Nibley City
Planning Commission
Wednesday, August 10, 2016
455 W. 3200 S.
Nibley, UT

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

1. **Public Hearing**
   A public hearing to receive comment concerning a proposed amendment to the Nibley City Transportation Master Plan

2. Discussion and consideration of a proposed amendment to the Nibley City Transportation Master Plan

3. Discussion and consideration of a proposed update to the Nibley City conservation subdivision ordinance

4. **Workshop**
   A workshop to begin discussion of an updated Nibley City land use map and also the creation of an ordinance regulating planned unit developments.

5. Staff Report

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.

MEMO

8/5/16

Hi all-

For our meeting next week, there will be a variety of discussion points that will impact much of what happens in Nibley's next stage of growth and development. My comments on those items are below:

1. Public Hearing- a public hearing to receive comment concerning a proposed amendment to the Nibley City Transportation Master Plan

2. Discussion and consideration of a proposed amendment to the Nibley City Transportation Master Plan.

In our last meeting, I explained that the Council pointed me to an error in our Transportation Master Plan in regards to 2600 South. The current Master Plan shows it as being an 80-99' all the way from Hwy 165 to Hwy 89/91. However, from 800 West going west toward Hwy 89, a 66' ROW is on the ground. The Council would like to see the TMP corrected so that the TMP matches what already exists.

I have prepared a map that reflects this and would recommend that, after the Commission holds the public hearing, it be favorably recommended to the City Council.

3. Discussion and consideration of an update to the Nibley City conservation subdivision ordinance

I have removed R-E as a possible zone for a CRS. I have looked through the minutes and cannot find other changes the Commission requested that were not done in the meeting. I appreciate all the work that you have put into this ordinance and I believe the ordinance is ready to recommend to the City Council.

4. A workshop to begin discussion of creating an ordinance regulating planned unit developments.

I will be doing a presentation on options for planned unit developments, including townhome regulations. I'm working on gathering information on other similar projects that have been developed throughout the Valley and will include that information in my presentation. My goal with this workshop is to begin discussion of PUDs and what we do or don't want to see in them.

Have a great weekend everyone! See you all on Wednesday.

Cheers-

Shari Phippen
City Planner

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.

~~A.~~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.

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C. In the ~~R-E,~~ 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.

~~B.~~D. Conservation residential subdivisions shall not be permitted in the R-E zone.

~~C.~~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.

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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%	18.75%	12,000	100'
30%	25%	10,500	95'
35%	31.25%	9,000	90'
40%	37.5%	7,500	85'

Development Incentive Chart- R-2A			
Conservation Land	Incentive Multiplier	Lot Size Minimum	Minimum Frontage
25%	18.75%	10,000	95'
30%	25%	9,000	90'
35%	31.25%	8,000	85'
40%	37.5%	7,000	80'

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~~			
~~Conservation Land~~	~~Incentive Multiplier~~	~~Lot Size Minimum~~	~~Minimum Frontage~~
~~25%~~	~~18.75%~~	~~1.1 acres~~	~~150'~~
~~30%~~	~~25%~~	~~1.00 acres~~	~~125'~~
~~35%~~	~~31.25%~~	~~1.00 acres~~	~~125'~~
~~40%~~	~~37.5%~~	~~.8 acres~~	~~100'~~

Development Incentive Chart- R-1			
Conservation Land	Incentive Multiplier	Lot Size Minimum	Minimum Frontage
25%	18.75%	32,000	100'
30%	25%	30,000	95'
35%	31.25%	27,000	85'
40%	37.5%	22,000	80'

Development Incentive Chart- R-1A			
Conservation Land	Incentive Multiplier	Lot Size Minimum	Minimum Frontage
25%	18.75%	17,000	100'
30%	25%	15,000	100'
35%	31.25%	13,000	95'
40%	37.5%	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-E zone: Gross acreage x .4 = 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 1.6= original lot yield
   5. 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. 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 not project more than five feet (5’) 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.

10-18-12 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

Master Roadway Plan

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

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

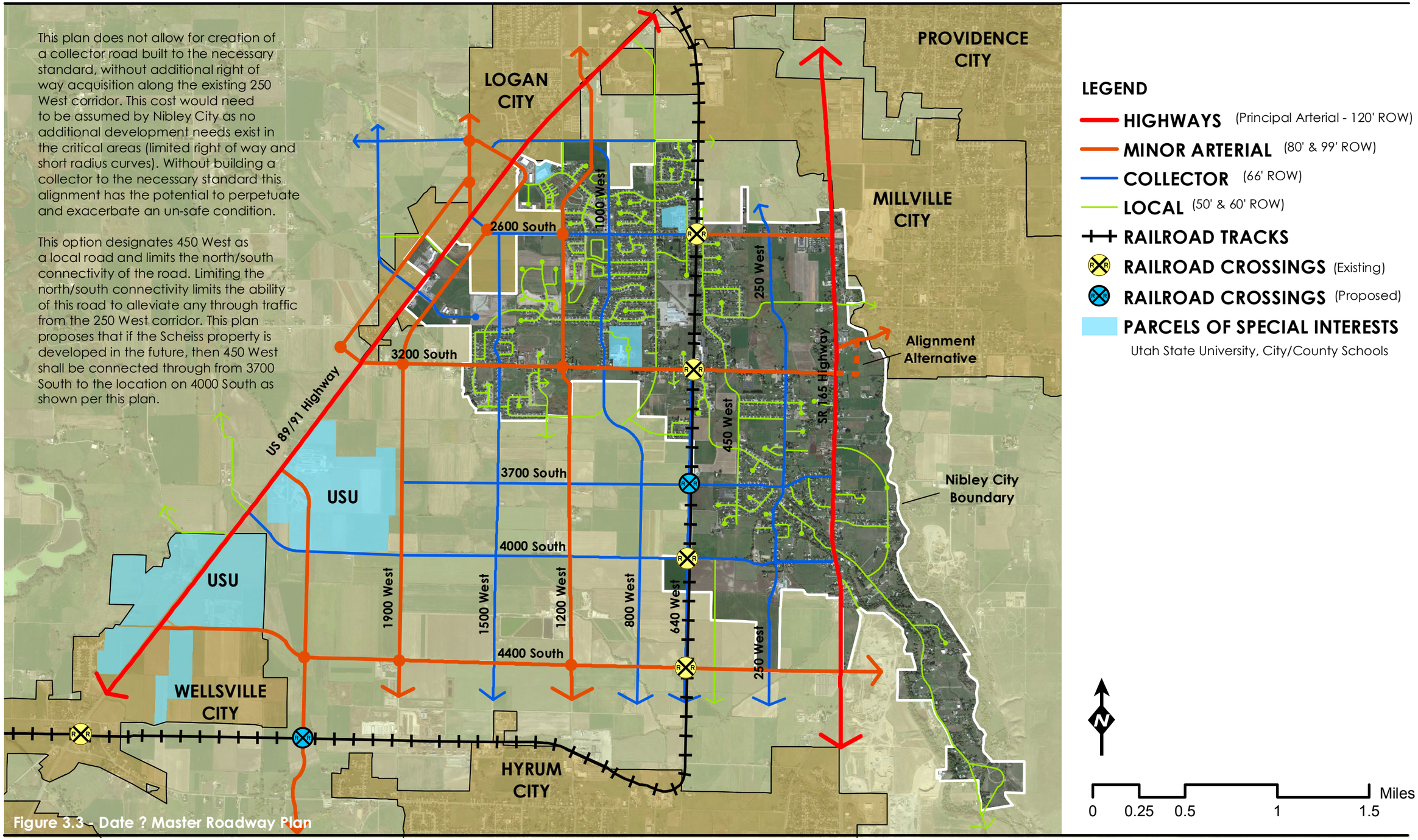

Figure 3.3 - Date ? Master Roadway Plan