FARMINGTON CITY
PLANNING COMMISSION MEETING
December 17, 2015

STUDY SESSION

Present: *Chair Rebecca Wayment, Commissioners Heather Barnum, Kent Hinckley, Alex Leeman and Dan Rogers, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Brett Anderson and Bret Gallacher were excused.*

Item #3. Jerry Preston – Requesting Preliminary Plat Approval for the Residences at Farmington Hills (PUD) Subdivision and a Recommendation to Annex Approximately 20 acres with an LR-F Zone Designation

Eric Anderson explained this item is a 2 part motion; one part is the approval or denial of preliminary plat and the second part is the recommendation to City Council on the applicant's request for annexation. He said the preliminary plat is similar to schematic plan, but the previous motion requested a geotech report and a geohazard study on the property. **Eric Anderson** said the information presented at the City Council Study Session on December 15, 2015 included explanation from the applicant's geotech report. An executive summary of the report is included in the staff report. **Eric Anderson** said the report suggests plans on how to mitigate risk for the property. He said staff feels there may be some risk with hillside development; however, it has been done elsewhere in the City and at higher elevation without any issues.

Heather Barnum asked if it is within the Commission's purview to say no to the application if the applicant has met all standards of care. **David Petersen** explained that an annexation request is a legislative act; if the City denies the annexation request, then it would be like saying no to the development as the applicant needs the annexation approval to move forward with the current plans. **Eric Anderson** also added that 20 acres of the proposed development is currently within the City boundaries and is zoned LR-F. In theory, the applicant could request for a conservation subdivision on those 20 acres with a similar lot count.

David Petersen said the Commission has heard from a geologist and a geotech engineer. He proposed the Commission table the item so the City's geotech consultant can thoroughly review the information.

The Commissioners expressed concern that problems may still occur even if suggestions to mitigate those problems are implemented. The Commissioners asked where the liability falls on those kinds of circumstances, and if there is any risk for the City. The Commissioners and staff discussed the North Salt Lake (NSL) landslide as well as the legal environment that has resulted from it. **David Petersen** suggested the item could also be tabled to discuss liability surrounding this application with the City Attorney. The Commissioners felt they were not for or against the development at this time, but are comfortable moving forward with obtaining more information to ensure the development is in the best interest of the citizens and the City.

Rebecca Wayment added that if the development gets to the point of approval, she does want to ensure there is trail access through the project. The Commissioners and staff agreed.

Item #5. John Wheatley/Symphony Homes – Requesting Recommendation for a Zoning Map Amendment

David Petersen said an email was received by a local resident, Kirt Peterson. He showed Mr. Peterson's home on the aerial map and explained the water flow to Mr. Peterson's property. In the past, this water was to be diverted for other developments; however, Mr. Peterson requested the need to water his stock. The water was routed to ensure he had an adequate amount, but now he feels he has more than he anticipated he would when he made the request. Mr. Peterson expressed concern that Chestnut Farms subdivision will send its water flow into the creek which will cause it to back up and flood his property. **David Petersen** said Chestnut Farms will have its regional detention basin that will meter the flow of the water; however, he is unsure if this could cause problems to neighboring residents.

REGULAR SESSION

Present: *Chair Rebecca Wayment, Commissioners Heather Barnum, Kent Hinckley, Alex Leeman and Dan Rogers, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Commissioners Brett Anderson and Bret Gallacher were excused.*

Item #1. Minutes

Heather Barnum made a motion to approve the Minutes from the December 3, 2015 Planning Commission meeting. **Dan Rogers** seconded the motion which was unanimously approved.

Item #2. City Council Report

Eric Anderson gave a report from the December 15, 2015 City Council meeting. He said the City Council talked in length about the completed geotech and geohazard report from GeoStrata, as will be further discussed in Item #3. He also said the extension agreements for the Mercedes Benz and Ascent Construction buildings were approved during the open summary action items.

SUBDIVISION APPLICATIONS

Item #3. Jerry Preston (Public Hearing) – Applicant is requesting preliminary plat approval for the Residences at Farmington Hills (P.U.D.) Subdivision consisting of 23 lots on 44.3 acres located at approximately 300 East between 100 and 400 North in an LR-F (Large Residential-Foothill) zone; and a recommendation to annex approximately 20 acres of the 44.3 acres of the proposed development with the zone designation LR-F. (S-8-15 & A-1-15)

Eric Anderson said the applicant is seeking to develop 44 acres with a road connecting 400 N. and 100 N. The applicant is proposing a conventional subdivision of 20 lots with 3 lots under a PUD. The application obtained Preliminary P.U.D. Master Plan approval at the previous meeting. The two main items before the Commission tonight is the annexation request for approximately 20 acres with a zone designation of LR-F and the preliminary plat. The Commission previously requested the applicant to obtain a geotech report to determine the validity of a foothill development on this property. The applicant hired GeoStrata. **Eric Anderson** said he included excerpts from the study in the staff report.

He said staff is recommending approval of the preliminary plat and a recommendation that the Commission recommends the annexation for approval with a zone designation LR-F.

Jerry Preston, 177 N. Main St., thanked the staff and the Commissioners for their hard work and diligence. He clarified staff includes, but is not limited to, the City Planners, City Engineers and the Building Official Department as they review the plans and give recommendations for the project prior to coming before the Commission or City Council. Also, he said a public hearing is not typically held during the preliminary plat process; however, the Commission felt it was appropriate to hold another public hearing as it is a delicate issue being discussed. The Commission felt it was appropriate to keep the public aware of this projects dealings. He said that he has been personally building for 42 years; his first development was 36 years ago. He said there have been significant changes in the building industry since that time. He feels as time goes, developers get better at what they do based on trial and error. He feels the City's Foothill Ordinance is a result of these trials and errors to avoid things like large graded streets (i.e. Cherry Blossom Rd.). He feels the City's Foothill Ordinance is very stringent to ensure properties are developed safely and properly. He feels they have done all the required studies and everything points to this being a viable subdivision.

Jerry Preston showed a slideshow of the development. He said they are creating lots big enough so lots will not back one another. This will mean lots will not drain onto adjacent lots. He also showed comparison slides to show the differences between the North Salt Lake (NSL) development that resulted in a landslide and this proposed project. **Jerry Preston** pointed out some of the major differences include lot sizes and lot layout.

Jerry Preston said when they sought out a geotech engineer, he sent 4 invitation to bid. 3 of the companies submitted their bids, but 1 company, GeoStrata, would not bid the project until they conducted a visual on the site. Once they reviewed the site and felt comfortable with the location, **Jerry Preston** said GeoStrata provided their bid, and he accepted them to do the work.

Tim Thompson, 11668 E. 1000 E., Sandy, said he is a licensed professional geologist, as well as a Sr. Geologist and part-owner of GeoStrata. He said he wanted to speak towards issues surrounding this development and hazards found here versus other areas, like NSL and the outcomes of the hillside development there. He said he was hired by the City of NSL in October 2013 when cracks appeared in the slope of the hillside and it appeared a portion of the hillside was moving. He said the City hired GeoStrata to help them understand the geotech issues surrounding that and how to navigate through those decisions. Unfortunately, it was too late to stop what was going to happen. There are significant differences between that development and what is being proposed. He explained how the North Salt Lake slope was not an actual slope, but was previously a gravel mine. Once the mine closed, a reclamation plan was submitted on how the area would be returned to its previous state. **Tim Thompson** explained the 2003 geotech study that was completed for the whole future development reviewed the native condition of the land, the need for a de-watering system, advisement on the amount of top soil used and a 300' required setback from the crest of the slope. In 2013 a second geotech study was done, but it did not include a geologist study with it. This study resulted in a much less conservative approach, which resulted in removing the 300' setback requirement. Additionally, the 2013 geotech report recommended only a 5' fill be added for houses to be built, but the recommendation was not followed as 35' of fill was added to each lot. He explained that with this particular development everything that slid was not part of the native scarp.

Tim Thompson explained that the property being reviewed for Mr. Preston's development is the native slope. There are not any streams or clay that could be observed. The slope is currently at its natural angle. He said that he does still recommend a 75-90' setback from the crest of the slope as opposed to building on the slope. **Tim Thompson** added that in his experience, it is not a successful

approach to try to stop development in the foothills as over time, most of the land gets developed. He feels this development is very low density for the acreage, and it takes advantage of the natural grade of the slope by allowing a limited number of homes around the natural typography.

Tim Thompson also said another lesson learned by the City of North Salt Lake and a recommendation he would like to make to Farmington City is that the City should require geotechnical and geological professionals to record and stamp the final designs to ensure they meet the recommendations in the final report. He feels the geotechnical and geological professionals should also do a periodic inspection of the development over time and then submit a letter to the City to ensure recommendations in the reports for the development are being accurately followed. He also added that any study completed is meant to limit risk, not remove risk. He feels the industry would be doing a disservice if citizens believe all risk is removed; however, studies identify hazards, quantify them and ensure there is minimal impact on anything existing as well as provide potential positive improvements for things like drainage as uncontrolled drainage can be very detrimental.

Kent Hinckley asked if there is anything that can be improved on, like drainage as Mr. Thompson mentioned, with regards to landslide or earthquake. **Tim Thompson** said this development would not make results of an earthquake worse as it will be the same seismic shaking across the land. He said many homes have been built along the fault line prior to the City reviewing things like that during construction of homes many years ago. As for drainage, it has currently been uncontrolled on the hillside. This development will bring a storm drain system that will collect and manage run off to reduce the impact it could have on other homes. As far as landslide, the required setback will ensure lots are set away from the slope in order to leave the hillside in its native form so there will not be any potential landslide impact.

Dan Rogers asked if there is a higher risk of the slope slipping as irrigation will take place with the development and ground water may increase. **Tim Thompson** said he feels property owners do water too much and it has resulted in problems on other slope areas in Utah. He feels there will not be much impact to this property as there will be large lots and fewer residents on this slope which will result in lower impact overall. **Jerry Preston** also added that the CC&Rs can also limit the amount residents water the grass. **David Petersen** said that Weber Basin has recently installed meters on laterals to provide homeowners a report of the amount of water being used. Although there are not restrictions or fines on the amount used, water usage has dropped 25% by making property owners aware of their usage. He suggested requiring Benchland Water, which will be covering the secondary water for this area, to install meters on every lateral in the development to also help manage water.

Rebecca Wayment explained to the public in attendance that the Planning Commissioners attended the City Council's Study Session where they heard Mr. Thompson's report as well as a presentation from Dr. Nicoll, a geologist professor from the University of Utah. She invited Dr. Nicoll to share with the public what she previously presented to the Council and the Commissioners.

Kathy Nicoll, 1467 Browning Ave., said she is a former oil geologist and land acquisition specialist and is currently a college professor for mountain planning. She said she has spent many years studying why slopes might fail. She expressed that her candid opinion is to keep risk at a minimum and not develop the land, but to consider other creative development options. She feels each landscape, hillside and rocks are different; however, many things can contribute to slopes sliding. She feels building on this property will add more weight to the slope and will enhance its instability. She said in other failures she has studied, many are triggered by the frequency and magnitude of rainfall. **Kathy Nicoll** advised the Commission that weather cannot be predicted or controlled. She has seen many systems fail and slopes fall because of the triggering events taking place. She said if the development is built, there will be enhanced risk.

Alex Leeman asked for further clarification as to why she feels this specific area is prone to landslide. **Kathy Nicoll** said the 1998 Utah Geological Survey maps indicate that a landslide hazard is viable for this area. She said there is bedrock that is located within this area which may result in movement so the soil may not support a development. **Alex Leeman** asked if she feels GeoStrata incorrectly identified the type of soil for this property. **Kathy Nicoll** said she feels this area is more slippery than she would personal choose to build on as there are mica minerals located on this property; mica minerals could turn into clay over time.

Heather Barnum said she heard during the Study Session with the City Council that there may be more danger for the homes below if this development is built. She asked if Dr. Nicoll felt that this were true. **Kathy Nicoll** said yes, she believes if a development is built above the scarp, it would predispose this area for instability. Although drainage for the development may be according to code, more development results in less infiltration into the ground causing storm run-off which may result in additional debris run-off problems. Enhanced debris flow could result in mud in the base area. If this were to happen, it could likely bypass the recently built homes and cause additional risk to the homes below.

Kent Hinckley said GeoStrata mentioned that this development would bring drainage improvements; he asked Dr. Nicoll's opinion on the drainage. **Kathy Nicoll** said she is not a developer, but she studies slope stability. She said storm run-off almost inevitably increases from developments as a result of the increase in cement. The increase in cement results in more water entering the City systems and less entering the natural land. She said Draper has had similar problems which resulted in the need for enhancing their storm run-off systems.

Heather Barnum mentioned that Dr. Nicoll is not being compensated by the City or the developer. **Kathy Nicoll** said she is interested in this development as this is something she studies and has watched several homeowners encounter landslides.

Tim Thompson expressed frustration that he may be viewed as more willing to allow hazards as a paid consultant. He said he does make his living as a geologist and works on thousands of homes a year; however, it should not discredit his desire to ensure the safety of people and projects he works on. He added that putting approximately 15 houses on a hillside does not add additional weight to the mountain. He said putting water tanks or concrete structures on a sloped grade will; however, those have already been added to the mountain otherwise the valley could not have the water it needed.

Rebecca Wayment opened the public hearing at 8:16 p.m.

Terry Tippetts, 435 N. 200 E., said he lives right below the proposed development. He said his biggest concern is that Mr. Thompson stated during the Study Session with City Council that he would not build a school or hospital on this property; he does not understand why this property is safe for families if it is not a good place for a school or hospital. He also asked what the increase of liability the City of Farmington or future residents may have if this project does slide years later. He feels the City has the obligation to protect the future citizens. He said he has filled sandbags and shoveled mud multiple times since living here.

Corey Crowell, 232 N. 100 E., said he lives below the proposed development. He said he has grown up in the area and has seen slides multiple times in surrounding areas. He said it concerns him as Mother Nature cannot be predicted. He does not want to be in a position to "learn about these things" from experience. He feels the solution to these concerns presented is to simply not build. He has talked with many neighbors and understands their desire to sell. **Corey Crowell** said he is working on obtaining

private funding to purchase the property for approximately $3.5 million so it can remain a natural park for the community all the way up to the forest line.

Caroline Parker, 133 E. 300 N., expressed concern about ground movement, fault lines, wild fires, natural springs and buckling and sinking of new homes and roads built in surrounding areas. She said heavy equipment was required to assist homes in the area a few years after the 1983 mudslide. She said much of the Wasatch Front is moving away from the build anywhere model and is now looking for safer places to build. She also does not like that the proposed development is on the hillside right above the historic quarter of downtown Farmington.

Gary Harris, 548 N. 200 E., said he is a licensed professional geologist, and he works for Utah as an environmental scientist. He feels this piece of property is not immune to all the hazards as there is still landslide and mudslide potential where homes and a road will be located. He feels this property is prone to all triggers discussed by Dr. Nicoll. He said the United States Geological Survey designated this as a landslide area as well as the Utah Geological Survey. He questioned the amount of risk the City is willing to take with this development.

Scott Ezola, 164 E. 300 N., said he does not own any land in this proposed development. He feels that if the development meets all codes and standards, property owners have the right to do what they would like to do with their land. He asked that more access be available to the trail system if the development is approved.

Wayne Goodfellow, 410 N. 200 E., said he lives adjacent to the proposed development. He said he is in favor of property owners' rights; he feels this development is a good idea as there are many long term Farmington residents that own this land that want to develop it. He said he worked with the City's fire department for 13 years and was faced with fighting many fires on the mountain. The biggest problems they faced with these fires was access and water; however, this development would provide solutions to both of those problems. Additionally, the development would provide defensible green spaces to also protect against fires. He said over the years he has had his driveway blocked with people hiking the trail. This development also provides trail access solutions for hikers. He said he feels it is not a matter of if, but when this property will be developed. He feels this low density project is an appropriate way to develop the land.

Todd Adams, 242 N. 200 E., said he owns a home located at the bottom of the property, but also owns property on the hill. He said he always envisioned the development to be based on the City's ordinances and standards. He feels the developer has submitted a good plat; he feels it should be approved based on the laws and plans in place. He also mentioned Weber Basin is requiring meters to be placed on all new homes; he feels this helps residents become more responsible. He said he supports this projects and hopes the Planning Commission will too.

Bert Margetts, 500 E. 200 S., said he has lived here for 43 years. He said residents take pride in Farmington and work hard to make it an ideal place to live. He feels the Planning Commission and City Council has done a great job in creating thought out regulations and City planning. He appreciates that Main Street has been watched over and protected against the encroachment of commercialism. He feels the commercial development would be out of place for this area; however, the Farmington Hills Subdivision will add beauty to it. He feels this project should be allowed to move forward.

Henry Werner, 127 W. State Street, expressed concern that he received a flyer from the City at his home at 3 p.m. today. He feels more time should have been allowed to prepare for the meeting. **David Petersen** explained it was not a City distributed flyer. A resident attending the public hearing said the flyer was his and his family's effort to inform the public of the meeting to ensure the community was

aware of the project. **David Petersen** explained the City's standards for postings, notices and mailings for agenda items.

James Stock, 293 N. 200 E., said he lives directly below the proposed subdivision. He explained his first thought when he heard of the project is that Jerry Preston is the man to do it. He said there is no one more intimately involved in maintaining the feel of Farmington than Jerry Preston. He said different studies and opinions have been presented; however, successful neighbors to the north and south have built higher than this subdivision. He said the reality is there is not a way to stop Mother Nature as Farmington is built under a mountain. He feels, though, that every step has been taken to limit the risk. He said almost half of the proposed project is already zoned for large residential. The applicant is not asking for anything that the City hasn't already planned to do with the property.

Fern Pies, 140 E. 400 N., asked who will pay for the damage in the event a landslide does ever take place. She said based on her experience, it is the unsuspecting homeowner that is left with the expense as the City, applicant and insurance will not pay for it.

Michael Lauterbach, 46 S. 300 E., asked who owns the approximate 20 acres that may be annexed into the City. **David Petersen** said there are approximately 5-6 property owners that are petitioning the City for the annexation. **Michael Lauterbach** asked if those lots may be able to further subdivide their property for additional lots in the future. **David Petersen** explained the proposed development will be a platted subdivision; he said once platted, lots are very difficult to further divide.

Don Sims, 366 N. 200 E., said he feels this development will eventually be approved despite his desire for things to remain the same. He said he has been thinking about the integrity of Farmington; he would ask that the City require the applicant to include in his CC&Rs that homes are to be consistent with the look and feel that Farmington currently has to ensure the development adds beauty to the surround area.

Rebecca Wayment also noted that many emails from residents were received by the Commission; the emails were entered into the record.

Rebecca Wayment closed the public hearing at 8:50 p.m.

Heather Barnum expressed her appreciation for comments received. She explained her biggest concerns are as followed:

1. The homes located below the development may be more at risk;
2. During the Study Session with the City Council, it was discussed that liquefaction studies are not required as standards of care on homes, but they are for hospitals implying more care for hospitals over homeowners;
3. The legal vulnerability and the amount of risk the project may put on the City;
4. The preservation of the historic feel of Farmington.

Heather Barnum would like to discuss the City's legal risk with the City Attorney prior to deciding on a recommendation or denial of the project for City Council.

Dan Rogers also agreed that he would like to discuss liability with the City Attorney in the event something happened with the development. He said he would also like to check with the City's geotech consultant to represent a third party review of the report.

Kent Hinckley said he appreciated the discussion as it was very informative, but he would also like to have a third party consultant on the geotech report. He feels the Commission owes it to the public to obtain as much information as possible as well as to discuss liability with the attorney.

Alex Leeman said he personally feels the developer has met the ordinance requirements and has checked every box. He does not feel there is any harm in consulting with an attorney or another geotech engineer, but feels doing so is to ensure the developer has in fact done all they are required to do. If it were being voted upon, he would be in favor of moving forward with the project's approval.

David Petersen drew a picture of a bell curve. He explained that a lot of things that happen with a project like this are at the top of the bell curve. He said the developer is demonstrating that the likelihood of something happening with this development is at the base of the curve; however, it is impossible to out rule every possibility. **Kent Hinckley** expressed concern that the opinion shared by Tim Thompson said this project is at the bottom of the bell curve, but Kathy Nicoll's opinion is that this project is at the top. He feels the Commission is faced with deciding between the two opinions. **David Petersen** said Dr. Nicoll is discussing general things that happen within other developments; she is referencing the top of the bell curve. **Tim Thompson** and the GeoStrata team are showing this specific project does not fall at the top of the bell curve. **Alex Leeman** also added that the Utah Geological Survey that has been referenced multiple time states that the map cannot be used to show land stability, but is designed for regional use to determine what areas to look at more closely.

Kent Hinckley said there are two things he would like to include on this recommendation (if it gets to a recommendation for approval) or on any other future recommendations. First, he wants to make sure the geologists and geotech professionals "stamp" a development's final designs to ensure it meets the requirements they've put in their studies. Second, he wants to make sure both professions have periodic inspections to make sure what they've "stamped" is what is happening in the development. **Alex Leeman** agreed that those should be conditions added to a motion. He also added that he would like all new homes to have meters installed for their secondary water usage.

Dan Rogers agreed that the above recommendations should be included on all new homes going forward. He also feels that the applicant has done a good job on addressing all concerns; however, he would like to hear from the City's geotech engineer consultant as well.

Rebecca Wayment explained that the proposed subdivision is what the Commission likes to see with large, open lots. Most developments coming before the Commission propose higher density housing. She said she feels this hillside will be developed someday; she feels this subdivision fits what she would hope the developed hillside would look like. She does still have questions regarding this development. She also would like to hear from the City's geotech consultant to help bring greater peace of mind and to hear from the City Attorney to better understand the City's risk. She added that if this project is developed, she wants to make sure there is trail access open so the community can still access the beautiful hillside.

Motion:

Kent Hinckley made a motion that the Planning Commission table this application until January 7, 2016 as to consult with the City's attorney and geotech consultant. **Dan Rogers** seconded the motion which was unanimously approved.

Item #4. John Wheatley/Symphony Homes – Applicant is requesting preliminary plat approval for the Chestnut Farms Phase IV PUD Subdivision consisting of 21 lots on 13.98 acres of property located at approximately 600 South and 1525 West in an A (Agriculture) zone. (S-18-15)

Eric Anderson said this item is Phase IV of the Chestnut Farms PUD Subdivision. This item was previously tabled at the last meeting as the Commissioners wanted the rezone to run concurrently with the preliminary plat approval. The 1525 W. road improvements were also previously discussed. The Commissioners wanted to consult with the attorney to determine if the City can require the applicant to replace half of the road with subgrade road base and asphalt or if they can only require an asphalt extension. The City attorney said requiring the applicant to replace the subgrade road may exceed the City's practice and could be too onerous to require; however, it is left to staff and City Council to make the final decision.

Eric Anderson showed the aerial view of the PUD project. He said Phase IV consists of 21 lots and was included in the Preliminary PUD Master Plan that was approved in 2013. Although a schematic plan was not submitted for this phase, staff is asking that the PUD Master Plan count as the schematic plan as it shows lot layouts, road layouts, etc.

Rebecca Wayment asked for further clarification on whether or not the Commission should ask the applicant to do half of 1525 W. **David Petersen** said the City Attorney advised that the City has to have reasonable reason to require it. He also said that just because it was not previously required does not mean you don't have to require it of future applicants. **David Petersen** said the Planning Commission may provide any recommendation to the City Council on it; however, the City Council will be the final say on the decision.

The Commissioners and staff discussed this requirement in more detail. The Commissioners expressed concern that the road will eventually need to be improved. 1525 W. will be more widely used once the new elementary and high schools are built so improving it at that time will be significantly more impactful to close the road for improvements. The Commissioners also expressed concern on how the improvements will be paid for if assistance from developers for the improvements is not given over time. There is also concern over what the developer will be required to contribute if they are not re-building half of the road.

The Commissioners felt it appropriate to require the applicant to improve half of 1525 W. as it will save the City time and money in the future. **Kent Hinckley** also requested that if condition #5 remain as part of the motion, it needs to be a consistent requirement for all future developments within the City.

Motion:

Dan Rogers made a motion that the Planning Commission approve the preliminary plat for the Chestnut Farms Phase IV PUD Subdivision subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. Approval of preliminary plat is subject to the property being rezoned from A to AE;
2. The applicant shall include a P.U.E. along the park and detention basin property;
3. The applicant shall provide storm drain easements in favor of Farmington City connecting phases III and the future phase V as per the City Engineer's requirements;
4. The applicant shall provide a letter from the power company approve the improvements as proposed;
5. The applicant shall improve their half-width of 1525 W. the entire length of their property, unless otherwise directed by the City Council;

6. The applicant shall address any outstanding issues raised by the city DRC prior to final plat approval.

Heather Barnum seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed preliminary plat is consistent with the previously approved Preliminary PUD Master Plan for the subdivision.
2. The proposed subdivision meets and exceeds all the requirements for approval of a preliminary plat as per the ordinance.
3. Because the applicant proposed a final plat not realizing that preliminary plat had not occurred yet, the applicant has received staff approval (via the DRC) up through final plat, including improvement drawings.

ZONING MAP AMENDMENT APPLICATION

Item #5. John Wheatley/Symphony Homes (Public Hearing) – Applicant is requesting a recommendation for zoning map amendment of 30.57 acres of property located at approximately 1525 West and 500 South from an A (Agriculture) to an AE (Agriculture Estates) zone. (Z-7-15)

Eric Anderson said the previous 3 phases for this subdivision have already been rezoned to AE. The Applicant is now requesting a rezone Phase IV and Phase V to AE; he is requesting both phases at this time so he will not have to request it when he is ready to develop the next phase. Staff is recommending approval of this item.

David Petersen said resident Kirt Peterson sent an email to the City with water flow concerns with this development. **David Petersen** showed an aerial view of Mr. Peterson's property in relation to the Chestnut Farms Subdivision. He explained the development's proposal to have the regional detention basin located on the south of the property which will then bring the water flow along the ROW, along the Stoddard property line and down into the Frecklton waterway. Mr. Peterson expressed concern that the waterway may become flooded causing water to back up and flood his property. **David Petersen** said he talked with the previous City Engineer, Paul Hirst. Mr. Hirst remembers Mr. Peterson's request to put a diversion on the waterway to ensure his property still had water for his stock. After talking with Paul Hirst, **David Petersen** said he is comfortable moving forward as the water in the detention basin is metered out based on the historical flow of the property. This basin will not be adding more water to what existed previously.

David Petersen said he also asked Paul Hirst if he remembers if an easement existed over this waterway. Paul Hirst stated that traditionally, the City does not obtain easements on existing waterways. **David Petersen** said he feels in this circumstance, it would be appropriate to require that the necessary easements to the water way be obtained prior to final plat.

Russell Wilson, with Symphony Homes, said they are seeking a rezone for Phase IV that consists of 21 lots and for Phase V. They are also working on obtaining the storm drain easements to get the water over to the creek.

Rebecca Wayment opened the public hearing at 9:54 p.m.

Rebecca Wayment stated Kirt Peterson's letter was entered into the record and was also read to the Commission during the Study Session.

Rebecca Wayment closed the public hearing at 9:54 p.m.

Motion:

Heather Barnum made a motion that the Planning Commission recommend that the City Council approve the requested zone change from A (Agricultural) to AE (Agricultural Estates) on 30.5 acres of property as described in Exhibit "A" located at approximately 500 South 1525 West and with the following condition that the easements are secured prior to final plat. **Alex Leeman** seconded the motion which was unanimously approved.

Findings for Approval:

1. The requested zone change is consistent with the General Plan for the area.
2. The requested zone change is associated with the requested subdivision application for Chestnut Farms Phase IV PUD Subdivision. The preliminary plat as submitted is consistent with the rezone application.
3. Staff feels that granting this zone change would allow proportionate size single family homes on all of the property consistent with previous phases of the development.
4. It has been common practice that all agricultural zone land ease of the 4218 line will be rezoned to AE.

OTHER BUSINESS

Item #6. Miscellaneous A: 2016 Planning Commission Meeting Calendar

Staff presented the 2016 Planning Commission schedule to be reviewed.

Item #6. Miscellaneous B: Planning Commission Elections

Motion:

Kent Hinckley nominated Rebecca Wayment to remain as the Planning Commission Chair. **Dan Rogers** seconded the motion which was unanimously approved.

Heather Barnum nominated Alex Leeman as the new Planning Commission Vice-Chair. It was approved by acclamation.

Rebecca Wayment nominated Kent Hinckley to remain as Planning Commission representative for the Board of Adjustment. **Heather Barnum** seconded the motion which was unanimously approved.

ADJOURNMENT

Motion:

At 10:16 p.m., **Kent Hinckley** made a motion to adjourn the meeting which was unanimously approved.

Rebecca Wayment
Chair, Farmington City Planning Commission