

ISSUE

Mussentuchit Holdings – Requests Final Subdivision approval of Creekside Farms, a 19-lot residential development located at 925 West 700 South in an existing R-1-8 zone

BACKGROUND

Existing General Plan Designation:	Low Density Residential	
Existing Zoning:	R-1-8	
Existing Land Use:	Undeveloped	
Number of Lots/Units	19 lots	
Adjacent Zoning and Land Use:	North:	A-1 Undeveloped
	South:	R-1-12 Chappel Valley Plat E
	East:	R-1-8 Dairy Creek Meadows
	West:	RA-1 Undeveloped
Date of Last DRC Review:	January 27, 2016	

HISTORY

- June 15, 1872 The subject property was a part of the original Lehi City incorporation in 1872.
- Jan 27, 2015 The Creekside Farm concept plan was approved by the City Council.
- Nov 10, 2015 The Creekside Farm preliminary subdivision plan was approved by the City Council.

ANALYSIS

The applicant is requesting approval of a 19-lot single-family residential subdivision to be located at 925 West 700 South in an existing R-1-8 zone. The proposed subdivision is a standard subdivision with no PUD or PRD overlay. The applicant has submitted a plan with a density bonus of 3 lots given for right-of-way dedication for the Dry Creek Trail, construction of the trail on this property (including the pedestrian bridge referred to in the DRC comments), and improvements to Dry Creek.

The applicant is addressing the issue regarding the north detention pond reflected in the DRC comments by working with the Engineering Department on a payment in lieu of detention set-up. The detention pond on 700 South will remain as shown and will detain most of the runoff from this project.

The developer also needs to provide agricultural fencing or a letter from each neighboring property owner where the property line is adjacent to an agricultural use stating that the proposed fencing arrangements are acceptable. This item is not identified in the DRC comments, so please include this in the motion. Please consider all DRC comments as a part of the motion.

RECOMMENDATIONS

Planning Division Staff Recommendation:

The Planning Division recommends **APPROVAL** of the proposed Creekside Farms final subdivision, including the requirement that the developer provide agricultural fencing or a letter from each adjacent agricultural property owner that the proposed fencing arrangements are acceptable, and also including the DRC comments and

Planning Commission recommendation as it meets the requirements of the development code. This recommendation is also based upon the applicant's work with City Staff, especially in the Engineering, Planning, and Parks Departments to work out improvements to Dry Creek and the Dry Creek Trail.

If approved, the suggested motion would include approval with DRC Redline, Prior to Recording and General Comments.

Planning Commission Recommendation:

Planning Commission reviewed this request for a preliminary subdivision on October 8, 2015 and made the following recommendation:

Donna Barnes moved to recommend approval of Matthew Hess's request for Preliminary Subdivision review for Creekside Farms, a 19-lot residential subdivision located at 925 West 700 South in an existing R-1-8 zone including DRC comments with the finding that it is not detrimental to the safety and welfare of citizens of Lehi. Second by Paige Albrecht. Motion carried unanimous.

Minutes from the Planning Commission meeting on October 22, 2015 are as follows:

5.5 MATTHEW HESS – REQUESTS PRELIMINARY SUBDIVISION REVIEW AND RECOMMENDATION FOR CREEKSIDE FARMS, A 19-LOT RESIDENTIAL SUBDIVISION LOCATED AT 925 WEST 700 SOUTH IN AN EXISTING R-1-8 ZONE.

Public Hearing opened at 7:03 p.m.

Tippe Morlan presented the request and stated it is a standard subdivision. There is an approved concept plan. The applicant is requesting a density bonus of 3 lots for 700 South asphalt, ROW dedication for trail and creek, and trail construction. The DRC noted that a no climb fence or letters are required for neighboring agricultural properties.

Discussed the detention areas.

Matthew Hess was present for the request.

Public Hearing closed at 9:03 p.m.

Donna Barnes moved to recommend approval of Matthew Hess's request for Preliminary Subdivision review for Creekside Farms, a 19-lot residential subdivision located at 925 West 700 South in an existing R-1-8 zone including DRC comments with the finding that it is not detrimental to the safety and welfare of citizens of Lehi. Second by Paige Albrecht. Motion carried unanimous.

**Creekside Farms Final Subdivision
DRC Redline Comments**

Mussentuchit Holdings – Requests Final Subdivision review of Creekside Farms, a 19-lot residential development located at 925 West 700 South in an existing R-1-8 zone. (second submittal – date of last review 1/6/16)

DRC Members Present: Glade Kirkham, Kerry Evans, Greg Allred, Todd Munger, Kim Struthers, Gary Smith, Mike Howell, Ross Dinsdale, Steve Marchbanks

Representatives of the Applicant Present: Matthew Hess and Isaac Riches

Date of Plans Reviewed: 1/21/16

Time Start: 11:10

Time End: 11:30

DRC REDLINE COMMENTS:

Glade – Power:

1. Existing power pole in front of lot 102, show the sidewalk to meander around the existing pole

Kerry – Fire: no comments

Greg – Water/Sewer:

2. Page 7 - move the PI valves outside of the intersection and move behind the sidewalk
3. Page 7 – remove the random 8-inch water line note
4. Page 8 – show the PI in a casing as well as culinary

Todd – Public Works: No comments

Kim – Planning:

5. Staff and the applicant to evaluate whether the pedestrian bridge is a requirement as a part of the density in lieu of improvements

Gary – Building/Inspections:

6. Add a note on the front yard setback on lots 113 and 114 and lots 115-119, clarify the rear yard setback
7. Add a note on the final plat that “no floor slab is permitted below existing grade and at least three feet above existing ground water, as per the soils report”.

Mike – Public Works:

8. On the road cross sections, show road base extending 1-foot beyond curb and gutter. (see City’s standard detail) and only need 6-inches of road base (currently shows 10)

Ross – Engineering:

9. The north detention pond needs to be designed such that Dry Creek does not back up into the pond

Steve – Parks: No comments

PRIOR TO RECORDING OF PLAT:

1. Provide an engineer’s cost estimate for the cost of all improvements.
2. Escrow or Letter of Credit Bond Agreement and Public/Private Improvement Agreement for all public and private improvements must be in place.
3. Reimbursement Agreement for any reimbursable improvement items must be in place.
4. Provide a Mylar of the final plat for recording with the owners notarized signature(s).
5. Include surveyor’s and engineer’s stamps and signatures on the plat and construction drawings.
6. Submit a title report to be reviewed by Lehi City Attorney (current within 60 days of recording)
7. Provide evidence that all property taxes (including rollback taxes) are paid. Developer shall provide a letter with an exhibit of the property covered from their title company guaranteeing that the greenbelt taxes have been paid.
8. Show lot addresses on the final plat.
9. Provide a disc with the final plat and design drawings in dxf format.
10. Provide a signed easement verification sheet (for proposed public utility easements on the plat).
11. New property line adjacent to existing roads must be staked and reviewed by the City.
12. Irrigation Company signature on the construction drawings for the irrigation piping.
13. New project startup form for Lehi City Storm Water
14. Warranty deed/title insurance for the Dry Creek. Title insurance policies on each to be obtained through Marnae at Keystone Title 801-610-1670
15. Address any comments or conditions from City Council approval.

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.

DRC GENERAL COMMENTS:

1. Please note that ALL of the DRC Redline and Prior to Recording of Plat comments MUST be completed before a preconstruction meeting can be scheduled.
2. Once approved by the City Council plans may be submitted for check-off. Check-off plans consist of one complete set of 24x36-inch plans submitted to the Planning Division office. When changes need to be made to a check set, revise the affected sheets only. Each new submittal will require a revision date on each new sheet. It is the responsibility of the applicant to follow through with completing the check-off items.
3. Prior to the pre-construction meeting, Lehi City Staff will make copies of plans for the meeting from the check-off set and the developer will pay fees for the copies.
4. On the power, developer will install conduit; Lehi City Power will install all other required power infrastructure shown on the plans and charge the developer for the costs. These costs are separate from power impact fees that are paid with the building permit.
5. Developer is responsible to purchase, move or remove any existing Rocky Mountain Power facilities. Additionally, the Developer is responsible for all costs associated for the purchase of RMP equipment by Lehi City Power. These costs are separate from infrastructure, impact fees, and connection fees.
6. Developer is responsible to furnish adequate rights of way or easements for construction of off-site power line extensions.
7. The approval of a development shall be effective for a period of two (2) years from the date the development is approved by the City Council

THIS ITEM WILL BE SCHEDULED FOR CITY COUNCIL FEBRUARY 23, 2016 TO ALLOW TIME TO WORK THROUGH THE DENSITY IN LIEU ITEMS

Note: This list of corrections and deficiencies should not be considered as an all-inclusive or final list. The items listed need to be corrected and resolved and a new set of information submitted for review by the DRC. Further corrections and deficiencies may still be noted as the DRC further reviews the resubmitted information.

CREEKSIDE FARM

LANDSCAPE PLAN

Creekside Farm is not a PUD and contains no public or HOA open space. Accordingly, there is no need for a formal landscape plan.

Included within the boundaries of Lots 102 and 113 and the two drainage detention basins. Because those basins are within the private lots, landscaping responsibility for the basin areas will fall to the owners of Lots 102 and 113. To that end, the CC&Rs provide:

The owners of Lots 102 and 113 agree to maintain the Detention Basin portion of their respective Lots with either grassy vegetation or xeriscaping that conforms to Lehi City standards and requirements. All vegetation shall be regularly trimmed or mowed, with the trimmings removed from the Detention Basin and disposed of offsite. Additionally, the owners of Lots 102 and 113 shall promptly remove all vegetation and refuse that obstructs any device, pipe, orifice, or structure located within the Detention Basins; and, if such owners are unable to effect such removal, they shall promptly notify Lehi City.

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RIGHT TO FARM ANALYSIS (Section 18-010 Through 18-040 Lehi City Development Code)

Name Mussenruchir Holdings LLC Authorized Agent (if applicable) Matthew Hess

Phone # (801) 664-9182 Fax # (801) 359-5578 Project Plan File Number (if applicable) _____

Mailing Address 572 S. Woodland Hills Dr., Bountiful, UT 84010

Name of Proposed Project Creekside Farm

Address of Proposed Project 925 W. 700 S.

Purpose:

The City of Lehi values its rich agricultural heritage and values agricultural uses as a component of the City's community fabric, quality of life, amenities, and contributions to the City's economic base. The City of Lehi places value on its agricultural areas and the protection and preservation of agricultural land and agricultural activities within the City.

Right to Farm Analysis Required:

All new uses, buildings and structures that are adjacent to or in close proximity to the following uses and activities shall provide an analysis to be reviewed as part of the development approval process indicating any potential conflicts with, or impacts to, the adjoining agricultural uses and activities:

- (A) An existing agricultural area or activity, or;
- (B) An agricultural or irrigation right-of-way or easement, or;
- (C) Agricultural open space or agricultural preservation area,

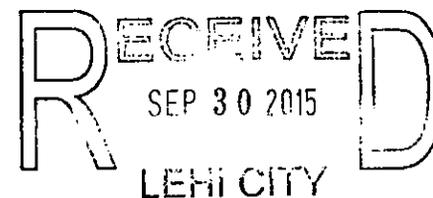
Minimization of Conflicts:

The Zoning Administrator, Development Review Committee, Planning Commission and City Council may consider actions and site planning options that may assist to minimize any conflicts between the proposed new uses, buildings and structures and the existing agricultural operations. The goal of the City is to minimize or eliminate, to the fullest extent possible all potential conflicts and to assure a continuation of a right to farm for the existing agricultural use without undue burden on the proposed new development(s).

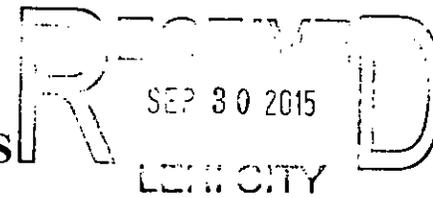
Right to Farm Analysis Requirements:

The developer shall address the following issues in writing and identify any potential incompatibilities, and identify actions to minimize possible conflicts:

- (1) Protection of irrigation access and maintenance of ditches and canals.
- (2) Safety and protection of the public from ditches, canals, ponds and drainage systems.
- (3) Safety and protection of livestock and farm equipment movement corridors
- (4) Existing and proposed fencing on all agricultural property adjacent to the proposed development.
- (5) Erosion and soil protection and conservation concerns.
- (6) Drainage of subdivision areas and designs to minimize the discharge or impact on agricultural lands and soils.
- (7) Weeds, pests and household pet controls in subdivision areas.



RIGHT TO FARM ANALYSIS
Creekside Farm



1. *Protection of irrigation access and maintenance of ditches and canals.*

A ditch for Lehi Irrigation Company bisects the property parallel to the Dry Creek channel. The engineering plans for Creekside Farm Subdivision call for that ditch to be piped across the entire development. An application to do so has been submitted to Lehi Irrigation. Also, the property to the immediate West of Creekside Farm flood irrigates his land using a small ditch that crosses the extreme North boundary of Creekside Farm. That ditch will also be piped. The CC&Rs will prohibit owners of all lots adjoining that ditch from disturbing the pipes or diverting water from the pipes.

2. *Safety and protection of the public from ditches, canals, ponds and drainage systems.*

The piping of the Lehi Irrigation ditches is being done primarily to protect the public, especially Creekside Farm residents, from the dangers of an open ditch.

3. *Safety and protection of livestock and farm equipment movement corridors.*

There are no livestock or farm equipment movement corridors within Creekside Farm. If anything the newly-constructed roadway will make it easier for owners of adjacent farmlands to access their properties via the public street to be constructed within Creekside Farm. That street will intersect the adjacent farmlands.

4. *Existing and proposed fencing on all agricultural property adjacent to the proposed development.*

Parcels to the West and North of Creekside Farm have historically not been cultivated, but have been used for livestock grazing. Existing fencing has proved adequate for that use, but some is well worn. Accordingly, the developer has agreed to replace the fencing along Creekside Farm's west boundary, prior to the time construction of subdivision improvements commences. That fence will not exactly conform to the fencing required by the right-to-farm ordinance. However, the owners of that parcel, Dale and Bobby Madsen, have made a written waiver of the right-to-farm fencing requirement, which is attached.

Two parcels of open land are adjacent to Creekside Farm's north boundary. Ivory Homes owns one parcel. Because Ivory is not engaged in farming activities, and has not leased its land for farming uses, no improvement to that fenceline is required under the right-to-farm ordinance.

The other parcel adjacent to Creekside Farm's north boundary is owned by Bud Holmes. Until recently that property was used by Bud's son, Lec, for livestock grazing. However, currently the Holmes property is not being used for agricultural purposes. If that property returns to agricultural use prior to the date the application for final plat is submitted, then the developer will construct along that boundary the type of fence required by the Lehi Right-To-Farm ordinance.

M. DALE & BOBBY G. MADSEN

950 West 700 South
Lehi, Utah 84043
801-768-4075

September 17, 2014

Lehi City Planning Department
Kim D. Struthers, Director
99 West Main Street, Suite 100
Lehi, Utah 84043

Re: Proposed Creekside Farm Subdivision – Right To Farm Compliance

Dear Mr. Struthers:

We own and occupy the 4+ acre parcel of real property that lies immediately West of the proposed Creekside Farm Subdivision. Historically we have devoted a substantial portion of our parcel to livestock grazing and related agricultural uses.

The developer of the Creekside Farm Subdivision has informed us of Lehi City's Right-To-Farm ordinance. The Right-To-Farm ordinance requires that, among other things, the developer construct a fence along our common boundary that meets certain specifications.

We hereby agree, however, to modify the fencing specifications set forth in the Right-To-Farm ordinance. The developer has entered into a binding written agreement with us to replace portions of the existing common fence between our parcels with four foot high wire mesh topped by two strands of barbed wire. Some of the existing fence posts will also be replaced with new steel T-posts or railroad ties. Accordingly, we hereby waive the developer's compliance with the exact specifications of the Right-To-Farm ordinance.

Respectfully Submitted,

Dale Madsen



Bobby Madsen

