

ON APRIL 9, 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: John Johnson, Bob Petersen, Paul Farthing, Ryan Cashin, Ralph Ballard, Yovonda Hall, and Bill Wilkey

Members Excused: Branden Anderson

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

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

Approval of agenda: John Johnson motioned to approve the April 9, 2015 agenda as posted. Paul Farthing seconded the motion. Motion carried with all Commissioners voting aye.

New Business:

2015-CUP-03 Consideration and possible approval of a conditional use permit to allow an 8' wall at Liahona Academy, 325 W. 600 North – Liahona Academy/Virgin Properties applicant

Todd Vowell stated they are asking for approval to construct an eight foot wall for privacy and to deter unwanted thoughts of escape from the boys. They have found an eight foot wall serves its purpose in Virgin and so they are asking for the same thing at this location. Chairman Cashin stated there is a need to meet fire and safety requirements. He asked if the wall would be set back so there wouldn't be any sight obstructions. Mr. Vowell stated the walls would not cause any sight obstructions. John Johnson asked if there would be any problems for emergency personal getting into the property. Mr. Vowell stated they have addressed any issues with the emergency personnel. There are emergency gates that they can use to access the property. Yovonda Hall commented when an application was previously presented for this property, adjoining property owners Scholzen's Products had concerns because they had trouble with people hopping the fence and coming through their property. She stated they are pleased with the proposed eight foot wall because it would mitigate this problem from this parcel.

Bob Petersen motioned to approve application 2015-CUP-03 for the health, safety, and welfare of students and public. The wall will not obstruct fire access. It must have an improved gate with boxes and keys for emergency access. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Ralph Ballard-Aye, Yovonda Hall-Aye and Bill Wilkey-Aye. Motion carried.

Old Business:

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

Chairman Cashin stated this application was forwarded to the City Council with the recommendation of further testing. They have sent it back to the Planning Commission to review the results and process the preliminary plat. It was clarified that Landmark did not perform a new test, they only reviewed the existing AGEC report. Paul Farthing mentioned the section of the Landmark report concerning the roadways. He stated there has been a lot of history in this area concerning the roadways and utilities. He asked if the same recommendations had worked in the past or if it had been tried and failed. He asked if Rainbow Canyon had been given the same recommendations. Rick Rosenberg introduced himself as the Civil Engineer from Rosenberg Associates and

Wayne Rogers, a Geotechnical Engineer from AGECE. Wayne Rogers stated this is an area of significant concern for soils. He explained they did a thorough study on being able to identify a treatment method to improve the collapsible soils. They choose pre-wetting treatment because it will improve soils over an entire area as opposed to doing tiles or piers that would only treat the homes. Mr. Rogers stated pre-wetting does have its own risks with water not where it is intended to go. He stated part of their study was to determine how fast the water went straight down versus lateral. They discovered the water did stay vertical so they are comfortable with pre-wetting. He stated pre-wetting has been proven to be effective in other areas but it hasn't been used in an entire subdivision. He stated he is not aware if pre-wetting has been used on any of the roadways in that area. Mr. Rogers stated his understanding on the airport and Rainbow Canyon is that they were over excavated but not pre-wetted. He stated his company has used pre-wetting in other areas that are similar to this area and have been successful. He mentioned they were very happy when the developer went to larger lots because it makes it easier to maintain on a lot by lot basis. Their recommendation is for each lot to have its own study and recommendations but use this report as the basis for all the lots.

John Johnson asked why pre-wetting will help when the land has been watered for years and hasn't helped. Mr. Rogers stated the area that is being proposed has not been flood irrigated or farmed like the other areas so rain water has been the only wetting. Part of it has been watered more recently with a pivot. He stated the deeper soils haven't seen water. When they drilled holes in the soil it is very dry. He explained collapsible soils are deposited in way to make them loose but cemented together so as more soil piles up on them, the bonds hold them together. When water hits the bonds, they collapse. City Attorney Fay Reber asked when the soils were pre-wetted and they collapse is it possible for the soil to settle again. Mr. Rogers stated yes that is why they over excavate. Mr. Reber asked if he was aware of any litigation in Washington Fields concerning the soils. Mr. Rogers stated yes. Mr. Reber asked if Mr. Roger's company did any of work on the lots in litigation. Mr. Rogers stated they were hired after the litigation started to help remedy the problem. Mr. Reber asked if a geotechnical report was done before they were approved. Mr. Rogers stated yes but the collapsible soil was missed. Mr. Reber stated this is a good reason for Hurricane City to be skittish in approving this subdivision. The problems in Washington Fields was discussed.

Chairman Cashin stated test trenches showed the water penetration was vertical not horizontal. Mr. Rogers stated yes. He explained the clay layers are watched because if water hits them it will travel laterally and that is where there are concerns. Chairman Cashin discussed what happened on his old property with problem soils when a neighbor over excavated and filled the hole with water. This caused his home to shift as well as damage to other homes in the area. He asked what the difference is between that technique and what is being proposed. Mr. Rogers stated he is not familiar with the details of that project and he didn't understand why they did it that way. Chairman Cashin asked how the wetting technique they are using will prevent the collapse of the soil. Mr. Rogers stated soil types change, that is why a report on each lot is needed. He stated they will pre wet and verify the water goes where it needs to. It is critical that the water goes down and covers everywhere.

Mr. Johnson asked how much more these lots will cost compared to other lots in the area. Mr. Rogers stated the developer will have to determine the lot price and how much the geotechnical work will cost, then drop the price of the lot to compensate the cost. Chairman Cashin stated his concern is the streets and the airport runway have already deteriorated in that area. He questioned if five feet was adequate to prevent future problems. Mr. Rogers stated that number came from the pre-wetting tests. He stated smaller footprints are easier to control and that is critical. He stated five feet is sufficient if the wetting is done correctly. Bob Petersen praised the applicant on the thorough report but stated he has big concerns on such a large area of collapsible soil. He stated the City can take all the precautions but there is no way to know what is underneath. Mr. Rogers stated the areas on the map with lower risks are the areas that have been pre-wetted and the areas of high risk have not. He stated, yes there is risk but there is risk all over in this area. Bill Wilkey asked if there has been other areas that they have treated that have been successful. Mr. Rogers stated they have done pre-wetting in Cedar City, Nephi, Pleasant Grove and a lot in Washington Fields. The soils in these areas were very similar to this area. Mr. Wilkey stated there is evidence that if the steps are followed there has been success. Mr. Rogers

stated there has been a big success in Washington Fields when the ground is pre wetted. Mr. Farthing asked if there will be curb and gutter on all the roads. Mr. Rogers stated he thinks that based on his conversation with staff, some streets will have curb and gutter but some will not. He stated drainage is a big concern in this area. They have proposed taking water down through pipes under soil past the collapsible soils. He stated they will work with Rosenberg on drainage.

Toni Foran read a paragraph from the Landmark report. *The reference report (page 24 under Drainage) indicates that, "it is critical that infiltration of water into subgrade soil be minimized to reduce the potential for future movement of the subgrade. Positive drainage of the surface water away from buildings and pavement must be maintained." Because borrow ditches along the edges of roadway shoulders tend to become filled with debris over time unless the ditches are hard-lined and periodically cleaned and maintained; it is our opinion that the best way to minimize infiltration from water into subgrade soils and ensure positive drainage away from the pavement would be to install curb and gutters so that water can be collected and transmitted away from the roadways and not be allowed to pond on adjacent properties.* Mr. Rogers stated that is a positive thing but it is also added maintenance because joints and storm drains will settle and crack and then they will have to be resealed. He stated there are no storm drains or surface drains in that area. He thinks curb, gutter, and sidewalk money would be better spent on drainage. Ralph Ballard mentioned a hanger at airport that was over excavated. He stated his understanding is that when the soil is disturbed, it makes the water flow to that area. Mr. Rogers explained there are two methods of handling moisture sensitive soils; one is control water from getting there and keeping it away. The other is allowing water to get in and then channel it off. He stated they would use the second option of channeling the water for this project. Chairman Cashin stated there is a high content of alkali in the soil. He asked how corrosive it will be to the concrete and building materials and if the applicants will have to protect the homes. Mr. Rogers stated they did recognize this issue in the report and addressed it towards the end. He stated the concrete is made of sulfate resistant powder. He stated the building code states you have to recommend what type of concrete has to be used. He stated materials can be imported under the slab to act as a barrier between the concrete and the soil or they have a new product that can be used. John Johnson stated in the report it states, *after consultation with Hurricane City officials, if the potential for settlement is unacceptable, then additional wetting or overexcavation should be implemented.* Mr. Rogers explained they would develop that plan as part of the construction drawings. Chairman Cashin clarified these issues will be dealt with during the construction phase if it is approved. Ms. Hall questioned if the inspections for this project would be a full time job for the City Engineer. Ms. Foran explained the engineer doesn't inspect the projects, it is done by the Public Works Inspector. Mr. Rogers explained the public improvements are inspected by the Public Works but the soil improvements section is inspected by them. He stated they are a 3rd party and not a sub-contractor to the developer. Ms. Hall asked if there is leaking in the road at the curb and gutter will the water follow the pipes. Mr. Rogers stated it will follow the path of least resistance. He explained in situations like this, they recommend clay dams every so often to keep the water from going too far.

Darin Larson stated from the Council side, they feel the developer has the right to pursue this project but the City has the right to protect citizens and liability. He stated there needs to be verbiage assigned to this development that gives notice to potential buyers. Chariman Cashin stated his concern is not many people actually read the title report when buying a house. City Attorney Reber stated a notice can be attached to each lot to protect the City and potential buyers. Kevin Tervort stated there is a potential for problems and something needs to be place to protect everyone. Bill Wilkey stated a geotechnical report is required before a building permit can be pulled so everything will be double checked. Mr. Rosenberg stated to help stop litigation in Santa Clara they have gone to a level of recommendations that meet the customer's needs not the developer and they have educated the developer on how to disclose things properly. He stated he would recommend requiring a hole on every lot to test and creating a hazard map that would require additional testing if a developer builds in a hazardous area.

Resident Mac Hall stated the first permit he issued in Hurricane City was the house and hanger east of the dog shelter and it ended in a disaster. He stated he had written on the permit that there was settling problems and

action needed to be taken. He stated when the ground settled and the developer tried to sue, the judge didn't come back to City because it was referenced on the permit. He stated what they are doing is probably the best that can be done because it will settle no matter what. He stated his question is what will happen to the lot after the home is built? The home owner can't irrigate it or put water around the house. It will just become a dust bowl. Mr. Hall mentioned there is no drainage plan at all in this area. He stated the canal company does have a fifteen inch pipe to take runoff from the fields that goes into the delivery system but there is no capacity to take runoff from this project.

Mr. Rosenberg stated if an area is in a geotechnical hazard area then they put a notice of hazard on the plat and they recommend it is included in the CCR documents. It can be referred to in the disclosure as well. Doing this will alert the buyer they are in an area of high subsidence and will direct them back to the study and geotechnical report. He stated part of that acknowledgement is the buyer has to sign that they have read the risks and understand them. Mr. Johnson clarified this is done prior to purchasing property. Mr. Rosenberg stated it would be part of the closing. He stated the City could require an acknowledgement to be signed when a building permit is pulled and the Title Company could require an additional signature at closing. Mr. Rosenberg advised the City to look closely at the certification. Mr. Larson asked when the house settles down the road, what would happen to the new buyers. Mr. Rogers stated it would be recorded against the lot. City Attorney Reber stated the new buyers won't have to sign anything but it will be on the title report. Mr. Rosenberg stated when people want to build in the flood plain, Santa Clara City has instruction booklets on the requirements and notices of the risks. He stated something could be done similar in this situation. He suggested getting an updated ordinance on geologic hazards in place to protect the City.

Mr. Farthing stated Mr. Hall brought up a good point regarding large lots but not being able to water them. He stated people don't want to spend all their money on a new home to have weeds in the yard and dirt around them. Mr. Wilkey stated it will create a public nuisance to have the dust if people can't landscape. Ms. Hall clarified the Commissioners don't have an option to deny the application as long as they are developing within the limits of the zone and can only put requirements on the approval. Ralph Ballard stated he is more comfortable drafting a motion and then approving it to ensure everything is in the approval. Mr. Reber stated this is a recommendation of the preliminary plat so the City Council will have the final say on what is approved. Commissioners discussed what needs to be in motion; provide notice to buyer, buyer acknowledges the risk, hazard risk listed on plat, notice has to go lot by lot basis and run by the land. Mr. Rogers suggested referencing geotechnical report and letter from Landmark.

Yovonda Hall motioned to recommend approval to the City Council for application 2015-PP-02 for Phases 1 and 2 of the South Field Subdivision with the recommendation they have recorded with the plat on a lot by lot basis the hazardous risks acknowledgement certification, everything is built to the recommendations on the AGEC geotechnical report and secondary report from Land Mark, staff and engineers will work together to find best solution for road cross sections and drainage. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Ralph Ballard-Aye, Yovonda Hall-Aye and Bill Wilkey-Aye. Motion carried.

Discussion items:

Discussion regarding rezoning Green Acres/Sage Point. Toni stated Sage Point is built out as Single Family homes but is zoned Mobile Home/RV. The subdivision was approved as Manufactured Home Subdivision but the zone allowed stick built homes so they didn't rezone the area when they changed their minds to do stick build. Yovonda asked if it would be spot zoned so just the stick built homes are changed. Toni stated no, it would rezone all the subdivision. The subdivision boundaries were discussed. She stated the zone change wouldn't take care of the Adam's issue because they are in Green Acres Subdivision and there is a lot of mobile homes in that subdivision. Toni stated that doesn't make sense to her to rezone a whole subdivision if over half the subdivision

is still going to be non-conforming. Darin stated the Council would like a zoning map of the area showing what everything is currently zoned so it could be discussed.

Darin stated he thought the question for the Adam's is, what zone should allow a Bed and Breakfast. Commissioners discussed what zones they are currently allowed in and what zones allow them with a conditional use. Kevin Adams stated Bed & Breakfast is only allowed in R-10 and R-15. Toni stated she wasn't here when ordinance was developed but her thinking is the frontage gets smaller in the smaller zones so it would limit parking and other problems. Darin suggested having a work meeting to discuss what should be allowed would be best. He thinks we should review other areas as well at the same time. Kevan stated he thinks the current ordinance is too restrictive. He feels that if it meets the conditional use requirements, then it should be allowed. Toni stated there are different public safety standards for homes and vacation rentals. Darin stated that is a City official's job to determine where uses would work with minimal problems. Ralph commented that parking would self-limit if a home was able to do a Bed & Breakfast. Kevin stated the ordinance requires two off street parking for residents and one off street parking per room. Stack parking and street parking was discussed. *Bill Wilkey motioned to postpone this item to the first meeting in May. Paul Farthing seconded. The vote was as follows; John Johnson-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Ralph Ballard-Aye, Yovonda Hall-Aye and Bill Wilkey-Aye. Motion carried.*

Discussion regarding lighting regulations. Toni stated she has been through quite a few ordinances and she thinks the Commissioners should review the model ordinance from the Dark Sky people to see if it something they want to do and if so what decide what needs to be accomplished by creating an ordinance. She passed out copies for Commissioners to review.

Report on APA Conference. Bob stated there was a class on geotechnical hazards that was very educational. He stated Draper City has an ordinance in place that he feels would benefit Hurricane. The ordinance designates areas that have hazardous concerns. Toni stated Rick Rosenberg commented that Hurricane is recommending a review but we don't have an ordinance with standards. Ryan stated he discussed with Toni rezoning the Bench Lake area for future projects. Commissioners discussed zones.

John stated the class he enjoyed was the class on geology. He stated there was a good discussion on reports and what is looked for when the report is prepared.

Paul stated this is all new to him and he realized there is a lot more to the planning process. He stated the conference was very informative and great learning experience. Ryan stated he spoke to the attorney that spoke in one of the classes and the attorney cautioned him to be careful when writing ordinances so they don't conflict with other ordinances.

Yovonda commented the historical class was interesting and explained the process of the Zion footprint for lots. She stated the millennial class was good but was centered more on urban areas.

Staff reports and planning commission concerns. Toni stated a vacation rental application was received but it is in a PDO area and those areas were not addressed with the ordinance change. She stated PDO usually has standards but this area doesn't. She commented the lot is smaller than 8000 square feet. Bill asked where the rental was located at. Toni stated in Santa Fe Hills and there is a good mix of uses in that area. Ralph asked why the lot size couldn't be the deciding factor. Toni stated that is why she wanted the Planning Commissioners opinion. Bill stated the frontage is important to ensure there is enough parking. He commented he has had experience with vacation rentals and the renters bring ATVs and other toys into this area and when they are parked on the road and kids are out playing it creates a dangerous situation. Ryan stated an amendment could be made to the ordinance that states when a PDO is involved it would follow the underlying zone. Toni commented the City wouldn't want to impose an unwanted use in a PDO. PDO's were discussed. Yovonda asked how it would go with the underlining zone and not the PDO because they are built to different standards. Ryan asked if it should be allowed at all in a PDO unless it was in the PDO approval. Ralph stated it could be put in the ordinance

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by lot size as being able to do a rental. Yovonda stated it could create more problems by setting a precedence by allowing the rental in the PDO. Paul stated if an area is planned for vacation rentals from the beginning then the issues are addressed up front instead of trying to go back and fix them after it is in place. It was decided to not allow it.

Approval of minutes: Bob Petersen motioned to approve the March 25, 2015 minutes as posted. Yovonda Hall seconded the motion. The vote was as follows; John Johnson-Aye, Bob Petersen-Aye, Paul Farthing-Aye, Ryan Cashin-Aye, Ralph Ballard-Aye, Yovonda Hall-Aye and Bill Wilkey-Aye. Motion carried.

Meeting adjourned at 8:10 p.m.