

**ON MARCH 22, 2017 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:** Ken Bradshaw, Bob Petersen, Yovonda Hall, Paul Farthing and Ralph Ballard

**Members Excused:** Rebecca Bronemann

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

Chairman Petersen called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Ken Bradshaw and Bob Petersen offered the prayer. Roll call was taken.

Chairman Petersen stated item 1 on the Public Hearing and new business has changed from 220 acres to 200 acres and item 2 has changed from 49 lots to 56 single family lots. Yovonda Hall motioned to approve the agenda with the mentioned changes. Ken Bradshaw seconded the motion. Motion carried with all Commissioners voting aye.

Chairman Petersen opened the Public Hearing at 6:04 p.m. to take comments on the following:

- 1. A zone change request from RA-1 to PDO/R-1-10 on 200 acres located south of 3000 South and east of Sand Hollow Road immediately west of the proposed Copper Rock annexation area.**

**Travis Hall** stated he is representing the Judd property and they are completely against this zone change. He asked where the water is coming from. He stated they are worried about livestock getting out, farming, and dust. They feel it should stay farm area, it is not meant to be residential.

**Lou Muzingo** stated she agreed with Mr. Hall. Water is a critical component.

**Sandra Gardner** stated she agreed with Mr. Hall too. Water and soil is a problem and she is against this zone change.

**Beverly Mangelson** stated she is mostly concerned about where the water is coming from.

**Nancy Curtis** stated she is also concerned about the water and traffic on 920 West.

- 2. A zoning map change request from RA-1, Residential Agriculture, to PDO/RA-1, Planned Development Overlay, for approximately 84 acres located south of 1500 South at 920 West with 24 parcel numbers for the purpose of building a ski lake subdivision with 49 single family lots and 3 lakes.**

**Lou Muzingo** read her letter, available in the Planning Commission book. She is against the zone change.

**Judy Bonny** stated she has concerns regarding the lack of water in the area. She doesn't feel Hurricane has enough water and these ski lakes would be a terrible waste of a precious resource. When in drought there is not enough water. She stated Hurricane has had a drought for twelve of the last twenty years. She stated there are numerous sink holes and unstable land in this area. Numerous problems have been voiced. She mentioned when they built their house they had the soil tested but when they were preparing the lot the tractor hit a sink hole and went head first into the hole. They had to put boulders, dirt, and gravel to prepare the foundation for their house and cost them \$10,000 extra. She stated the builders want to build fifty-six houses surrounding these lakes but Sand Hollow Reservoir is already there and very close. She stated the website for Last Chance Lakes states homeowners have their own private lake for enjoyment. She feels that is ok for Northern Utah but Southern Utah doesn't have as much snow and rain. She feels an indoor pool or other activity that wouldn't waste as much water would be better. She stated she hopes the developers would plant desert friendly landscaping if it is approved. She stated the hotels in Las Vegas have large waterfalls that recycle the water into the air conditioning. She questioned if something like could be used for this development. She stated she is definitely opposed to the ski lakes. She knows development is

coming but this isn't a good fit. She handed out copies of her letter. Available in the Planning Commission book.

**Ann Stanworth** stated she doesn't live here but she is affiliated with surrounding properties. She explained the land has been in her husband's family for years and her husband was here every day to help farm. She told a story of when her husband would go irrigate he would tell her that if he didn't come home then to go look for his hat and he be under it in a sinkhole. She stated they have lost cattle in the sinkholes. She stated the corner of the property dropped five feet after they irrigated it the first time and the remaining land has had to be leveled numerous times. She stated when her brother in law sold the property the new owners took out the drainage ditch and then sued them because water got on their property. She stated other new residences have cut fences to get through their property and killed their cattle. She mentioned a cement ditch on the east side of her property. She stated if the project wants to do improvements on that side the ditch will be affected and that's where they get their water. She opposes this zone change because roads will not handle it. Letter attached.

**Travis Hall** stated his parents live on 1500 South. He stated there is a mosquito problem. When the fields get watered the kids can't come out of the school. He stated he has done appraisals all over the world and he has never seen a specialty project like this work. He stated they are limiting the market and he feels it is a horrible idea with the bad soil in the area.

**Sandra Gardner** stated she lives on 1500 South and they have an orchard so they are outside a lot. She stated the mosquitos are a very serious problem. There are some times when they can't go outside and even abatement doesn't work. She stated spraying is bad for you too. She questioned how the Canal Company can keep selling shares. She mentioned a time last year when they had to go without water for their orchards because there wasn't enough water. She is against this zone change.

**Ken Richins** stated the new alignment of the ponds parallels his property line. He is very concerned about personal property damage to his home. He mentioned the developers stated at the last meeting that the noise would be the same as an airplane. He explained they are used to airplanes maybe once a week and this would be a continuous noise. He is worried about it affecting their quality of life. He is opposed to the zone change.

**Kenneth Heaton** stated he has 25 acres north of this property. He stated he has always been a proponent for property rights but in this case he is concerned of the noise. He stated if people are using the lakes all day long it will be a problem. He knows the City has been having problems with the Pickelball courts and this would be worse. He stated he farmed this property about twenty five years ago and the first time they brought water to it, it settled so much they couldn't get water to the other side of the hole it created. He feels the soil problem is the property owners issue but the noise will affect everyone.

**Carrie Forbes** stated she is representing her brother who has a house on 1500 South adjacent to the proposed project. She stated the geotechnical report is not complete. There is no mention of success for soil to no longer collapse if the builders follow all the recommendations. It does not state that if the recommendations are followed there will less than 10% cause of failure or that it will be a permanent fix for the soil. There is no mention for maintenance or inspections to insure integrity of the design over time. She asked what assurance is there for the surrounding homes and new owners for protection. She stated there is no mention of financial support for this extensive of soil work. If it is self-financing as lots get sold will there be a cost overrun. She stated additional homes impact the surrounding homes. She asked if the City can guarantee no more homes will be built on this property. She stated after the first sixteen homes are built in phase 1, they will have to shift to 1500 South to access the land to build the lakes. She stated the current roads will not support the traffic or the equipment. She asked when the City will require new roads and infrastructure. She asked what measures the builders will use to conserve water or mitigate potential flooding from the lakes and ponds. She mentioned in the original design there was green spaces but now they are using that space for additional homes. She thinks there needs to be some clarification on the report because it says the ponds will have a liner but doesn't mention the lakes. She stated they were under the impression they would all be lined and if they are lined then it needs to be corrected in the report. The report says soil is highly collapsible. She mentioned the report states the recommendations will

not solve problem, it will only mitigate the severity. She stated her brother had to hire an engineer to determine where to set a simple pole barn. The engineer told him water is your worst enemy. She stated this report tells her there is highly collapsible soil and it won't solve the problems but the developers still want to take thirty acres and store 6 to 12 " of water on it which is public enemy number 1. She stated it doesn't make sense.

**Collete Wadsworth** stated she has lived in Hurricane all her life. She explained they started farming the ground adjacent to the proposed development in 1970 and she doesn't know of anyone who has ever successfully irrigated and leveled the ground to the point they have on her farm. She stated all of her kids want to keep the farm. She wants to have her farm a viable farm. She stated she has fought for property rights but asked where are her property rights in this situation. She feels her property rights are being infringed upon. Her main concern is the soil. She stated Hurricane Canal Stock only allows water from March to November. The Canal Company wouldn't allow her to water 365 days a year and these lakes need continuous water. Eighteen shares of canal stock will not supply it. She feels when the rest of the people that have canal shares hear what they want to do, they will be upset. She knows they are trying to buy water rights but just because you have the rights doesn't mean the water is there. She mentioned she talked to water specialist and he thought the idea was crazy. She stated the City needs to let people do what they want but you have to look out for other people too. Mosquitos are a problem. She is very concerned about the gophers. When they leveled the ground on their property they put a road around it in order to drive around all of property. They just had to fix a hole in the road from the gophers. Ralph Ballard asked if her property was higher or lower than the proposed development. Ms. Wadsworth stated higher. She asked the Commissioners to please do what they can to protect the citizens and farmers to maintain open spaces. She stated if this is approved she would like to be consulted because she doesn't want trespassers on her property.

**Scott Fuller** stated he represents the seller of the property. He stated the property is already zoned RA-1 so they need to realize the choice is 84 homes or 56 homes because development is coming. He stated if this is built there will be a nice pond and less homes. He stated he finds it interesting that all the people who are opposing this development are the people who live around it and have found ways to deal with the soil but they don't want anyone else to do it. He stated the applicants have purchased enough water so it isn't the neighbors business if it is used for a lake or irrigation. He mentioned if there is a way to overcome the soils then it is an advantage to everyone. Other people have built here and dealt with the soil so why oppose someone else doing the same thing.

**Mike Smith** stated he is new in the area and stated there is going to be development either way and he is not opposed to progress. He stated they bought there for the views and someone already built behind them blocking it. He feels the big question is the water. He stated most people that use water use it for purpose of sustaining one's self. He stated he lived near a development like this before and it was not constant skiing or noise. His issue is it is recreation so if there is a drought there should be something in place that says recreational use will be the first thing cut.

**John Neilson** state their property ties into Collette Wadsworth property. He stated someone mentioned there is ponds already there but he has never seen a pond there. He stated they like the peace and quiet and a continuous noise will be a hindrance to them. He thinks the major problem is the settling issues. He doesn't think there is a solution. He stated water can get from property to property by gopher holes. He is opposed to the zone change.

Chairman Petersen closed the Public Hearing at 6:51 p.m. and the Public Meeting began.

**New Business:**

**2017-ZC-06 and 2017-PSP-02 Consideration possible recommendation to the City Council on a zoning map change request from RA-1 Residential Agricultural 1 acre, to PDO/R-1-10, Planned Development Overlay/ Single Family Residential for 240 acres located south of 3000 South and east of Sand Hollow Road**

**immediately west of the proposed Copper Rock annexation area -Toquerville Enterprises applicants;  
Brant Tuttle agent**

Brant Tuttle stated he appreciates the opportunity to be here. Their project is under contract with the Spilsbury family. He stated they would like to address some concerns that were brought up. He stated the family has shares with Washington County and those will be purchased. He is not aware of collapsible soil in that area but they will have a report done. There has been a lot of discussion on traffic for this area. He explained they will have access onto Sand Hollow Road. He has spoken to Arthur LeBaron, Hurricane City Engineer, and he told him the current traffic design is to serve 1700 vehicles per hour or 3600 if they are going either direction. The current traffic estimate is approximately 100 cars per hour so the current traffic is less than ten percent of capacity. He mentioned Mr. LeBaron has been working with UDOT on the extension of SR-7 and the Utah State Legislature has allocated 1 billion dollars to infrastructure projects. He stated the director for Region 4 stated they would be getting three hundred million dollars of that money but it hasn't been allocated yet. He stated they have allocated money to do a study on right of way alignment and over pass sites and they are anticipating that about \$75 million will be allocated to finish the Southern Parkway. He explained they will know in May how or if it will be funded.

His proposed development would include xeriscape to minimize the impact on water. The open space will include a private golf practice facility for a major university in Utah. He mentioned they have presented a preliminary development agreement to staff.

Toni Foran explained she wrote the staff report on a different layout than what the applicants want because they didn't turn in the new plan or development agreement until yesterday. She stated she has only been able to do a quick density analysis and the base would be 10,000 square feet per lot so they would have too many units with the proposed plan. They would need to eliminate some lots. She didn't have time to read the Development Agreement so the Commissioners will have to decide if they are comfortable with what is being presented. Mr. Tuttle stated the development agreement would be done after the zone change. City Attorney Fay Reber explained that is not how it is done. A development agreement is done in conjunction with the zone change. He stated Hurricane City would not grant a zone change and then negotiate a development agreement. Mr. Tuttle stated they wouldn't exceed the number of units that are allowed by the zone.

Bob Petersen stated he is confused because the map they received for the last meeting was for a totally different area and now this area has already been changed twice. Mr. Tuttle agreed. He explained the Spilsbury family owns both pieces of property and they decided they wanted to keep the property that was in last meeting's packet. He apologized for any confusion. Jerry Spilsbury stated they changed the plan because of a problem with UDOT. Mr. Tuttle stated they are encouraged that UDOT will be proceeding with SR-7. Chairman Petersen agreed that will help with all the projects. Yovonda Hall asked how they would handle getting sewer to this project. Mr. Tuttle stated they are working with Ash Creek Sewer District and Copper Rock Development to put a lift station around 3000 South that will tie into Dixie Springs. Chairman Petersen asked City Attorney Reber if he had reviewed the development agreement. Mr. Reber stated no. Chairman Petersen stated he feels they are putting the cart before the horse. He feels they need to come with a plan and development agreement so they can review it together. Paul Farthing agreed. He stated UDOT has agreed to do a preliminary study but even if they agree to finish SR-7 it could still be five years away. He feels that until the road is complete it is too premature. Mr. Tuttle stated this is not an instant build out, it will depend on the market. He mentioned Sand Hollow Road is at less than ten percent capacity so it could handle the traffic in the beginning. Mr. Farthing pointed out it is below capacity because it doesn't go anywhere.

Dale Beddo stated a Zone Change does not require a development agreement as part of the process. Mr. Reber stated it does not but if the City is going to entertain the notion to change the zone then they will want an agreement in place that limits the developer to what they are proposing. He stated it is in the developer's best interest to proffer a development agreement because without it the chances of approval

decrease. Mr. Spilsbury stated when this property was annexed into the city it was zoned R1-10. Ms. Foran clarified when it was annexed it was zoned RA-1 with an agreement to put planned development on the General Plan map for this area because the City knew that was the plan for future use. She stated it has been zoned RA-1 since it was annexed. Mr. Spilsbury stated when they annexed into the City, they gave the City their plan for that area. He stated it should have been taken care of before and he doesn't feel like they should have to do it again. Mr. Reber stated when an area is annexed the property is zoned very specifically and if they went back to the ordinance where the property was annexed it will state what the property is zoned. Ms. Foran stated she reviewed the ordinance and the only place that wasn't zoned RA-1 was Dixie Springs. She stated there was an agreement that stated the property would always show Planned Development on the General Plan and when it was time to develop the City would entertain zone changes appropriate to that General Plan. Mr. Beddo stated because the application does not require a development agreement even though it benefits them, they are submitting the application without it. He explained the reason he sent a development agreement was due to staff comments about facilitating off site infrastructure. They wanted to make sure the Commissioners had enough evidence in the proposed development agreement that the developer is offering to pay for all the improvements. He stated if the road is only at ten percent capacity, it can handle the seven hundred homes they are proposing. He clarified they are submitting the application without a development agreement.

Ralph Ballard stated they are looking at putting not only one but two large developments in this area and the City has to decide if they are ready to put that big of a load on 700 West. He mentioned the large commitments from the developers and suggested the City should find out what difficulties the County had with the development. Mr. Beddo clarified they are not Copper Rock. Mr. Ballard stated they are adjacent to each other and the City needs to look at the particular issues. Chairman Petersen asked if he thought it was premature. Mr. Ballard stated the reason the land is cheaper is the infrastructure is not there and the soil issues. He feels it is leapfrogging to develop out there. He asked if the City was ready to provide another fire station and ambulance facility. He stated he has concerns that the City needs to know who they are dealing with and they need to make sure the backing is there. Mr. Tuttle stated the impact fees that would be paid with each house would go towards a new fire station when it gets to that point. It wouldn't be a burden on the City. Chairman Petersen asked if they are planning on piggy backing on Copper Rock. Mr. Beddo stated no, they are only sharing the infrastructure cost for the sewer. He stated the developer has provided land for a future fire station. Chairman Petersen stated the City's legal counsel has not had a chance to review the development agreement. Mr. Beddo stated they are submitting the application without it. Mr. Reber stated the problem with approving the zone change without an agreement is there is no guarantee the property would be developed as what is presented. He stated it behooves the developer to present a development agreement that will guarantee what they are representing will be built. Yovonda Hall explained a zone change gives rights after it is approved. As the property sits now it has rights and if the zone is changed the rights change. She doesn't feel there is enough information to adequately approve what they have presented. She stated she thinks they should continue the application so the applicant can get more things in order or deny it because there isn't enough information to approve it. She stated she has concerns and what she received in the application did not address her concerns. Mr. Beddo stated he received the staff comments but he wants comments from everyone. Ms. Hall stated it is not a debate. The Commissioners don't give comments. If the application has everything that is required and addresses all the issues then the Commissioners review the application and vote on it. Mr. Beddo stated they had a chance to review the staff comments and concerns but now the Commissioners have more concerns. Ms. Foran pointed out this is a new application so staff did not get a chance to review this plan. Mr. Farthing explained the City gets all the information and verifies if it meets the City's ordinances then it is given to the Planning Commission to review. He stated he thinks this leapfrog developing is the definition of bad planning. Mr. Beddo stated they don't want any personal opinions of the development. They just want to know what guidelines need to be met and they will meet them. *Paul Farthing motioned to recommend denial of application 2017-ZC-06 and 2017-PSP-02 to the City Council. Ralph Ballard seconded the motion.*

*The vote was as follows; Ken Bradshaw-Aye, Bob Petersen-Nay, Yovonda Hall-Aye, Paul Farthing-Aye and Ralph Ballard-Aye. Motion carried.*

Ms. Hall asked for a discussion on why the Commissioners voted like they did. Mr. Ballard stated the roads that are there are already a problem and this would only add to it. He stated there are too many problems with the following; staff concerns about not having adequate fire protection, the road conditions, they won't offer a development agreement and some of the same individuals that have been involved in other failed projects are involved with this project. Paul Farthing stated the impact fees for each home wouldn't cover the cost for a new station let alone the cost of workers or equipment. Yovonda Hall stated she thinks it is a huge leap in density. She stated the City can't earmark money from the State until the State delegates it. She feels it is too premature. Mr. Ballard stated he was hearing tonight that they wanted to change everything but not stand behind it. Bob Petersen state he voted nay because he thought they should be given time to do a development agreement and meet all the requirements. Ken Bradshaw pointed out they didn't want to a development agreement. Chairman Petersen questioned why they sent a preliminary agreement. He has concerns because it has changed three times already.

**2017-ZC-03 and 2017-PSP-01 Consideration and possible recommendation to the City Council on a zoning map change request from RA-1, Residential Agriculture, to PDO/RA-1, Planned Development Overlay, for approximately 84 acres located south of 1500 South at 920 West with 24 parcel numbers for the purpose of building a ski lake subdivision with 56 single family lots and 3 lakes – Brittany Christensen, applicant**

Jason Christensen stated the number one concern is soil. He brought Chris Volksen from GTS Engineering to explain the geotechnical report and the studies he did. Chris Volksen stated he is acting as the Senior Engineer for GTS and has been here since 1993. He stated he was asked by the Christensen's to prepare a preliminary report for this subdivision to determine what is there. He explained they drilled three holes with the idea they would go to 50' or where bedrock was. They had drill rig refusal at 48'. Ralph Ballard asked what samples they got at that level. Mr. Volksen stated test hole 1 was sand and silt. Test hole 2 they hit something hard at 45' so they switched drilling methods to try to penetrate the rock or boulder. They penetrated into whatever it was for four feet. They determined it had gyp veins in it which is a characteristic of bedrock material. Test hole 3 they went down to 47' when they hit something hard but they did not penetrate it any farther. He stated he has done a lot of work in the South Fields and he knows there are sink holes and highly collapsible soil. He stated they measured collapses with a volume change of up to 15%. He explained a very common method to eliminate settling is a method called ting, which means a hole would be dug out where ever a road or foundation would go then they would saturate the hole with a head of water of about 15'. The hole would be filled three different times to let it settle. By doing this they are introducing all the water the soil will ever see so it settles. They are predicting about 5' of settlement. He mentioned another company did a study in the area and came up with the same number.

He stated he knows pipes break under houses and even lakes leak when they are lined and water gets to the soils. They are proposing to introduce as much water as the soil can handle, let the soil settle, and then build a structural pad on top of it. This is a very common method in Washington Fields. He stated it is a proven method. He stated the lateral spread of the settlement away from the ponds seems to be limited. He stated they did this process in Hurricane at about 1300 South and 750 West. They filled it all winter long and it only settled 1'. There is a block wall next to where they did the testing and it didn't move. He mentioned people are worried about sink holes but they will find them before hand and fix them. They will do a trial area in the center of the subdivision so it will not affect anyone's house. That way they can measure the lateral spread to see how close they can get to property lines. He stated these recommendations are preliminary, before final plat they will have a final report. He stated there are no guarantees on soil but his company will hold the liability. He stated the settlement should be done once the ting is done. They found that the soil is sands and silts in this area not clay. Sands and silts have a quick settlement. The mitigation of the soil should be permanent.

He mentioned one of the neighbor's comments regarding farming the land and it settled. He explained in a farming situation the irrigation isn't allowed to penetrate deep enough. They will penetrate water down 50'. He stated there were concerns of roads settling but they will do the same method for roads except for they will only penetrate 15' instead of 50'. Paul Farthing asked if they would prewet the entire project or only the roads and houses. Mr. Volksen stated the areas where the lakes, homes, and roads will be is what they are recommending to prewet. Ralph Ballard mentioned there was 15' horizontal movement. He stated that is very permeable. He asked if there were veins. Mr. Volksen stated yes, they anticipate there is some type of bedrock but they will investigate further if it is approved. Chairman Petersen asked if the lakes are lined and an area drops will it be like a plug being pulled. Mr. Volksen stated no, they are hoping to avoid the sink holes by settling. He stated the membrane will bend and mold to the settlement. Chairman Petersen stated he didn't realize there would be dikes needed. Mr. Volksen stated he didn't have all the information and that might not be needed. Mr. Christensen stated the lakes will be below grade. Yovonda Hall asked if he would be retained during the development to inspect that it is done correctly. Mr. Volksen stated he has not been retained but he works with the developers a lot and he does have a stipulation that they are brought in during construction to monitor that what they recommend is being done. He stated they have to provide the City with a letter at the end of the project that all the work was done in accordance with what was recommended.

Chairman Petersen asked how much water would be used for the wetting. Mr. Volksen stated he hadn't estimated it but they anticipated a head of 15' and it would have to be filled three times. He stated this is only an assumption. They may fill it and after it is drained and tested they might not have to fill it again. He stated there is a lot of trial and error to see what is needed. Chairman Petersen asked what they anticipate for lateral spread. Mr. Volksen stated based on a trial from a year ago it is maybe a 20' lateral spread. They will do a trial area to make sure it doesn't affect the neighbors. Mr. Ballard asked if the lateral spread was measured at the bottom of the test hole. Mr. Volksen stated they wet 30' of soil and the lateral spread was measured at about 15'. They didn't drill outside the saturation zone. Mr. Ballard asked how they knew it was 15' if they didn't drill. Mr. Volksen stated they could see where the movement was by the tension cracks and surveying. Mr. Ballard stated that is only settlement not where the water goes. Mr. Volksen explained the process.

Chairman Petersen commented after seeing the geotech report and what it will take to develop the project, he questioned if anyone will be able to afford a lot. Mr. Christensen stated according to their comparable study they should. He stated Cody Larkin has done this type of project before and can answer any questions and concerns.

Cody Larkin with Salt Lake Excavating stated this is his fourth project like this. He also lives on one up North and he answered very similar questions when it was developed. Everyone told him how crazy it was but it's been the best thing in his life and he knows other communities feel the same. He stated boats are going but not all the time. He stated he probably only gets on his boat about twice a week. He stated in developing the lakes the amount of water it takes to keep them full is less than one would think. It takes about the same amount of water a pivot takes to water a field. He stated to do the water settlement they will need to fill up 15' of water to settle but whatever is developed there would have to do the same thing. He stated either way this will have to be done and they want to do it right. He mentioned the previous soil report from AGECE said the same thing. It will take a lot of water during construction but once it is built it only takes as much as a pivot. He explained the sound reverberates off the lake so it does appear louder but he lives about 80' from one and he doesn't hear the boats. He mentioned they don't allow wave runners only tournament style boats. Chairman Petersen asked about home owner fees. Mr. Larkin stated they expect it to be around \$500 a month. He stated the first year the lake was done they were concerned about bugs but they have never had to abate at Last Chance. They think it is because they put three types of fish - trout, bass, and sterile grass carp - in to keep the lake clean. He stated in May they put dye in the lake to keep algae from growing. Every year it is reviewed to make sure they have enough or something needs to be done because they don't want bugs either. He doesn't think it will be an issue at this development.

He stated he would like to address the neighbors' concerns on their property damage. He explained the lakes will be excavated so there will be no dam. He stated the lakes will be lower than the ground so there should be comfort knowing the water can't break through a dam. Mr. Ballard stated that isn't the concern. The concern is the settling and water spreading. Mr. Larkin stated settling the property before will stop that. There is a huge cost to do it but it can be done and they feel like they have all the methods to do it right. He stated right it is now 90 acres and they are only trying to rezone for more open space not density which will restrict the amount of traffic on the roads. He mentioned they are expecting it take about ten years to sell all the lots. He stated he has heard nothing but problems about this property and he wants to turn it into something better. They think Hurricane is the gateway to the National Parks and this will create another amenity to attract people. He stated Sand Hollow is close but it is crowded and a different situation. Living on a lake brings everyone together. Mr. Ballard asked how much a share of canal water equals to in acre feet. Mr. Larkin stated 5.4. Mr. Ballard stated they have nowhere near enough water to settle the land. Mr. Larkin stated to keep the lakes full they need 30 shares but they will do them in phases. Mr. Ballard stated water is a big issue. Mr. Larkin stated the lakes create an ecosystem. Mr. Ballard stated the water issue the residents have is the applicants don't have enough water at this time. He asked if they have underground water too. Mr. Larkin stated yes they have 200 acre feet of water. Mr. Ballard stated the surrounding owners are concerned there isn't enough water and as they try to draw it, it will harm their water supply. Mr. Larkin stated they can't build this until they have the shares in place. Mr. Ballard clarified they won't use more water for the building phase as they will to maintain them. Mr. Christensen stated they are working with the State Engineer and they will not use other people's shares. Mr. Ballard stated he doesn't think that is the neighbor's concern, they are concerned there isn't enough water to meet everyone's needs. Mr. Christensen stated they understand a share isn't a guarantee of water so that is why they are getting backup shares of water. Mr. Ballard stated his concern is the lateral spread. He knows a lot of people that have had huge settling problems. He asked about the previous soil report that does on this area and if it had the same conclusions. Toni Foran stated she would get the previous report. Mr. Larkin commented any property that is left in the State has some sort issue. Water can penetrate the sand and silt almost in a vertical shaft. Mr. Ballard pointed out the areas that aren't settled will in the future. He stated if someone waters the lawn it could settle elsewhere and cause problems. He stated do all that you can but the shortcuts are the concern. Three holes is minimal and none of them were on the edges which is a concern. Mr. Larkin stated they did their own investigation first but could never get deep enough. All the areas they tested were the same. Mr. Christensen stated they did the preliminary study with GTS and asked them for the worst case scenario. In order to get to final plat, they will drill holes everywhere on property with at least one hole on every lot and more on the lakes in order to test to see what the horizontal spread will be. They will not impact the neighbors.

Mr. Farthing asked how much lots will sell for. Mr. Larkin stated probably around \$450,000 along the lake and \$250,000 for the ones not on the lake. Mr. Ballard asked if they would fence the area to protect the surrounding agriculture. Mr. Larkin stated the property will have a six foot block or solid wall around the entire project. He stated they have to have that or they can't insure the lakes. Mr. Ballard asked if it would be a gated community. Mr. Larkin stated yes. Mr. Ballard commented that would help with the noise too. Mr. Larkin stated he understands the concerns but it is less density than what is already approved for the area. This is not a normal subdivision. A lot of money goes into it.

Ms. Foran read the notes from first report. Yovonda Hall stated the neighbors gave them horror stories at the first meeting and the soil report shows the same thing. She is not sure they have the whole picture yet. She feels the existing property owners have a right for their zone. She feels the neighbors would rather have more homes than less homes and lakes. She knows how hard people worked to get water to this area and she feels the applicant's main goal is to build an area for rich people but it doesn't help agriculture or to sustain one's self. She mentioned people in agriculture have to prove they are using water for agriculture. She stated the soil is a huge issue. She understands engineers say you can build anything if you follow some plan but the cost will be felt by everyone around them not just the developer. The surrounding

property owners didn't buy lake front property, they are bringing it to them. She stated when the applicants talk about sense of community it is the gated community not the community that is already there. She doesn't see it as a community benefit. She stated they have to consider the residents' property rights and balance both. Mr. Ballard stated they have to consider the developers opinion too because they see a need and have a right to develop their land. Ms. Hall stated the City is liable for the decisions that are made and the soil issues in this area are well known. She doesn't think they can say it is a good idea. She thinks the water will move. Mr. Farthing stated he is leaning towards agreeing with Ms. Hall. He stated if he lived adjacent to this area he would rather have more homes than the lake issues. Ken Bradshaw agreed. He stated adding water is big difference and it appears water would be wasted. *Yovonda Hall motioned to recommend denial of application 2017-ZC-03 and 2017-PSP-01 to the City Council. Ken Bradshaw seconded the motion. The vote was as follows; Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, Paul Farthing-Aye and Ralph Ballard-Nay. Motion carried.*

**Concept Plan presentation, Presentation of a concept plan for Commission comments on a property located at approximately 250 North and 3700 West – Jeff Morby**

Jeff Morby stated this property is north of Rock Hampton. It was previously owned by Falk who had proposed Coyote Pass. He stated he has purchased the property and he wants to move forward but they are mostly trying to get a feel about they can do with the property. He stated they want to do about 1800 square feet townhomes with 2 car garages. They feel it is a good transition between the storage units and single family residential. Bob Petersen clarified the storage units are straight north. Mr. Morby stated yes but they will construct a wall between the storage units and this development. Yovonda Hall clarified which lots were single family as opposed to multi family. She mentioned it is too small for PDO. She asked if 3700 West was a collector road. Toni Foran stated yes and the road he is proposing would connect 3400 to 3700 west. Chairman Petersen asked what the current zone was. Ms. Foran stated R-1-10 and General Plan shows single family so he would have to do General Plan Amendment. Ms. Hall asked how much other multi family was in the area. Ms. Foran stated 2600 west is the nearest multifamily. Parking was discussed. Chairman Petersen clarified he doesn't own the property to the east. Mr. Morby stated that is part of Rock Hampton. Paul Farthing asked what Rock Hampton was zoned. Ms. Foran stated R-1-10. Ms. Hall stated it fits the tiny pockets of zoning and affordable housing. Mr. Morby mentioned they might have sewer problems but they would like to be under \$200,000 to try and meet that market. Commissioners agreed it would be a good transition. Mr. Morby stated he knows they would have to come back through the process. He thought the minimum sewer depth is nine feet which would be difficult in the rock. They would be willing to say no basements.

**2017-LUCA- 03 Consideration and possible recommendation to the City Council on a Land Use Code change requiring road improvements for building permits – City staff**

Yovonda Hall motioned to table application 2017-LUCA-03 until City Attorney has had a chance to review. Ken Bradshaw seconded the motion. *The vote was as follows; Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, Paul Farthing-Aye and Ralph Ballard-Aye. Motion carried.*

**Planning Commission business:**

1. Report on Council actions. Toni stated Pride Rock was tabled again and the Gateway Commercial asked to be tabled until April.
2. Letter to City Council on Copper Rock. Commissioners read over letter. Discussed changes needed. Toni stated they need to put in when sewer would be required. Discussed mistakes made with previous developments. Discussed how to protect the City. If the roads were there, it would be a different situation. Discussed bonding isn't required unless they want to record before it is built. Fay stated they will have to pay for all their improvements within the development and help update the City's system to accommodate it.

3. Darin stated the Mayor is extending an invitation to two new members. Hopefully by next meeting.

*Ralph Ballard motioned to approve February 22, 2017 and March 9, 2017 minutes as written. Paul Farthing seconded the motion. The vote was as follows; Ken Bradshaw-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, Paul Farthing-Aye and Ralph Ballard-Aye. Motion carried.*

**Adjournment at 9:30 p.m.**