# Cluster Developments 16.12.040.4

- A. Purpose: The purpose of a cluster development is to provide the agricultural community an alternative to taking land out of production or irrigation through land division. Clustered developments provide a mechanism to preserve agricultural lands and open space by allowing the agricultural community to utilize the fullest divisional potential of their land (a parcel, or adjoining parcels under the same ownership) by either:
  - 1. Locating housing in clustered areas on a parcel, which can be readily served by emergency services, utilities, etc., and designating the remainder of the parcel as an agricultural easement or open space; or
  - 2. Locating housing on an adjoining parcel under the same ownership, which can be readily served by emergency services, utilities, etc., and transferring the development rights provided by a clustered development to less productive land, thereby providing the agricultural community an alternative to taking land out of production or irrigation. The parcel from which the development rights have been transferred shall be designated as an agricultural reservation or conservation easement.

# B. Requirements:

- 1. The minimum parcel size for clustered lots is one acre if individual wells and septic tanks are to be provided. Parcel sizes may be reduced if provisions are made for connection to a community water and sewer system. Individual parcels are not to exceed two (2) net acres. Individual parcels may be water righted.
- 2. The number of clustered lots created for the project may not exceed the density requirements for the underlying zoning district. The clustered development in the project may be under different ownership than the conservation easement parcel. The number of lots created within the cluster development may not exceed the fullest divisional potential of the project. (For example, if the total project has 120 acres in the A-5 zoning district the total number of lots created within the cluster may not exceed 24 buildable lots.) If an adjoining parcel is to be used for the residential lots the full developmental rights of the parcel to be placed under the conservation easement may be transferred to the adjoining parcel.
- 3. Where an agricultural easement is being created, agricultural buildings including one single-family residence used by the owner/operator of the farm may be included on each agricultural reservation. Such single-family residence may be in addition to the fullest divisional potential of the property.
- 4. The parcels designated as an agricultural reservation, open space or conservation easement are restricted to ranching, farming, recreational or agricultural open space as designated and cannot be developed for any other use. These parcels shall be further restricted by including Churchill County in a deed restriction on the land or an open space or conservation easement in favor of the county.

### C. Procedure/Process:

- 1. A tentative map must be submitted for any cluster developments creating six (6) or more lots in the cluster. A draft agricultural reservation deed or conservation easement deed initialed by the applicant/landowner is required at the time of tentative map submittal.
- 2. Following approval of the tentative map, second and subsequent parcel maps may be filed per the submittal and review procedure outlined above.
- 3. A signed agricultural reservation deed approved by the district attorney's office must be submitted with the first parcel map.

## D. Required Improvements:

#### 1. Roads:

- a. All roadways shall be constructed to Churchill County specifications in accordance with "Standard Specifications For Public Works Construction" ("Orange Book"). All specifications and standard details are to be obtained through the Churchill County road department. All roads are to be inspected and approved by the Churchill County road department in order to accommodate local conditions and shall incorporate provision for adequate drainage and bridges where deemed necessary.
- b. Road names and suffixes shall be designated by the developer, subject to approval of the planning department and in accordance with section <u>16.16.010.7</u>A16 of this title.
- c. All roads constructed under the provisions of this chapter shall be constructed to intersect with the nearest public road. As used in this subsection, "public road" means a road which is maintained by any public authority.
- 2. Bridges: All bridges and culverts shall be constructed in accordance with provisions outlined in the Churchill County specifications in accordance with "Standard Specifications For Public Works Construction" ("Orange Book"). All specifications and standard details are to be obtained through the Churchill County road department. All bridges are to be inspected and approved by the Churchill County road department.
- 3. Water And Sewer: Adequate water and sewer facilities shall be provided for all cluster developments. (Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)