they feel it provides a more desirable pedestrian ROW. Alternatively, the Commission may direct staff to coordinate the ROW's location with the developer. In all other respects, the plat meets the necessary conditions to be recommended to the City Council for their approval.

Recommendation This plat should be recommended to the City Council for their approval, with the following condition:

1. Prior to the plat appearing before the Council, the pedestrian ROW should be included, per ordinance.

2. Public Hearing A public hearing to receive comment concerning a proposal to amend the Nibley City annexation policy plan.

Discussion and consideration of an amendment to the Nibley City annexation policy plan.

After further discussion with the City Manager and Public Works Director, and in looking at growth and development that is likely to happen in the future, I do not believe Nibley should extend its annexation boundaries at this time. The driving force behind this amendment was the possibility of a large-scale development in Nibley. However, the City Council has directed that high-density apartment complexes not be allowed in Nibley, and so the property will not be annexing into Nibley. I believe our annexation boundaries should stay as they are.

I do still think that the language of the policy, beyond the map, should be updated and reflect the City's position with regard to annexing roads when we annex property. To that end, I have included language in the policy regarding annexation of roads.

At our previous meeting, the Commission expressed concern at the City's ability to provide services West of Highway 89/91. I discussed this point with Justin Maughan, the Public Works Director, and he said that it wouldn't be difficult to provide services. We already reach across Hwy 89/91, in order to serve the Peterson Farm Store complex, so it would be possible to extend those lines further. Sewer would present a more difficult situation, as the elevation lowers as you get closer to the Little Bear, so any development that far west would require a force main sewer line to provide the necessary flow lift.

Recommendation The annexation policy plan should be recommended to the City Council for their adoption, with the following changes:

1. The City's annexation boundaries should not extend north of 2200 South.

3. Discussion regarding an update to Nibley City Code 10-18: Conservation Residential Subdivisions.

I have made revisions to the ordinance, based on the direction I received from the Commission at the last meeting that not all zones should be mandatory. I have left the mandatory zones to R-2 and R-2A and excluded all other zones. I have left the conservation subdivision as an option in those zones where it is not mandatory. Development of a section regulating townhome development is still ongoing and will be presented in the next draft.

Recommendation The Commission should give staff further direction on items to include, exclude or amend. The ordinance should be brought back for additional discussion and consideration at the 6/22/16 meeting.

Please let me know if you have any questions or concerns. Have an excellent weekend!

Cheers-



Shari

NIBLEY CITY ANNEXATION POLICY PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF NIBLEY CITY, CACHE COUNTY, STATE OF UTAH, AS FOLLOWS:

1. Attached hereto and, by reference, made a part hereof, is a map of the unincorporated areas ~~in~~ which Nibley City will consider incorporating into its corporate limits anticipates or favors expansion of its boundaries at some time in the future. It also gives notice to neighboring municipalities ~~the intent of Nibley City of Nibley City's intent regarding possible future annexations.~~
2. **General Criteria.** Where feasible and practicable, and subject to other policy and criteria considerations, areas projected for municipal expansion are drawn along the boundary line of county boundaries, or other taxing jurisdictions. Nibley City recognizes there are areas of currently unincorporated land which may lay within the annexation policy plans of multiple cities. As part of its ongoing effort to plan and prepare for responsible growth, Nibley City has identified territory adjacent to its present City boundaries that could, at some point in the future, be a part of Nibley City. The areas proposed for future annexation are located in Cache County. Areas to be annexed in the future must fall within the areas designated for future expansion in the Nibley City Annexation Policy Plan. Even though property proposed for annexation is located within the annexation expansion area, it does not guarantee that Nibley City will approve the annexation request.
 - a. Areas to be annexed must be contiguous to the corporate limits of Nibley City at the time a petition for annexation is filed.
 - b. Annexed areas will be zoned according to the General Plan.
 - c. Areas to be annexed cannot be located within the corporate limits of another incorporated city or be part of a previously filed annexation petition that has not been denied, accepted or approved.
 - d. Nibley City favors annexations which will address the following items and said items will be considered when reviewing all applications for annexation:
 - i. The area proposed for annexation should add to the character of the community, as described in the Nibley City General Plan.
 - ~~i.~~ii. Eliminating and/or not creating islands and peninsulas of unincorporated territory.
 - ~~ii.~~iii. Consolidating overlapping functions of government.
 - ~~iii.~~iv. Promoting efficient delivery of services
 - ~~iv.~~v. Encouraging the equitable distribution of community resources and obligations.
 - vi. Giving consideration to the tax consequences to property owners within the area to be annexed, as well as the property owners within the municipality.
 1. As part of the petition for annexation, the person(s) requesting annexation shall provide Nibley City with an estimate of tax benefits and consequences to both Nibley City and the property owners within the area to be annexed.
 - vii. The proximity of municipal services to the area proposed for annexation and the plans for future expansion of municipal services to that area.

~~2-1.~~ Nibley City does not favor the annexation of areas for which it does not have the capability nor the intention to provide municipal services, with the exception of open space that may not require such services.

3. Annexation of Adjacent Roads. Nibley City will not accept property for annexation if the area proposed for annexation does not include roads sufficient to service the development. Nibley City will not provide services to roads that serve developments within Nibley City unless that road is also owned and maintained by Nibley City.

3-4. Plans and Time Frame for Nature of Development. Nibley City recognizes the need for reasonable, well-planned growth which is consistent with Nibley City's General Plan. In addition, the City recognizes that growth in the areas where topography and proximity to already developed areas is more efficient and reduces urban sprawl. Nibley City seeks a smooth and efficient flow of traffic and seeks to adhere to the Nibley City Transportation Master Plan.

4-5. Plans and Time Frame for Extension of Municipal Services. Nibley City does not anticipate extending roads, water or sewer lines to newly annexed areas and recognizes that this is the responsibility of the developer or annexing party. Exceptions to this may be considered by the City Council. It is contemplated that police, garbage removal and snow removal services would be immediately available in all newly annexed areas.

5-6. Financing Extension of Municipal Services. Typically, road, sewer and water extensions will be financed and completed by the party/parties whose property is annexed and requires such extension in accordance with other established codes and agreements.

6-7. Impact and Interests of Affected Entities. The impact and interests of affected entities were considered in the process of approving this policy, as required by and provided for in the statutes of the State of Utah.

7-8. Statutory Criteria. All criteria, conditions and stipulations imposed for annexation of properties to municipalities in the State of Utah must be met and are incorporated herein by reference.

8-9. Application. This code amendment shall be used and applied as required by law and as deemed appropriate by the Planning Commission and City Council of Nibley City.

9-10. Amendment. This Annexation Policy Plan may be amended, as provided by Utah statute.

10-11. Adoption. This Annexation Policy Plan was adopted subsequent to the public hearings as required by §10-2-401.5, UCA, 1953, as amended, with input from individuals and affected entities incorporated into this plan.

CONSERVATION RESIDENTIAL SUBDIVISION ORDINANCE

- ~~10-2010-18-1~~ Purpose
- ~~10-2010-18-2~~ Applicability
- ~~10-2010-18-3~~ Definitions
- ~~10-2010-18-4~~ Development Options
- ~~10-2010-18-5~~ Approval Process
- ~~10-2010-18-6~~ Development Activities Prohibited
- ~~10-2010-18-7~~ Waiver
- ~~10-2010-18-8~~ Sensitive Area Designation Plan
- ~~10-2010-18-9~~ Master Development Plan
- ~~10-2010-18-10~~ Dimensional Standards
- ~~10-2010-18-11~~ Design Standards
- ~~10-2010-18-12~~ Conservancy Lots
- ~~10-2010-18-13~~ Use Regulations
- ~~10-2010-18-14~~ Conservation Land Design Standards
- ~~10-2010-18-15~~ Permanent Protection of Conservation Lands
- ~~10-2010-18-16~~ Ownership of Conservation Lands
- ~~10-2010-18-17~~ Maintenance of Conservation Lands

~~10-2010-18-1~~ **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.

10-2010-18-2 Applicability

~~A. The election to develop property as a Conservation Residential Subdivision is voluntary and provided to developers as an alternative to development of property as a Conventional Subdivision pursuant to other applicable provisions of this Title. Residential subdivisions in the R-2 and R-2A zones in Nibley City which result in the creation of more than two (2) previously unrecorded parcels shall develop as conservation subdivisions.~~ 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.

~~A.B. In the R-E, R-1 and R-1A zones in Nibley City, developers may elect to develop the conservation residential subdivision.~~

B.C. In cases of conflict with other Nibley City ordinances, this shall be the prevailing ordinance.

10-2010-18-3 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.

10-2010-18-4 Development Options

A. ~~All areas in Nibley City zoned R-1 or R-2, both current and those areas that may be annexed in the future, have the option of a conservation residential subdivision.~~ 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 ~~who elect to have this type of subdivision, thus increasing the number of lots for development 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. Applicants in newly annexed R-1 zones may choose to apply for a subdivision approval using the Conservation Residential Subdivision. By so doing, the density from which all calculations shall be made shall be equal to .5 acre lots or the same density as R-2 zone.~~

~~C.B. Applicants in existing R-1 zones may also choose to apply for a subdivision approval using the Conservation Residential Subdivision. By so doing, the density from which all calculations shall be made shall be equal to .75 acre lots or the same density as the R-1A zone.~~

D.C. Developers desiring to develop property as a Conservation Residential Subdivision are subject to the development standards, conditions, procedures and regulations of this Chapter.

10-2010-18-5 Approval Process

- A. 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.

~~10-2010-18-6~~ 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.

~~10-2010-18-7~~ 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.

~~10-2010-18-8~~ 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.

~~10-2010-18-9~~ Master Development Plan

A. ~~When deemed necessary or desirable by the City, a~~ Application and approval for a Conservation Residential Subdivision ~~shall include~~ ~~may require the submission and approval by the City Council of~~ a Master Development Plan and/or Development Agreement. Such Master Development Plan and/or Development Agreement ~~may be required by the City at any stage of the subdivision approval process~~ shall be reviewed and approved as part of the subdivision approval process.

~~10-2010-18-10~~ 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”.

<u>Development Incentive Chart- R-2</u>				
<u>Conservation Land</u>	<u>Incentive Multiplier</u>	<u>Minimum Average Lot Size</u>	<u>Lot Size Minimum</u>	<u>Minimum Frontage</u>
<u>25%</u>	<u>18.75%</u>	<u>15,000</u>	<u>13,500</u>	<u>100'</u>
<u>30%</u>	<u>25%</u>	<u>13,500</u>	<u>12,000</u>	<u>95'</u>
<u>35%</u>	<u>31.25%</u>	<u>12,000</u>	<u>10,500</u>	<u>90'</u>
<u>40%</u>	<u>37.5%</u>	<u>10,500</u>	<u>9,000</u>	<u>85'</u>

<u>Development Incentive Chart- R-2A</u>				
<u>Conservation Land</u>	<u>Incentive Multiplier</u>	<u>Minimum Average Lot Size</u>	<u>Lot Size Minimum</u>	<u>Minimum Frontage</u>
<u>25%</u>	<u>18.75%</u>	<u>11,880</u>	<u>10,500</u>	<u>95'</u>
<u>30%</u>	<u>25%</u>	<u>10,500</u>	<u>9,250</u>	<u>90'</u>
<u>35%</u>	<u>31.25%</u>	<u>9,250</u>	<u>8,200</u>	<u>85'</u>
<u>40%</u>	<u>37.5%</u>	<u>8,250</u>	<u>7,500</u>	<u>80'</u>

Developers who opt to develop a conservation residential subdivision in the R-E, 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-E				
<u>Conservation Land</u>	<u>Incentive Multiplier</u>	<u>Minimum Average Lot Size</u>	<u>Lot Size Minimum</u>	<u>Minimum Frontage</u>
<u>25%</u>	<u>18.75%</u>	<u>1.3 acres</u>	<u>1.1 acres</u>	<u>150'</u>
<u>30%</u>	<u>25%</u>	<u>1.2 acres</u>	<u>1.00 acres</u>	<u>125'</u>
<u>35%</u>	<u>31.25%</u>	<u>1.1 acres</u>	<u>1.00 acres</u>	<u>125'</u>
<u>40%</u>	<u>37.5%</u>	<u>1.0 acres</u>	<u>.8 acres</u>	<u>100'</u>

Development Incentive Chart- R-1				
<u>Conservation Land</u>	<u>Incentive Multiplier</u>	<u>Minimum Average Lot Size</u>	<u>Lot Size Minimum</u>	<u>Required Minimum Frontage</u>
25%	18.75%	13,677 35,000	12,000 32,000	100'
30%	25%	12,196 32,000	10,500 30,000	95'
35%	31.25%	10,759 30,000	8,500 27,000	85'
40%	37.5%	9,496 27,000	8,000 22,000	80'

Development Incentive Chart- R-1A				
<u>Conservation Land</u>	<u>Incentive Multiplier</u>	<u>Minimum Average Lot Size</u>	<u>Lot Size Minimum</u>	<u>Required Minimum Frontage</u>
15%	8.33%	24,209	23,000	100'
20%	16.67%	21,157	20,000	100'
25%	18.75% 25%	18,513	17,000	100'
30%	25% 33.33%	16,199	15,000	100'
35%	31.25% 41.67%	14,157	13,000	95'
40%	37.5% 50%	12,342	11,000	90'

The average lot size of the subdivision in areas developed as R-1A may vary slightly from the figures listed, depending on the gross acreage of the project, but the variation will be less than 3% either way. This chart is based on a project with gross acreage of 10 acres, which would provide 12 lots. (Original number of ¾ acre lots = gross acreage of the proposed subdivision x 1.2)

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-E zone: Gross acreage x .6 = original yield
2. R-1 zone: Gross acreage x .8 = original yield
3. R-1A zone: Gross acreage x 1.2 = original lot yield
4. R-2 zone: Gross acreage x 1.8 = original lot yield
5. R-2a zone: Gross acreage x 2.3 = original lot yield

~~B. (Original number of ½ acre lots = gross acreage of the proposed subdivision x 1.6) The following is an example of how density bonuses would be calculated on a 10 acre parcel of land zoned R-1. The chart is based on the premise that 10 acres gross land less roads = 8 acres developable land = 16 half-acre lots (10 x 1.6).~~

C. Minimum Required Conservation Land. All Conservation Residential Subdivisions shall provide a ~~minimum amount of~~ minimum of 25% conservation land within the Conservation Residential Subdivision as set forth in the Development Incentive Chart in Subsection A. The ~~minimum~~ percentage of required conservation land for any given Conservation Residential Subdivision shall be calculated based upon the ~~total gross~~ acreage of property within the proposed subdivision. Except as otherwise provided herein, conservation land shall not be included within any residential lot.

~~C.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. Attached Housing Incentive. In an approved Conservation Residential Subdivision ten (10) acres or larger in size that provides for 30% or more Conservation Land, the City may approve one attached housing structure of up to four units ~~for an additional 5% Conservation Land set aside in the project,~~ with no more than one (1) structure per ten (10) gross project acres. The attached housing structures must be located on lots a minimum of 16,000 square feet in size. Each attached housing unit approved will count as only a single residential unit for density calculation purposes in the project.

1. For example, a twenty-acre Conservation Residential Subdivision in the R-1 zone with 30% proposed Conservation Land would receive a 25% Incentive Multiplier, resulting in a 40 lot approved unit count for the project. ~~For an additional 5% Conservation Land commitment, the applicant could receive approval for development of two lots for attached housing, resulting in approval of 46 residential units in the project, 38 single family lots and two four unit attached housing lots.~~

~~D.F.~~ 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.

~~E.G.~~ 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.

~~F. Yard Regulations. The builder or developer of a Conservation Residential Subdivision may consider variations in the principal building position and orientation, but shall observe the following minimum standards for buildings within a Conservation Residential Subdivision. Exceptions to these minimum setback regulations may be approved by the City Council, in its sole discretion, during plat approval process when deemed appropriate and desirable under the circumstances.~~

Comment [SP1]: These provisions are regulated by other City ordinances, such as 10-11, the space requirements chart, and 10-17, Animal Land Use regulations.

~~1. Front Setback. The minimum front yard setback for main buildings in a Conservation Residential Subdivisions shall be thirty (30) feet.~~

~~2. Rear Setback. The minimum rear yard setback for main buildings within a Conservation Residential Subdivisions shall be twenty-five (25) feet.~~

~~3. Side Setback. The minimum side yard setback for main buildings within a Conservation Residential Subdivision shall be ten (10) feet.~~

~~4. Side Corner Setback. The minimum side setback on a corner lot for main buildings within a Conservation Residential Subdivision shall be fifteen (15') feet from the property line in compliance with clear vision standards set forth in Section 10-12-11 of this Title.~~

~~5. Accessory buildings shall be located at least six (6') feet to the rear of the dwelling, shall not occupy more than twenty-five percent (25%) of the rear yard, and shall be located at least fifteen (15') feet from any dwelling on an adjacent lot. Such buildings may be located within three (3') foot of the side or rear property line. Accessory buildings on lots with the rear property line adjacent to the conservation land shall be a minimum of ten (10') feet from the rear property line. Accessory buildings shall be subordinate in height to the main building and shall have an area maximum equal to seventy-five (75%) percent of the footprint area of the house.~~

~~6. Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not less than ten (10) feet from any side or rear property line and~~

~~one hundred (100) feet from any public street or from any dwelling on an adjacent property.~~

~~7.—A detached garage, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a six (6') foot separation is maintained from the residence and all front, side, and rear setbacks are met.~~

~~G.H. On double-frontage lots, accessory buildings shall be located not less than thirty (30') feet from each street upon which the lot has frontage. All yard regulations, including building setbacks, heights and regulations on accessory structures shall be in compliance with the Nibley City zoning and subdivision codes.~~

~~H.—Building Height.~~

~~1.—Main buildings:~~

- ~~a.—Main buildings shall not exceed forty (40') feet in height;~~
- ~~b.—No dwelling or structure shall contain less than one story.~~

~~2.—Accessory buildings or structures shall not exceed twenty (20') feet in height unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner.~~

~~3.—Accessory buildings on lots greater than ½ acre in size shall meet the setback and height requirements of the underlying zone in which they are located.~~

~~10-2010-18-11~~ Design Standards

A. 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.

B. Front-loading Garages. Garage door entrances shall ~~be level to or behind the~~ not project more than ten feet (10') beyond the front plane of the dwelling.

C. 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.

- D. 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.
- E. 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.

~~10-2010-18-12~~ 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.

~~10-2010-18-13~~ 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.

10-2010-18-14 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.

A.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.

B.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.

E.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.

D.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.

E.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.

F.I. Pedestrian Access. Developer shall provide adequate pedestrian access to conservation land which is open to public or resident use.

G.J. Maintenance Access. Developer shall provide sufficient maintenance access to all conservation land and constrained and sensitive lands within the Conservation Residential Subdivision.

H.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.

~~10-2010-18-15~~ 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.

~~10-2010-18-16~~ 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.

10-2010-18-17Maintenance 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. The developer shall submit a Master Plan outlining 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. The Maintenance Plan shall provide the following:

1. The Plan shall define ownership.
 2. 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.).
 3. 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.
 4. 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