

ON March 25, 2015 AT 6:00 P.M. THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT

Members Present: Ralph Ballard, Bob Petersen, Paul Farthing, Ryan Cashin, Branden Anderson, Bill Wilkey, Yovonda Hall, and John Johnson

Staff Present: Planning Director Toni Foran, City Council Representative Darin Larson, City Attorney Fay Reber, and Planning Assistant Cindy Hyatt

The meeting was called to order by Chairman Cashin at 6:00 p.m. The Pledge of Allegiance was led by Bill Wilkey and Yovonda Hall offered the prayer. Roll call was taken.

Approval of agenda: Bob Petersen motioned to approve the March 25, 2015 agenda as posted. Yovonda Hall seconded the motion. Motion carried with all Commissioners voting aye.

2015-PP-02 Consideration and possible recommendation to the City Council on a preliminary plat for Phases 1 and 2 of the South Fields Subdivision, 28 lots of a proposed 52 lot subdivision on 84 acres at approximately 920 West 2000 South – WW Properties applicant/ Rosenberg Associates agent

Toni Foran asked the Commissioners if they had any questions on the staff report. Branden Anderson asked why the applicant can't dedicate all of 1150 West. Ms. Foran explained the applicant doesn't own all of the property. There are three other property owners in the middle of the proposed project. She stated during Phase 4 of the proposed project the applicant could dedicate the correct width for the road but they can't get to Phase 4 due to the phase lines that are shown. She explained they would be limited to the first two phases at this time. Yovonda Hall asked if a piece was missing to the project. Ms. Foran stated yes, the applicants do not own the left out property in Phase 3 or have an agreement with the owners to purchase the land. Ms. Hall asked if the applicants was aware of the JUC comments and if any of the comments have been resolved. Ms. Foran stated they are aware but they have not been resolved. Ms. Foran stated on the staff comments, the applicant has spoken with the airport consultant and they are sending them an exhibit of the runway protection zone but it has not been received at this time. Ms. Hall asked if the airport tilting of the access has been disregarded. Ms. Foran stated the alignment of the runway does not change. Chairman Cashin stated he is concerned, as well as some area residents, with the collapsible soil in the proposed area. He asked the applicant how they plan on addressing the collapsible soil. Jason Ward stated it was recommended to over-excavate the roads five feet and use pre wetting. He explained the process is to dig down five feet, fill with water to settle the soil, and then refill the hole. He stated the utility trenches would be handled the same way. They are suggesting each lot have its own geotechnical study done when a building permit is pulled. Chairman Cashin gave an example of a situation where a house was built on collapsible soil. He is very concerned with the soil and he doesn't feel five feet would be sufficient to prevent the collapsing. Mr. Ward stated five feet is only what's recommended for the roads; they have different recommendations for the houses including deep pier foundation. He stated they discussed drilling wells to take road and home runoff and putting it below the collapsible soil. Chairman Cashin mentioned even lawn runoff can create problems. He stated his fear is even though other geotechnical reports have been done with recommendations for surrounding areas, the soil has still presented to be a problem.

City Attorney Fay Reber read the ordinance 10-39-1, *in cases where unusual topographical or other exceptional conditions exist such as sensitive lands, collapsible soils or other conditions necessitating any exceptions from or additional requirements to this chapter, said exceptions or requirements may be set by city council after recommendation by the planning commission and/or the city engineer.* He explained this means the Planning Commission can recommend to the City Council a second geotechnical opinion should be required. He stated it is ultimately up to the City Council but they base their decision off of the recommendation from the Planning

Commissioners. Mr. Reber stated he feels the City is better off to be extremely careful at the beginning to try and prevent any future problems. Ms. Hall stated requiring a second opinion would protect the applicant as well. She stated they would have more cost up front but it could help in the long run. Chairman Cashin stated he would feel more comfortable moving forward with a second opinion. Ms. Hall read the staff comments. Commissioners discussed different options and what to require. Ralph Ballard stated he is aware of problems at the airport where they over-excavated but still had settling problems. Ms. Hall asked how many geotechnical engineers are in the area. There are at least two. Mr. Anderson asked who performed the test. Mr. Ward stated AGEC. Ms. Hall asked if it was blue clay. Ms. Foran stated no.

Mr. Anderson asked if the soluble sulfate was in the whole area. Ms. Foran read the section from the geotechnical report regarding soluble sulfate; *our experience indicates the on-site soils contain a severe soluble sulfate concentration. Therefore, we recommend concrete elements that will be exposed to the on-site soils be designed in accordance with provisions provided in the American Concrete Institute Manual of Concrete Practice (ACI) 318-11 and Section 1904.3 of the 2012 International Building Code Tables 4.2.1 and 4.3.1 of ACI 318-11 should be referenced for design of concrete elements utilizing a Sulfate Exposure Class of S2, and a sulfate exposure severity of "severe". Consideration should also be given to cathodic protection of buried metal pipes. We recommend utilizing PVC pipes where local building codes allow.* Ms. Foran also read the section on the over-excavating and pre-wetting; *the depth of over-excavation should be based on the acceptable risk of potential settlement due to the remaining collapse potential. As a minimum, we recommend at least 5 feet of re-compacted soil below the proposed roadways and 2 feet below the utility trenches. The limits of over-excavation should extend at least 5 feet beyond the limits of the proposed right-of-way.* She mentioned the City Engineer had made a note to the side of this section saying, "what is the acceptable risk? Zero?"

Chairman Cashin stated surrounding residents are concerned about farm land because of the dust construction would create. He mentioned last time there was construction in the area it almost ruined an entire crop. He stated there needs to be dust control if this moves forward. Ms. Foran stated there is an ordinance for dust control in place. She stated there is also an ordinance that reads fencing abutting agricultural property shall be required of the subdivider. John Johnson stated it is better to be safe and have a second opinion then waiting and having a problem later on costing more money. Paul Farthing stated the second test needs to be independent so there is no hedging. Ms. Hall ask what could be done if a second opinion test resulted in the same result. Ms. Foran explained the second opinion is for the recommendations on what can be done not the soil type. Bill Wilkey asked the Commissioners what the next step would be if the second opinion had the same suggestions. Ms. Hall stated the developer is paying for both tests so the second opinion could be biased. Ms. Foran stated the city could contract it out at the developer's cost so they don't have direct contact with the developer. City Council Representative Darin Larson asked City Attorney Reber if requiring the second test would put more liability on the City if they rely more heavily on the report ordered by the City. Mr. Reber stated he didn't think so because the City is doing their due diligence by doing what needs to be done to protect everyone.

Ms. Hall asked the citizens in attendance what their concerns are regarding this proposed subdivision. John Wadsworth stated he farms at Bench Lake and he is totally against any subdivision built on Bench Lake "fluff". He stated there hasn't been a good track record for anyone building there. He knows of four houses that have built there and they have all had trouble. He stated "You can't build on this ground unless it has been flood irrigated for a long time." He mentioned the engineer for Rainbow Canyon told the developer if they did something similar to this then they wouldn't have trouble but they have had nothing but trouble and there has been no recourse for the home owners. Mr. Wadsworth discussed other houses in the area that are having trouble due to the soil. He feels this area is the worst soil of any of the other areas he mentioned.. He suggested requiring a bond to protect the homeowners if this subdivision is approved. He mentioned when the golf course was built the City hauled dirt from the airport and almost put him out of business because of the dust off the trucks.

Collette Wadsworth stated people in Rainbow Canyon have lost all their money because they put everything into their house and then lost it due to the settling. She doesn't see how a developer can put in infrastructure and build houses if they can't have irrigation to one acre lots. It will just be a dust storm. Mr. Wadsworth explained the ground can settle at many different variations and can cause problems. Mr. Farthing questioned the feasibility of developing this subdivision if the developer does what the engineer said and dig out forty feet. Ms. Hall asked what the point of having an acre lot is if you can't water it. Mr. Ballard asked what type of insurances could be required if they move forward. He stated he had a friend that got sued seven years after they went out of business. He stated there is fact based history that needs to be considered before moving forward. He asked how deep the sink hole was at Bench Lake. It was decided thirteen feet.

Mr. Farthing stated 700 West is the only access to this subdivision and that is a lot of traffic to only have one access. Mr. Ward stated there had been discussion of extending 920 West providing a second access. Mr. Wadsworth pointed out the roads were not settled when the Fields was created and 400 West has had to be redone. Mr. Anderson asked for clarification on the drainage that each lot would be required to install a drain that goes forty five feet. Ms. Foran stated the drainage needs to go below the collapsible soil. Ms. Hall asked how watering would be mandated on each lot after they are built. Mr. Ward stated they would put in a recommendation of what to do but they can't force buyers to not water. He stated that would take the liability off of the developer if the owners don't follow the recommendations. Commissioners discussed having a document recorded to each lot so future owners know about the issues. Chairman Cashin stated the Commissioners have had a good discussion and he feels recommending further testing to the City Council is the best decision.

Mr. Ballard asked what the ordinance says about the fencing. It was clarified the ordinance was in place to protect agriculture property. Mr. Ballard mentioned under the State Law agriculture is protected to still do work even after the noise ordinance allows. Chairman Cashin asked if the recommendation to the City Council had to have an approval or denial. City Attorney Reber stated no, it can be tabled until further testing is done. Mr. Farthing questioned if the Planning Commissioners even wanted to recommend approval. He feels it is the Commissioners job to protect people that don't know anything about the area. Mr. Ballard stated a disclosure on each lot regarding the soil issues in the area should be recorded. City Attorney Reber stated if it is approved, then a notice can be recorded on each lot so potential buyers are aware of the problems.

Branden Anderson motioned to continue application 2015-PP-02 until further testing has been completed. Bill Wilkey seconded the motion. Ralph Ballard-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Branden Anderson-Aye, Bill Wilkey-Aye, Yovonda Hall-Aye, and John Johnson-Aye. Motion carried.

Bill Wilkey motioned to recommend to the City Council that a second geotechnical report by an independent source is required. Ralph Ballard seconded the motion. Ralph Ballard-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Branden Anderson-Nay, Bill Wilkey-Aye, Yovonda Hall-Aye, and John Johnson-Aye. Motion carried.

Yovonda Hall asked Branden Anderson why he voted nay. Mr. Anderson stated another geotechnical report isn't going to make a different recommendation that hasn't been made before. City Attorney Reber stated by requiring the second opinion it shows the City went the extra mile to assure people are protected. Paul Farthing asked if the Planning Commission could just deny the application. Mr. Reber stated not unless there is a legitimate reason to deny it. The expense of maintaining the City roads was discussed. Mr. Anderson stated his concern is that if the applicant meets all the requirements and completes the recommendation, how can the City ensure future buyers are aware of the issues. Ms. Foran stated it can be recorded against each lot. Bill Wilkey and Fay Reber excused themselves.

Discussion items:

- 1. Discussion regarding lighting regulations.** Toni stated the general plan has a goal to protect the night sky but there isn't an ordinance in place to enforce it. She stated the only language in the ordinance is in

commercial zones saying the parking lot lighting can't intrude into residential zones. Ryan stated he would like to see some regulation on lighting. Commissioners discussed different cities that have lighting ordinances. Yovonda stated banks and different businesses use lights for security and protection. Toni stated they can still have them all the time but in way that doesn't pollute the sky. Yovonda stated she likes that it shouldn't trespass into neighbor's yard. Bob suggested pulling some of the surrounding cities ordinances and highlighting some of things the Commissioners like as a starting point. Ralph asked if there are time restrictions when lights can be used. Motion lights were discussed. Paul asked if there was restrictions on sports courts for how late they can go. Ryan stated that would be regulated in the nuisance ordinance. Yovonda stated if an ordinance is put in place, it would only affect the new construction. Toni stated a sunset clause could be put in the ordinance so if there is a light that doesn't conform they have so long to update their lights.

2. **Staff reports and planning commission concerns.** Toni stated the Spring APA Conference is next week. A schedule was handed out. Toni stated anyone that wants to carpool can meet at the City Office at 7:30 a.m. or they can drive themselves.

Approval of minutes: Bob Petersen stated he didn't vote on the first application. John motioned to approve the March 12, 2015 minutes with the corrections. Branden Anderson seconded the motion. *Ralph Ballard-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Branden Anderson-Aye, Bill Wilkey-Aye, Yovonda Hall-Abstained, and John Johnson-Aye. Motion carried.*

Meeting adjourned at 7:23 p.m.