

Applicant, Michael Swenson  
Meadow Creek Subdivision  
Proposed Maintenance Plan  
Hearing Date: December 7, 2017

Applicant for the Meadow Creek Subdivision seeks approval of the proposed *Maintenance Plan* for the conservation parcels (Berm/Buffer Zone and Stream/Park Corridor), as outlined below and per the ordinance guidelines.

The proposed *Maintenance Plan* for the Meadow Creek Subdivision is set forth in what is being termed “Option 1.” The other listed “options” are secondary only and submitted for reference and discussion based upon a majority vote against “Option 1.”

The “options” to maintain the conservation parcels are as follows:

- Option 1:** Individual lot owner maintained per protective Covenants, Conditions and Restrictions (CC&R) attached to the parcel Deeds running with the land. Please see attached “Option 1.”
- Option 2:** Nibley City maintains the conservation parcels through an annual or monthly assessment charged to the individual lots of Meadow Creek Subdivision—per the CC&R’s. Please see attached “Option 2.”
- Option 3:** Nibley City will own the Berm/Buffer Zone and Stream/Park Corridor and will maintain per the approved *Landscape Design Plan*. Please see attached “Option 3.”

MEADOW CREEK SUBDIVISION  
MAINTENANCE PLAN

**Option 1:** Individual lot owner maintained.

Lot Landscaping: Landscaping for all lots (front, back, sides and if applicable, conservation berm/buffer area's—i.e. Lots 1-5 and 15) shall be installed within twelve (12) months of occupancy. Each lot shall install and maintain a minimum of three (3) street trees placed in the park-strip, at equal distance along the street boarder of the property. Corner lots must install and maintain six (6) street trees, placed in the park-strip, at equal distance along the street boarder of the property. All trees shall comply with Nibley City Code.

Variances may be approved by Nibley City Public Works Director.

Berm Installation: Owners of lots 1-5 and 15 shall comply with the approved landscape design for their individual lot (30' berm/buffer area) within twelve (12) months of occupancy.

All trees and bushes must be maintained by an automated water source (Drip System).

Berm Maintenance: Individual lot owners shall be responsible for maintaining the 30' berm/buffer zone within their lot boundaries.

All trees and bushes must be replaced within ninety (90) days of death or become seriously damaged for any reason.

Automated water system must be in good working order during the growing season.

Ground cover (bark, vegetation, etc.) must be maintained or replaced on a continual basis for functionality and appearance. The berm/buffer zone shall be free of weeds.

Variances may be approved by Nibley City Public Works Director.

Stream/Park Corridor: Developer will install the Stream/Park Corridor according to the approved *Landscape Design Plan*. This area will be dedicated to and maintained by Nibley City.

Fences: Existing wood rail fences will be installed and constructed by the developer to help maintain a sense of community and the rural nature of the area and Nibley City. It is the responsibility of the individual lot and conservancy parcel owners, upon which the fences reside, to maintain

the fences as they were constructed, both in form and color. In the event said fences are not maintained by respective lot or conservancy owners, Nibley City Municipal Code §10-18-17 will control. Nibley City will be responsible for fence maintenance along 3850 South, between the berm and sidewalk.

Fencing may be re-enforced but not replaced on Lots 11, 12 and 15 for the purposes of animal protection.

Variances may be approved by Nibley City Public Works Director.

Lot and conservancy parcel owners will agree to be governed by Nibley City Municipal Code §10-18-1—*Maintenance of Conservation Lands*, specifically subsections D and E that address “*Failure to Maintain*” and “*Corrective Action.*”

Conservancy Parcels: Lots 11, 12 and 15.

Residences, out buildings, fences, landscaping and other improvements shall be continuously maintained to preserve a well-kept appearance. See Nibley City Municipal Code §10-18-13 “*Use Regulations*” for appropriate and prohibited uses.

MEADOW CREEK SUBDIVISION  
MAINTENANCE PLAN

**Option 2:** Nibley City maintained through lot assessment (annual or monthly)—per CC&R's.

Lot Landscaping: Landscaping for all lots (front, back, sides and if applicable, conservation berm/buffer area's—i.e. Lots 1-5 and 15) shall be installed within twelve (12) months of occupancy. Each lot shall install and maintain a minimum of three (3) street trees placed in the park-strip, at equal distance along the street boarder of the property. Corner lots must install and maintain six (6) street trees, placed in the park-strip, at equal distance along the street boarder of the property. All trees shall comply with Nibley City Code.

Variances may be approved by Nibley City Public Works Director.

Berm Installation: Owners of lots 1-5 and 15 shall comply with the approved Landscape Design Plan for their individual lot (30' berm/buffer area) within twelve (12) months of occupancy.

All trees and bushes must be maintained by an automated water source (Drip System).

Berm Maintenance: Nibley City will be responsible for maintaining the berm/buffer zone per the approved *Landscape Design Plan*.

Developer will install a watering system for the berm/buffer zone before final approval of the completed development.

Variances may be approved by Nibley City Public Works Director.

Stream/Park Corridor: Developer will install the Stream/Park Corridor according to the approved *Landscape Design Plan*. This area will be dedicated to and maintained by Nibley City.

Fences: Existing wood rail fences will be installed and constructed by the developer to help maintain a sense of community and the rural nature of the area and Nibley City. It is the responsibility of the individual lot and conservancy parcel owners, upon which the fences reside, to maintain the fences as they were constructed, both in form and color. In the event said fences are not maintained by respective lot or conservancy owners, Nibley City Municipal Code §10-18-17 will control. Nibley City will be responsible for fence maintenance along 3850 South, between the berm and sidewalk.

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Conservancy Parcels: Lots 11, 12 and 15.

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MEADOW CREEK SUBDIVISION  
MAINTENANCE PLAN

**Option 3:** Nibley City owned Berm/Buffer Zone and Stream/Park Corridor.

Berm/Park Installation: Developer shall install the Stream/Park Corridor and the Berm/Buffer Zone according to the approved *Landscape Design Plan*. This area will be dedicated to and maintained by Nibley City.

Fences: Existing wood rail fences will be installed and constructed by the developer to help maintain a sense of community and the rural nature of the area and Nibley City. It is the responsibility of the individual lot and conservancy parcel owners, upon which the fences reside, to maintain the fences as they were constructed, both in form and color. In the event said fences are not maintained by respective lot or conservancy owners, Nibley City Municipal Code §10-18-17 will control. Nibley City will be responsible for fence maintenance along 3850 South, between the berm and sidewalk.

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