



NIBLEY CITY COUNCIL MEETING AGENDA
Thursday, December 1, 2016 – 6:30 p.m.
Nibley City Hall 455 West 3200 South, Nibley, Utah

1. Opening Ceremonies (Councilmember Ramirez)
2. Call to Order and Roll Call (Chair)
3. Approval of Minutes and Agenda (Chair)
4. Public Comment Period¹ (Chair)

5. Discussion and Consideration of the Ridgeline Trail Agreement

6. Public hearing regarding an update to the Nibley City Fence Ordinance

7. Discussion and consideration of Ordinance 16-06: An update to the Nibley City Fence Code (First Reading)

8. Discussion and consideration of a final plat for Phase 1 of Summerfield Place, a 28-lot subdivision located at approximately 2700 S 1000 W. (Applicant: Kelly Loosle)

9. Discussion and consideration of a preliminary plat for the The Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately 4030 hollow Road (Applicant: Jim Johnson)

10. Council and Staff Reports

Adjourn Meeting

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

¹ *Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order.*



**Nibley City Council
Agenda Report for
December 1, 2016**

Agenda Item #5

Description	Discussion and Consideration of the Ridgeline Trail Agreement
Department	Parks
Presenter	David Zook, City Manager
Sponsor	n/a
Applicant	n/a
Background	<p>In early 2016, Nibley City filed a joint grant application with Millville City for Congestion Mitigation Air Quality funds to construct a trail on the east side of the Blacksmith Fork River near the new Ridgeline High School. Nibley City, as the lead agency, was awarded \$372,000 in grant funds to construct the trail. The trail is currently in the design phase, with construction expected to begin in summer 2017.</p> <p>Prior to commencement of construction, it is necessary for Nibley and Millville Cities to enter into an agreement to address several aspects of the trail's construction and maintenance, including:</p> <ul style="list-style-type: none"> Allowing the trail to be constructed in Millville's Right of Way. Designating which city is responsible for maintenance of which portions of the trail after it is constructed. Defining what maintenance includes Defining how the trail will be landscaped, and

	Defining allowable uses on the trail Millville's City Council has been given the same agreement to review.
Recommendation	Provide staff with direction on any proposed modifications and make a motion to approve the agreement.
Financial Impact	Nibley's matching share of the trail construction cost is \$28,000, which was allocated in this year's budget.
Reviewed By	City Manager, City Attorney, Public Works Director

Agenda Item #6 and #7

Description	Public Hearing and Discussion and consideration of Ordinance 16-06: An update to the Nibley City Fence Code (First Reading)
Department	Planning
Presenter	Stephen Nelson. City Planner
Sponsor	n/a
Applicant	n/a
Background	<p>These changes to the fence regulations that are being proposed by the Planning and Zoning Commission primarily address the height of fences along pedestrian Rights-of-Way (R-O-W) and trails. The proposed changes come at the request of Mayor Dustin, who asked that the Commission review the City's regulation of fences along trails and on corner lots.</p> <p>The proposal contained in this amendment would limit opaque fences and landscaping elements to a height of 4 feet along pedestrian R-O-Ws that run between personal property. This change is mostly contained in section C of the ordinance. The reason this change is being proposed is out of a desire to create safe trails and to avoid creating narrow or obscured alleyways along pedestrian walkways.</p> <p>It is also important to note that Section A excluded fences that border city parks. The reason the Planning Commission decided to exclude fences along city parks is because there was not the same concern that fences would create alleyways and unsafe conditions as could occur in a 20 ft. pedestrian R-O-W.</p>

(C)(1): This section contains the new regulations for fences and landscaping that may exceed four feet in height.

Fencing may not exceed 20% opaqueness if taller than 4 ft.

(C)(2): this section contains the new regulations for fences and landscaping that may not exceed four feet in height.

Any fencing less than 4 ft. may exceed 20% opaqueness.

One issue that has been discussed by the Commission that these changes do not cover is setbacks for corner lots. After much discussion, the Commission and staff felt that there needs to be more research and discussion about corner lots, with the intent to allow a homeowner to build a fence to protect their privacy that would not cause safety concerns for vehicles on adjacent streets and driveways. The Commission and staff will continue to work on making the changes needed to fix corner fence regulations.

The following are the Mayor's suggestions that he passed to the Planning Commission:

"As we have begun to implement the provisions of our subdivision ordinance that require pedestrian walkways and trails, we've realized that it creates a public safety issue. The fence ordinance needs to be revised to reflect this. There are some great examples of fences that allow for the compromise between private property and public responsibility, but essentially, the discussion in Council has been that 6 ft. privacy fences along the 20 ft. ROW for trails are a bad idea from a public safety/liability standpoint. We have examples of this at a couple of places in town and we need to get a handle on it before we inadvertently create spaces for bad things to happen while we are

trying to do good things.

“We’ve also had a problem with the interpretation of code for fence permits on corner lots that effectively allows corner lot owners to use a loophole to build privacy fences to lot lines on one or both sides of the house if the house is set at an angle on the lot. This makes for issues with neighbors where the neighbor is governed by a different setback than the corner lot and results in dumb looking fences. That’s the technical term.

“I’ve proposed a couple of solutions below. I’d like P&Z to weigh in on these. I don’t feel that they are substantive changes that require a whole lot of agonizing; we should try them and if we don’t get it exactly right, we will change them again till we do get them right but these need to be implemented soon, preferably this month so when spring construction/permits start, we can be ready. Please have something to the Council ASAP. Ideally, Council will consider this and do our public hearing at our meeting Nov 19 and pass it in our December meeting.

“Fence Ordinance key points

Public Safety along Trails and other Public Rights of Way:

PROPOSAL: For fences along trails and similar public rights of way that are open to public non-motorized access, the following fence types are permitted (insert photographs). All heights given are as measured from the centerline of the public trail surface:

Post and Rail fences

Field Fences

Barbed Wire

High Tension Wire

	<p>Other types that are maximum 20% opaque</p> <p>Opaque fences or hedges not exceeding 42” height</p> <p>Chain Link to 42” height</p> <p>The following types are specifically not permitted</p> <p>Opaque fences exceeding 42” height</p> <p>Chain link exceeding 42” height</p> <p>Opaque fences to 42” high with lattice or other construction above the 42” level that is more than 20% opaque</p> <p>Clarification for fencing on corner lots</p> <p>For all corner lots or other irregular lots with frontage on more than one side to a public or private road: For the purposes of fencing, all frontage facing a public or private road shall be regarded as Front Yard for the purpose of determining setbacks and compliance with the fence ordinance. (Insert pictures to show examples)”</p>
Recommendation	Hold the public hearing to receive public comment. Review and provide input to staff and move the ordinance to a second reading
Financial Impact	N/A
Reviewed By	Planning and Zoning Commission, City Planner, City Attorney, City Manager

Agenda Item #8

Description	Discussion and consideration of a final plat for Phase 1 of Summerfield Place, a 28-lot subdivision located at approximately 2700 S 1000 W. (Applicant: Kelly Loosle)												
Department	Planning												
Presenter	Stephen Nelson, City Planner												
Sponsor	n/a												
Applicant	Kelly Loosle												
Background	<p>This final plat is for a 28-lot subdivision located at approximately 2700 South 1000 West, just north of the Sunset Parks PUD.</p> <p>This property is zoned R-2A. The following are the development standards found in Nibley City Code 10-6C, for subdivisions in the R-2A zone, and whether the proposed final plat meets those standards:</p> <table border="0" data-bbox="472 1213 1419 1507"> <thead> <tr> <th></th> <th style="text-align: center;">Zone Requirement</th> <th style="text-align: center;">Final Plat</th> </tr> </thead> <tbody> <tr> <td>Min. Lot Size</td> <td style="text-align: center;">12,000</td> <td>All lots meet or exceed standard</td> </tr> <tr> <td>Lot Size Avg.</td> <td style="text-align: center;">14,000+</td> <td style="text-align: center;">14,793 sq. ft.</td> </tr> <tr> <td>Min. Frontage</td> <td style="text-align: center;">100'</td> <td>All lots meet or exceed standard</td> </tr> </tbody> </table> <p>The subdivision is proposed for development in two phases. Phase 1 will be Lots 1-9 and 22-28, which will be built along the outer perimeter of the subdivision along 1000 West, 2600 South and 1100 West. Phase 2 will be Lots 10-21 and will build on the cul-de-sac on the interior of the subdivision. Staff and P&Z believe the phasing is acceptable.</p>		Zone Requirement	Final Plat	Min. Lot Size	12,000	All lots meet or exceed standard	Lot Size Avg.	14,000+	14,793 sq. ft.	Min. Frontage	100'	All lots meet or exceed standard
	Zone Requirement	Final Plat											
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Min. Frontage	100'	All lots meet or exceed standard											

Staff and Engineering Review The City Engineer reviewed the plat and provided comments to the developer directing that several corrections be made. The developer has responded with a written report to staff regarding the engineering review comments and has made the necessary changes to bring everything required up to standard.

Roads Nibley City engineering standards, as well as Nibley City Code 11-5-5(E), limit the length of a cul-de-sac to 660'. The cul-de-sac measures 620' to the center of the cul-de-sac, so it is acceptable for street development. The cul-de-sac will be a 60' ROW, which is acceptable for a local road. 1000 West, 1100 West and 2600 South will each be a 66' ROW, which is suitable for neighborhood roads that carry a larger traffic load than the cul-de-sac.

Stormwater Stormwater needs for this subdivision will be handled by the Sunrise Meadows regional ponds. Those ponds were built with this property in mind. Rather than building a separate pond at this site, stormwater will be piped to the regional Sunrise Meadows regional ponds and this developer will pay for a proportionate share of the cost for those ponds. Staff has calculated the cost to the developer with the credit for the stormwater infrastructure they will install and it has been included in the development agreement.

Infrastructure As part of the submittal of the final plat for each phase, the developer has submitted construction drawings related to the infrastructure construction. Those drawings have been reviewed by the City Engineer and staff for compliance with City standards and specifications.

Pedestrian Right-of-Way (ROW) Nibley City Code 11-5-5(E) requires that cul-de-sacs have a pedestrian ROW from the cul-de-sac, linking it to the nearest public ROW. The City Council, on September 1, 2016 approved the preliminary plat based on the following changes to the pedestrian right-of-way

A portion of the property (squaring the property) in the southwest corner of the proposal be included as land sold by the city to the proponent with the open space to be mitigated with the other parts of the proposal

That the pedestrian right of way be established, either through land acquisition in trade, or through a right-of-way easement running east and west along the south border of the proposal

The pedestrian right-of-way that was initially shown on the preliminary plat going to the east from the cul-de-sac would not be required

A north-south pedestrian right-of-way between lots 15 and 16 would be established to get to the south pedestrian right-of way

The City would split 50/50 the cost of developing the pedestrian access with the proponent.

These items have been incorporated into the final plat. However, a couple of questions remain regarding the trail system. The first item that needs consideration is that, according to City Ordinance 11-1-8-C:

“Developers may choose to construct infrastructure improvements within the proposed subdivision, which may include, but are not limited to: utilities, parks, open space, stormwater facilities, trails, etc. When such improvements are approved as part of the subdivision approval, they shall be phased in proportion, based on percentage of the total value of the amenities in the subdivision, to the total number of lots in the subdivision, per phase. Example: If a phase contains 25% of the lots for the subdivision, then 25% of the total values of the subdivision’s amenities are required to be constructed along with that phase.”

This would mean the developer would need to construct 50% of the trail in Phase 1. The Developer has agreed to put in the full east to west trail for Phase 1, and that agreement has been included in the proposed development agreement.

Another item to consider is designs for the trail. City Ordinance 11-5-5-E:

Cul-De-Sacs: Cul-de-sacs shall not exceed one-eighth ($\frac{1}{8}$) mile in length, except in R-E zones where they shall not exceed one-fourth ($\frac{1}{4}$) mile in

length. Each cul-de-sac must be terminated by a turnaround with a radius of at least sixty feet (60'). If surface water drainage runs into the turnaround due to the grade of the street, necessary catch basins and drainage easements shall be provided. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end street. It shall remain and be available to the public so long as the dead end exists.

The subdivider shall provide a pedestrian ROW as outlined below linking the cul-de-sac to the nearest adjacent public ROW unless expressly prohibited by conflict with previously developed subdivisions or land uses.

In the event that this provision requires a trail that terminates adjacent to a compatible or undeveloped land use, viz. agriculture or undeveloped subdivision, the ROW and sidewalk shall be provided to the subdivision property line. Upon development of the adjacent land, the sidewalk and ROW shall be continued from that point through the new subdivision to the nearest public trail or street.

All pedestrian ROWs shall be designed for compliance with the Transportation Master plan to maximize non-motorized transportation network efficiency.

The right-of-way shall consist of a minimum 5' sidewalk and a minimum 7.5' landscaped area on each side of the sidewalk. The Developer shall submit a compliant Landscaping Plan to the City for approval. The ROW shall be dedicated to the City upon completion and acceptance by the Public Works Director.

Because the City agreed to split the total cost with the developer, the developer is bringing some proposed ideas including the cost of developing each plan. Staff is seeking guidance on what landscaping the City Council would like. At the last meeting, the Council discussed about \$3.00 per square foot for landscaping and about \$30,000 total to the City. Once landscaping is agreed upon, a landscaping plan will be attached to the development agreement.

Development Agreement: City Staff has worked with the developer in order to bring the draft version of the development agreement to the City

	<p>Council for approval. Staff is still waiting on a few numbers for the agreement which will be updated based on the Council decisions.</p> <p>This item was reviewed by the Planning Commission at its June 22, 2016 meeting and City Council on September 1, 2016 for the preliminary plat and was recommended for approval by the Planning Commission to the City Council on November 9, 2016.</p>
Recommendation	Approve the Subdivision and Phase 1
Financial Impact	\$15,000-\$35,000 for cost of the pedestrian R-O-W
Reviewed By	Planning and Zoning Commission, City Planner, City Attorney, City Manager, City Engineer

Agenda Item #9

Description	Discussion and consideration of a preliminary plat for the The Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately 4030 hollow Road (Applicant: Jim Johnson)
Department	Planning
Presenter	Stephen Nelson. City Planner
Sponsor	n/a
Applicant	n/a
Background	<p>Below is a slightly edited Agenda Item Report from Nov. 17, 2016 for the Cottonwoods Subdivision. Because the Council found the plat that was presented at that meeting acceptable, most of the report remains the same. Regarding the Transportation Master Plan and changing the City code in order to allow for swales and curbing, staff is working on these changes in order that these items will be ready to be brought before the Planning Commission on December 14, 2016 for their recommendation. In order for this item to continue forward, it would need to be approved on the condition that the Transportation Master Plan is changed to match the proposed road and that City code is changed in order to allow swales and flat curbing instead of gutter and traditional curbing.</p> <p>Agenda Item Report from Nov. 17, 2016 with some slight edits:</p> <p>The applicant on this project, Mr. Jim Johnson, who is a Nibley resident and Nibley Planning and Zoning Commissioner, has submitted a revised preliminary plat for the subdivision he is proposing to develop. There have been several changes made since the last time it was presented to the council, and details of the changes are listed below and in a letter attach.</p>

The applicant is proposing a 17-lot conservation residential subdivision, with two remainder lots, located at approximately 4030 Hollow Rd. The property is a mixture of the R-1 and R-1A zones. The development proposed on the southern portion of the property is planned to be developed in an initial phase. Additional development on the northwest portion of the property is also anticipated in the future.

City Code 10-18-4 states that in existing R-1 zones, the base density is calculated as if the property were R-1A zones. Thus, despite there being a blend of the R-1 and R-1A zones, City code dictates that this property all be developed as if it were an R-1A zone.

“Applicants in existing R-1 zones may also choose to apply for a subdivision approval using the conservation residential subdivision. By so doing, the density from which all calculations shall be made shall be equal to 0.75 acre lots or the same density as the R-1A zone.”

Open Space/Density Calculations

Project Size: 10.63 acres Original Lot Yield: 13 lots

ROW acreage: 1.96 acres Developable Property: 8.67 acres

Open Space: 3.65 acres Percentage of Open Space: 41.28%

Density Bonus: 50% Proposed Lots : 17 lots

Potential Lot Yield: 19

Avg. Lot Size: 13,386 sq. ft. Req. Avg. Lot Size: 11,000 sq. ft.

Req. Frontage: 90'- all lots meet or exceed required frontage.

Mr. Johnson has also made some changes to the layout of the open space based on the council's feedback. The new plat has eliminated Conservancy Lots 10, 1, and 19 from the application and has incorporated more open space along Hollow Road in Conservancy Lots 1, 2, and 4. All of the conservancy space is proposed to be privately owned. By adding these changes, Mr. Johnson has eliminated two home lots, Lots 1 and 19, and then renumbered the lots.

Recommendations from Planning and Zoning Commission

The P&Z made a motion to recommend that the City Council approve of the subdivision with the following conditions:

That a waiver on the right-of-way be issued by City Council that includes the entire 60-foot right-of-way; that eliminates curb and gutter and replaces it with a swale but still includes sidewalk service.

That the City Council requires that the City take ownership of the conservancy cottonwood lot of the Cottonwood at Hollow Roads subdivision.

That the applicant adds the utility easements to the plat before the plat goes to City Council.

That the City Council requires adequate right-of-way width along the Hollow Road Frontage to accommodate the developer's share of the 60-foot right-of-way.

Items 1, 3 and 4 above have been included on the November 9, 2016 version of the plat submitted to the City Council. However, City staff recommends that the City not take ownership of the cottonwood conservancy lot, and all of the other open space remain privately held as well. Staff also believes that the Council could not simply waive the stormwater requirement references in item 1 above and believes a change in code needs to be adopted in order to allow for the swales.

Irrigation Canal

There is a ditch on the property that will be relocated. Mr. Johnson has provided those drawings to the Nibley Blacksmith Fork Irrigation Company, which has acknowledged receipt of the drawings. The infrastructure details of the ditch relocation will be addressed as part of the construction drawings which would be submitted with the final plat.

Traffic

At the November 3, 2016 City Council meeting, the City Council requested that the applicant seek input from the Utah Department of Transportation to solicit their comments regarding the development and its impacts on SR 165. The following is an email from UDOT:

“-----Original Message-----

From: Keith Bladen <kbladen@utah.gov>

To: jejrulz <jejrulz@aol.com>

Sent: Mon, Nov 7, 2016 2:52 pm

Subject: Hollow Road Access Issue

Jim,

As per our telephone conversation this morning, the most apparent reasons for individuals or companies to have a UDOT Encroachment permit are as follows:

- Direct access (drive approach) connecting to a State Route
- Utility connections within the UDOT Right-of-Way
- Storm Water Discharge into a UDOT storm drain system
- Conducting any work within the UDOT Right-of-Way

Based off of our discussion, it appears that these items are not related to your proposed development that will be approximately 2/10ths of a mile from the SR-165 & Hollow Road Junction. **At this time, we do not have any issues on the matter.** *(emphasis added for this report)* In the event things change and you need to work within the UDOT Right-of-Way, the proper permits will be required.

Please let know if you need anything else.

Thanks,

Keith

Right-of-Way Width

Having stormwater handled by swales rather than a larger pond, is a low-impact development technique, which is encouraged by Federal and State stormwater regulations. Additionally, not requiring curb/gutter allows this subdivision to maintain a more rural feel and blend in with the surrounding roads. However, City Code 11-5-5 (D) (2) requires that curb; gutter and sidewalk must be added to all residential developments outside of rural estates and the agricultural zones. Staff is in favor of the swales, but believes the code needs to be change in order to allow for this design to move forward.

The R-O-W along Hollow Road has also had the addition of sidewalks, which is also required by the code in section 11-5-5 (d). The agenda item report for this plat that was submitted to the City Council on November 3 erroneously proposed that this requirement could be waived. After further review, no such allowable exception was identified in the code for this zone.

250 East

The Transportation Master Plan shows that a connection should be made through this property between Hollow Road and 250 East. The current Road Master Plan map, as shown below, has that connection coming directly from the current end of 250 East down to Hollow Road.



In that configuration, Mr. Johnson would be required to construct and dedicate a new portion of 250 East. Here are some items to consider:

The master plan alignment runs directly through a FEMA Flood Zone. To construct a road through this property could require significant costs because there could be a need to bring in fill dirt, and it is possible that there could be wetland issues that might need to be mitigated or permitted.

The property in the flood zone is on the lot east of the proposed subdivision and the road wouldn't necessarily be constructed as part of

this subdivision project. That portion of the road, between the current southern terminus of 250 East and the eastern boundary of the subdivision would either have to be constructed in a future potential development on that property or built by the city, in order to bridge the gap. If the City were to pursue construction, the City would need to acquire the property, deal with the flood zone issues and pay for construction of the road.

Another potential conflict with the alignment currently planned in the Road Master Plan is that it appears to conflict with an existing house east of the proposed subdivision. It is possible that the road could be curved to avoid the house.

There is a waterline that currently dead ends at the south end of 250 E. Mr. Johnson has agreed to continue a waterline through the conservation space to the most northeastern point of the proposed development, so that the City can connect the water lines in the future and creates a looped system.

After the council meeting held on November 3, 2016, staff met with Mr. Johnson to discuss the road alignment. Mr. Johnson agreed that there could be a 60 ft. R-O-W dedicated through the remainder property to the northern property line.

For the reasons above, the position of the planning and zoning commission and staff is that a road alignment following the current master plan map may not be the route preferred by the City.

The intent of having the road connection between 250 East and Hollow Road on the Master Road Plan was to provide a connection between Hollow Road and the Brookfield Meadows subdivision on 250 East. Mr. Johnson's proposal lays out a connection between the neighborhoods

	that would take the road out of the floodplain and could potentially make the eventual connection more feasible, while maintaining the intent of the route proposed in the master plan
Recommendation	Approved on the condition that the Transpiration Master Plan is changed to match the proposed road and City code is changed in order to for the allowance of swale and curbing instead of gutter and curbing.
Financial Impact	n/a
Reviewed By	Planning and Zoning Commission, City Planner, City Attorney, City Manager, City Engineer

RIDGELINE TRAIL AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 20____, by and between the CIY OF NIBLEY, hereinafter “NIBLEY”, and the CITY OF MILLVILLE, hereinafter “MILLVILLE”:

WITNESSETH:

WHEREAS, NIBLEY and MILLVILLE, were among the parties who were successful in securing funds from the Congestion Mitigation Air Quality transportation program funds in 2016 to construct a portion of a planned trail from MILLVILLE through NIBLEY into neighboring jurisdictions to the North; and

WHEREAS, the portion of the trail that was funded for construction is located within both NIBLEY and MILLVILLE’s city boundaries; and

WHEREAS, NIBLEY is acting as the lead agency in design and construction of the trail; and

WHEREAS, a portion of the trail to be constructed will cross through property that is publicly dedicated to MILLVILLE as a right of way; and

WHEREAS, NIBLEY owns real property located in MILLVILLE City limits, on which a portion of the trail is to be constructed.

NOW, THEREFORE, in consideration of the mutual covenants and undertakings hereinafter stated to which each party hereby binds and commits itself, it is agreed as follows:

1. Agreement to Construct in MILLVILLE Right of Way: MILLVILLE agrees to allow the construction of the trail through MILLVILLE’s right of way on 300 West. (Attach map with location on 300 West)

2. Trail Maintenance: It is agreed by the parties that NIBLEY shall own, operate and maintain the portion of the trail that is located within NIBLEY City limits, as well as the portions of the trail that are located on NIBLEY City-owned property within MILLVILLE’s City limits. It is agreed that MILLVILLE shall own, operate and maintain the portions of the trail that are located within MILLVILLE’s right of way and within MILLVILLE’s City limits not owned by Nibley City. Trail maintenance includes maintaining the trail surface, signage, adjacent landscaping, irrigation systems, snow removal etc. Each City will be responsible to replace any portions of the trail maintained by that City, should it be damaged.

3. Level of Appearance: It is agreed by NIBLEY and MILLVILLE that the appearance of the area owned by the respective parties will be natural grasses and appear as a native and natural landscape. Grasses shall be mowed and/or kept to a max height of 18 inches.

ORDINANCE 16-06

AN UPDATE TO THE NIBLEY CITY FENCE CODE

WHEREAS, Nibley City has promoted greater connectivity in the city for pedestrians and bicyclist through developing trails, sidewalks and pedestrian rights-of-way; and

WHEREAS, Nibley City has an obligation to insure that those trails, sidewalks and pedestrian rights-of-way remain safe, and

WHEREAS, to insure safety on public trails, sidewalks and pedestrian rights-of-way; these connection must remain visible, and

WHEREAS, property owners along trails have the ability to fence their property according to Nibley City Code, and

WHEREAS, Nibley City has the authority to establish policies to regulate fencing throughout the City in order to balance safety and privacy.

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

1. The attached revision of the Fence Regulations code is hereby adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS ____ DAY OF _____, 2016.

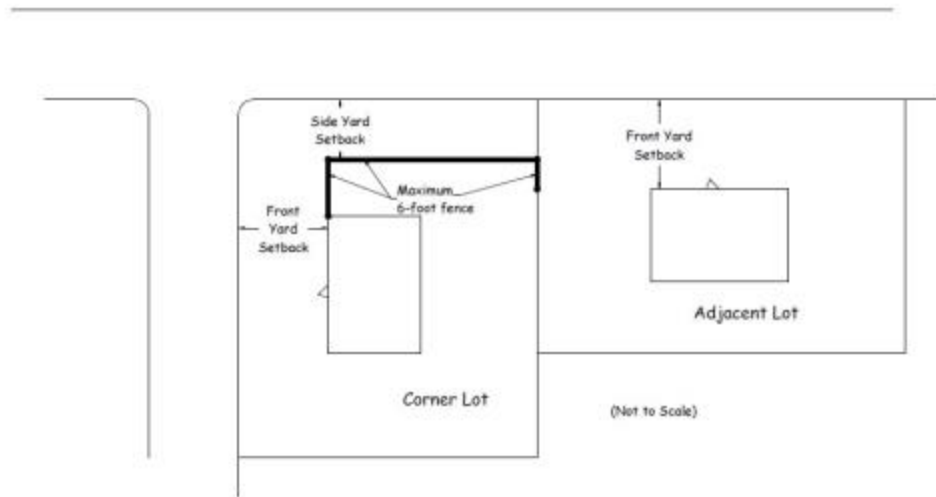
Shaun Dustin, Mayor

ATTEST:

City Recorder

10-12-9 Fence Regulations

- A. Fence: No fence, wall or other similar structure or landscaping element shall be erected or maintained in any front yard setback area to a height in excess of four feet (4'); nor shall any fence, wall or other similar structure or landscaping element be erected or maintained in any side or rear yard to a height in excess of seven feet (7') for an opaque fence (eighty percent (80%) or more opaque), e.g., solid wood, and eight feet (8') for a non-opaque (less than twenty percent (20%) opaque) fence, e.g., chain-link, subject to the limitations identified herein for fences bordering Public Trails, Public Walkways and Public Easements for non-motorized vehicles (collectively Public Trails hereafter). Public Trails located in Public Parks are excluded from the fence regulations, conditions and provisions of Section C of this Ordinance. Under all circumstances, no structure or landscaping element may interfere with property address identification. Landscaping elements exclude varieties of trees approved by the City Planner or Planning Department. Any conflicts between this Chapter and Chapter 10-11-1 shall be governed by the more restrictive or limiting provision.
- B. Corner Lots:
1. Corner lot fences shall comply with the following:
 - a. No opaque fence, wall or other similar structure shall be erected in any lot bordering a street or front yard of an adjoining lot to a height in excess of four feet (4'). These four-foot fences may be built on the property line.
 - b. Six-foot (6') tall opaque fences adjacent to a street are allowed at the side yard setback line, starting at the corner lot's front-yard setback line and running to the corner lot's rear property line. When the rear yard of a corner lot is adjacent to the front yard of a neighboring lot, the maximum fence height is six feet (6') in the part of corner lot's rear yard that is adjacent to the neighboring lot's front-yard setback area. The following figure shows where six-foot fences are allowed on corner lots. Although this figure shows the front of each house placed at the front-yard setback line, houses may also be placed behind the front-yard setback lines. In this case, the six-foot fence placement is still defined by the setback lines, not by the houses.



1

ning the placement of corner-lot fences adjacent to private streets are referenced from the edge of the private-street easement or from the property line, whichever is further from the center of the private street.

- d. Transparent fences shall conform to the guidelines of section 10-11-1 of this chapter.
- e. For the purposes of this section, all lot frontage adjoining a public or private road, regardless of the location of a home or the shape of the lot, shall be determined to be the front yard for the purposes of establishing appropriate setbacks and compliance with this ordinance.

2. All fences on corner lots shall comply with the clear view of intersecting streets as defined in 10-12-11 of this chapter.

C. Fencing or landscaping elements along Public Trails: All fences or landscaping elements adjacent to Public Trails, shall be limited to the following:

- 1. Fencing or landscaping elements that may exceed four feet (4') but not be more than eight feet (8') in height:
 - a. Post and rail fencing;
 - b. Field fencing;

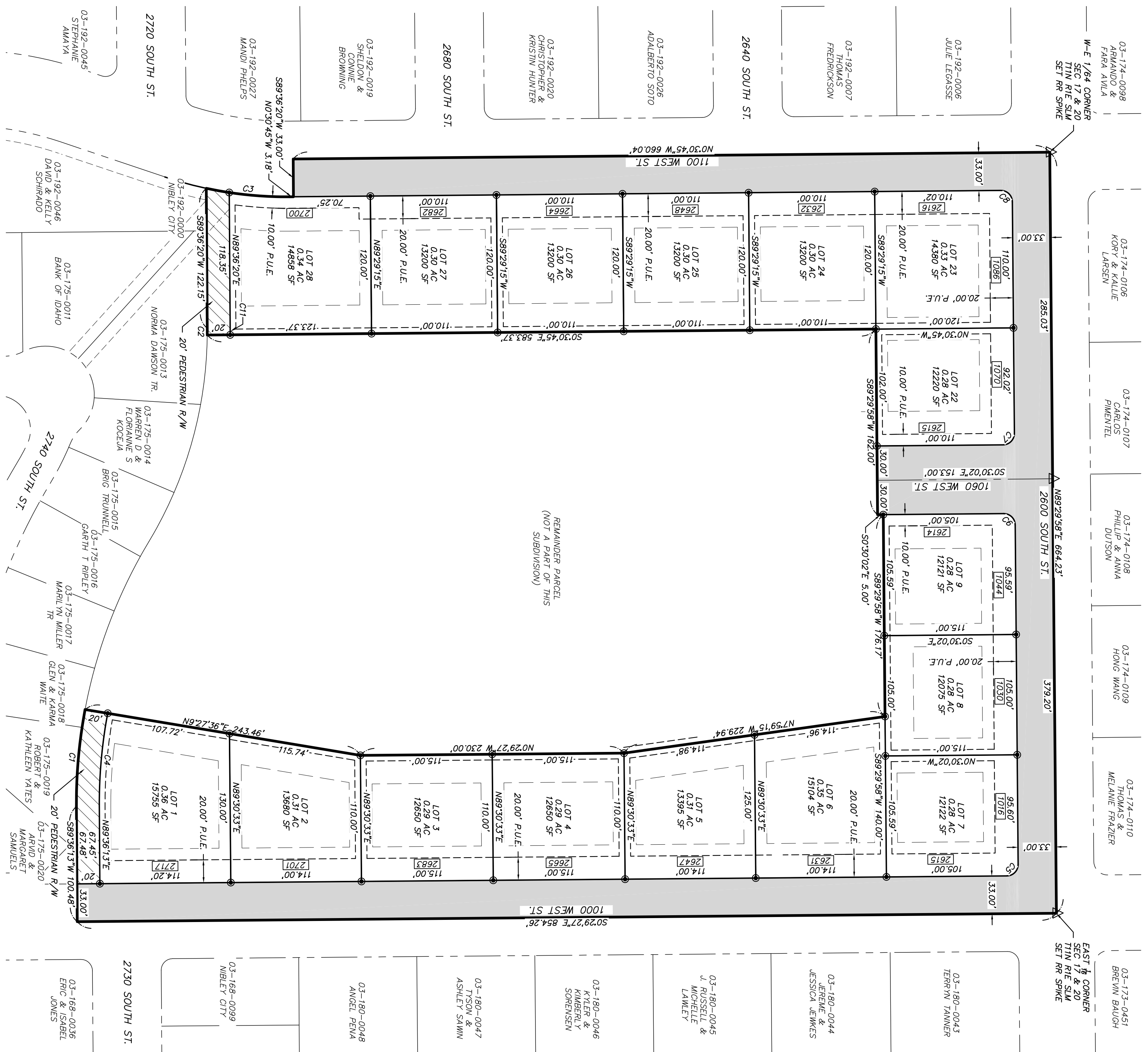
- c. High-tension wire fencing; and
 - d. Any other fencing or landscaping elements not exceeding twenty percent (20%) opaque.
 - 2. Fencing or landscaping elements that may not exceed four feet (4') in height:
 - a. Chain-link fencing;
 - b. Hedges or other shrubbery; and
 - c. Any other fencing or landscaping elements exceeding twenty percent (20%) opaque.
 - 3. Fencing or landscaping elements may be combined so long as non-permitted elements do not exceed four feet (4') in height.
 - 4. All heights under this subsection shall be determined based upon the centerline of the Public Trail.
 - 5. Nothing in this subsection shall be interpreted to limit the height of fences or landscaping elements that are adjacent to a street as identified in subpart (E) below.
- D. Elevation Changes: Where there is a difference in the elevation on either side of a fence or a wall, the height of the fence shall be determined by the difference between the top of the fence and the average of two points that are perpendicularly ten feet (10') on either side of the fence.
- E. Opaque fences in rear yards that are adjacent to a street or adjacent to the front yard setback of another lot, shall not exceed six feet (6") in height. Wherever possible and feasible, Nibley City will negotiate a minimum ten-foot (10') public easement between the placement of these six-foot fences and the rear property line.
- F. Fences installed adjacent to a street shall have the finished side facing the street. All gates that adjoin public property or Public Trails shall open inward (toward the property owner's lot).
- G. Fences shall not be built within one foot (1') of a sidewalk or the projected location of a future sidewalk.
- H. Access to a rear yard is required for emergency purposes and shall be at least four feet wide.
- I. A permit is required to build a fence. Nibley City staff shall have the authority to review and grant permit applications for fences consistent with this Ordinance.

Citizens may appeal staff decisions to the Nibley City Planning Commission within ten (10) days after approval or denial of a permit.

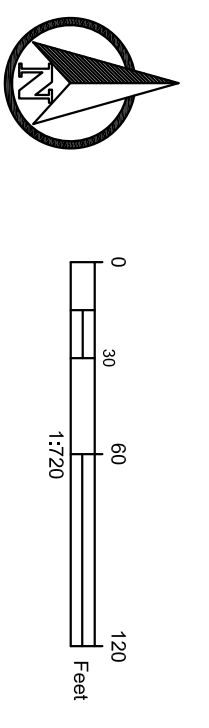
SUMMERFIELD PLACE PHASE 1

PART OF SEC 20, T11N, R1E, SLM

NIBLEY CITY, CACHE COUNTY, UTAH



SURVEY NARRATIVE
 THIS SURVEY WAS ORDERED BY KELLY C. LOOSELE FOR THE PURPOSE OF CREATING RESIDENTIAL BUILDING LOTS. PREVIOUS SURVEYS DONE IN THIS AREA FOR THE SURROUNDING SUBDIVISIONS WERE RETRACTED AND USED TO RE-ESTABLISH THE BOUNDARY OF THE SUBDIVISION AS SHOWN. THE BASIS OF RECORDS USED WAS A SET BY THE COUNTY SURVEYOR IN 1998. THE ORIGINAL SURVEY NUMBER 5, BEARING WITH CAPS STAMPED STEVEN C EARL PLUS 319575, WERE SET AT ALL LOT CORNERS. EXPANSION NAILS WITH WASHERS ARE TO BE SET AT THE INTERSECTION OF THE CURB AND THE PROLONGATION OF THE SIDE LOT LINES AFTER CONSTRUCTION.



COUNTY RECORDER'S NO. _____
 STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE
 PROJECT OF _____ TIME _____ FEE _____
 ABSTRACTED _____
 INDEX FILED IN: FILE OF PLATS _____
 MICHAEL GLEED, COUNTY RECORDER

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____ DAY OF _____, 201__.
 CITY ATTORNEY _____

ENGINEER'S CERTIFICATE
 I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND IT TO BE CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND THE CITY ORDINANCE, THIS _____ DAY OF _____, 201__.
 CITY ENGINEER _____

PLANNING COMMISSION APPROVAL AND ACCEPTANCE
 PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION THIS _____ DAY OF _____, 201__ AT WHICH TIME THIS SUBDIVISION WAS RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.
 PLANNING COMMISSION CHAIRMAN _____

CITY COUNCIL APPROVAL AND ACCEPTANCE
 PRESENTED TO THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 201__ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
 MAYOR _____

LEGEND

- SECTION LINE
- PROPERTY LINE
- RIGHT-OF-WAY
- STREET CENTERLINE
- PUBLIC UTILITY EASEMENT
- EASEMENTS NOTED
- MINIMUM BUILDING SETBACK
- FRONT = 30 FEET
- SIDE = 10 FEET
- REAR = 25 FEET
- PUBLIC STREET HEREBY DEDICATED
- PUBLIC PEDESTRIAN RIGHT-OF-WAY HEREBY DEDICATED
- STREET ADDRESS

CURVE TABLE

CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	85.12'	443.00'	1100.15°	N89.53.29°W	84.89'
C2	5.91'	357.00'	056.52°	N89.55.14°W	5.90'
C3	73.40'	333.00'	1237.43°	N5.48.07°E	73.25'
C4	81.68'	423.00'	1103.51°	S84.93.91°E	81.66'
C5	15.71'	10.00'	9070.55°	N45.29.44°W	14.14'
C6	15.71'	10.00'	9070.00°	S44.29.58°W	14.14'
C7	15.71'	10.00'	9070.00°	N45.30.02°W	14.14'
C8	15.71'	10.00'	9070.43°	S44.29.57°W	14.14'
C9	53.04'	333.00'	907.31°	N40.03.01°E	52.89'
C10	20.36'	333.00'	330.12°	N02.92.52°E	20.36'
C11	5.86'	377.00'	053.28°	N89.56.56°W	5.86'

NOTES & RESTRICTIONS

- THIS PROPERTY IS LOCATED IN THE VICINITY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH AGRICULTURAL USES THAT SUCH USES ARE PREVIOUSLY EXISTING USES. AGRICULTURAL USES AND SITUATIONS MUST BE SOUND AGRICULTURAL PRACTICES AND NOT BEAR A DIRECT THREAT TO THE PUBLIC HEALTH AND SAFETY.
- AREAS IN NIBLEY CITY HAVE GROUNDWATER PROBLEMS DUE TO THE VARYING DEPTHS OF A FLUCTUATING WATER TABLE. THE CITY'S APPROVAL OF A BUILDING PERMIT OR CONSTRUCTION PLANS DOES NOT CONSTITUTE A REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION OR LOCATION WILL SOLVE SUBSURFACE OR GROUNDWATER PROBLEMS. IN ADDITION, CONCERNS FOR BUILDING ELEVATION AND/OR GRADING AND DRAINAGE ARE UNIQUE TO EACH BUILDING LOT AND SITE RESPONSIBILITY FOR THESE STATED CONCERNS, AND ALL OTHER SUCH CONCERNS, PERMIT APPLICANT, PROPERTY OWNER AND/OR CONTRACTORS, SHALL BE RESPONSIBLE FOR ANY SUBSURFACE OR GROUNDWATER PROBLEMS WHICH MAY OCCUR, NOR FOR OTHER SUCH CONCERNS, INCLUDING, BUT NOT LIMITED TO, BUILDING LOCATION AND/OR ELEVATION, SITE GRADING AND DRAINAGE.
- THE FINISH FLOOR OF EACH HOUSE TO BE CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE AT AN ELEVATION OF 6-INCHES HIGHER THAN THE AVERAGE CURB HEIGHT IN FRONT OF THE HOUSE OR HIGHER. NO BASEMENTS ARE ALLOWED ON ANY LOT. GROUNDWATER WAS ENCOUNTERED AT AN ELEVATION OF 4503.30 FT ABOVE MSL (NAVD 88) OR A DEPTH OF APPROXIMATELY 8.5 FEET NEAR THE CENTER OF THE SUBDIVISION ON NOVEMBER 21st, 2016.
- PURSUANT TO UTAH CODE ANN. § 94-3-3.2 THE PLAT CONVERTS TO THE OWNER(S) PURSUANT TO THE RIGHTS AND DUTIES DESCRIBED HEREBY. (C)(1) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PILE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
 - A RECORDED EASEMENT OR RIGHT-OF-WAY
 - THE LAW APPLICABLE TO PRESERVING THE RIGHTS
 - (iii) TITLE 54, CHAPTER 86, DAMAGE TO UNDERGROUND FACILITIES OR
 - (iv) ANY OTHER PROVISION OF LAW.

LEGAL DESCRIPTION

A PART SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN, LOCATED IN THE CITY OF NIBLEY, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE EAST 1/16 CORNER COMMON TO SECTION 17 & 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN; THENCE S00°29'27"E 854.26 FEET ALONG THE EAST 1/16 LINE OF SAID SECTION 20; THENCE ALONG THE NORTH BOUNDARY OF LOTS 19 AND 18 OF SUNSET-PARKS PLUD. THE FOLLOWING TWO COURSES:
 1. S89°56'13"W 100.48 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH WITH HAVING A RADIUS OF 443.00 FEET;
 2. BEARING N89.53.29°W 84.93 FEET;
 THENCE N92°29'29"W 230.46 FEET;
 THENCE N02°29'29"W 230.40 FEET;
 THENCE S89°56'13"W 100.48 FEET;
 THENCE S070°02'52"E 5.00 FEET;
 THENCE S070°02'52"E 5.00 FEET;
 THENCE S070°45'E 583.37 FEET TO THE NORTH LINE OF LOT 13 OF SAID SUNSET-PARKS PLUD.
 THENCE ALONG SAID NORTH LINE AND ITS PROLONGATION THE FOLLOWING TWO COURSES:
 1. WESTERLY 5.91 FEET ALONG A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 357.00 FEET AND A LONG CHORD BEARING N89°55'14"W 5.90 FEET;
 2. S89°56'20"W 122.15 FEET TO THE EAST LINE OF 1100 WEST STREET; THENCE NORTHERLY 73.40 FEET ALONG SAID EAST LINE AND A CURVE CONCAVE TO THE WEST WITH A RADIUS OF 333.00 FEET AND A LONG CHORD BEARING N5°48'07"E 73.25 FEET;
 THENCE N03°04'50"W 3.18 FEET ALONG SAID EAST LINE;
 THENCE S89°36'20"W 33.00 FEET ALONG THE NORTH-NORTH 1/64 LINE OF SAID SECTION 20;
 THENCE S070°45'W 660.04 FEET ALONG THE WEST-EAST 1/64 LINE OF SECTION 20;
 THENCE N89°29'58"E 664.23 FEET ALONG THE NORTH LINE OF SAID SECTION 20 TO THE POINT OF BEGINNING.
 CONTAINING 6.80 ACRES, MORE OR LESS.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND AND HEREBY CAUSE RIGHTS-OF-WAY TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS: **SUMMERFIELD PLACE PHASE 1**
 AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE CONSTRUCTION AND MAINTENANCE OF UTILITY LINES AND FACILITIES. FURTHERMORE, WE INCORPORATE ALL NOTES AND RESTRICTIONS AS LISTED HEREON.

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF CACHE } §
 By: _____, Trustee

 ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, KELLY C. LOOSELE, TRUSTEE OF THE KELLY C. LOOSELE TRUST DATED THE 3RD DAY OF DECEMBER, 2010, AND THE TRUSTEE WHO SUBSCRIBED TO THE SAID TRUST NAMED TO THE FOREGOING INSTRUMENT, AND WHOSE NAME TO BE ENTERED AS THE SAME IN SAID TRUST NAME, AND THAT SAID TRUST EXECUTED THE SAME.
 NOTARY PUBLIC SIGNATURE: _____
 NOTARY PUBLIC FULL NAME: _____
 COMMISSION NUMBER: _____
 MY COMMISSION EXPIRES: _____
 A NOTARY PUBLIC COMMISSIONED IN UTAH

UTILITY COMPANY APPROVALS

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED
 QUESTIONARIES: _____ DATE _____
 ROCKY MOUNTAIN POWER _____ DATE _____
 CENTURY LINK COMMUNICATIONS _____ DATE _____
 COMCAST CORPORATION _____ DATE _____

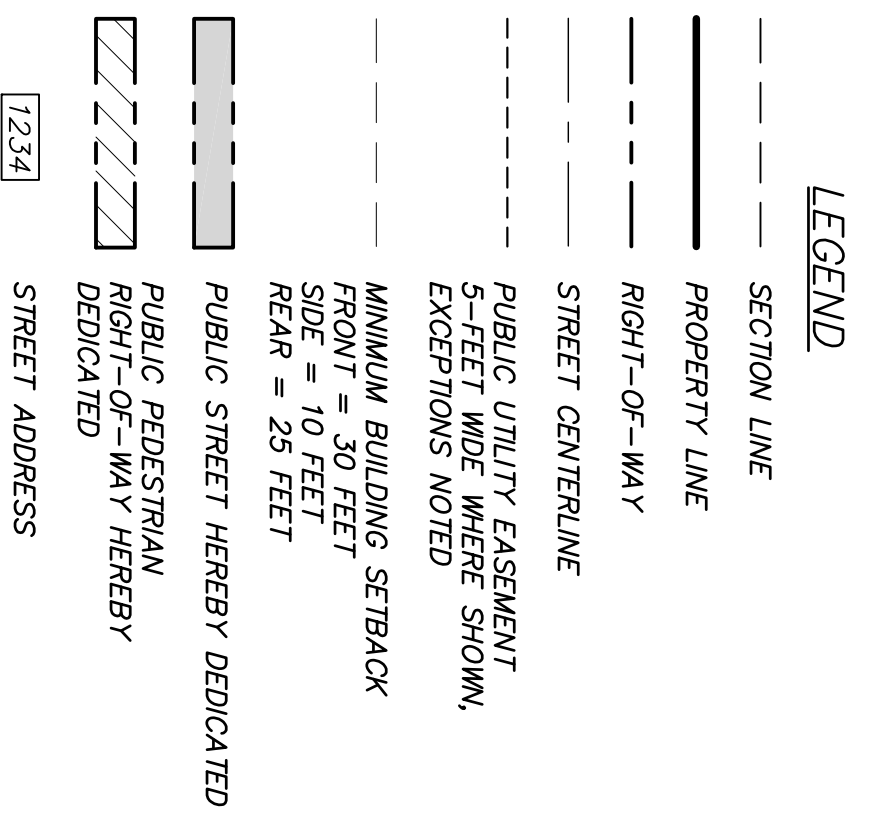
SUMMERFIELD PLACE PHASE 2

PART OF SEC 20, T11N, R1E, S1M

NIBLEY CITY, CACHE COUNTY, UTAH



LINE	LENGTH	BEARING
L1	18.48'	S03202°E
L2	21.34'	N274347°W
L3	11.41'	S591724°W
L4	13.48'	S03202°E
L5	13.48'	N03202°W
L6	12.01'	S220033°W



CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C1	157.50'	443.00'	20222.15"	N687205°W	156.67'
C2	189.61'	357.00'	20255.1"	N741353°W	187.39'
C3	98.21'	170.00'	3305.55"	S170259°E	96.85'
C4	17.86'	170.00'	6701.05"	N082629°W	17.85'
C5	82.37'	230.00'	20311.11"	N292128°W	81.93'
C6	87.31'	230.00'	21533.86"	N882833°W	87.37'
C7	8.49'	230.00'	2065.57"	S351333°W	8.49'
C8	86.28'	530.00'	919.40"	S93452°W	86.19'
C9	19.20'	530.00'	204.31"	N151657°E	19.20'
C10	20.23'	25.00'	46217.99"	N651472°W	19.68'
C11	56.64'	60.00'	5405.07"	N320133°W	54.95'
C12	63.30'	60.00'	60270.4"	N641952°E	60.41'
C13	20.09'	60.00'	19111.7"	S655457°E	20.00'
C14	61.30'	60.00'	58212.7"	S4720310°E	58.67'

CURVE	LENGTH	RADIUS	Δ	CH. BEARING	CHORD
C15	91.01'	60.00'	9854.19"	S254008°W	82.83'
C16	6.07'	25.00'	1394.03"	S621016°W	6.05'
C17	17.32'	25.00'	3941.90"	S532220°W	16.86'
C18	81.37'	420.00'	1072.42"	S1029504°W	83.66'
C19	3.24'	420.00'	0233.41"	S59592°W	3.24'
C20	101.91'	170.00'	34200.49"	S1215232°E	100.39'
C21	30.23'	170.00'	10711.4"	N343124°W	30.19'
C22	77.98'	230.00'	19253.2"	S295415°E	77.61'
C23	78.04'	230.00'	19442.7"	S102045°E	78.66'
C24	148.99'	423.00'	20789.99"	N691026°W	149.21'
C25	158.54'	372.00'	23142.1"	N735301°W	151.86'
C26	158.54'	200.00'	39970.0"	S200331°E	133.91'
C27	158.45'	200.00'	44320.3"	N172120°W	151.57'
C28	149.16'	500.00'	172053.2"	N1327248°E	148.60'

NOTES & RESTRICTIONS

- THIS PROPERTY IS LOCATED IN THE VICINITY OF PROPERTY THAT IS USED FOR AGRICULTURAL PURPOSES. IT MAY BE ANTICIPATED THAT SUCH AGRICULTURAL USES AND ACTIVITIES MAY OR MAY NOT IN THE FUTURE BE CONDUCTED IN THIS AREA AND THAT SUCH USES ARE PREVIOUSLY EXISTING USES. AGRICULTURAL USES AND SITUATIONS MUST BE SOUND AGRICULTURAL PRACTICES AND NOT BEAR A DIRECT THREAT TO THE PUBLIC HEALTH AND SAFETY.
- AREAS IN NIBLEY CITY HAVE GROUNDWATER PROBLEMS DUE TO THE VARYING DEPTHS OF A FLUCTUATING WATER TABLE. THE CITY'S APPROVAL OF A BUILDING PERMIT OR CONSTRUCTION PLANS DOES NOT CONSTITUTE A REPRESENTATION BY THE CITY THAT BUILDING AT ANY SPECIFIED ELEVATION OR LOCATION WILL SOLVE SUBSIDIARY OR GROUNDWATER PROBLEMS. IN ADDITION, CONCERNS FOR BUILDING RESPONSIBILITY AND FOR GRADING AND DRAINAGE OF BUILDING SITES RELATE TO A LOT OR AND/OR CONTRACTOR. NIBLEY CITY IS NOT RESPONSIBLE FOR ANY SUBSIDIARY OR GROUNDWATER PROBLEMS WHICH MAY OCCUR, NOR FOR OTHER SUCH CONCERNS, INCLUDING, BUT NOT LIMITED TO, BUILDING LOCATION AND/OR ELEVATION, SITE GRADING AND DRAINAGE.
- THE FINISH FLOOR OF EACH HOUSE TO BE CONSTRUCTED WITHIN THIS SUBDIVISION SHALL BE AT AN ELEVATION OF 6-INCHES HIGHER THAN THE AVERAGE CURB HEIGHT IN FRONT OF THE HOUSE OR HIGHER. NO BASEMENTS ARE ALLOWED ON ANY LOT. GROUNDWATER WAS ENCOUNTERED AT AN ELEVATION OF 4503.30 FT ABOVE MSL (NAVD 88) OR A DEPTH OF APPROXIMATELY 8.5 FEET NEAR THE CENTER OF THE SUBDIVISION ON NOVEMBER 21, 2016.
- PURSUANT TO UTAH CODE ANN. § 94-3-32 THIS PLAT CONVEYS TO THE OWNER(S) OF OPERATORS OF PUBLIC UTILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL THE RIGHTS AND DUTIES DESCRIBED PURSUANT TO UTAH CODE ANN. § 17-270-603(A)(2) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE P.U.E. AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENTS, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER:
 - A RECORDED EASEMENT OR RIGHT-OF-WAY
 - THE LAW APPLICABLE TO PREScriptive RIGHTS
 - (ii) TITLE 54, CHAPTER 84, DAMAGE TO UNDERGROUND FACILITIES OR
 - (iv) ANY OTHER PROVISION OF LAW.

COUNTY RECORDER'S NO. _____
 STATE OF UTAH, COUNTY OF CACHE, RECORDED AND FILED AT THE
 REQUEST OF _____ TIME _____ FEE _____
 DATE _____
 ABSTRACTED _____
 INDEX FILED IN: FILE OF PLATS _____

APPROVAL AS TO FORM _____ DAY OF _____
 APPROVED AS TO FORM THIS _____ DAY OF _____
 MICHAEL GLEED, COUNTY RECORDER

ENGINEER'S CERTIFICATE
 I CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FOUND IT TO BE CORRECT
 AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THIS OFFICE AND
 THE CITY ORDINANCE, THIS _____ DAY OF _____, 201__.
 CITY ENGINEER

PLANNING COMMISSION APPROVAL
 AND ACCEPTANCE
 PRESENTED TO THE NIBLEY CITY PLANNING COMMISSION THIS _____ DAY OF _____, 201__ AT WHICH TIME THIS SUBDIVISION WAS
 RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL.
 PLANNING COMMISSION CHAIRMAN

SURVEY CERTIFICATE

I, STEVEN C. EARL, A REGISTERED LAND SURVEYOR, HOLD CERTIFICATE NO. 318575-2201, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND DO HEREBY CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT WHICH IS ACCURATELY DESCRIBED THEREWITH, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS SUMMERFIELD PLACE PHASE 2, AND THAT THE SAME HAS BEEN SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

LEGAL DESCRIPTION

A PART SECTION 20, TOWNSHIP 11 NORTH, RANGE 1 EAST, SALT LAKE MERIDIAN LOCATED IN THE CITY OF NIBLEY, COUNTY OF CACHE, STATE OF UTAH, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHEAST CORNER OF LOT 23 OF SUMMERFIELD PLACE PHASE 1;
 THENCE ALONG THE BOUNDARY OF SAID PHASE 1 THE FOLLOWING SIX COURSES:
 1. N89°29'58"E 182.00 FEET;
 2. N03°02'02"W 5.00 FEET;
 3. N69°29'58"E 176.17 FEET;
 4. S7°59'15"E 229.94 FEET;
 5. S02°29'27"E 230.00 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
 6. S92°27'36"W 243.46 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
 7. N03°40'08"E 176.67 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
 8. S92°27'36"W 243.46 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
 9. S92°27'36"W 243.46 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
 10. S92°27'36"W 243.46 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
 11. S92°27'36"W 243.46 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
 12. S92°27'36"W 243.46 FEET TO THE NORTH LINE OF LOT 18 OF SUMMERFIELD PLACE PHASE 1;
 13. WESTERLY 157.50 FEET ALONG A CURVE CONCAVE TO THE NORTH WITH A RADIUS OF 443.00 FEET AND A LONG CHORD BEARING N69°12'05"W 156.67 FEET;
 14. WESTERLY 189.61 FEET ALONG A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 357.00 FEET AND A LONG CHORD BEARING N74°13'53"W 187.39 FEET;
 15. WESTERLY 98.21 FEET ALONG THE BOUNDARY OF SAID PHASE 1 TO THE POINT OF BEGINNING.
 CONTAINING 5.22 ACRES, MORE OR LESS.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, STREETS, AND PEDESTRIAN RIGHTS AS SHOWN TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS SUMMERFIELD PLACE PHASE 2 AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL STREETS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF THE PUBLIC UTILITIES AND FACILITIES THEREON. WE INCORPORATE ALL NOTES AND RESTRICTIONS AS LISTED HEREON.

THE KELLY C. LOOSELE TRUST dated the 3rd day of December, 2010
 By: _____, Trustee

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF CACHE } §
 ON THIS _____ DAY OF _____, 201__ PERSONALLY APPEARED BEFORE ME, _____ TRUSTEE OF THE KELLY C. LOOSELE TRUST DATED THE 3RD DAY OF DECEMBER, 2010, AND THE TRUSTEE WHO SUBSCRIBED TO ME THAT HE EXECUTED THE SAME IN SAID TRUST NAME, AND THAT SAID TRUST EXECUTED THE SAME.

NOTARY PUBLIC SIGNATURE: _____
 NOTARY PUBLIC FULL NAME: _____
 COMMISSION NUMBER: _____
 MY COMMISSION EXPIRES: _____
 A NOTARY PUBLIC COMMISSIONED IN UTAH

UTILITY COMPANY APPROVALS

THE UTILITY EASEMENTS SHOWN ON THIS PLAT ARE APPROVED

QUESTAR GAS _____ DATE _____
 ROCKY MOUNTAIN POWER _____ DATE _____
 CENTURY LINK COMMUNICATIONS _____ DATE _____
 COMCAST CORPORATION _____ DATE _____

CITY COUNCIL APPROVAL AND ACCEPTANCE
 PRESENTED TO THE NIBLEY CITY COUNCIL THIS _____ DAY OF _____, 201__ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.
 MAYOR _____

PROJECT TITLE: **SUMMERFIELD PLACE PHASE 2**

SHEET DESCRIPTION: **FINAL PLAT**

1 of 1

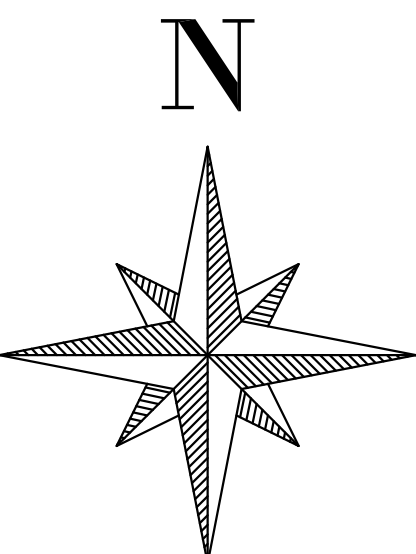
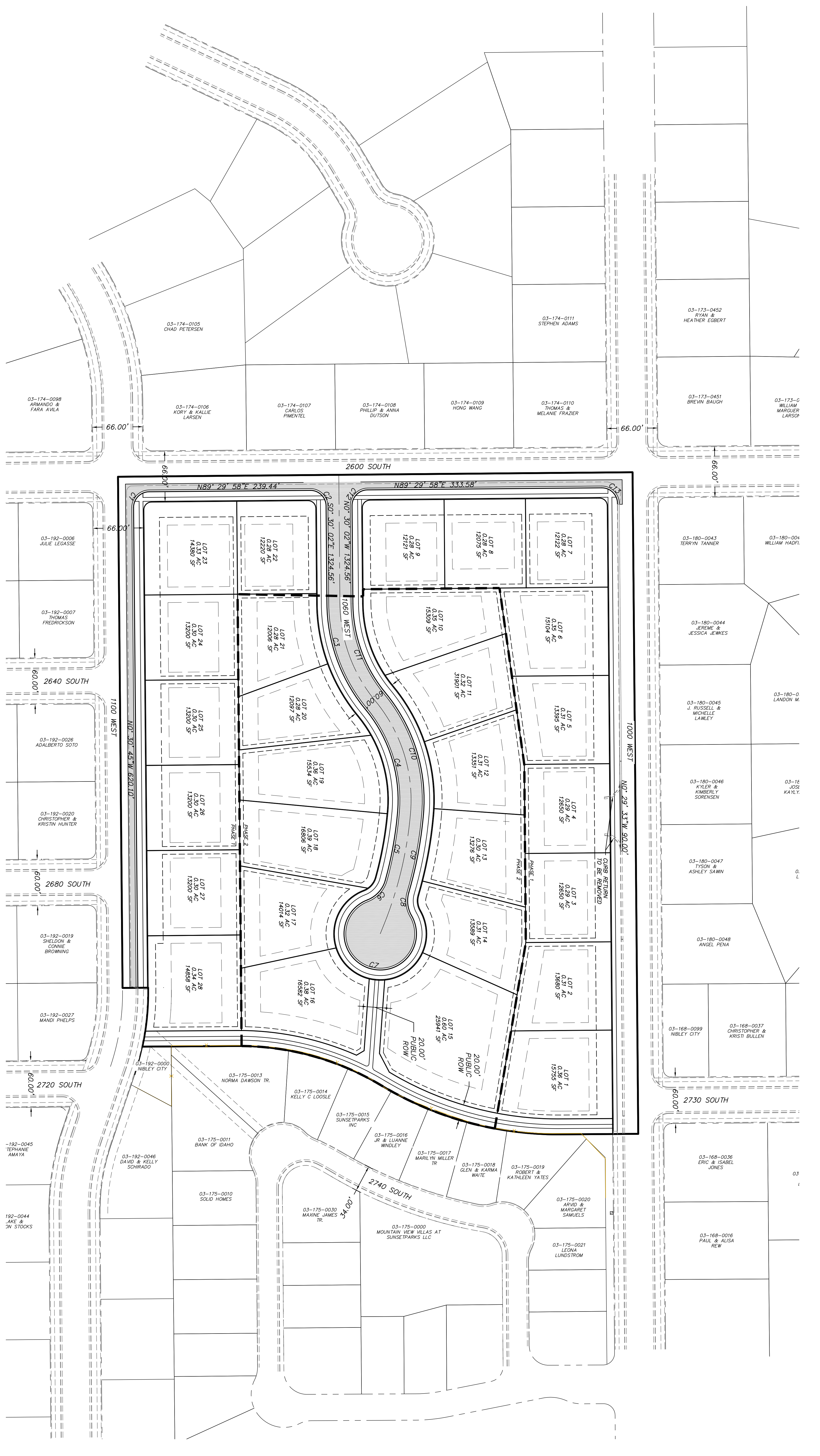
CACHE - Landmark
 Engineers
 SURVEYORS
 EIT/LEITs

1011 West 400 North
 Salt Lake City, UT 84119
 Phone: 801.488.1300
 Fax: 801.488.1300
 Email: info@cache-engineers.com

DATE: 9 NOVEMBER 2016
 SCALE: 1" = 60'
 CHECKED BY: L. ANDERSON
 APPROVED BY: S. EARL
 PROJECT NUMBER: 555-1601
 SHEET: 1 of 1

CURVE	LENGTH	RADIUS	A	CH. BEARING	CHORD
C1	31.42'	20.00'	90°00'43"	S44°29'37"W	28.28'
C2	31.42'	20.00'	90°00'00"	S45°30'02"E	28.28'
C3	148.15'	217.00'	39°07'00"	S20°03'31"E	145.29'
C4	142.24'	183.00'	44°32'03"	S17°21'00"E	138.69'
C5	88.41'	483.00'	10°38'23"	S10°13'13"W	88.28'
C6	35.55'	38.00'	53°55'53"	S42°19'21"W	34.27'
C7	229.00'	47.00'	27°00'04"	S70°27'45"E	60.94'
C8	30.75'	38.00'	46°21'59"	N65°14'47"W	29.92'
C9	102.89'	517.00'	11°24'10"	N10°37'07"E	102.72'
C10	168.67'	217.00'	44°32'03"	N17°21'00"W	164.45'
C11	124.94'	183.00'	39°07'00"	N20°03'31"W	122.52'
C12	31.42'	20.00'	90°00'00"	N44°29'58"E	28.28'
C13	31.42'	20.00'	90°00'28"	N45°29'47"W	28.29'

SITE GENERAL NOTES:
1. ALL DIMENSIONS MEASURED TO TOP BACK OF CURB - UNLESS OTHERWISE NOTED



<p>C-100</p> <p>SHEET:</p> <p>PROJECT NUMBER: 555-1601</p> <p>CHECKED BY: XXX</p> <p>DESIGN BY: S. EARL</p> <p>DATE: 9 NOVEMBER 2016</p> <p>SCALE: 1" = 60'</p> <p>1011 West 400 North Suite 130 Laguna Hills, CA 92653 408.313.0099</p> <p>Cache • Landmark Engineers Surveyors Planners</p>	<p>SUMMERFIELD PLACE SUBDIVISION</p> <p>2650 S. 1000 W. NIBLEY, UT</p>	<p>SHEET DESCRIPTION: OVERALL SITE PLAN</p>	<p>NO.: DATE: DESCRIPTION:</p>
	<p>DATE: 9 NOVEMBER 2016</p> <p>SCALE: 1" = 60'</p> <p>DESIGN BY: S. EARL</p> <p>CHECKED BY: XXX</p> <p>PROJECT NUMBER: 555-1601</p>	<p>PROJECT SEAL: STEVEN C. EARL 318575-2201 11-08-16 PROFESSIONAL LAND SURVEYOR</p>	<p>NO.: DATE: DESCRIPTION:</p>

NIBLEY CITY
DEVELOPMENT AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 20____, between KELLY C LOOSLE, hereinafter referred to as "Developer" and Nibley City, here in after referred to as "City", and

WHEREAS, SUMMERFIELD PLACE PHASE 1, hereinafter referred to as "the Development" has been approved for construction; and

WHEREAS, plans for the Development are on file with Nibley City and are incorporated by reference herein; and

WHEREAS, it is necessary for the interest of the public welfare that improvements made be constructed in accordance with the specifications set forth in said plan and as provided by Nibley City ordinances and Design Standards; and

WHEREAS, Developer desires to record a final plat of the Development in order to obtain building permits and construct structures after the necessary infrastructure is installed, approved an accepted; and

WHEREAS, in accordance with said Nibley City ordinances 11-5, the Developer is required to furnish security for the completion of all improvements or complete all improvements prior to recording a final plat.

NOW THEREFORE, to induce Nibley City to approve said plans and allow use of city-owned utilities and access and/or other improvements, the Developer does hereby unconditionally promise and agree to and with Nibley City as follows:

1. After approval of said plan, the Developer will construct all improvements as required to the furthestmost structure in the Development. All improvements, streets, and utilities as shown on plan and as required by Nibley City ordinances and standards will be completed by December 1, 2017 . However, no occupancy or use of a structure will be permitted until completion of said improvements to the Development.
2. The Developer shall complete all improvements as required in Nibley City Municipal Code and this agreement for Phase 1 prior to the release of the mylar for recordation and subsequent issuance of building permits for Phase 1. All improvements must meet Nibley City Design Standards and Specifications.
3. The Developer is to supply the City with water rights or shares as set forth in City ordinances (11-5-2) for the Development, as follows: 32.76 acre feet in water shares from College Ward Irrigation Company or an equivalent amount of acre feet from another irrigation company located in Nibley City. Said shares shall be provided to the City before commencement of construction.



Theme Tree: Seedless Cottonwood

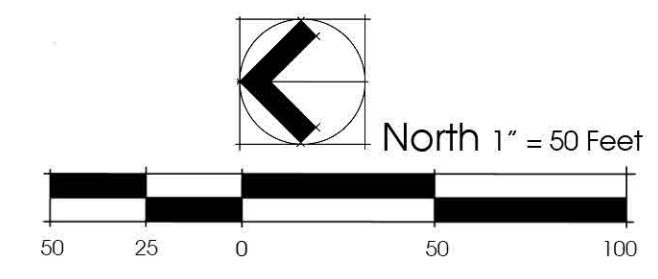
Trail Corridor

- 5 ft. wide trail
- Compacted road base
- Tall Grass seed mix

Wood Rail Fence

Legend - The Cottonwoods at Hollow Road - Nibley, Utah

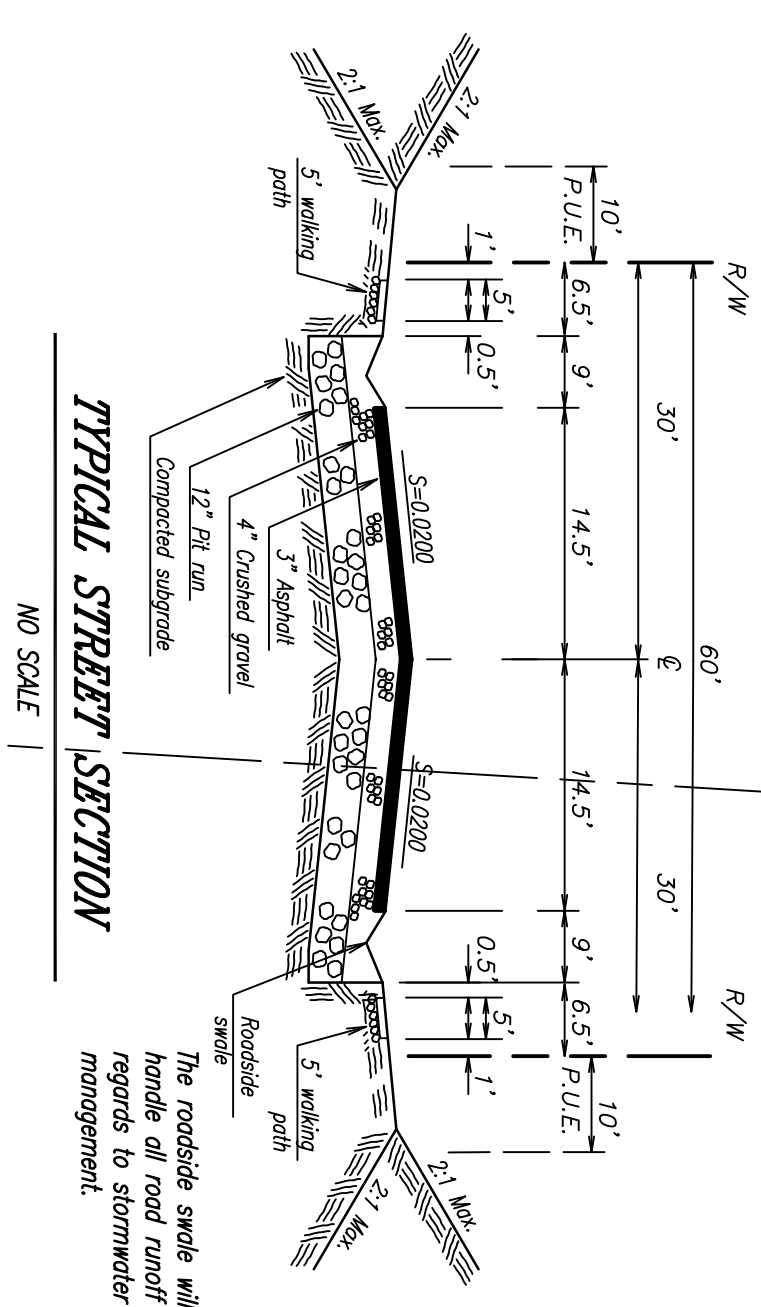
- Theme Tree: *Populus deltoides* 'Siouxland' Cottonless Cottonwood
Plant as 5 gallon
 - Street Tree: *Tilia cordata* 'Greenspire' Little Leaf Linden
To be planted as 2" caliper by homeowner in locations shown on plan. If utilities or driveway interfere with placement, location may be adjusted, but trees are to be roughly 40 feet on center.
 - Accent Tree: *Pyrus calleryana* 'Chanticleer' Flowering Pear
Plant as 2" caliper
 - Tall Grass Mix
To be planted within trail corridor at rates shown. May be broadcast or hydroseeded.
- | BOTANICAL NAME | COMMON NAME | RATE: PLS/Acre | % BY WT |
|---------------------------|--------------------|----------------|---------------|
| <i>Agrostis palustris</i> | Creeping Bentgrass | 2.0 | 15.0% |
| <i>Bromus inermis</i> | Smooth Brome | 4.0 | 20.0% |
| <i>Festuca rubra</i> | Red Fescue | 5.0 | 25.0% |
| <i>Pascopyrum smithii</i> | Western Wheatgrass | 5.0 | 25.0% |
| <i>Poa compressa</i> | Canada Bluegrass | 2.0 | 15.0% |
| TOTAL: | | 18.0 | 100.0% |
- Conservation Lots
Existing vegetation is to be protected and preserved throughout any and all construction activity.



SHEET ONE
 REVISED 26 OCTOBER 2016
 5 OCTOBER 2016
 Conceptual Landscape Plan

THE COTTONWOODS

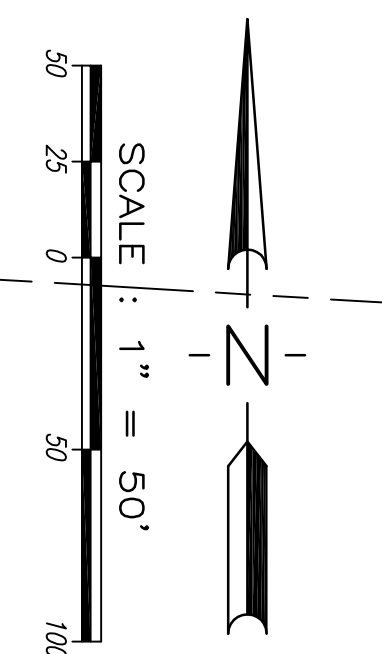
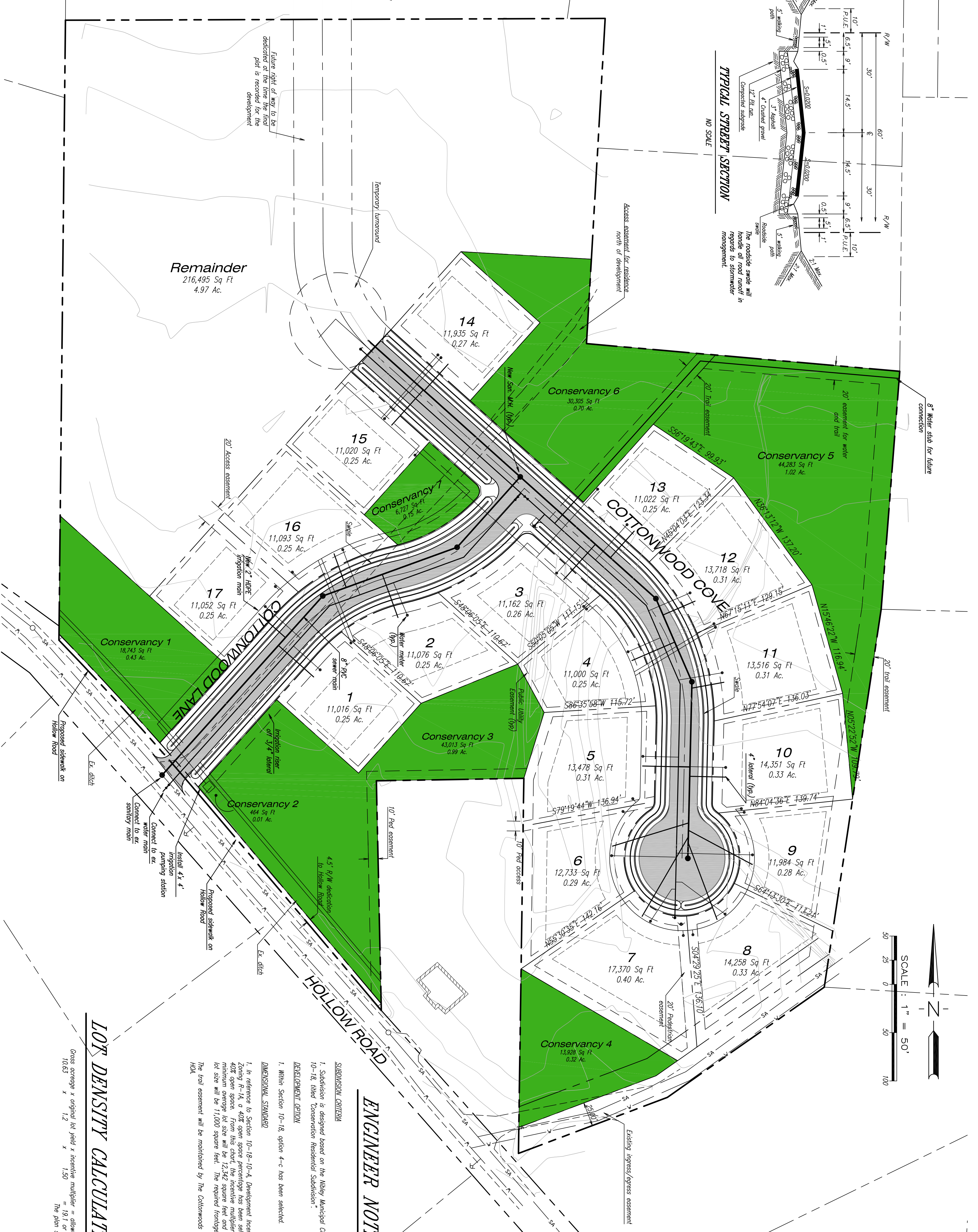
AT HOLLOW ROAD
 Nibley City, Utah
 James Johnson . 202.494.6894



LOT AREAS

Total parcel = 15.6 Ac.
 Area to be developed = 10.63 Ac.
 Project right of way area = 85,213 sf (1.96 Ac.)
 Total lot area = 226,399 sf (5.20 Ac.)
 Total Conservancy area = 159,179 sf (3.65 Ac.)
 The percentage of Conservancy area is:
 Total conservancy area
 Total lot area + Total conservancy area
 or: $\frac{159,179}{226,399 + 159,179} = 41\%$

The area to be developed is the total parcel area minus the area reserved. This remaining area will be held by the owner at the present time.
 The average lot size is 13,366 sf and the smallest lot is 11,011 sf.



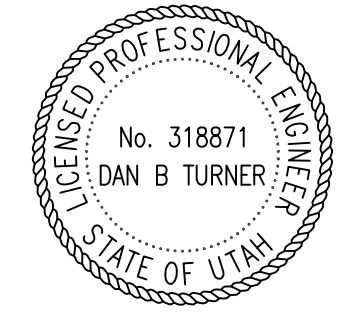
ENGINEER NOTES

- SUBDIVISION CRITERIA**
1. Subdivision is designed based on the Nibley Municipal Code Section 10-18, titled "Conservation Residential Subdivision."
- DEVELOPMENT OPTION**
1. Within Section 10-18, option 4-c has been selected.
- DIMENSIONAL STANDARD**
1. In reference to Section 10-18-10-4, Development Incentive Chart, Zoning R-14, a 40% open space percentage has been selected, requiring 40% open space. From this chart, the incentive multiplier is 50.0%. The minimum average lot size will be 12,342 square feet and the minimum lot size will be 11,000 square feet. The required frontage is 90 feet. The trail easement will be maintained by The Cottonwoods at Hollow Road HOA.

LOT DENSITY CALCULATIONS

Gross acreage x original lot yield x incentive multiplier = allowable lots
 $10.63 \times 1.2 \times 1.50 = 19.1$ or 19 lots
 The plan shows 17 lots

Turner Design Engineering, Inc.
 CIVIL ENGINEERING ▲ LAND PLANNING
 307 HAMMOND LANE PROVIDENCE, UT. 84332
 (435) 695-8245



PROPOSED CONDITIONS
THE COTTONWOODS
 NIBLEY. UTAH

Revisions

Nov. 9, 2016
Date
1" = 50'
Scale
D.T.
Designed by
D.T.
Drawn by

Job Number	16-006
Sheet	2 of 3