



Nibley City
Planning Commission Meeting
Thursday, June 18, 2020
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

1. Discussion and Consideration of a conditional use permit to build a structure in a flood plain overlay district on parcel 03-041-0001. Applicant: Dustin Hanson
2. Discussion and Consideration of a proposed building permit to build a home on parcel 03-041-0001. Applicant: Dustin Hansen
3. A Public Hearing for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 W 3200 S. (Applicant: Visionary Homes)
4. Discussion and Consideration of a recommendation of approval for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 W 3200 S. (Applicant: Visionary Homes)
5. A Public Hearing to receive comment on an Ordinance Establishing Accessory Dwelling Unit Standards
6. Discussion and Consideration to recommend approval of Ordinance 20-13: Accessory Dwelling Unit Standards
7. A Public Hearing to receive comment on an Ordinance Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision
8. Discussion and Consideration to recommend approval of Ordinance 20-14: Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision
9. R-PUD Ordinance Update
10. Staff Report and Action Items

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

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



**Nibley City Planning
Commission
Agenda Item Report
June 18, 2020**

**Agenda Item #1 Conditional Use Permit to build
structure in Floodplain: parcel 03-041-0001**

Description

Discussion and Consideration of a conditional use permit to build a structure in a flood plain overlay district on parcel 03-041-0001. Applicant: Dustin Hanson

Department

City Planning

Action Type

Administrative

Recommendation

Approve the conditional use permit with the conditions listed below

Reviewed By

City Planner, City Building Inspector, City Engineer, City Manager (Floodplain Administrator) and City Public Works Director

Background

Dustin Hansen has applied for a building permit for Parcel 03-041-0001. The structure is proposed to be built within a FEMA-designated flood plain.

Nibley City Code 19.18.050 states the following:

No permit shall be issued for any construction or use in any floodplain overlay district until a conditional use permit has been obtained in compliance with the provisions of NCC 19.28, which shall not be given until the applicant provides adequate plans and engineering certification to indicate that the proposed building, structure or use is adequately protected from the velocity and depth of flood water expected to occur on a frequency of once in one hundred (100) years and does not adversely affect other property. All buildings in the 100-year flood plain, except those legally existing on the date of the adoption of this title, shall contain no basement or cellar and have the first floor elevated above the level of flood water expected in a once in one hundred (100) year flood by placing the building on pilings, piers or similar columns. The provisions of this section shall not be construed to affect lots which are in existence on the date of the adoption of this title and are properly filed with the county, if a conditional use permit is obtained in accordance with the provisions of NCC 19.28, and the property owner signs a declaration acknowledging the likelihood of a flood occurring, and assumes all responsibility for such damage as may occur.



Picture of the FEMA Floodplain on the proposed building lot.

All building permits must also comply with Nibley City Code Title 23 Flood Control. In this section, NCC 23.08.020 Permit Procedure, the applicant must provide the following:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of NCC 23.10.020(B);
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

5. Maintain a record of all such information in accordance with NCC 23.08.010(B,1)

The Applicant has provided an elevation certificate which meets the provisions of this chapter, and the City Floodplain Administrator (the City Manager) has provided preliminary approval of the flood control permit.

Recommended Findings

Staff finds that the application has met the requirements of NCC for building a structure within a FEMA-designated floodplain and the City Floodplain Administrator has issued preliminary approval of this application.

Staff recommends approval of the conditional use permit to build a structure within a floodplain with the following condition:

1. The applicant receives final approval of the Elevation Certificate from the City Floodplain Administrator.

Agenda Item #2: Building Permit Review: parcel 03-041-0001

Description

Discussion and Consideration of a proposed building permit to build a home on parcel 03-041-0001. Applicant Dustin Hansen

Department

City Planning

Action Type

Administrative

Recommendation

Approve the site plan for the proposed building permit with conditions listed below

Reviewed By

City Planner, City Building Inspector, City Engineer, City Manager (Floodplain Administrator)
and City Public Works Director

Background

Dustin Hansen has applied for a building permit for Parcel 03-041-0001. As provided in NCC 19.02.080 (F), because the parcel has not been a subdivided lot, the applicant must receive approval from the Planning Commission before the applicant can receive a building permit. The lot, which the applicant has indicated has been recorded with Cache County, is located at the eastern edge of the parcel and is approximately 1.01 acre in size. This lot was created previously with a lot line adjustment.

The applicant presented to the Planning Commission during the March 19, 2020 meeting and the following items were needed prior to approval:

1. An updated site plan
2. Required information as listed in Nibley City Code 19.18.050
3. Required information as listed in Nibley City Code 23
4. Preliminary approval from the Floodplain Manager

The applicant has delivered these items to the satisfaction of Staff and the item is now ready for consideration of approval by the Planning Commission.

Future Roadway and Connection to Highway 165

The City's Transportation Master Plan has a future roadway (250 E) planned to traverse the property as shown to the left. Any home placement will need to allow the construction of that roadway. Based upon the site plan and the proposed alignment of the roadway, the construction of the home will not inhibit the construction of the roadway (250 E).



The applicant proposes a 20 ft wide private access lane, utilizing an existing access point to UT-165. The applicant has had a pre-application meeting with UDOT, but will need to obtain a conditional access permit (CAP) letter from UDOT to secure their access to the highway.

Flood Plain

The parcel proposed for the building lot is within a FEMA designated floodplain. Issuance of a conditional use permit to build within the floodplain is necessary prior to approval of the building permit. More information regarding the floodplain requirements is found in agenda item #1 above.

Utilities

The applicant has provided information and has reviewed connections to Nibley City utilities. Staff is reviewing their plan and does not foresee any issues with utility connections to the property. The public works director will grant final approval of utility connections.

Space Requirements

The applicant proposes setbacks which meet the requirements of the underlying zone (R-1A)

Recommended Findings

Staff recommends approval of the building permit site plan with the following conditions:

1. The Planning Commission approves a conditional use permit to build the structure in a floodplain
2. The Public Works Director approves the plans for utility connections

3. The applicant obtains a conditional access permit (CAP) letter from UDOT

Agenda Item #3 & #4: Preliminary Plat: Ridgeline Park Phases 1-3

Description

A Public Hearing for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 W 3200 S. (Applicant: Visionary Homes)

Discussion and Consideration of a recommendation of approval for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 W 3200 S. (Applicant: Visionary Homes)

Department

City Planning

Action Type

Administrative

Recommendation

Continue discussion of item until applicant satisfies requirements

Reviewed By

City Planner, City Engineer, Public Works

Background

Visionary Homes has applied for Preliminary Plat approval for Ridgeline Park Phases 1-3. Ridgeline Park is located near within an R-PUD overlay zone, approved by the City Council on April 9. Below is a summary of the development and requirements for the R-PUD:

	R-PUD Requirements	Ridgeline Park Phase 1-3
Listed on R-PUD Application Map	Parcels need to be listed on the map	Yes
Total Gross Acres	N/A	28.75
Net Developable Acres	N/A	Need more information

Total Open Space Land	35%	35.9%
Units Per Net Developable Acre	12 Max Units	Need more information
Total Number of Single Family Lots	20% min	56%
Min Lot Size for Single Family Lots	4,500 sq. ft.	5,000 sq. ft.
Total Lots	N/A	128
Total Park Space Required	2.5 Acres with one swing set and one playground	TBD pending City Park Agreement
Parking	2 spaces for each unit (254), and one guest parking for every 3 units (42)	2 car garages with 1 dedicated on-street parking space per 3 units

Utility Lines and Easements

The applicant has shown a preliminary plan for connecting utilities to Nibley City's utility system. Nibley City engineer and public works director are reviewing the plan to ensure compliance with City standards. As this point in time, additional utility information is needed per NCC 21.08.010-C. 5.

Canals

NCC 21.08.010 states:

Except as outlined in NCC 21.10.040, prior to approval of the preliminary plat, the subdivider shall provide the City with signed documentation that any affected canal company has had the chance to review plans related to the alteration of affected canals, and further, that the canal company understands they have thirty (30) days from the date of notification to bring any concerns to the City.

The applicant has not provided documentation of this communication with the canal company. This documentation is needed prior to approval.

Transportation

Nibley City's Transportation Master Plan shows a local roadway extension of 2965 South. This roadway is planned to connect to 2900 south at Hwy 165 during a later phase of the development. The alignment of the proposed roadway on the preliminary plat appears to match that of the approved concept plan. The concept plan also includes an entrance road at approximately 340 West, connecting to the 2965 S extension (Ropelato Dr). The remaining public streets provide further connectivity within the development. The applicant also proposes a private street to provide access to several of the proposed townhomes (lots 27-55). Upon completion of phase 2, there will be two access points for this stage of the development: 340 West and 2965 South.

The Applicant has submitted a Traffic Impact Study for the development “to determine the traffic impacts of the development on adjacent roadways, the adequacy of the proposed roadway cross-sections and any traffic improvements necessitated by project impacts.” The study concludes “that all intersections adjacent to the project together with their individual movements continue to operate at LOS C or better through the 2026 study horizon” and proposes a handful of improvements to handle the increase in traffic. Regarding this phase of the development, the Study recommends a left turn bay on 340 West. The Preliminary Plat provides sufficient space for both a right and left turn lane on 340 West, but a striping detail is needed. In addition, a right and left turn lane is needed from 3200 South to 340 West.

Nibley City’s Parks, Trails, Recreation and Open Space Master Plan shows a north/south oriented major trail (10’ wide) through the proposed Ridgeline Park Development (City Center Trail). The applicant proposes to build and maintain the 10 foot trail and proposes an easement for this trail on the preliminary plat. The applicant needs to provide and mark crosswalks for all street crossings of proposed trail (Ropelato Dr, 400 W, 3085 S)

Parking

NCC 19.32.080-B-5 states:

Parking: Each R-PUD shall provide 2 primary parking spaces for each unit. Primary parking must be contained in a garage, carports, driveway, or parking court. An R-PUD shall provide one guest parking spot for every three units. Guesting parking may be located in parking courts or on street parking maintained by the owner association.

The applicant proposes 2-car garages for each townhome unit with guest parking provided on street. Although there is on-street parking provided, more information denoting the location of spaces, is needed to determine if sufficient parking is provided

Open Space and Maintenance Plan

The applicant has submitted a preliminary landscape and maintenance plan for the open space area surrounding the townhomes and the common area for the active adult homes. In total, the applicant proposes approximately 4 acres of open space over the course of developing the 3 phases. Proposed amenities include a pickle ball court, pergola, pavilion, playground, dog station, and a portion of the City Center Trail. The open space and amenities are proposed to be managed and maintained by the HOA.

In addition to the open space described above, a portion of the 18.3 acre City Park Space, located on the north side of Ropelato Dr, will be developed in proportional phases as required by NCC 19.32.050-A. City Staff is currently working with the developer for a Park Development Agreement that will detail the amenities, infrastructure, landscaping and development of the City Park. This agreement will need to be approved by the City Council, in conjunction with this application.

It is important to note in final approval there are more landscaping details needed as listed in NCC 19.32.080-B.

Recommended Findings:

Staff recommends the Planning Commission finds the following for the Preliminary Plat:

1. Need to provide the following additional information:
 - a. Net developable acres and density details to ensure compliance with NCC 19.32
 - b. Additional utility information per NCC 21.08.010-C-5
 - c. Label locations of open space and sizes
 - d. Add setback lines for all lots
 - e. Provide and mark crosswalks for proposed City Center Trail at all street crossings
 - f. Provide dimensions and area of commercial lots and note anticipated access points
 - g. Additional information on storm water plan, including documentation that swales will function properly
 - h. Provide and indicate striping and turn lanes on 340 West to 3200 South and from 3200 South to 340 West.
 - i. Need to show on-street guest parking stalls to ensure compliance with NCC 19.32.080.
2. Signed documentation needed that any affected canal company has had the chance to review plans related to the alteration of affected canals, and further, that the canal company understands they have thirty (30) days from the date of notification to bring any concerns to the City.
3. Need to adjust some of the lot sizes to meet the 50' minimum frontage.
4. Need to modify design of 340 West island to improve visibility at 340 West 3170 South.
5. Address safety issues with townhome concrete drives at 3085 South 400 West.
6. Draft Park Development Agreement for the City Park needs to be finalized and ready for review.

Agenda Item #5 & #6: Accessory Dwelling Units

Description

A Public Hearing to receive comment on an Ordinance Establishing Accessory Dwelling Unit Standards

Discussion and Consideration to recommend approval of Ordinance 20-13: Accessory Dwelling Unit Standards

Department

City Planning

Action Type

Legislative Recommendation

Recommendations

Recommend Approval of Accessory Dwelling Unit Ordinance

Reviewed By

City Planner, City Attorney

Background

Update

This item was discussed during several workshop sessions, with feedback incorporated into the draft ordinance. Since the last meeting, setback requirements were clarified to ensure that ADUs require 10 feet side and rear setbacks in addition to those required by other accessory structures.

An Accessory Dwelling Unit (ADU) is a secondary dwelling unit that is located on the same property as a primary dwelling unit. These take the form of basement apartments, guest houses, an apartment above the garage, etc. Nibley City's Moderate Income Housing Plan states the following as its first goal to address moderate income housing:

Allow for and reduce regulation related to accessory dwelling units in residential zones.

Nibley City currently allows for attached accessory dwelling units (ADUs). These ADUs mostly take the form of basement apartments. Nibley City should consider expanding allowances for detached ADUs within most residential zones. ADUs can be a great way to expand moderate income housing stock with minimal impacts to neighborhoods. As established above, many of Nibley City lots are larger than half an acre, which could create the opportunity for construction of ADUs throughout the city.

Moderate Income Housing Considerations

- *How large would the City allow an ADU to be in reference to the primary structure*
- *In what zones and lot sizes would a detached ADU be allowed?*
- *Parking requirements? Having no or minimal parking requirements would allow for more homeowners to build ADUs*
- *Property owner habitation*
- *Making ADUs for short-term rentals as a prohibited use*
- *Registration of ADUs so the City could track the number of units.*

Timeframe: Early 2020

(Nibley City Moderate Income Housing Plan, 2019, p 18)



The 2016 Nibley City General Plan estimated that Nibley has anywhere from 20-30 ADUs in the City, all in the form of attached apartments. These apartments can serve as a way to provide affordable housing throughout the community and can allow property owners to more fully realize the value of their property.

Cache County Monthly Planning Newsletter, February 2020 also provides some great information about ADUs: [Cache County Monthly Newsletter: February 2020](#).

Based upon discussions with the Planning Commission during workshop sessions and research on best practices, the draft ordinances includes the following provisions:

- A. ADUs are permitted in all zones
- B. Permit required for all ADUs to ensure compliance with chapter
- C. Short-term rentals are prohibited in ADUs
- D. Lot owner must live on property
- E. Must comply with all fire, building and health codes
- F. Separate addresses and mailboxes required
- G. Parking required: 2 additional to what is required for primary, that does not obstruct access to primary unit parking
- H. Limited to 1 ADU per lot for residential, 2 for commercial
- I. No ADUs on wetland or floodplain
- J. Minimum size for all ADUs: 300 sq. ft. Maximum for detached: 1,200 sq. ft.
- K. Maximum height of 2 stories or not exceed height of primary dwelling

Agenda Item #7 & #8: Rural Preservation Subdivision Code Update

Description

A Public Hearing to receive comment on an Ordinance Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision

Discussion and Consideration to recommend approval of Ordinance 20-14: Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision

Department

City Planning

Action Type

Legislative Recommendation

Recommendations

Recommend Approval of the referenced code amendments to 21.10.020 Rural Preservation Subdivision

Reviewed By

City Planner

Background

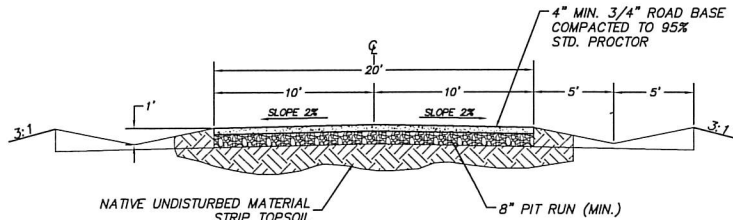
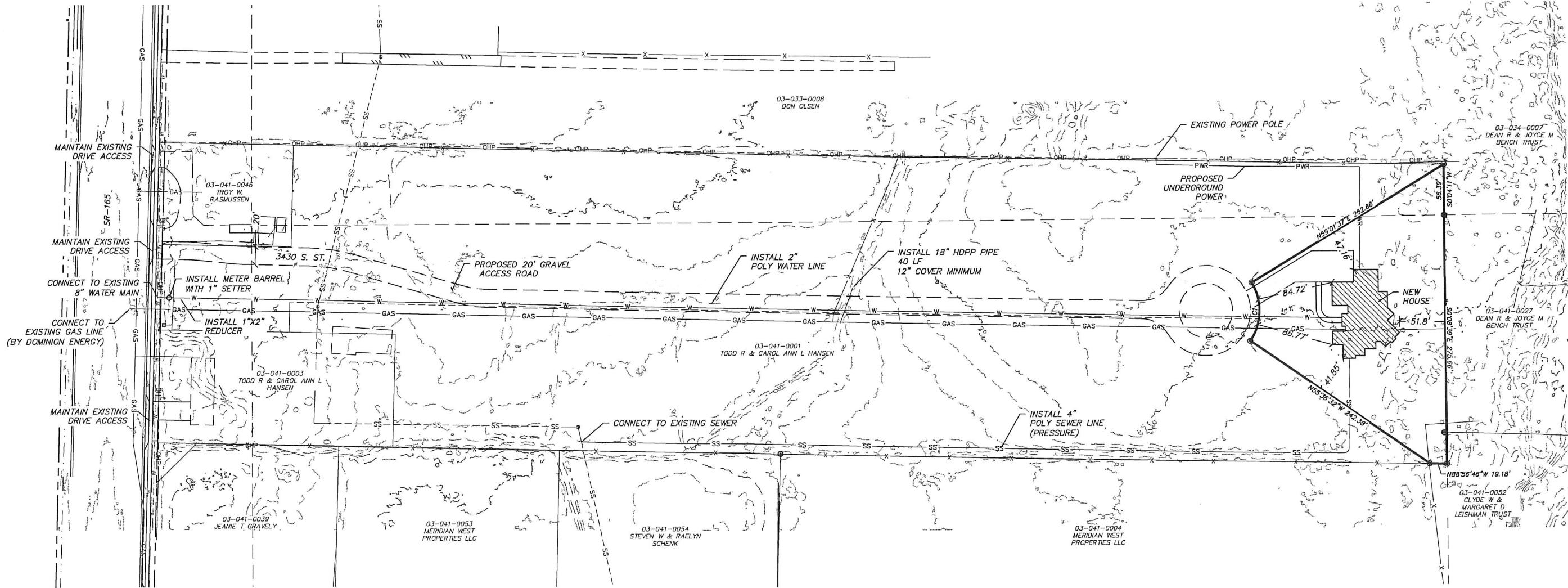
This item was discussed during several workshops with the Planning Commission. The proposed code changes include

1. Clarifying language in section H-4 to encourage larger open spaces that can be built upon with future development, while eliminating “islands” of open space
2. Changing the name of the Subdivision type to ‘Open Space Subdivision.’

The code attached to this packet includes these changes

You can review the complete Rural Preservation Subdivision Code [here](#):

[Nibley City Code 21.10.020 Rural Preservation Subdivision](#)

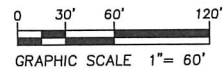


20' GRAVEL ROAD
TYPICAL X-SECTION
NOT TO SCALE

SITE GENERAL NOTES

1. ALL CONSTRUCTION WITHIN THE UDOT RIGHT-OF-WAY SHALL MEET UDOT STANDARDS.
2. ALL STORM RUNOFF WILL DRAIN AWAY FROM THE STATE RIGHT-OF-WAY BASED ON CURRENT TOPOGRAPHY.

CURVE TABLE					
CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	68.45'	60.00'	65°21'51"	N1°42'32"E	64.80'



SITE PLAN
SCALE: 1"=60'



SHEET DESCRIPTION
DUSTIN HANSEN

SITE PLAN
200 E. 2430 S.
NIBLEY, UTAH 84321



Cache • Landmark
Engineers
Surveyors
Planners

95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 21 MAY 2020

SCALE: 1"=60'

DESIGN BY: S. EARL

CHECKED BY: S. EARL

APPROVED BY: S. EARL

PROJECT NUMBER: 20023HSN

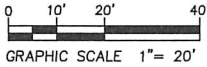
SHEET:

C-1.1



SITE GENERAL NOTES

1. ALL CONSTRUCTION WITHIN THE UDOT RIGHT-OF-WAY SHALL CONFORM TO THE CURRENT UDOT STANDARDS.
2. ALL STORM RUNOFF DRAINS AWAY FROM THE RIGHT-OF-WAY PER EXISTING TOPOGRAPHY. NEW RUNOFF FROM DRIVEWAY NOT PERMITTED TO RUN ONTO UDOT RIGHT-OF-WAY



UDOT ACCESS PLAN

SITE PLAN
200 E. 2430 S.
NIBLEY, UTAH 84321



Cache • Landmark
Engineers
Surveyors
Planners

95 Golf Course Rd.
Suite 101
Logan, UT 84321
435.713.0099

DATE: 21 MAY 2020

SCALE: 1"=20'

DESIGN BY: S. EARL

CHECKED BY: S. EARL

APPROVED BY: S. EARL

PROJECT NUMBER: 20023HSN

SHEET:

C-1.0

Beginning at the South East Corner of the Southeast Quarter of the Southwest Quarter of said Section 22 and RUNNING THENCE North 00°16'04" East (North by Record) 511.50 Feet Along the South Line of said Southeast Quarter of the Southwest Quarter of said Section; Thence North 69°37'38" East 530.57 Feet (East 350 Feet by Record) to the West Right-of-Way Line of the Arc of a Circle, A.C., R.C., 251.15 Feet Radius Curve to the Right; Thence Along said Curve for Two (2) Courses; (1) Southeasterly Along the Arc of a 2815.93 Foot Radius Curve to the Right an Arc Length of 106.07 Feet, Long Chord Bears South 07°45'58" West 106.06 Feet; Thence South 08°51'42" West 111.62 Feet to the Intersection with the South Line of said Southeast Quarter; Thence Along said 69°37'38" West (West by Record) 255.15 Feet to the Point of Beginning. Containing 2.56 Acres.

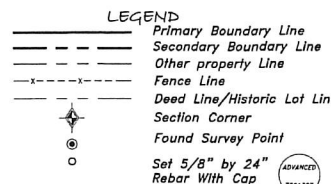
Beginning at the Intersection of the Abandoned East Right-of-Way Line of the U.I.C. Railroad and the South Line of said Southwest Quarter at a Point Locating 304.79 Feet North 89°37'39" East of the Southwest Corner of the Southeast Quarter of said Southwest Quarter and RUNNING Thence North 08°51'42" East 403.85 Feet Along said East Railroad Right-of-Way Line Thence South 88°00'42" East 821.14 Feet to the East Embankment of the Providence Millville Ditch; Thence Along said East Embankment the Following Three (3) Courses: (1) South 38°35'58" East 37.56 Feet; (2) South 16°16'16" East 155.67 Feet; (3) South 22°16'16" East 158.05 Feet to the Intersection of the South Line of said Southwest Quarter; Thence South 89°37'39" East 751.20 Feet to the Point of Beginning, Containing 6.933 Acres.

Beginning at the Northwest Corner of the Northeast Quarter of said Northwest Quarter and RUNNING Thence South 00°16'04" West 240.90 Feet (South 247.50 Feet by Record) Along the West Line of said South Quarter of the Northwest Quarter of said Section; Thence South 88°27'21" East (South 88°30" East by Record) 217.62 Feet to the West Right-of-Way Line of the U.I.C. Railroad; Thence North 88°51'42" East 251.42 Feet Along said West Right-of-Way Line to the Intersection with the North Line of said Northwest Quarter; Thence South 89°37'38" West 255.15 Feet Along said North Line to the Point of Beginning. Containing 1.328 Acres.

Beginning at the intersection of the East Right-of-Way Line of the U.I.C. Railroad and the North Line of said Northwest Quarter at a Point Located 304.79 Feet North 89°37'38" East of the Northwest Corner of the Northeast Quarter of said Northwest Quarter and RUNNING THENCE North 89°37'38" East 751.20 Feet Along said North Quarter Section Line to the East Embankment of the Province Millville Ditch; Thence Along said East Embankment the Following Three (3) Courses: (1) South 22°18'41" West 95.38 Feet; (2) South 09°53'19" West 156.61 Feet; (3) South 28°13'33" West 35.27 Feet; Thence North 88°27'21" West 108.09 Feet; (By Record) 71.65 Feet to said East Right-of-Way Line; Thence Along said East Right-of-Way Line 253.75 Feet Along said East Right-of-Way Line up to the Point of Beginning, Containing 4.394 Acres.

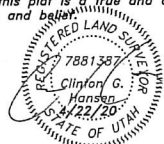
Beginning at the Abandoned East Right-of-Way Line of the U.I.C. Railroad at a Point Located 304.79 Feet North 89°37'36" East and 403.85 Feet North 08°51'42" East of the Southwest Corner of a Subsequent Quarter of said Southwest Quarter and RUNNING THENCE Northeasterly Along the Arc of a 2864.93 Feet Radius Curve to the Left an Arc Length of 114.03 Feet, Long Chord Bears North 07°43'17" East 114.02 Feet Along said East Right-of-Way Line; Thence North 89°37'36" East 631.27 Feet to the East Embankment of the Providence Millville Ditch; Thence Along said East Embankment the Following Two (2) Courses: (1) South 11°11'41" West 117.55 Feet; (2) South 5°38'52" West 117.22 Feet; Thence North 89°00'42" West 821.14 Feet to the Point of Beginning. Containing 2.498 Acres.

Beginning at the Intersection with the West Right-of-Way Line of the U.I.C. Railroad and the North Line of said Northwest Quarter of a Point Located 255.15 Feet North 89°37'39" East of the Northwest Corner of the Northeast Quarter of said Northwest Quarter and RUNNING THENCE North 89°37'39" East 43.64 Feet Along said North Line of said Northwest Quarter Section Line to the Intersection with the East Right-of-Way Line of said U.I.C. Railroad; Thence South 08°51'42" West 253.10 Feet; Thence North 88°27'21" West North 88°30" West by Record) 49.40 Feet to said West Right-of-Way Line; Thence North 08°51'42" East 251.42 Feet Along said West Right-of-Way Line to the Point of Beginning, Containing 0.284 Acres.



The purpose of this survey was to establish and set the property corners of the parcels as shown and described hereon. The survey was ordered by Ken Hamilton. The control used to establish the property corners was the existing Cache County and Millville City Survey monumentation within the Southwest Quarter of Section 22, Township 11 North, Range 1 East, Salt Lake Base & Meridian. The basis of bearings is the North Line of said Section 22 which bears North 89°30'36" West, Utah Coordinate System 1983 North Zone.

I, Clinton G. Hansen, do hereby certify that I am a Registered Land Surveyor, and that I hold Certificate No. 7881387 as prescribed by the Laws of the State of Utah, and that I have made and/or Supervised the survey of the property shown and described hereon and that this plot is a true and correct representation of said survey to the best of my knowledge and belief.

[illegible]

**Overlapped Area
Containing 2.499 Acres**
(The Acreage Reflects this Overlap
Belongs to 03-034-0006)

Containing 6.933 Acres

Containing 4.394 Acres



**ADVANCED
LAND SURVEYING INC**
1770 Research Park Way #111
Logan Utah 84341
(p) 435-770-1585 (f) 435-514-5888
www.advancedlsi.com

Property Survey for
Ken Hamilton
400 South & 100 West
Millville, Cache County, Utah

Job Number:	20-108
Drawn By:	CGH
Date:	2/5/20
Scale:	1"=60'
File:	20-108.DWG

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Dustin Hansen				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 200 East 3430 South				Company NAIC Number:	
City Nibley		State Utah		ZIP Code 84321	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Parcel ID: 03-041-0077					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>					
A5. Latitude/Longitude: Lat. <u>N41°40'13.50"</u> Long. <u>W111°49'41.90"</u> Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>1B</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>N/A</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>					
c) Total net area of flood openings in A8.b <u>N/A</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>1,637</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>0</u> sq in					
d) Engineered flood openings? ☐ Yes ☒ No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Town of Nibley #490023			B2. County Name Cache County		B3. State Utah
B4. Map/Panel Number 0390	B5. Suffix C	B6. FIRM Index Date 05-24-2011	B7. FIRM Panel Effective/ Revised Date 05-24-2011	B8. Flood Zone(s) A	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 4564.50
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☐ FIRM ☐ Community Determined ☐ Other/Source: <u>Calculated using Mannings Equation</u>					
B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.			Policy Number:
City	State	ZIP Code	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: W 1/16 Cor. S22&27 T11N R1E SLM Vertical Datum: 4563.71

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

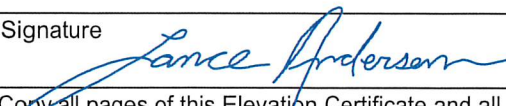
Check the measurement used.

a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>4566.50</u>	☒ feet	☐ meters
b) Top of the next higher floor	<u>4567.67</u>	☒ feet	☐ meters
c) Bottom of the lowest horizontal structural member (V Zones only)	<u>.0</u>	☐ feet	☐ meters
d) Attached garage (top of slab)	<u>4566.42</u>	☒ feet	☐ meters
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>4566.92</u>	☒ feet	☐ meters
f) Lowest adjacent (finished) grade next to building (LAG)	<u>4564.00</u>	☒ feet	☐ meters
g) Highest adjacent (finished) grade next to building (HAG)	<u>4565.00</u>	☒ feet	☐ meters
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>4564.00</u>	☒ feet	☐ meters

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name Lance Anderson		License Number 323733-2202		
Title Professional Engineer				
Company Name Cache Landmark Engineering				
Address 95 W. Golf Course Rd. Suite 101				
City Logan	State Utah	ZIP Code 84321		
Signature 	Date 5/21/2020	Telephone (435) 713-0099	Ext.	

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

Water heater and furnace will be located in the garage on a 6" raised concrete platform.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>200 East 3430 South</u>			Policy Number:
City <u>Nibley</u>	State <u>Utah</u>	ZIP Code <u>84321</u>	Company NAIC Number

SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is 4566.50 ☒ feet ☐ meters ☒ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is 4566.50 ☒ feet ☐ meters ☒ above or ☐ below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is 4566.42 ☒ feet ☐ meters ☒ above or ☒ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is 4566.92 ☒ feet ☐ meters ☒ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name
Dustin Hansen

Address <u>PO Box 457</u>	City <u>Garden City</u>	State <u>Utah</u>	ZIP Code <u>84028</u>
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Signature 	Date <u>05/21/2020</u>	Telephone <u>435 757 3616</u>
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Comments

☐ Check here if attachments.

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.		FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.		Policy Number:	
City	State	ZIP Code	Company NAIC Number
SECTION G – COMMUNITY INFORMATION (OPTIONAL)			
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters. G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.) G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO. G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.			
G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued	
G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____ G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____ G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____			
Local Official's Name		Title	
Community Name		Telephone	
Signature		Date	
Comments (including type of equipment and location, per C2(e), if applicable)			
☐ Check here if attachments.			

BUILDING PHOTOGRAPHS

ELEVATION CERTIFICATE

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.			Policy Number:
City	State	ZIP Code	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

Photo One

Photo One

Photo One Caption

Clear Photo One

Photo Two

Photo Two

Photo Two Caption

Clear Photo Two

BUILDING PHOTOGRAPHS**ELEVATION CERTIFICATE**

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.			Policy Number:
City	State	ZIP Code	Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

Photo Three

Photo Three

Photo Three Caption

Clear Photo Three

Photo Four

Photo Four

Photo Four Caption

Clear Photo Four

PARCEL AREA TABLE			
PARCEL #	AREA	SEGMENT LENGTHS	SEGMENT BEARINGS
1	8383.10	73.00	S43° 43' 46.91"W
		64.40	N89° 04' 54.20"W
		30.41	N31° 03' 28.45"W
		95.40	N42° 51' 54.19"E
		96.88	S63° 12' 43.17"E
2	6685.56	81.55	S33° 00' 52.56"W
		96.88	N63° 12' 43.17"W
		48.61	N18° 35' 46.39"E
		117.40	S79° 35' 44.05"E
3	8669.63	90.44	S20° 20' 37.44"W
		117.40	N79° 35' 44.05"W
		48.61	N2° 12' 45.51"E
		145.83	N84° 01' 15.07"E
4	11396.51	58.24	S20° 20' 37.44"W
		145.83	S84° 01' 15.07"W
		48.61	N14° 10' 15.37"W
		144.77	N67° 38' 14.19"E
5	8251.12	15.30	S53° 17' 41.22"E
		38.67	S53° 17' 41.22"E
		48.61	N30° 33' 16.24"W
		108.94	N51° 15' 13.32"E
		36.37	S53° 17' 41.22"E
6	6367.81	55.36	S53° 17' 41.22"E
		144.77	S67° 38' 14.19"W
		121.54	S16° 32' 39.26"W
		15.30	N53° 17' 41.22"W
		55.36	N53° 17' 41.22"W
7	5519.80	103.84	N28° 00' 12.22"E
		46.00	S67° 43' 34.26"E
		36.37	N53° 17' 41.22"W
		26.17	N53° 17' 41.22"W
		100.00	N36° 42' 18.78"E
		12.03	S53° 17' 41.22"E
		34.93	S57° 38' 44.50"E
		103.84	S28° 00' 12.22"W

PARCEL AREA TABLE			
PARCEL #	AREA	SEGMENT LENGTHS	SEGMENT BEARINGS
8	5000.00	50.00	N53° 17' 41.22"W
		100.00	N36° 42' 18.78"E
		50.00	S53° 17' 41.22"E
		100.00	S36° 42' 18.78"W
9	5000.00	100.00	N36° 42' 18.78"E
		50.00	S53° 17' 41.22"E
		100.00	S36° 42' 18.78"W
		50.00	N53° 17' 41.22"W
10	6478.54	90.00	N36° 42' 18.78"E
		15.71	N81° 42' 18.78"E
		55.00	S53° 17' 41.22"E
		100.00	S36° 42' 18.78"W
11	6478.54	90.00	N36° 42' 18.78"W
		65.00	N53° 17' 41.22"W
		100.00	N36° 42' 18.78"E
		55.00	S53° 17' 41.22"E
12	6000.00	50.00	N53° 17' 41.22"W
		100.00	N36° 42' 18.78"E
		60.00	S53° 17' 41.22"E
		100.00	S36° 42' 18.78"W
13	6044.61	60.50	N53° 17' 41.22"W
		99.65	N36° 42' 18.78"E
		45.91	S53° 44' 04.89"E
		14.59	S53° 17' 41.22"E
14	6055.78	100.00	S36° 42' 18.78"W
		14.59	N53° 17' 41.22"W
		45.91	N53° 45' 58.42"W
		100.38	N36° 42' 18.78"E
		60.50	S53° 17' 41.22"E
		100.00	S36° 42' 18.78"W

PARCEL AREA TABLE			
PARCEL #	AREA	SEGMENT LENGTHS	SEGMENT BEARINGS
15	6000.00	60.00	N53° 17' 41.22"W
		100.00	N36° 42' 18.78"E
		60.00	S53° 17' 41.22"E
		100.00	S36° 42' 18.78"W
16	6478.54	90.00	S36° 42' 18.78"W
		15.71	S81° 42' 18.78"W
		55.00	N53° 17' 41.22"W
		100.00	S53° 42' 18.78"E
17	6478.54	65.00	S53° 17' 41.22"E
		55.00	N53° 17' 41.22"W
		15.71	N8° 17' 41.22"W
		90.00	N36° 42' 18.78"E
18	5000.00	65.00	S53° 17' 41.22"E
		100.00	S36° 42' 18.78"W
		50.00	N53° 17' 41.22"W
		100.00	N36° 42' 18.78"E
19	6400.18	43.17	N46° 01' 13.95"E
		6.10	N53° 17' 41.22"W
		100.00	N36° 42' 18.78"E
		50.00	S53° 17' 41.22"E
		26.17	S53° 17' 41.22"E
20	8714.56	108.94	S51° 15' 13.32"W
		142.27	S16° 14' 37.02"E
		136.69	N53° 17' 41.22"W
		15.71	N36° 42' 18.78"E
		64.16	N36° 42' 18.78"E
21	8381.68	31.10	S53° 17' 41.22"E
		60.77	S36° 38' 03.05"W
		136.59	N53° 17' 41.22"W
		10.92	N34° 45' 53.03"E
		0.64	N36° 38' 13.50"E
		48.45	N36° 42' 18.78"E
		136.89	S53° 17' 41.22"E

PARCEL AREA TABLE			
PARCEL #	AREA	SEGMENT LENGTHS	SEGMENT BEARINGS
22	8557.71	136.59	S53° 17' 41.22"E
		79.93	S71° 11' 22.57"W
		69.74	N89° 04' 54.20"W
		60.00	N7° 53' 59.98"E
		48.94	N25° 14' 17.54"E
23	6547.22	60.00	S7° 53' 59.98"W
		80.17	N89° 04' 54.20"W
		15.78	N43° 52' 06.09"W
		75.69	N9° 23' 49.74"E
		90.00	S72° 33' 02.55"E
24	6733.90	10.92	S34° 45' 53.03"W
		48.94	S25° 14' 17.54"W
		90.00	N72° 33' 02.55"W
		89.79	N26° 58' 32.94"E
		90.00	S53° 29' 51.57"E
25	5846.18	48.45	S36° 42' 18.78"W
		0.64	S36° 36' 13.60"W
		90.00	N53° 29' 51.57"W
		0.96	N36° 36' 13.60"E
		64.16	N36° 42' 18.78"E
26	5753.01	90.00	S53° 17' 41.22"E
		54.16	S36° 42' 18.78"W
		15.71	N53° 17' 41.22"W
		80.00	N81° 42' 18.78"E
		64.16	S53° 17' 41.22"E
83	7430.45	59.04	S83° 11' 51.74"W
		67.20	N15° 10' 22.20"W
		13.55	N23° 32' 36.15"W
		15.71	N21° 27' 23.85"E
		3.87	N66° 27' 23.85"E
84	7853.26	85.15	N80° 48' 19.95"E
		98.77	S6° 00' 32.42"W
		85.92	S70° 22' 02.03"E
		16.10	S55° 53' 20.10"E

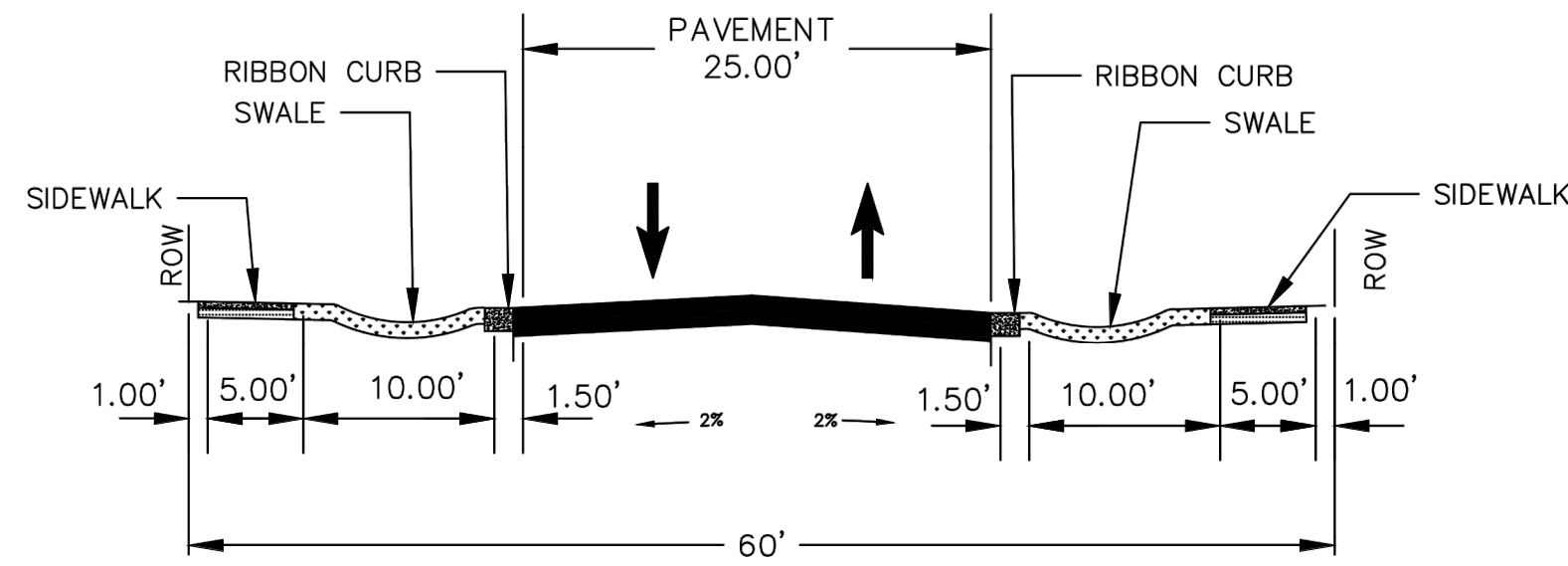
PARCEL AREA TABLE			
PARCEL #	AREA	SEGMENT LENGTHS	SEGMENT BEARINGS
120	6800.00	100.00	S1° 00' 00.00"W
		68.00	N89° 00' 00.00"W
		100.00	N1° 00' 00.00"E
		68.00	S89° 00' 00.00"E
121	6790.80	100.00	S1° 00' 00.00"W
		68.00	N89° 00' 00.00"W
		99.73	N1° 00' 00.00"E
		68.00	S89° 13' 40.38"E
122	7494.49	99.73	S1° 00' 00.00"W
		16.39	N89° 00' 00.00"W
		108.50	N44° 35' 45.79"W
		29.38	N0° 11' 31.57"W
		87.00	N89° 48' 28.43"E
123	6800.00	68.00	N0° 11' 31.57"W
		100.00	N89° 48' 28.43"E
		68.00	S0° 11' 31.57"E
		13.00	S89° 48' 28.43"W
		87.00	S89° 48' 28.43"W
124	8963.89	100.00	S0° 11' 31.57"E
		100.00	S89° 48' 28.43"W
		30.18	N0° 11' 31.57"W
		110.38	N44° 58' 49.21"E
		29.58	S89° 50' 50.00"E
125	6800.12	100.00	S0° 11' 31.57"E
		68.00	N89° 50' 50.00"W
		100.00	N0° 11' 31.57"W
		68.00	S89° 50' 50.00"E
126	6800.12	68.00	N89° 50' 50.00"W
		100.00	N0° 11' 31.57"W
		68.00	S89° 50' 50.00"E
		100.00	S0° 11' 31.57"E

PARCEL AREA TABLE			
PARCEL #	AREA	SEGMENT LENGTHS	SEGMENT BEARINGS
127	7615.38	84.75	S31° 39' 48.03"W
		55.86	N89° 50' 50.00"W
		100.00	N0° 11' 31.57"W
		7.69	S89° 50' 50.00"E
		98.49	S73° 14' 57.24"E
128	7159.65	70.20	S25° 45' 33.80"W
		92.22	N58° 20' 11.97"W
		84.75	N31° 39' 48.03"E
		2.26	S56° 16' 12.29"E
		73.34	S55° 53' 20.10"E
		15.78	S10° 41' 33.87"E
		1.50	S34° 30' 12.36"W

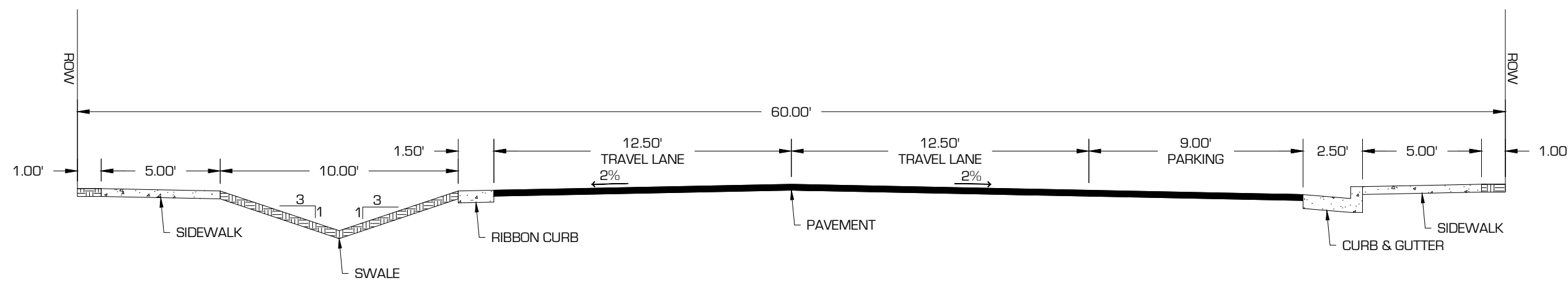
STORMWATER CALCULATIONS					
Ridgeline Park		(SubArea / TotalArea)*CN			
Description	Area (sq ft)	Area (ac)	CN (Group B/C)		
Impervious Area	511,642	11.75	98	44	
Open Space	396,739	9.11	61	21	
Open Space	222,279	5.10	74	15	
Total Area:	1,130,659	25.96	80		
Pre Development (Pasture, grassland, or range; good):	1,130,659	25.96	65		
90th-Percentile Storm Volume w/in city ROW's (0.6-in):	10,557	cu-ft			
Pre-development runoff rate (time of concentration = 432 min):	0.05	cfs/acre			
Percolation rate to be used in swales:	0.05	cfs/acre			
Initial Abstraction for pre dev		0.49	inches		
Precipitation (10 Yr)	24 hour storm	1.08	inches		
Precipitation (25 Yr)	24 hour storm	2.04	inches		
Precipitation (100 Yr)	24 hour storm	2.41	inches		
Direct Runoff (10 Yr) for pre dev (10 Yr)	24 hour storm	3.02	inches		
Direct Runoff (25 Yr) for pre dev (25 Yr)	24 hour storm	0.60	total runoff depth		
Direct Runoff (100 Yr) for pre dev (100 Yr)	24 hour storm	0.14	total runoff depth		
	24 hour storm	0.84	total runoff depth		
	24 hour storm	0.26	total runoff depth		
	24 hour storm	1.28	total runoff depth		
	24 hour storm	0.51	total runoff depth		
Post Development					
10-Year Direct Runoff		1.30	acre-ft	56,502	ft3
25-Year Direct Runoff		1.82	acre-ft	79,374	ft3
100-Year Direct Runoff		2.78	acre-ft	120,971	ft3
Pre-Development					
10-Year Direct Runoff		0.31	acre-ft	13,658	ft3
25-Year Direct Runoff		0.57	acre-ft	24,771	ft3
100-Year Direct Runoff		1.11	acre-ft	48,322	ft3

CURVE TABLE				
CURVE #	RADIUS	DELTA	ARC	CHORD
C1	170.00	32°09'15"	95.40	S42°51'54"W 94.16
C2	170.00	16°23'01"	48.61	S18°35'46"W 48.45
C3	170.00	16°23'01"	48.61	S2°12'46"W 48.45
C4	170.00	16°23'01"	48.61	S14°10'15"E 48.45
C5	170.00	16°23'01"	48.61	S30°33'16"E 48.45
C6	170.00	14°32'55"	43.17	S46°01'14"E 43.05
C7	10.00	90°00'00"	15.71	S8°17'41"E 14.14
C8	10.00	90°00'00"	15.71	S81°42'19"W 14.14
C9	230.00	8°42'07"	34.93	N57°38'45"W 34.90
C10	230.00	11°27'33"	46.00	N67°43'34"W 45.92
C11	10.00	90°00'00"	15.71	S81°42'19"W 14.14
C12	110.00	74°06'08"	142.27	N16°14'37"W 132.56
C13	110.00	31°39'12"	60.77	N36°38'03"E 60.00
C14	110.00	38°27'27"	73.83	N71°41'22"E 72.45
C15	10.00	90°25'36"	15.78	S43°52'06"E 14.19

CURVE TABLE				
CURVE #	RADIUS	DELTA	ARC	CHORD
C16	270.00	16°06'15"	75.89	S9°23'50"W 75.64
C17	270.00	19°03'11"	89.79	S26°58'33"W 89.37
C18	270.00	0°12'10"	0.96	S36°36'14"W 0.96
C19	180.00	0°12'10"	0.64	S36°36'14"W 0.64
C20	180.00	3°28'31"	10.92	N34°45'53"E 10.92
C21	180.00	15°34'40"	48.94	N25°14'18"E 48.79
C22	180.00	15°05'55"	60.00	N7°54'00"E 59.72
C23	10.00	90°00'00"	15.71	N81°42'19"E 14.14
C24	2790.00	0°56'34"	45.91	S53°45'58"E 45.91
C25	2990.00	0°52'47"	45.91	N53°44'05"W 45.91
C26	10.00	90°00'00"	15.71	N8°17'41"W 14.14
C27	2990.00	0		



TS-14: LOCAL: 2-LANE LOCAL WITH SWALES, 60' ROW
N.T.S.



MODIFIED TS-14
NOT TO SCALE

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civilsolutionsgroup inc.



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www.civilsolutionsgroup.net

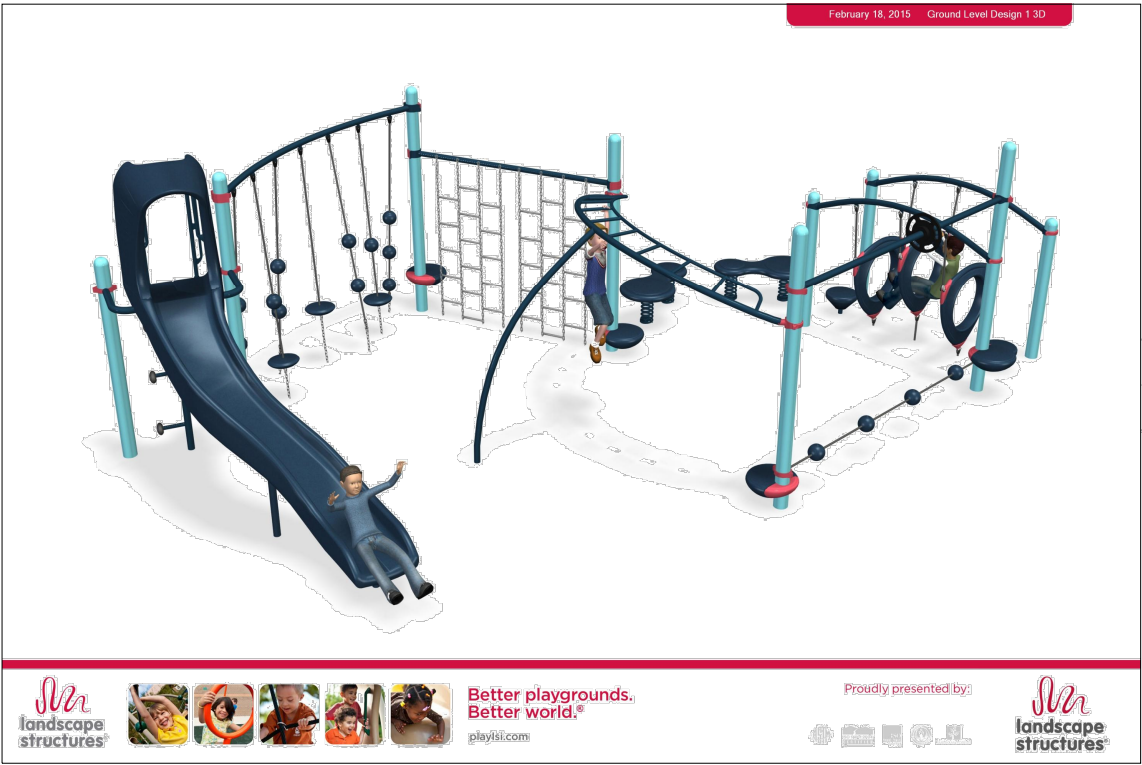
RIDGELINE PARK SUBDIVISION
PRELIMINARY PLAT
350 WEST 3200 SOUTH
NIBLEY, UTAH 84321

MARK	DATE	DESCRIPTION

PROJECT #: 19-384
DRAWN BY: A. OCHSENBEIN
REVIEWED BY: M. TAYLOR
ISSUED: 6.4.2020



ROAD
SECTIONS



PLAY EQUIPMENT



SWINGS



PICNIC SHELTER



DOG STATION



Plant List: OPEN SPACES . Ridgeline Park, Nibley, Utah . Visionary Homes					
KEY	PLANT TYPE	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
A	Street Trees	Acer platanoides	Norway Maple	2" cal.	
B		Acer x 'Freemani'	Autumn Blaze Maple	2" cal.	
C		Fraxinus p.l. 'Summit'	Summit Seedless Ash	2" cal.	
D		Pyrus calleryana 'Aristocrat'	Aristocrat Flowering Pear	2" cal.	
E		Tilia cordata 'Greenspire'	Little Leaf Linden	2" cal.	
F	Shade Trees	Acer t. x a.p. 'Warrenred'	Pacific Sunset Maple	2" cal.	
G	Accent Trees	Ulmus x 'Frontier'	Frontier Elm	2" cal.	
H		Malus 'Prairie Fire'	Prairie Fire Crabapple	2" cal.	
21	Roses	Rosa Knockout	Knockout Rose	1 gal.	Pink

Open Space Equipment . Ridgeline Park . Visionary Homes

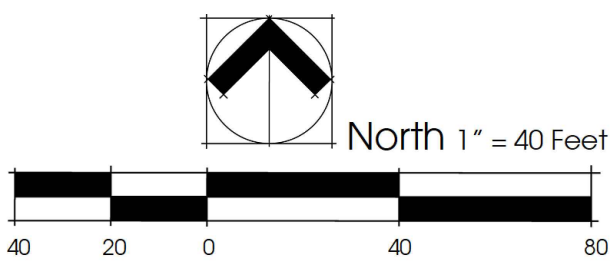
Play Equipment: U-Turn play structure, including the following elements:

- 183176 Rush Slide
- 193171 Swiggle Knots
- 166809 E-pod Seats
- 158678 Climbing Wall
- 184489 Overhead Trekker
- 193173 Tight Rope
- 158997 Pod Climber
- 184605 O-zone 3-ring Climber
- 158105 Ind Wobble Pods

and Single Post Swing Frame (2 swings), both as manufactured by Landscape Structures and available from Sonntag Recreation, 801.278.9797.

Bench: Cityview model number CB1-1060 6 ft. bench with steel loop ends as manufactured and provided by Sitescapes, PO Box 22326, Lincoln, NE 68542, Toll Free: 888.331.9464

Preliminary Plant List: TOWN HOMES . Ridgeline Park, Nibley, Utah . Visionary Homes					
KEY	PLANT TYPE	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
A	Street Trees	Acer platanoides	Norway Maple	2" cal.	
B		Acer x 'Freemani'	Autumn Blaze Maple	2" cal.	
C		Fraxinus p.l. 'Summit'	Summit Seedless Ash	2" cal.	
D		Pyrus calleryana 'Aristocrat'	Aristocrat Flowering Pear	2" cal.	
E		Tilia cordata 'Greenspire'	Little Leaf Linden	2" cal.	
F	Shade Trees	Acer t. x a.p. 'Warrenred'	Pacific Sunset Maple	2" cal.	
G	Accent Trees	Ulmus x 'Frontier'	Frontier Elm	2" cal.	
H		Cercis canadensis	Eastern Redbud	2" cal.	
		Crataegus phoenopyrum	Washington Thorn	2" cal.	
		Malus 'Prairie Fire'	Prairie Fire Crabapple	2" cal.	
		Malus 'Spring Snow'	Spring Snow Crabapple	2" cal.	
1	Tall Shrubs	Cotoneaster acutifolia	Peking Cotoneaster	5 gal.	
		Ribes alpinum	Alpine Currant	5 gal.	
		Spiraea vanhouttei	Bridal Wreath	5 gal.	
		Viburnum burkwoodi	Burkwood Viburnum	5 gal.	
11		Cotoneaster apiculata	Cranberry Cotoneaster	1 gal.	
	Medium Shrubs	Ligustrum v. 'Lodense'	Lodense Privet	1 gal.	
		Spiraea b. 'Anthony Waterer'	Dwarf Red Spiraea	1 gal.	
		Symphoricarpos oreophilus	Mountain Snowberry	1 gal.	
		Taxus baccata repandens	Spreading English Yew	1 gal.	
21	Roses	Rosa Knockout	Knockout Rose	1 gal.	Pink
31	Groundcovers	Gallium odorata	Sweet Woodruff	4" pots	Plant 12" o.c.
		Mahonia repens	Creeping Oregon Grape	1 gal.	Plant 24" o.c.
41	Perennial Flowers	Echinacea purpurea	Purple Coneflower	1 gal.	Plant 24" o.c.
		Hemerocallis spp.	Daylily	1 gal.	Plant 24" o.c.
		Rudbeckia hirta	Black-eyed Susan	1 gal.	Plant 24" oc.



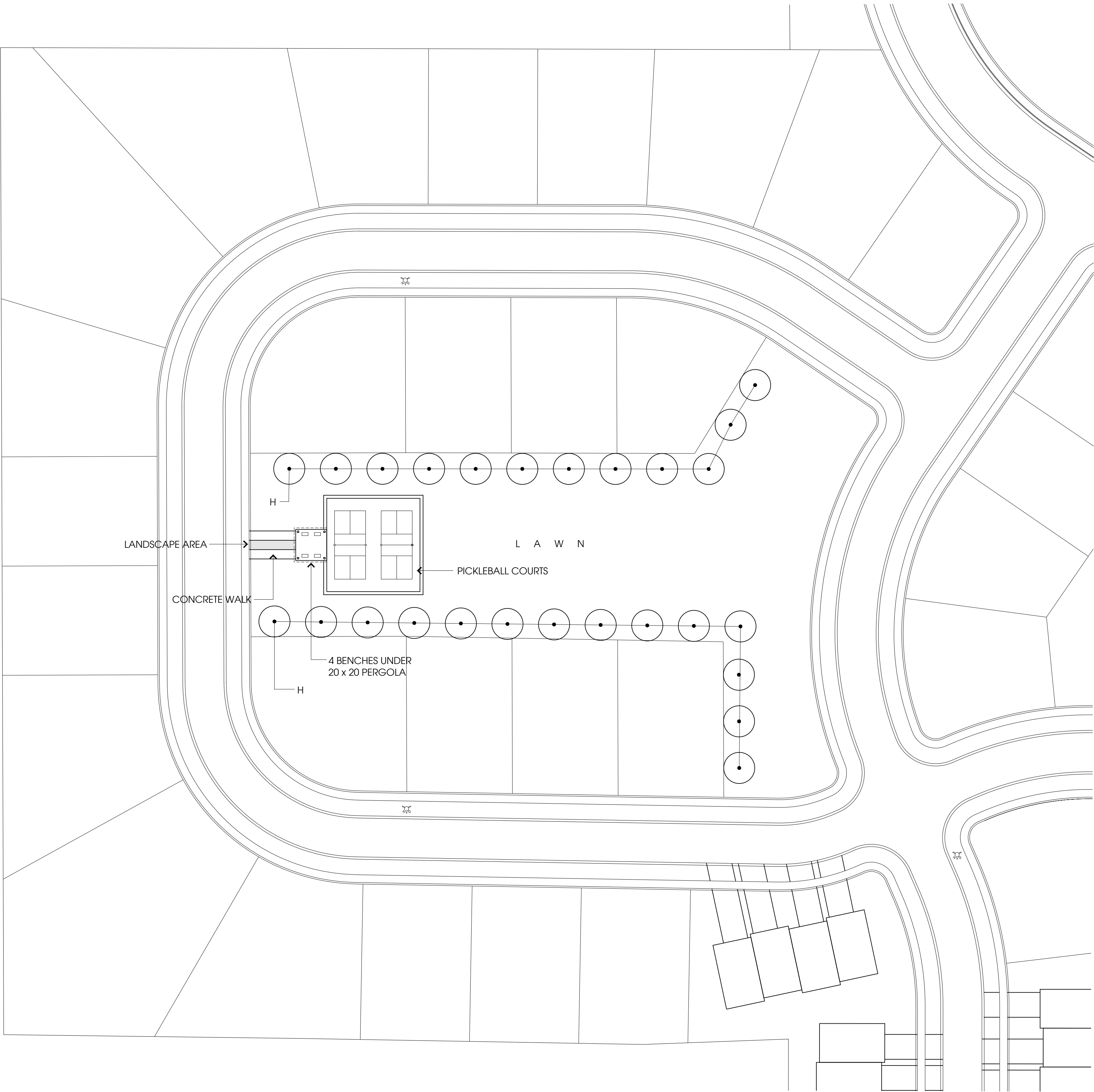
4 JUNE 2020
Open Space Amenities
RIDGELINE PARK
A PLANNED COMMUNITY . Nibley, Utah
Visionary Homes . 50 East 2500 North . North Logan, Utah



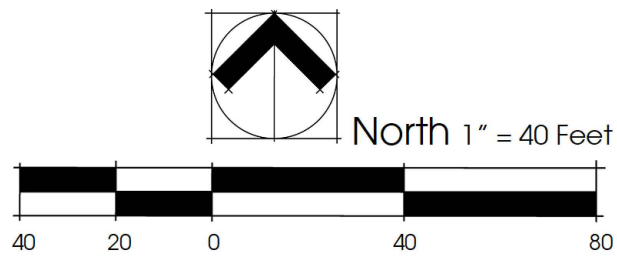
PICKLEBALL COURT



PERGOLA



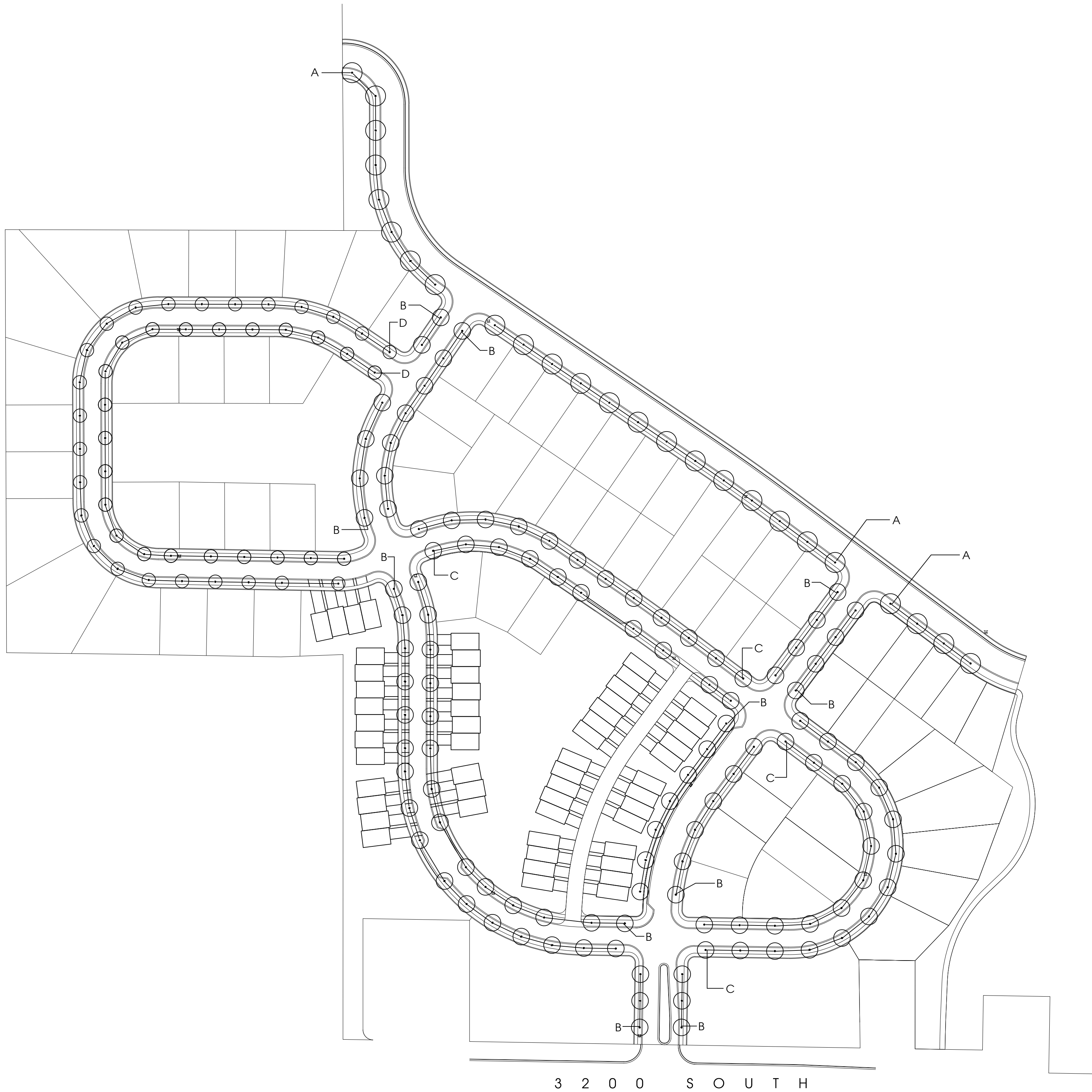
Plant List: OPEN SPACES . Ridgeline Park, Nibley, Utah . Visionary Homes					
KEY	PLANT TYPE	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
A	Street Trees	Acer platanoides	Norway Maple	2" cal.	
B		Acer x 'Freemani'	Autumn Blaze Maple	2" cal.	
C		Fraxinus p.l. 'Summit'	Summit Seedless Ash	2" cal.	
D		Pyrus calleryana 'Aristocrat'	Aristocrat Flowering Pear	2" cal.	
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F	Shade Trees	Acer t. x a.p. 'Warrenred'	Pacific Sunset Maple	2" cal.	
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H	Accent Trees	Malus 'Prairie Fire'	Prairie Fire Crabapple	2" cal.	
21	Roses	Rosa Knockout	Knockout Rose	1 gal.	Pink



4 JUNE 2020
Active Adult Open Space Amenities

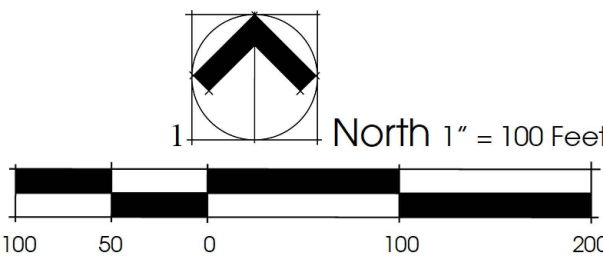
RIDGELINE PARK

A PLANNED COMMUNITY. Nibley, Utah
Visionary Homes . 50 East 2500 North . North Logan, Utah



Plant List: STREET TREES . Ridgeline Park, Nibley, Utah . Visionary Homes

KEY	PLANT TYPE	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
A	Street Trees	Acer platanoides	Norway Maple	2" cal.	
B		Acer x 'Freemani'	Autumn Blaze Maple	2" cal.	
C		Fraxinus p.l. 'Summit'	Summit Seedless Ash	2" cal.	
D		Pyrus calleryana 'Aristocrat'	Aristocrat Flowering Pear	2" cal.	
E		Tilia cordata 'Greenspire'	Little Leaf Linden	2" cal.	



4 JUNE 2020
Street Tree Plan: PHASE ONE

RIDGELINE PARK

A PLANNED COMMUNITY . Nibley, Utah

Visionary Homes . 50 East 2500 North . North Logan, Utah



R. MICHAEL KELLY
CONSULTANTS

LAND PLANNING • LANDSCAPE ARCHITECTURE
P.O. Box 469, Millville, UT 84326 435.753.2955

ENTRY MONUMENT
PLAN

1" = 20 FEET



ENTRY MONUMENT
PLAN

1" = 20 FEET



3200 SOUTH

STREET TREES

SHRUBS

ACCENT TREES

BATTERED STONE COLUMN: 6 ft. TALL

STONE WALL: 4 ft. TALL w/PRE-CAST CONCRETE SIGN

FLOWERS

ENTRY MONUMENT
ELEVATION

1/2" = 1 FOOT

4 JUNE 2020
Concept Plan: ENTRY MONUMENT

RIDGELINE PARK

A PLANNED COMMUNITY . Nibley, Utah

Visionary Homes . 50 East 2500 North . North Logan, Utah



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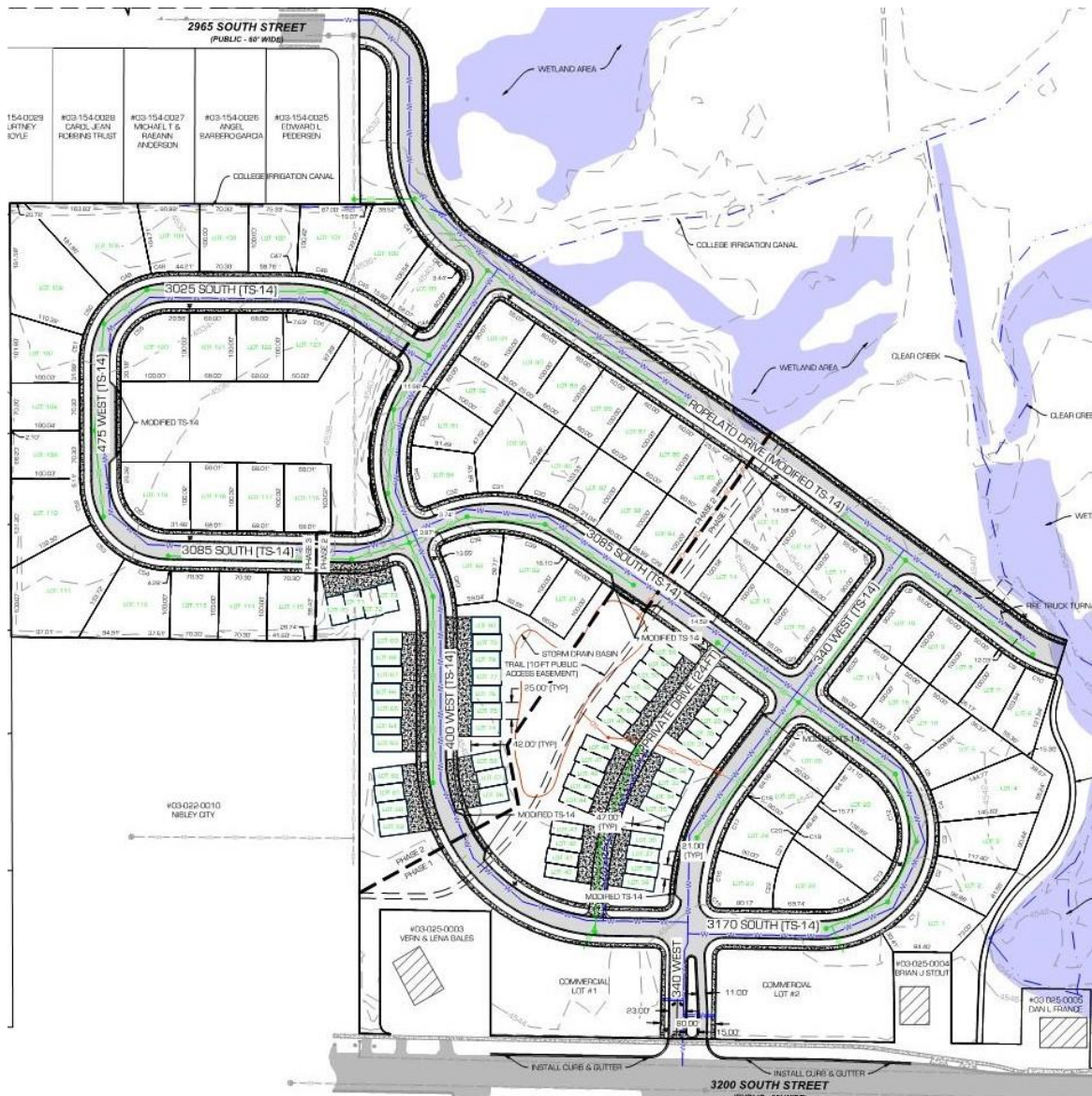


PRELIMINARY MAINTENANCE PLAN

RIDGELINE PARK 1-3

LOCATED AT APPROXIMATELY
350 WEST 3200 SOUTH, NIBLEY, UT

June 4, 2020



Introduction

The following preliminary maintenance plan was prepared in accordance with § 19.32.050(B)(3) of the Nibley City Municipal Code (NCC). The purpose of this document is to 1) outline the ownership and responsibility for maintenance of the amenities, 2) show the proposed use of each amenity and how each parcel of amenities meets the standards listed in Chapter 32 of Title 19 of the NCC, 3) outline the type and size of each amenity, and 4) the proposed concept plan for landscaping the amenities. A copy of the preliminary concept landscape plan is attached as exhibit 'A' at the conclusion of this document. Where there are inconsistencies with this preliminary maintenance plan and the preliminary plat, the plat will control.

Open Space Ownership

Each parcel of open space contained within this subdivision will be common area and owned by the Ridgeline Park Homeowners Association. There is planned at present nearly 4 acres of open space in phase 1, 3 acres in phase 2 and just over 1.5 acres in phase 3. The total open space across the entirety of the preliminary plat is 35.9% which meet the requirement found within the NCC. To ensure the open space and amenity requirements will be met, we have allocated more than 35% in phases 1 and 2 so that the overall requirement is benefited by residents early on in the development. Private drives will be considered common area and will be owned and maintained by the Ridgeline Park Homeowners Association. All common area parcels inside the ROW's that will be dedicated to the city will be owned and perpetually maintained by the HOA.

Guest Parking

The Ridgeline Park Homeowners Association will also maintain those parking stalls located within the ROW where the street cross-section calls for a modified TS-14 that is not adjacent to the City Park. These stalls help to comply with the guest parking requirement of 1/3 stall per unit. There are guest parking stalls found along 340 West, 400 West and 475 West and additional stalls along 3085 South.

Maintenance Responsibility

The Common Area located within Ridgeline Park will be owned by the Ridgeline Park Homeowners Association. All maintenance will be the responsibility of this entity directly, or its assigns as directed by Board and Officers of the HOA. Presently, Visionary Homes contracts through a professional management company, Advantage Management, that specializes in helping developer/owners work through and create potential budgets, determination and allocation of HOA/unit owner responsibilities, and the continued smooth operation of the HOA organization during the construction phase. This organization will also help after the HOA is turned over completely to the residents of Ridgeline Park and their Board. They will be responsible for establishing the necessary HOA dues and collecting said dues in order to pay those hired by the HOA to maintain the property. All maintenance of the common area parcels will be done by a private maintenance company that is contracted through Advantage Management. The HOA for this subdivision is not planned to require any employees.

All long-term maintenance and improvement projects will be funded by HOA fees as well as a reinvestment fee that will be collected from each homeowner at the time of closing. The monthly HOA fee is still to be determined, and the reinvestment fee is intended to be 0.25% of the home purchase price. The fee schedule will be robust sufficiently for the HOA to have the financial ability to manage the proposed facilities without concern and to keep the common area maintained in a prompt and professional manner.

Insurance Requirements

The Ridgeline Park Homeowners Association will maintain liability insurance on the common areas that are privately owned and will be paid for out of the HOA's monthly budget from membership dues.

Amenities

Section 19.32.050 of the Nibley City Municipal Code describes the minimum open space amenities that should be provided in each development. The amount and type of amenity required under the NCC is determined by the total number of units. As Ridgeline Park proper with its dozen or so phases is approved for 498 units in total, it falls between the 401 – 500 category for minimum amenities. Thusly, 7.5 acres of park area is required with 2 pavilions, 2 swing sets, and 3 playgrounds, a clubhouse and pool and finally 2 sports court/fields. See Figure 1 on the next page for the anticipated future development amenity pattern for all phases of Ridgeline Park Subdivision.

We have planned a substantial portion of the overall minimum amenity for Ridgeline Park proper to be installed within the first 3 phases of development. The clubhouse and pool will be in future stages as well as additional playgrounds and swing set. A dog station is also planned as a requirement of the City Council in phase 1, with a future dog station and minipark planned in future phases.



Figure 1. Anticipated Future Amenity

Pavilion

A traditional roofed pavilion is planned in phase 1 as shown in Exhibit A attached. This pavilion will offer 2 picnic benches for picnics and offer respite from the elements and shade from the sun. The location of this pavilion is conveniently located along the main trail.

Pickle Ball Courts

Pickle Ball is a paddle sport created for all ages and skill levels. The rules are simple and the game is easy for beginners to learn, but can develop into a quick, fast-paced, competitive game for experienced players. It combines many elements of tennis, badminton and ping-pong. With the popularity of pickle ball on the rise, two tandem courts are planned for Ridgeline Park, see Exhibit A. These courts will be regulation size of 20' X 44' each with sufficient buffer boundaries and fence surrounding and dividing both courts. Although the location shows the pickle ball courts to front 475 West, it might be better off of 400 West to give a more central

location for all residents. Regardless, they will be located on this common area parcel with a Pergola and benches for spectators and players.

Pickle Ball Area Pergola

Adjacent to the Pickle Ball courts will be build a 20' X 20' pergola that will provide shade and respite to those preparing for pickle ball play or to spectate games. There will be 4 benches provides under the pergola or a picnic table and 3 benches.

Playground/Tot Lot & Swing Set

Located in the trail corridor is planned a playground/tot lot that is designed for the under 12 age group. The NCC requires at a minimum of 8 features which this playground will provide. Conceptual designs of the playground equipment and swing set are provided in Exhibit A together with the landscape plan. The playground equipment including the associated swing set are conveniently located along the City Center Trail and found in the heart of the first 3 phases of Ridgeline Park.

City Center Trail

A City Center Trail will be built that connects from the Nibley City's office building through Ridgeline Park to the City's Park. Many of the Amenities planned for phase 1-3 are found along this trail such as the pavilion, dog station, swing set and playground.

Dog Station

A dog station is also planned as a requirement of the City Council in phase 1, with a future dog station and minipark planned in future phases. It is located where the City Trail intersects with 3170 South. It provides a convenient and sanitary system for properly disposing of pet's waste while walking the sidewalk or the City Center Trail. These stations will help to improve the overall cleanliness of the common area and park sites.

Traffic Calming Island & Monument

A traffic island at the entrance into the Ridgeline Park at 3200 South and 340 West is anticipated to beautify the entrance and to calm traffic. A lighted monument sign is planned within the island with greenscape surrounding the sign. Although the monument sign is not fully designed, a concept is found in the following Exhibits.

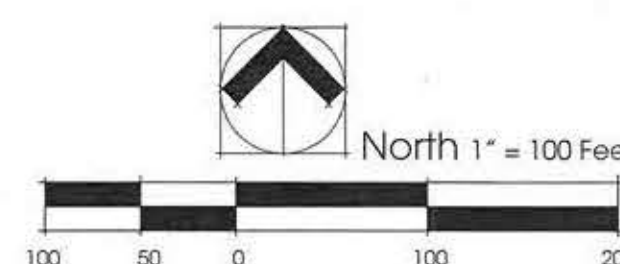
Exhibit ‘A’
Landscape Plan



Site Summary

Ropelatto Property . Nibley, Utah . Visionary Homes

Site	94.6 Acres
City Park	18.3 Acres
Public ROW per plan	9.8 Acres
ROW dedication at 3200 South	0.5 Acres
ROW dedication at 2900 South	0.3 Acres
Net Developable Area	65.7 Acres
Net Developable Area less Commercial	59.7 Acres
Residential Units	498 Units
SFD: 8,000 S.F.	± 4.9 Acres
SFD: 6,000 S.F.	± 16.1 Acres
SFD: 4,500 S.F.	± 3.0 Acres
SFD: Active Adult	± 7.5 Acres
Total SFD	194 Lots
Town Homes	± 15.7 Acres
Condominium	± 5.1 Acres
Commercial	± 5.7 Acres
Density	8.6 Units / Acre
Open Space:	25.61 Acres
Clubhouse Park	1.1 Acres
Wetlands corridor	5.7 Acres
Buffer at 3200 South	0.3 Acres
Active Adult	1.0 Acres
Town Homes	6.6 Acres
Condominium	1.7 Acres
Within ROWs	5.3 Acres
Anticipated ROWs	5.0 Acres



3 APRIL 2020
Concept Plan: ALTERNATIVE

RIDGELINE PARK

Ropelatto Property . Nibley, Utah
Visionary Homes . 50 East 2500 North . North Logan, Utah

Chapter 19.24.250

Accessory Dwelling Units

A. Purpose

1. This chapter establishes approval criteria and outlines processing procedures for accessory dwelling units.
2. The purpose of this chapter is to allow accessory dwelling units in zoning districts specified in this title, to establish the conditions under which accessory dwelling units are regulated under this chapter, and to set forth criteria and standards to be required of accessory dwelling units when this chapter is applicable.

B. Definitions

1. Accessory Dwelling Unit: A residential dwelling unit, but not a Mobile Home as defined by Utah State Code, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in this chapter and only in those zoning districts where the use is listed as a permitted use.

C. Accessory Dwelling Unit Approval Required

1. All Accessory Dwelling Units shall comply with the standards and provisions of this title. Accessory dwelling units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions, and the City may deny any land use or building approval requested by an owner of property that has an illegal accessory dwelling unit.

D. Application

1. Persons shall make application for an accessory dwelling unit on forms prepared by Nibley City. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
2. Supporting Materials. The accessory dwelling unit application shall be submitted with the materials listed herein.
 - a. Notarized letter: a notarized letter of application shall be provided by the property owner stating that such owner will occupy the property except for bona fide temporary absences
 - b. Site Plan: A plan showing the configuration and location of the accessory dwelling unit will be located shall be provided

- c. Parking Plans: A parking plan shall be submitted showing the location of dedicated off-street parking for the accessory dwelling unit and the primary residence.
- d. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
- e. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.

E. Approval Criteria

1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants.
2. Owner Occupation: the owner(s) of the residence shall live either in the primary dwelling in which the accessory dwelling unit was created or the accessory dwelling unit, except for bona fide temporary absences.
3. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
4. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes.
5. All entrances to attached accessory dwelling units shall be located on the rear or side of the building.
6. Parking: Off-street parking for two vehicles, shall be provided for use by the tenants of the accessory dwelling unit. This parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.
7. One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling lot.
8. Detached Structures: Accessory dwelling units may be permitted in a detached structure.
9. Short Term Rental, as defined within this title, shall be a prohibited use within accessory dwelling units.
10. No accessory dwelling unit shall be built on a registered wetland or flood plain

F. Size, Height and Zoning

1. Accessory dwelling units shall have the following requirements:

- a. Shall have the minimum size of 300 sq. ft.
 - b. No detached accessory dwelling units shall be larger than 1,200 sq. ft.
 - c. Detached accessory dwelling units shall follow the sizing and setback requirements for other accessory buildings as listed in NCC 19.24. For new detached accessory dwelling unit structures, an additional minimum rear and side setback of 10 feet is required.
 - d. Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.
 - e. The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.
 - f. Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.
2. Accessory Dwelling Unit Use within Commercial, Neighborhood Commercial, and Industrial Zones
- a. Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached accessory dwelling units. Accessory dwelling units shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.
 - b. Any Commercial Building shall supply two additional off-street parking for each accessory dwelling unit, in addition to parking required by the commercial use.
 - c. Each accessory dwelling unit shall have a separate access apart from the commercial access to the building
 - d. Each accessory dwelling unit must meet all applicable building, zoning, and fire code requirements.

G. Noncompliance

1. Owners of the property where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Owners who fail to maintain or violate the city's ordinances regulating accessory dwelling unit use or conditions upon which approval was contingent may have the permit revoked. Notice of violation shall be given to the owner of the residence containing the accessory apartment use providing 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of their permit may use the appeal process to have their grievances heard.

19.20.020 Land Use Chart

Nibley City Land Use Chart

Key

P:	Permitted Use
NP:	Not Permitted Use
C:	Conditional use
A:	Agriculture Zone
R-E:	Rural Estate Zone
R-1:	Residential Zone R-1
R-1A:	Residential Zone R-1A
R-2:	Residential Zone R-2
R-2A:	Residential Zone R-2A
P/S:	Park/School
C:	Commercial Zone
C-N:	Neighborhood Commercial Zone
I:	Industrial Zone

Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C
Residential								
Assisted Living Facility	C	C	NP	NP	NP	NP	NP	C
Artisan Shop	C	C	C	C	C	C	NP	C
Bed and Breakfast Inn	C	C	C	C	NP	NP	NP	C
Building moved from another site	C	C	C	C	C	C	C	C
Group Living Facility ¹	C	C	C	C	C	C	NP	NP

Home Occupation	C	C	C	C	C	C	NP	NP
Home Office	P	P	P	P	P	P	NP	NP
Housing, Short-Term Rental	C	C	C	C	C	C	NP	NP
Housing, Single-Family	P	P	P	P	P	P	NP	C
Housing, Two-Family	P	P	P	P	P	P	NP	C
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP
Nursing Home	C	C	C	C	C	C	NP	C
Temporary Office/Model Home	C	C	C	C	C	C	NP	C
Accessory Dwelling Unit ³	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C
Agricultural/Animal								
Ag Implement Sales and Service	C	NP	NP	NP	NP	NP	NP	C
Agricultural Production	P	P	P	P	P	P	P	C
Animal Crematorium	NP	NP	NP	NP	NP	NP	NP	C
Arboretum/Nature Center	C	C	C	C	C	C	C	C
Farmers' Market	C	C	C	NP	NP	NP	C	C
Florist/Garden Center	C	C	NP	NP	NP	NP	NP	C
Veterinary Clinic, Large Animal	P	NP	NP	NP	NP	NP	NP	C
Veterinary Clinic, Small Animal	P	NP	NP	NP	NP	NP	NP	C
Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C
Public, Institutional, and Civic Uses								
Bus/Transit Terminal	NP	NP	NP	NP	NP	NP	P	C

Cemetery	C	C	C	C	C	C	P	NP
Church/Places of Worship	C	C	C	C	C	C	C	C
Club/Service Organization/Lodge	NP	NP	NP	NP	NP	NP	C	C
College/University	C	NP	NP	NP	NP	NP	P	C
Government Services	P	NP	NP	NP	NP	NP	P	P
Hospital	NP	NP	NP	NP	NP	NP	NP	C
Public Park	P	P	P	P	P	P	P	P
Private Park	P	P	P	P	P	P	P	P
Utility Substation	C	C	C	C	C	C	C	C
School	C	C	C	C	C	C	P	P
Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C
Commercial								
Auditorium	NP	NP	NP	NP	NP	NP	P	C
Bail Bonds/Pawnbroker	NP	NP	NP	NP	NP	NP	NP	C
Bakery	NP	NP	NP	NP	NP	NP	NP	P
Banks/Financial Institutions	NP	NP	NP	NP	NP	NP	NP	P
Beauty Salon/Spa	NP	NP	NP	NP	NP	NP	NP	P
Business Equipment Sales and Service	NP	NP	NP	NP	NP	NP	NP	C
Car Wash	NP	NP	NP	NP	NP	NP	NP	P
Check Cashing/Credit Services	NP	NP	NP	NP	NP	NP	NP	C
Construction Sales and Service	NP	NP	NP	NP	NP	NP	NP	C
Daycare/Preschool, Commercial	NP	NP	NP	NP	NP	NP	NP	P

Funeral Home	NP	NP	NP	NP	NP	NP	NP	P
Gasoline Service Station	NP	NP	NP	NP	NP	NP	NP	P
Gasoline, Wholesale	NP	NP	NP	NP	NP	NP	NP	NP
Hotel/Motel	NP	NP	NP	NP	NP	NP	NP	C
Laundry Service	NP	NP	NP	NP	NP	NP	NP	C
Liquor Store	NP	NP	NP	NP	NP	NP	NP	C
Low Power Radio Service/Cell Tower	NP	NP	NP	NP	NP	NP	NP	C
Medical/Dental Offices and Clinic	NP	NP	NP	NP	NP	NP	NP	P
Medical Sales and Service	NP	NP	NP	NP	NP	NP	NP	P
Personal Instruction Services	C	C	C	C	C	C	C	C
Motor Vehicle Sales and Service	NP	NP	NP	NP	NP	NP	NP	C
Office, Corporate	C	NP	NP	NP	NP	NP	NP	C
Offices, Professional	NP	NP	NP	NP	NP	NP	NP	P
Parking, Commercial	NP	NP	NP	NP	NP	NP	NP	C
Plumbing Services	NP	NP	NP	NP	NP	NP	NP	P
Printing/Copying, Commercial	NP	NP	NP	NP	NP	NP	NP	P
Protective Services	NP	NP	NP	NP	NP	NP	NP	C
Recreation/Entertainment, Commercial	NP	NP	NP	NP	NP	NP	C	C
Restaurant, Fast Food	NP	NP	NP	NP	NP	NP	C	P
Retail	NP	NP	NP	NP	NP	NP	NP	P
Repair Service, General	NP	NP	NP	NP	NP	NP	NP	C
Research and Development	C	NP	NP	NP	NP	NP	NP	C
Research Service	NP	NP	NP	NP	NP	NP	NP	C

Sexually Oriented Business	NP	NP	NP	NP	NP	NP	NP	NP
Transportation Services	NP	NP	NP	NP	NP	NP	NP	C
Temporary Vendor/Food Trucks	C	NP	NP	NP	NP	NP	C	P
Use	A	R-E	R-1	R-1A	R-2	R-2A	P/S	C
Industrial								
Junk/Salvage Yard	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Heavy	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Industrial	NP	NP	NP	NP	NP	NP	NP	NP
Manufacturing, Light	NP	NP	NP	NP	NP	NP	NP	NP
Mineral Extraction	NP	NP	NP	NP	NP	NP	NP	NP
Pest Control	NP	NP	NP	NP	NP	NP	NP	NP
Recycling Collection Facility	NP	NP	NP	NP	NP	NP	NP	NP
Sign Shop	NP	NP	NP	NP	NP	NP	NP	NP
Sports Facilities	NP	NP	NP	NP	NP	NP	C	C
Storage Facility	NP	NP	NP	NP	NP	NP	NP	NP
Warehousing	NP	NP	NP	NP	NP	NP	NP	NP
Warehousing, Residential Storage	NP	NP	NP	NP	NP	NP	NP	NP
Welding/Machine Shop	NP	NP	NP	NP	NP	NP	NP	NP

Notes

1. Group living facilities are governed by NCC 19.42
2. Any land use not listed is not permitted
3. Accessory dwelling units are governed by NCC 19.24.250

21.10.020 Open Space Subdivision~~Rural Preservation Subdivision~~Open Space Subdivision

A. Purpose: The purpose of this section is to provide for subdivision development within Nibley City in a manner that:

1. Helps preserve the rural feeling of Nibley City as outlined in the General Plan;
2. Provides Open Space Land with a specific purpose that provides visual and physical access to the public.
3. Supports adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resources and agricultural lands as set forth in the General Plan;
4. Protects constrained and sensitive lands, including, but not limited to, those areas containing sensitive features such as steep slopes, floodplains, and wetlands, by setting them aside from development;
5. Provides Open Space Land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, berms, waterway, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;
6. Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
7. 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;
8. Provides incentives for the creation of greenway systems and Open Space Land within the City for the benefit of present and future residents.
9. Creates neighborhoods with direct visual and/or physical access to Open Space Land;
10. Maintains and creates scenic views and elements of the City's rural and scenic character and minimizes perceived density by maintaining views of new development from existing roads.

B. Definitions: For the purpose of this section, the following words shall have the meanings set forth herein:

1. OPEN SPACE LAND: Any parcel or area of land dedicated under this section as indicated on a ~~Rural Preservation Subdivision~~Open Space Subdivision Plat for the access and/or visual enjoyment of the public. Open Space Land must meet the standards and requirements of this section. Open Space Land may not be contained in the privately-owned parcel except as specifically allowed in this ordinance. Open Space Land must have 25% of its border adjacent to public access right-of-way, easement, or City park or contain a trail open to the public which traverses or runs adjacent to the Open Space Land. Open Space Land area shall not be included in setback areas calculations for principal or accessory uses.
2. CONSTRAINED AND SENSITIVE LAND: Land which is generally unbuildable without engineered ground modifications, or which contains features including, but not limit to Federal, State, or municipally designated wetlands, floodplains, slopes greater than 20%, faults, designated canals per Nibley Ordinance and other geologically or environmentally sensitive features that require mitigation, special insurance or permits from government authorities to allow development. This land may be used as Open Space Land if it complies fully with conditions within this ordinance for qualification of Open Space.

3. **WATERWAY:** Surface water runoff and drainage, drainage ditches and irrigation waterways, whether surface or subsurface and natural waterways including creeks, streams, springs, rivers, ponds, and wetlands.
4. **TREE STAND:** A group or cluster of trees within a geographic location that are occurring naturally or artificially.
5. **MEADOWS:** Land vegetated with native species of grasses, trees, forbs, and flowers, either undisturbed or constructed, that can be sustained without supplemental irrigation. Actively used pasture and agricultural land are not considered Meadows under this definition.
6. **PASTURE:** A fenced enclosure or confined area used for the grazing of livestock or small animals which contains sufficient vegetation to serve as the principle food source for the livestock confined therein.
7. **NET DEVELOPABLE LAND:** Net Developable Land shall include the total area of the proposed development minus land that is required by Nibley City ordinance to be dedicated to the City including, but not limited to:
 8. Public access rights-of-way
 9. Land required to be dedicated along waterways
10. Preservation lands with infrastructure installed to City standards by the developer as part of the development process (parks, trails, etc.)
11. Constrained and Sensitive Land as defined herein
12. Easements, lands dedicated to the City for preservation space but without public rights of access, and other utility or general rights-of-way without access to the public shall be included as Net Developable Land.
13. Net Developable Land may be calculated for the purposes of concept review and preliminary plat approval based on either rule of thumb as outlined in the Lot Standards chart for the underlying zone of the proposed subdivision or based on actual measurements derived from the proposed plat. Calculation of Net Developable Land for final plat approval shall use actual measured Net Developable Land area. The proponent shall demonstrate compliance with this provision by calculation based on values demonstrably derived from the proposed final plat.

C. Applicability:

1. The election to develop the property as a ~~Rural Preservation Subdivision~~Open Space Subdivision is voluntary and provided to developers as an alternative to the standard subdivision process codified in NCC 19 and NCC 21. The intent of this section and the ~~rural preservation subdivision~~Open Space Subdivision options is to encourage the creation and development of flexible designed Open Space Land and variety in lot size and conformation. ~~Rural Preservation Subdivision~~Open Space Subdivisions may be developed within applicable residential zones of the City. ~~Rural Preservation Subdivision~~Open Space Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this section and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this section.
2. In cases of conflict with other Nibley City ordinances, the terms of this section shall govern.
3. **Development Options:** In R-1, R-1A, and R-2 zones in Nibley City, developers may elect to develop a ~~Rural Preservation Subdivision~~Open Space Subdivision. R-2A zones may also be developed under the terms of this ordinance; in such cases, the R-2A zoned property shall be treated as R-

2 for the purposes of calculating underlying base density, number of lots, bonus density, lot sizes, and all other provisions outlined in this ordinance. If the zone is not listed above, it does not qualify for a ~~Rural Preservation Subdivision~~Open Space Subdivision.

4. Developers desiring to develop the property as ~~Rural Preservation Subdivision~~Open Space Subdivision are subject to the development standards, conditions procedures and regulations of this section.

D. Application Process:

1. Applications for a ~~Rural Preservation Subdivision~~Open Space 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 section, including, but not limited to, submission of a sensitive area designation plan and maintenance plan.
2. Pre-application Meeting: Applicants for a ~~Rural Preservation Subdivision~~Open Space Subdivision shall have a pre- application meeting with the Development Committee as established in NCC 21.06.030 to review the application and answer questions provided by the applicant. Prior to this meeting, the developer shall submit the draft plan of the proposed subdivision and shall include the following:
 - a. Zoning and parcel location
 - b. Total gross acres
 - c. Estimated right-of-way dedication
 - d. Estimated Constrained and Sensitive Land
 - e. Estimated Net Developable Land
 - f. Estimated Open Space Dedication and proposed uses.
 - g. Total number of lots based on density bonus
 - h. Estimated lot sizes and subdivision layout.
3. Sensitive Area Designation Plan Map: All applications for a ~~Rural Preservation Subdivision~~Open Space Subdivision shall include a sensitive area designation plan map prepared in accordance with the provisions set forth herein and submitted with the preliminary plat. The sensitive areas designation plan map shall identify all constrained and sensitive lands within the property boundaries as set forth in this section. The sensitive area designation plan map shall also clearly identify all-natural or cultural resources present on the property, including, but not limited to those defined in this ordinance (geographic features, meadows, tree stands, streams, stream corridors, floodwalls, berms, waterways, canals, irrigation ditches, farmland, pastures, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space). Applicants are solely responsible for the accuracy and designation of constrained and sensitive lands as defined in this ordinance, and natural and cultural resources as defined by the United States, State of Utah, Cache County, and Nibley City on the sensitive area designation plan map for their project and applicable adjacent property. The applicant shall include all sensitive areas within four hundred feet(400') of the developments property boundaries as noted in City, County, State, and Federal records.
4. Maintenance Plan for preserved Open Space Land: The developer must submit a Preliminary Maintenance Plan in accordance with subsection M,2 of this section and with the preliminary plat. For final plat application, the developer must submit a Final

Maintenance Plan in accordance with subsection M,3 of this section. The Final

Maintenance Plan shall be attached to the Development Agreement required by NCC 21 and recorded with the Final for the property.

E. Dimensional Standards:

1. The lot standards within a ~~Rural Preservation Subdivision~~ Open Space Subdivision shall be determined in accordance with the Lot Standards Chart.

Lot Standards Chart					
Zone	Open Space Ratio (OSR) ^{Note 1}	Incentive Multiplier	Average Residential Lot Size	Minimum Residential Lot Size	Frontage ^{Note 2}
R-1	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 18,700 \text{ ft}^2$	$\geq 17,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 16,700 \text{ ft}^2$	$\geq 15,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 14,700 \text{ ft}^2$	$\geq 13,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 12,700 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
R-1A	$0.25 \leq \text{OSR} < 0.30$	1.25	$\geq 14,000 \text{ ft}^2$	$\geq 12,000 \text{ ft}^2$	$\geq 100 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.30	$\geq 13,000 \text{ ft}^2$	$\geq 11,000 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.35	$\geq 12,000 \text{ ft}^2$	$\geq 10,000 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.40	$\geq 11,000 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
R-2 and R-2A	$0.25 \leq \text{OSR} < 0.30$	1.20	$\geq 13,200 \text{ ft}^2$	$\geq 11,500 \text{ ft}^2$	$\geq 95 \text{ ft}$
	$0.30 \leq \text{OSR} < 0.35$	1.25	$\geq 12,200 \text{ ft}^2$	$\geq 10,500 \text{ ft}^2$	$\geq 90 \text{ ft}$
	$0.35 \leq \text{OSR} < 0.40$	1.30	$\geq 10,200 \text{ ft}^2$	$\geq 9,000 \text{ ft}^2$	$\geq 85 \text{ ft}$
	$0.40 \leq \text{OSR}$	1.35	$\geq 9,200 \text{ ft}^2$	$\geq 7,800 \text{ ft}^2$	$\geq 80 \text{ ft}$
Notes:					
1. The OSR is the ratio of the area of the Open Space Land divided by the area of the Net Developable Land.					
2. Frontage is determined at the front setback line.					

2. Procedure for Calculating Allowed Number of Lots: The Allowed Number of Lots including the density bonus for a ~~Rural Preservation Subdivision~~ Open Space Subdivision shall be determined as follows using the appropriate Incentive Multiplier from the Lot Standards Chart. The developer shall follow the process outlined below to determine allowable properties of the proposed subdivision and use these properties in developing the preliminary and final plats. All calculations and measurements shall be clearly documented in order and following the process outlined below and submitted with the plat applications:

- a. The subdivision must be in one of the approved zones as listed within the ~~Rural Preservation Subdivision~~ Open Space Subdivision requirements, and all calculation will be based on the parcel's current zone at the time of application and the associated Lot Standards Chart with the exception of R-2A zones: R-2A zones shall be treated as R-2 zones for the purposes of this ordinance.
- b. Provide to the City the total area contained within the subdivision plat.
- c. Provide to the City the total area being dedicated to rights-of-way.
- d. Provide to the City the total acres of Constrained and Sensitive Land.
- e. Provide the City the total Net Developable Land area as defined within this section.
- f. State the area of proposed Open Space Land.
- g. Calculate Open Space Ratio.
- h. Calculate the Base Number of Lots per zone:

$$(1) \text{ Base Number of Lots R-1} = \text{Net Developable Land} / 1 \text{ acre}$$

(2) Base Number of Lots R-1A = Net Developable Land / .75 acres

(3) Base Number of Lots R-2 and R-2A = Net Developable Land / 0.5 acres

i. Determine Incentive Multiplier

(1) Determine Incentive Multiplier based on the Lot Standards Chart, the applicable zone, and the Open Space Ratio.

j. Calculate total allowed

(1) Total allowed lots = Base number of lots multiplied by the Incentive Multiplier

F. Lot Area, Frontages, and Zoning Regulations:

1. The subdivision, along with each lot within the subdivision, shall meet and comply with the minimum lot sizes, average lot sizes, and frontages shown on the Lot Standards Chart. Except for these requirements, the Zoning Regulations (NCC 19) for the underlying zone shall apply to ~~Rural Preservation Subdivision~~Open Space Subdivisions, unless otherwise noted within this section.

G. Conservancy Lots:

1. Open Space Land and Constrained and Sensitive Land may be included within individual residential lots when such areas can be properly protected and preserved in accordance with the intent and purpose of this section. Such lots shall be known and referred to as "conservancy lots". These lots must contain a minimum of 0.5 acres of Open Space Land, except for areas approved by Nibley City as defined Landscape Buffers, and that Open Space Land must meet the design standards and use standards within this section.
2. Regulations: Open Space 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. Open Space Land must be developed and maintained within the first year of the date of issuance of a Notice to Proceed under NCC 21.
3. The portion of each Conservancy Lot that is not Open Space Land must meet the minimum lot size on the applicable Lot Standards Chart and shall be the portion of the Conservancy Lot used to calculate the average and minimum lot size within the subdivision.

H. Use Regulation: Use of the land in a ~~Rural Preservation Subdivision~~Open Space Subdivision that is not Open Space Land is subject to any restrictions set forth in NCC 19, unless otherwise specified within this section, for the zone in which the land is located. Use of Open Space Land within a ~~Rural Preservation Subdivision~~Open Space Subdivisions is subject to the following:

1. Permitted Uses on Open Space Land: The following uses are permitted in Open Space Land areas:
 - a. Street rights-of-way may traverse Open Space Land if permitted under City ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted as Open Space Land when computing the Open Space Ratio in the Lot Standards Chart.
 - b. Utility rights-of-way or easements, including above ground and underground utilities may traverse Open Space Land if permitted by City ordinance; areas encumbered by such facilities and/or rights-of-way may be counted as Open

Space Land when computing the Open Space Ratio in the Lot Standards Chart so long as the rights-of-way and easements otherwise meet the requirements of this ordinance for Open Space Land.

- c. Agricultural and horticultural uses, including raising crops wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations. Wholesale nurseries must obtain an operating permit and business license from the City and must comply with all fencing and maintenance requirements of this ordinance.
- d. Conservation of open land in its natural state; e.g., meadows, tree stands, wetlands, forestland.
- e. Waterways along with dedicated public access rights-of-way or easements along one or both sides.
- f. Underground utility easements for drainage, access, sewer or water lines, electric lines or other public purposes.
- g. Active noncommercial recreation areas, such as trails, playing fields, playgrounds, courts, and multipurpose trails. These parcels shall be maintained by the City or an owners' association and shall be open to the public if maintained by the City, or residents within the ~~Rural Preservation Subdivision~~Open Space Subdivision if maintained by a functional owners association.
- h. Agricultural uses excluding livestock operations involving swine, poultry, and mink. Open Space Land of less than one-half (0.5) acre may be used as landscaped buffers for roadways, landscaped entrances to subdivisions, neighborhood "pocket parks" or similar amenities that meet standards and uses listed herein.
- i. Fencing that is rural in character. All fencing must be transparent, such as rail fences, post fences, or wire fences and architecturally appropriate to the use as determined by the City Planner. Chain link fences are not permitted on Open Space Land. All applicants must receive a fence permit from the City before construction of any proposed fence.
- j. Golf courses, not including commercial miniature golf. A development plan must be turned in as part of the approval process that outlines ownership, development, and building plans.
- k. Neighborhood Open Space Land uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses. Neighborhood Open Space Land must be owned and maintained by an owners' association or the City.
- l. Pasture for sheep, goats, cows, horses or other animals approved by Nibley City code. Pasture and animal density must conform with Nibley City Animal Land Use Regulations and be enclosed with appropriate fencing.
- m. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.
- n. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the Open Space Land. These facilities must be built to Nibley City Design Standards and Specifications, must contain a tree for every 300 square feet and planted around the perimeter, an irrigation system must be installed, and be planted with grass or natural vegetation

2. Prohibited Uses on Open Space Land: The following uses shall be considered prohibited in Open Space Land areas:

- a. Motor vehicles are prohibited except as necessary to maintain and operate the property and/or utility facilities within the property. Recreational motorized off-road vehicle usage including but not limited to motorcycles, dirt bikes, go-carts, OHVs, dune buggies, side-by-sides and their derivatives, and snowmobiles are prohibited.
- b. Firearm ranges, and other uses similar in character and potential impact are prohibited.
- c. Advertising of any kind and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized the use of the same.
- d. Any cutting of trees or vegetation, except as reasonably 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 or other uses allowed within this section.
- e. 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 use.
- f. Any dumping or storing of ashes, trash, garbage, vehicles, trailers, recreational vehicles or other equipment except for equipment needed to maintain the land.
- g. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property.
- h. Any residential, commercial or industrial activity except as specifically permitted in this ordinance.
- i. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes.
- j. Changing the topography of the property by placing on it any soil, dredging spoils, landfill, or other materials, except as necessary to conduct specifically permitted purposes.
- k. Hunting or trapping for any purpose other than predatory or problem animal control.
- l. 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.
- m. The division, subdivision or de facto subdivision of the property.
- n. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles.
- o. All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of this section.

3. Constrained and Sensitive Lands: Except for passive recreational activities, no development or residential uses shall be permitted within Constrained and Sensitive Lands

4. Open Space Land Coordination: ~~Open Space Land shall be consolidated and located on the border of proposed subdivision and be located adjacent to undeveloped or open space land where possible. The City may make exceptions for internal trails, constrained and sensitive lands. Open Space Land shall be coordinated and located to maximize the continued use of the space. To create larger areas of Open Space Land and to combine Open Space Land from a variety of developments, Open Space Land shall be coordinated either with existing adjacent Open Space Land or with planned future Open Space Land. If no adjacent parcels of land are planned for development, Open Space Land shall be planned to provide the greatest likelihood of adjoining future developments' Open Space Land.~~

Commented [LR1]: Need to clarify and provide trails.
Need to articulate where we need parks.

5. Open Space Lands: Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the Open Space Land within a ~~rural preservation Subdivision~~ Open Space Subdivision shall be complied with as provided herein.

- I. Open Space Land Design Standards: Open Space Land shall be located and designed within the ~~Rural Preservation Subdivision~~ Open Space Subdivision to add to the visual amenities of neighborhoods and the surrounding area by maximizing the visibility of Open Space Land. Designated Open Space Land within a ~~Rural Preservation Subdivision~~ Open Space Subdivision shall also comply as defined in this section, permitted uses as listed in this section, and meet three (3) or more of the following standards:

1. Significant Areas and Natural Landscape: Open Space Land shall include the most unique and sensitive resources and locally significant features of the property within the subdivision. Specifically, meadows, waterways and wetlands as defined in this Ordinance, and tree stands and contain a minimum of 0.5 acres. Other uses include berms, wildlife corridors and/or habitat and must extend a minimum of 15' on each side of the feature. This Open Space Land may also contain historic buildings and/or sites, archeological sites, and cultural features. The maintenance plan shall outline how the property will be preserved and maintained. The maintenance plan must specify what type of feature(s) that is being preserved and how the property will be maintained.
2. Contiguous Land: Open Space Land within a Rural Conservation Subdivision shall be contiguous within the subdivision, or to other Open Space Land in adjacent subdivisions or developments to provide for large and integrated Open Space Land areas within the City.
3. Agricultural Land: Privately held Open Space Land that is used for agricultural purposes as defined in this Ordinance and is 0.5 acre or greater in size.
4. Buffering: Open Space Land shall be designed to provide buffers and to protect scenic views as seen from existing public rights-of-way and from public parks or trails. Buffering area along public rights-of-way or street must be at least thirty (30') feet wide. Buffering must be landscaped, at the sole cost of the developer and shall provide for every hundred (100) linear feet of buffer, six (6) trees and fifteen (15) shrubs. Tree and shrub species must be approved by the City's arborist or the City's Park Director. Trees and shrubs shall be planted within thirty (30) feet of the right-of-way or public park. Irrigation shall be provided by the developer and shall be designed and installed to Nibley City Standards for City parks current at the time of approval of Final Plat. Open Space buffer areas shall be under single ownership.
5. Pedestrian Access: Developer shall provide pedestrian access to Open Space Land which is open to public or owners' association member use. Access methods can be a trail, park, recreation space, or neighborhood gathering space.
6. Recreation Space: Open Space Land maybe designated as recreation space or park space, including maintained grass, trails, picnic areas, playgrounds, sports fields or other

recreation and park amenities. These recreation spaces are conditional upon the City Council's approval, and amenities must be approved by the City Council before final approval of the maintenance plan can be given. Publicly and owners' association owned open spaces shall be fully developed and operational in conjunction with each phase of

the subdivision as a percentage of the total developed value of the subdivision (for example, if 25% of the dollar value of the development is being constructed, then a minimum of 25% of the dollar value of the built-out Recreation Space must be developed). The determination of value, construction sequencing, and acceptance criteria shall be specified in the development agreement; until improvements are accepted by the City for the attendant phase, no permits shall be issued for subsequent phases.

7. Stormwater Basin: These facilities must be built to Nibley City Design Standards and Specifications, must contain a tree for every 300 square feet and planted and clustered around the perimeter basin area; an irrigation system must be installed, and be planted with grass, natural vegetation and shrubs. The stormwater basin can be a local or regional basin and must be owned and maintained by Nibley City.

J. Permanent Protections of Open Space Land:

1. Conservation Easement: All Open Space 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 Open Space Land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the ~~rural preservation subdivision~~ Open Space Subdivision. All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a ~~Rural Preservation Subdivision~~ Open Space Subdivision, shall be approved by the City Council and recorded prior to or concurrent with the recording of the final plat for the ~~Rural preservation subdivision~~ Open Space Subdivision.
2. Terms and Conditions: All conservation easements, or another acceptable method of protection and preservation of the Open Space Land within a ~~Rural Preservation Subdivision~~ Open Space 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:
 - a. Legal description of the easement;
 - b. Description of the current use and condition of the property;
 - c. Permanent duration of easement;
 - d. Permitted and conditional uses;
 - e. Prohibited development and/or uses;
 - f. Maintenance responsibilities and duties; and
 - g. Enforcement rights and procedures.
3. Marking of Open Space Land: Open space land shall be marked at each corner and property line intersection with a minimum 4" diameter x 3' deep concrete monument provided with an aluminum or brass cap cast or epoxied into the monument. Caps shall be stamped "Nibley Conservation Marker, Do Not Remove", and an arrow stamped into the cap perpendicular to the Open Space boundary line and pointing into the Open Space. Monuments shall be placed such that the top 6" of the monument is above finished grade at the monument location.
4. 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 Open Space Lands within a ~~Rural~~

~~Preservation Subdivision~~ Open Space Subdivision, provided there is no cost of acquisition to the City for the

easement and sufficient access to and maintenance responsibilities regarding the Open Space Land are provided.

K. Ownership of Open Space Land:

1. Undivided Ownership: Unless otherwise approved by the City Council and subject to the provisions set forth in this section, the underlying fee Ownership of the Open Space 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.
2. Property Not Subject to Subdivision: Property subject to a conservation easement, or another acceptable method of protection and preservation, shall not be subdivided.
3. Nibley City may at its sole discretion opt to take ownership of Open Space Land at the subdivision approval stage. The developer shall landscape the property with sod, grass, trees and an irrigation system or other natural landscape features as appropriate as determined by the City Council.
4. Owners' Association: Open Space Land may be held in common ownership by a Home Owners' or other acceptable Owners' Association, subject to all the provisions for Owners' Associations set forth in state law, the City Code, and the following:
 - a. A description of the organization of the proposed Association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for Open Space Land, including restrictive covenants for the subdivision, shall be submitted by the developer with the final plat application.
 - b. The proposed association shall be established, funded and operating (with financial subsidization from the Developer, if required in by the City in the development agreement) prior to or concurrent with the recording of the final plat for the subdivision;
 - c. Membership in the association shall be mandatory for all purchasers of property within the subdivision and their successors in title.
 - d. The association shall be the responsible party for maintenance and insurance of its Open Space Land under the Final Maintenance Plan for the subdivision;
 - e. The bylaws 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; and
 - f. Written notice of any proposed transfer of Open Space Land by the Association or the assumption of maintenance for the Open Space Land must be given to all members of the Association and to the City no less than thirty (30) days prior to such event.
 - g. The owners' association shall be required to provide a bond or line of credit to the City for the cost of one year of maintenance of property owned by the Association, to be maintained by the Association for as long as the Association owns the Open Space.
 - h. In the event of a failure of the owners' association to maintain the properties in accordance with the requirements of the development agreement, the City shall revoke the owners' association's bond, determine an appropriate assessment for the operation and maintenance of the open space, and assess all properties of the Subdivision on a monthly basis for said maintenance.

5. Private Ownership: A conservation parcel may be owned by a private individual or entity. Such parcels shall have a defined purpose and restrictions recorded in the maintenance plan and comply with this section.

L. Maintenance of Open Space Lands:

1. Costs: Unless otherwise agreed to by the City, the cost and responsibility of maintaining Open Space Land shall be borne by the owner of the underlying fee of the Open Space Land.
2. Preliminary Maintenance Plan: A Preliminary Maintenance Plan shall be turned in with the preliminary plat for proposed maintenance of Open Space Land within the subdivision. This plan shall outline the following:
 - a. The proposed Ownership of the Open Space Land;
 - b. The party that will be responsible for maintenance of the Open Space Land;
 - c. The proposed use of the Open Space Land and how each parcel of Open Space Land meets the standards listed within this section;
 - d. The size of each Open Space Land parcel; and
 - e. The proposed concept plan for landscaping of the Open Space Land.
3. Final Maintenance Plan: The developer shall submit a plan outlining maintenance and operations of the Open Space Land and providing for and addressing the means for the permanent maintenance of the Open Space Land within the proposed ~~Rural Preservation Subdivision~~Open Space Subdivision application for the subdivision. The developer shall provide a final maintenance plan with the final plat and the plan shall contain the following:
 - a. Ownership agreements for Open Space Land;
 - b. A description of the use of the Open Space Land and how that use complies with this section;
 - c. The establishment of necessary regular and periodic operation and maintenance responsibilities for the various kinds of Open Space Land (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.);
 - d. The estimated staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the Open Space Land, and the operation of any common facilities located thereon, on an ongoing basis, including means for funding long-term capital improvements as well as regular yearly operating and maintenance costs; and
 - e. The landscaping plans for parcels that will be owned by an owners association or by the City.
 - f. Approval: The Final Maintenance Plan must be approved by the City Council prior to or concurrent with final plat approval for the subdivision. The Final Maintenance Plan shall be recorded against the property within the subdivision and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Final Maintenance Plan must be approved by the City Council.
4. The developer shall offer an approved letter of credit, bond or escrow for all proposed improvements and must complete all proposed open space improvements within the first

three years of approval. If a designated open space parcel is planned to be maintained by a single property owner, the developer shall maintain that property until title is transferred to a new property owner.

5. Failure to Maintain: For all open space designated under the terms of this Ordinance, including privately held Open Space Lands, the responsible party for the maintenance of the Open Space Land in accordance with the terms of this ordinance, the approved maintenance agreement, any conditional use permits, business licenses or any other agreements between the City and the responsible party, or the operation of any common facilities located thereon fails to maintain all or any portion of the Open Space Land or common facilities in accordance with the aforementioned agreements and ordinances, the City may assume responsibility for the maintenance and operation of the Open Space Land. If the City assumes responsibility under this paragraph, any remaining development escrow or bond funds may be forfeited, liens for maintenance costs shall be assessed as described herein, and any permits, licenses or operating agreements may be revoked or suspended by the City in the City's sole discretion. The owner shall not impede the City in their efforts to maintain the open space.
6. 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.
7. Implementation and Maintenance: The developer of the subdivision 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.
8. Maintenance Access: The developer of the subdivision shall provide sufficient maintenance access from a dedicated right-of-way to all Open Space Land and constrained and sensitive lands within the ~~Rural preservation subdivision~~Open Space Subdivision.

HISTORY

Adopted by Ord. [18-05](#) on 7/19/2018