

ON MAY 10, 2018 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: Mark Borowiak, Ralph Ballard, Bob Petersen, Yovonda Hall, Chris Christensen, Paul Farthing, and Rebecca Bronemann

Members Excused: Michelle Cloud

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Attorney Fay Reber and City Council Representative Darin Larson arriving at 7:03 p.m.

Chairman Ballard called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Kelly Covington and Mark Borowiak offered the prayer. Roll call was taken.

Chairman Ballard stated application 2018-CUP-06 withdrew their application. Bob Petersen motioned to approve the agenda with the change. Mark Borowiak seconded the motion. Motion carried with all Commissioners voting aye.

2018-CUP- 06 Consideration and possible approval of a conditional use permit for a 23’9” high accessory building at 2478 S 4390 West– Victoria Harris applicant. Withdrew application

2018-CUP-07 Consideration and possible approval of a conditional use permit for a 24’ high accessory building at 2732 S. 3870 West– Kelly Covington applicant

Kelly Covington was present to represent the application. Chris Christensen asked staff if they had any concerns. Toni Foran stated it rare to get comments from neighboring properties of a conditional use permit but she did receive one on this application. She read the letter from the Reeds opposing the requested conditional use. She mentioned the Reeds own a licensed vacation rental behind the applicant. Mr. Covington stated because of the elevations of the lot the structure will be eighteen inches lower than what the elevations show. Chairman Ballard asked if there were other structures in the neighborhood as tall as the one he is proposing. Mr. Covington stated he was unsure. Yovonda Hall asked what side of the house would be facing the neighbors that had concerns. Mr. Covington stated it is the dining room window. Mark Borowiak asked if the accessory unit would be used as a rental. Mr. Covington explained the primary reason for the accessory unit is for his special needs son but if he moves out then it would be rented. Ms. Hall clarified the applicant is asking for twenty four feet and twenty is permitted. Mr. Covington stated it will actually only be two and half feet because of the elevations. Ms. Hall pointed out even a twenty foot building would block the neighbor’s view. Mr. Covington stated his lot only has about twenty feet that is abutting the neighbor who is complaining and the out building isn’t by them. *Yovonda Hall motioned to approve application 2018-CUP-07 based on the following findings; the height of the building will be less than 1 ½ times more than the average height of the proposed immediately adjacent building. Paul Farthing seconded the motion. The vote was as follows; Mark Borowiak-aye, Ralph Ballard-aye, Bob Petersen-aye, Yovonda Hall-aye, Chris Christensen-aye, Paul Farthing-aye, and Rebecca Bronemann-aye. Motion carried.*

Chairman Ballard open the Public Hearing at 6:14 p.m. to take comments on the following zoning map change requests:

- 1. A zone change request on 83.28 acres located south of 1500 South at approximately 920 West from RA-1, Residential Agricultural one acre, to RA -.5, Residential Agricultural half acre.**

Toni Foran described where this property was located. She explained there was previously an approved preliminary plat for one acre lots that has expired. There are new owners who want to change the zoning. Ralph Ballard asked about the previous requirements if it was developed. Ms. Foran recalled a geotechnical engineer being required and another geotechnical engineer to review the report as well as wetting.

Karl Rasmussen stated he is representing the applicant. He mentioned he has Chris who is a geotechnical engineer with G.T.S here to answer questions as well. He explained they are doing water settling in Washington Fields. He assured the Commission that they want to address the soils here with good engineering and do what they are doing in Washington with over excavating and wetting. He stated they will do a test area first. He mentioned he knows the adjacent owners have concerns with the soil. Chairman Ballard said the Commissioners went out to where the City was doing water settling on a different project and it was pretty impressive. He stated it would be scary to do near homes.

Lou Muzingo stated when she purchased her land in 1992 the master plan had this area as one acre and it has been changed many times over the years. If this is changed, it will double to 160 homes. It will add so many people and cars. She read headlines from multiple newspapers regarding the water levels and drought. She said the Water Conservancy District's back up plan is to bring water from Lake Powell but there won't be water to bring if there is no snow in Colorado. She explained the parcel in question is known for the collapsible soil. She asked how many gallons of water will be wasted trying to settle this land. She read a quote from the history of Washington County which read *we need to be wise and look to the future and handle growth in a slow, responsible fashion*. She asked the Commissioners to turn down the request. She handed out copies of the drought maps for this area.

Ken Richins stated he has the closest affected home to the proposed project. He mentioned this is the third time this property has been requested to change. He stated in 1993 he built a pond area and it was there for many years before he built his house. He took extreme caution to build the house. He stated he didn't have to worry about adjacent homes but there were cracks from his irrigation that showed up thirty feet into other properties. He stated the reason he moved there was for the agriculture lifestyle. He had to rezone to one acre to even build a house. He stated the Council has already approved this as 1 acre. He is very opposed to this. If it is approved it will change his lifestyle. He wouldn't be able to irrigate without possible litigation. He stated his aunt has property adjacent to this and she can't use it because it will get water in the homes around them. He stated he works for the City and they have been dealing with other areas that are settling that is going to cost the City a lot of money. He feels that if this is approved it will create major problems in the future.

Tami Engeness stated she lives by this development. She stated they bought this property five years ago knowing it was agriculture. She feels that by changing this to half acre it will infringe on the agriculture rights. She stated she is against the wetting process. She has seen what it does. It is a liability for the homes around them. Traffic will increase by 300 plus cars. She stated the roads are not set up for that. She is opposed to this development. She feels even 1 acre will be hard to develop.

Mac Hall asked why the City has to change the zone every time someone buys a property. They knew what it was when they bought it. He suggested it going back to 10 acre zoning. He doesn't feel it should be decreased. The property will settle and the infrastructure will cost the city money. He questioned what they will do with the storm water and where the utilities will come from. He asked the Commissioners to not compound the problems in this area with increased density.

Chris Volksen with Geotechnical Services stated he is doing work on this project. They are in the process of determining if water settling will be a good method for this area. He stated they are doing it in Washington Fields and it is a good method. He stated he knows there are a lot of concerns with the neighboring properties. He stated they want to protect the neighbor's property and if they find the watering will affect the neighboring properties then they will change their method. He pointed out there is a large area that doesn't have neighbors. He said he talked to the developers and when they do the

water settlement they will do the entire property so if something is built in the future then the pad is prepared. He explained if they don't settle all of the property to begin with then there will be issues if they try to add something later. He claimed they can also settle the streets and rights of way. He stated they are doing the same thing in Washington Fields and it is working fine. He stated there have been a lot of issues with water in basements in the Hurricane area. After researching it they found it is coming in through gopher holes.

Sandra Garner stated she is concerned about the traffic on the street. There has been a lot of improvements in the area and their road has been torn up for four months. She stated she wants it to stay one acre like it was when they bought it. She has been there for twenty-seven years and she loves it there. She stated it would be on a dead end dirt road and it will be a mess to add that many people.

Dave Imlay representing Hurricane City Power stated whenever a zone change is done in this area they are looking for transmission line easements. He questioned if the approval can include the requirement of a transmission line easement? He asked the Commissioners to make sure it doesn't conflict with their power plans.

Collette Wadsworth stated her family owns forty- eight acres adjacent to the proposed property. She has lived here her whole life and she has been trying to keep agriculture a viable enterprise for thirty nine years. She wants to keep it as agriculture as long as they can. She mentioned her land is zoned one acre and they have many animals, hay, and a peach crop. She questioned why change it just because someone bought the property. She stated she built a house on 1300 South then a subdivision came right across the street. She doesn't want that to happen again. She built her current house two hundred feet off the road so she will have space if things develop. She stated people don't understand the smells and times of the agriculture life. She was on the City Council when Rainbow Canyon was approved and her heart breaks for the people that have lost everything because of the soil settling their homes. She stated when they put a dirt road around their property to allow them to get around their property the tried to settle it. There are a lot of gophers and now there is a hole in the road from settling. She stated she agrees it should go back to ten acres - that's what is best. She pleaded, "Please don't allow the change."

2. A zone change request on 4.16 acres located at approximately 250 South west of 1760 West from RA-1, Residential Agricultural one acre, to R-1-6, Single Family Residential 6,000 sq. ft.

Toni Foran stated this is 4.16 acres and the master plan shows 200 South coming from Hurricane Hills to 1760 West which is also a master planned road but not fully developed yet. She mentioned there are large acreages around it and there is a horse corral between the property and highway. She discussed the different uses around it.

Julie White stated she has property south of the proposed changed. She asked how many houses this will add. She asked if this would be lower income property or will it have HOA's? Karl Rasmussen stated they are planning on twenty one or twenty two homes. Ms. White stated she wants to know how it will be designed. She stated she is opposed to increasing the density.

Mac Hall stated they have property north of this that they use for agriculture. He asked the same question again, why they have to change the zoning just because someone buys the property. He is opposed to the zone change.

Toni Foran read two letters from neighboring property owners that are opposed to the request, which are included in the record of this meeting.

3. A zone change request on 38.52 acres located east of 700 West and south of 600 North, reducing the size of existing HC and M-1 zone areas, adding to the RM-2 zone area, and adding an R-1-6 zone area.

Toni Foran stated a map was provided so they can see what the applicants are proposing. She stated she has concerns with that many multifamily units in one area. She mentioned the General Plan does

discourage multifamily in large aggregates. She stated they did add more single family lots and cut down on the industrial from the current zone. She stated the zones are the same ones that were already there, they are just requesting to change the acres in each zone.

Jerri Politte stated she lives in Ivy Wood. She moved here two years ago. She chose it here because it is beautiful and not a city. They chose lot 1 so they had empty space next to them. She stated if this is approved it will ruin their views. She asked if we want Hurricane to become St. George. She doesn't. If they are going to add a street by here it will create more problems. She mentioned a kid was just hit and there is already parking issues with the school there. She stated if they add more density it will get worse. She stated the City needs to figure out the current problems first. She is against the zone change.

Mac Hall stated he is representing the Canal Board. They own thirty two feet along the west side of the proposed development. He stated he would consider holding this up until something can be done with 700 West. He stated it is a disservice to everyone if there isn't another access to this property. He stated it is the board's suggestion to do more single family and get rid of the multifamily.

Chairman Ballard closed the Public Hearing at 7:03 p.m. and the Public Meeting continued.

2018-ZC-05 Consideration and possible recommendation to the City Council on a zone change request on 83.28 acres located south of 1500 South at approximately 920 West from RA-1, Residential Agricultural one acre, to RA -.5, Residential Agricultural half acre – applicants Kent Clayton and Scott Stratton

Greg Hardman, Scott Stratton's attorney, and Karl Rasmussen were present to represent the application. Mr. Hardman stated the public raised valid concerns but he feels the concerns are more applicable to the development stages. He stated the property would still have to be wetted even if it was one acre zoning. He brought up the staff comments regarding the General Plan. He stated the General Plan says up to four units per acre so he feels like this is a good fit. He stated it may have been different in the past but things have changed. He asked them to look at staff comment 4 that says utilities are adequate to serve this property. He stated all the other issues can be regulated with the plat. He stated considering the criteria the Commissioners are supposed to examine in making a decision it does fit for the area. He declared the property is already approved for one acre so going to half acre isn't going to significantly affect the area. He stated the staff report doesn't say anything about negatively impacting the neighbors any more than any development would. He stated storm drains will have to be discussed at time of approval. He stated all of the neighboring property's concerns need to be addressed at development approval. Chris Christensen asked what liability the City would have if they allowed more development on unstable soil. City Attorney Fay Reber stated he didn't think just changing the zone would do that because there will have to be development approvals given and that's when all of those factors would be discussed. Yovonda Hall said Mr. Hardman stated the staff report read this is consistent to the General Plan but she read that it should stay farm land so that would be consistent. She mentioned there is only one property zoned the same in the area so that isn't positive either. She stated they heard from lots of neighbors about the negative impacts to them and that the infrastructure could be impacted. She stated she doesn't see a compelling reason to change the zone other than to benefit the developer. Mark Borowiak stated he agreed. He needs to see a compelling reason to change the zone. He stated this is an agriculture area and he feels it is good to keep it that way. He stated people moved to that area with the expectation that is what it will be. He stated every inch of Hurricane doesn't need to be high density. Rebecca Bronemann agrees with Mr. Borowiak. She added that there are certain times when a zone change makes sense but she doesn't feel like that is the case for this. Bob Petersen asked for clarifications on what the restrictions were for this property when it was approved as one acre. Ms. Foran stated there was a long list of requirements before it would go to final plat. Chairman Ballard asked if the City has had a lot of lawsuits because of soil issues. Ms. Foran stated they are handled through the

insurance. Chairman Ballard asked what the liability is for allowing development. Ms. Foran stated she hasn't been directly involved but she understands one of the concerns is there was a water break and the settling in the road happened after. She mentioned another one where they sued the City because the City allowed them to build there. Chairman Ballard stated his concern is as you increase density it puts that many more water lines and roads. He stated his concern is who is liable. He mentioned the area where the Commissioners went to observe settling and there were places a long way from the trench that had severe settling. He stated the City has a responsibility to protect people in the areas where there are known problems. He asked Chris Volksen from Geotechnical Services how they address a problem if it does settle a neighboring property. Mr. Volksen stated whether it is one acre or half acre they will be able to address the problem. He stated if they find that water settling won't work then there are other methods to handle the soils. He stated water is currently the most economical way so if water comes to it in the future then it is already settled. He stated they know the problem is there so they can address the problems before they develop. Chairman Ballard stated his concern is he doesn't want it to affect the neighbors. Mr. Volksen stated they will switch their methods if it is going to affect the neighbors. Ms. Hall stated the process of alerting the public for hearings is so the public can state how they want their community and there were a lot of voices tonight telling them what they want. She stated it was pretty clear that this is not what they want. She feels there are enough reasons to deny the application. *Yovonda Hall motioned to recommend denial of application 2018-ZC-05 to the City Council based on the staff findings; 1. A portion of the proposed amendment is compatible with the existing General Plan map but not all of it. Additionally, it is not consistent with General Plan policies and objectives. 2. The proposed amendment is not harmonious with the overall character of existing development in the vicinity. 3. Some public facilities and services are adequate to serve the property. 4. The proposed amendment will affect adjacent property because it is anticipated it will bring much more intense development and potential for damage to adjoining properties. 5. The property is located in the run way protection zone. Rebecca Bronemann seconded the motion. The vote was as follows; Mark Borowiak-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, Chris Christensen-Aye, Paul Farthing-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2018-ZC-06 Consideration and possible recommendation to the City Council on a zone change request on 4.16 acres located at approximately 250 South west of 1760 West from RA-1, Residential Agricultural one acre, to R-1-6, Single Family Residential 6,000 sq. ft. – applicant TC Investments Holdings, Scott Stratton agent

Karl Rasmussen was present to represent the application. Paul Farthing stated he feels like this is spot zoning. He would rather see a plan for the whole area. He pointed out the five lots adjacent to the proposed property are land locked. He stated if they moved the road over that could address that problem as well. Chris Christensen asked how many lots would be in this development. Mr. Rasmussen replied about twenty-one or twenty- two lots. Yovonda Hall stated this is the same situation as the last application. She doesn't see a compelling reason to change the zone. Bob Petersen stated maybe if the property to the south was included and 200 South heading east wouldn't be a dead end then it would be a better fit. He doesn't see a compelling reason to change the zone. Rebecca Bronemann stated her issue is the City wants to intersperse higher density areas throughout the City rather than clumping them all together but when the Planning Commission recommends applications that are doing that they deny it so she doesn't know what they want. Mark Borowiak stated there are a lot of different zonings in this area so he feels this is where some higher density would fit. Paul Farthing asked when there would be improvements to 1760 West. Toni Foran stated she can't remember where it fits on the budget list but it will have to move up if Zion Vista is completed. Mr. Farthing stated all the traffic will come through this way and it will increase the traffic on 400 South. Chairman Ballard agreed. Yovonda Hall asked if all the neighbors oppose it then what is the compelling reason to approve it is. Mr. Rasmussen stated the

developer's reason to change is because as the slope comes down it is too hard to get one acre lots on there so with the smaller lots he can step them down. He stated they will tie 200 South into 1760 West. Ms. Hall asked why they skipped all the zones in between RA-1 and R-1-6. Mr. Rasmussen stated the applicant is trying to create more affordable lots for people because there are already larger lots in the city. Mr. Borowiak mentioned the staff findings found this compatible with the General Plan and harmonious with the overall character. Greg Hardman pointed out this property is bounded with commercial and residential so it becomes a good transition between the two uses. He said people who want larger lots won't purchase next to commercial. Chairman Ballard reported Bud Scow called him and he stated he is opposed to this change. Mr. Scow recently changed his to third acre lots on the east side of the road. Chairman Ballard mentioned they did recommend approval for a zone change on 400 South last meeting. He stated he asked what Mr. Scow thought was fair. He told him he thought it should stay one acre. Chairman Ballard feels like there should be somewhere they can meet in the middle. Ms. Hall asked what value they give the neighboring properties that don't want the increase. She questioned if the Commissioners should consider their opinion. Chairman Ballard stated yes but the property owner has rights too. He stated that is the Planning Commissioners job to balance out the rights between the property owners. He stated he thinks a third acre is too big but R-1-6 is too small. City Attorney Reber stated the Commissioners can recommend a different zoning to the City Council if they wish. Ms. Hall stated she agrees with Mr. Borowiak with this being smaller parcel it fits better. Ms. Bronemann said she knows the City needs more affordable housing but at the same time the City has a policy they don't want the higher densities clumped together. Mr. Farthing clarified he would rather see one plan to address all the issues. Mr. Borowiak pointed out there are four different zoning levels in between what they are requesting and what it is currently so they could recommend approval with a zone in between. Darin Larson agreed. Chairman Ballard stated 200 North being extended is a positive. Ms. Hall asked if the requested zone is the higher density allowed by the General Plan. Ms. Foran stated it is the highest single family zone. *Yovonda Hall motioned to recommend denial of application 2018-ZC-06 with the comment that the City Council could approve a change to a different larger Single Family zone. Rebecca Bronemann seconded the motion. The vote was as follows; Mark Borowiak-Nay, Ralph Ballard-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, Chris Christensen-Aye, Paul Farthing-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2018-ZC-07 and 2018-PSP-05 Consideration and possible recommendation to the City Council on a zone change request on 38.52 acres located east of 700 West and south of 600 North, reducing the size of existing HC and M-1 zone areas, adding to the RM-2 zone area, and adding an R-1-6 zone area - applicants Mel and Mary Fransden, Max Stokes agent and Consideration and possible approval of a preliminary site plan for the above property - applicants Mel and Mary Fransden, Max Stokes agent HR Brown was present to represent the application. He stated he has been talking to Ms. Foran for about a year about his parcel. He has heard from a lot of people that there needs to be affordable housing. He stated a lot with a seventeen hundred square foot house on it would still have to sell in the high \$200,000 and that is not affordable. He explained his belief that if you put small clusters of affordable housing then you get "not in my neighborhood" from surrounding property owners. He explained they tried to isolate that aggregate and put what the surrounding property owners wanted near them. He stated the applicants have to look at this and see if they can make money with developing it this way. He explained some of the costs include working with the lava on this property, they need to finish 700 West, and they had to purchase additional property to run sewer to the property. He explained they couldn't make money on this property if they developed it with larger lots. He said they tried to be harmonious with the surrounding property owners. He stated they will assist in developing 700 West. Barry Thompson with Pratt Engineering mentioned when Ivy Wood was proposed the Hall Subdivision didn't want it there so they accommodated them by having larger lots closest to them. He explained that is

what they tried to do with this project. He stated there are larger clusters throughout the City than what they are proposing. He mentioned the City Engineer is excited for a developer to come in and help with 700 West and the opinion that this will relieve a lot of traffic on 870 West. Bob Petersen said he feels the density is a little too much but it is workable. Rebecca Bronemann said there is a lot of traffic on 870 West and this will only add more cars. Ms. Foran pointed out that if they finish 700 West then it would help with the traffic. Mark Borowiak stated Ms. Foran did a good job laying out the main problem. He stated this is a good plan and Hurricane needs more affordable housing but the amount of multifamily in one location is too great and there is very little space for community amenities. Ms. Foran stated there is a requirement for open space so that can be adjusted. Ms. Foran asked for clarification on how much acreage was included in the recreation area. Mr. Thompson stated just over an acre and the open space to the south will be used for dentation. Chris Christensen asked for clarification on the green areas with a question mark on the map. Ms. Foran stated she put the question mark there because they aren't sure what is going to be there yet. She pointed out it is already zoned Highway Commercial so they aren't asking to change the zone but change how much acreage is included in it. She explained they have a plan for the residential zones right now and then they will come back in the future with a plan for the commercial area. Yovonda Hall asked if Scholzens are still ok with this new plan. A Scholzen's representative stated one of the things that appealed to them is there is a buffer and the developer has agreed to install a ten foot fence with barb wire on top of it. He said they feel like the applicants have addressed it better than any other applicant in the past. Ms. Hall asked if the City Engineer has reviewed the additional traffic this will put on 600 North. Ms. Foran stated yes and a traffic study is forthcoming that will address the issues. Mr. Thompson explained how they will get sewer to the property. Ms. Hall commented she feels the density is high for one area. Paul Farthing stated he feels they did a good job with the plan but it was just approved last year and now they are asking for two and half times more density. He feels that is too much multifamily in one location. Ms. Hall asked if they had considered the amount of noise that will surround the homes with having industrial around them. Mr. Brown stated that is why they did the buffer zone of commercial and there will be berms to help with the noise. *Mark Borowiak motioned to recommend approval of application 2018-ZC-07 to the City Council. Bob Petersen seconded the motion. The vote was as follows; Mark Borowiak-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Yovonda Hall-Nay, Chris Christensen-Nay, Paul Farthing-Nay, and Rebecca Bronemann-Aye. Motion carried. Bob Petersen motioned to approve application 2018-PSP-05. Paul Farthing asked if there would be an HOA. Max Stokes stated yes but he doesn't know if there will be someone onsite. He stated their intentions are to sell the units, not rent them. Paul Farthing seconded the motion. . The vote was as follows; Mark Borowiak-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Yovonda Hall-Nay, Chris Christensen-Aye, Paul Farthing-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2018-CUP-08 Consideration and possible approval of a conditional use permit for a 32' high, 2,324 square foot detached garage at 750 S 990 West-Nate Hadley applicant

Nate Hadley stated he would like to build a detached RV garage that is too tall and too large for permitted use. He explained it is too tall because they need room for the RV and they are trying to match the architectural theme of the house. He stated the RV portion of the garage takes up a lot of room so they are asking for a greater size to accommodate storage as well. He stated they have a half acre lot and this will fit nicely on the property. Yovonda Hall clarified where it would be located on the property. *Rebecca Bronemann motioned to approve application 2018-CUP-08. Mark Borowiak seconded the motion. The vote was as follows; Mark Borowiak-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, Chris Christensen-Aye, Paul Farthing-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2018-PP-05 Consideration and possible recommendation to the City Council on a preliminary plat for Frog Hollow Subdivision, a 43 lot subdivision located south of 2300 South at about 665 West – Gemstone properties applicant, Frank Linhardt representative

Frank Linhardt was present to represent this application. He stated this property is immediately adjacent to Rainbow Canyon. He has fifteen years of dealing with the soil in this area. He stated they have already over excavated the whole area five feet. He explained they did give instructions to home owners in Rainbow Canyon to not put wall to wall grass but they did anyway, which ended up costing them a lot of money in lawsuits so with this development they will be building every house with piers. The piers will go down about twenty- five feet and there will be about twenty or thirty piers per house. He stated they over excavated the roads many years ago so there should be fewer problems. He mentioned they will not allow any grass in this development because of the damages watering caused in the past. He explained they didn't want to include this with the Rainbow Canyon Subdivision because they don't want an HOA. He showed where the entrance to Frog Hollow is on the south portion of this property. They are proposing to allow the entrance to remain there by dedicating some property to the City in exchange for impact fee credits. He stated they already have soil reports and they will get an earthquake report and will follow whatever they say. Ms. Foran clarified they need a report from a Geologist not a Geotechnical Engineer for earthquake and rock fall. Chairman Ballard asked if there had been any settling yet. Mr. Linhardt stated they over excavated when they did the last phase but they are doing piers in this phase so it isn't needed. He stated they have eliminated the problem with people watering their lawns too because they are doing all the landscaping and there won't be any grass. Yovonda Hall stated she hopes the five feet of over excavating will be enough to protect the infrastructure. Mr. Linhardt stated they have never had any trouble with the infrastructure. Chris Christensen asked if the piers go to bedrock. Mr. Linhardt stated they go twenty feet and they hold the entire slab so even if the soil moves the house won't. Chairman Ballard stated he has concerns with the soil. Mr. Linhardt stated it is silt and gravel in this area but they have worked with it enough they know what needs to be done. Chris Volkson explained they have the pier deep enough that when the settling happens on the top there is enough skin friction holding on to the pier at the bottom to resist settling at the top. Chairman Ballard stated he had a house that was built on piers and it still settled. Mr. Volkson stated that is a possibility but it is the easiest fix because you can lift up the house and put another pier next to the one that failed.

Approval of Minutes: Yovonda Hall stated on page 2, line 16 of the April 11th minutes it should read known instead of no. Yovonda Hall motioned to approve the April 11, 2018 minutes with the correction. Paul Farthing seconded the motion. The vote was as follows; Mark Borowiak-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, Chris Christensen-Aye, Paul Farthing-Aye, and Rebecca Bronemann-Aye. Motion carried. Yovonda Hall made the addition of "that power" on the last page, line 9 of the April 25th minutes. Yovonda Hall motioned to approve the April 25, 2018 minutes with the correction. Rebecca Bronemann seconded the motion. The vote was as follows; Mark Borowiak-Aye, Ralph Ballard-Aye, Bob Petersen-Aye, Yovonda Hall-Aye, Chris Christensen-Aye, Paul Farthing-Aye, and Rebecca Bronemann-Aye. Motion carried.

Planning Commission business:

1. Report on City Council actions and final plats. Toni stated the zone change on 400 South was approved.
2. Discussion on Night Sky ordinances and formulation of policy recommendations. Postponed until next meeting.

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3. Discussion on possible land use code amendment pertaining to Appeals Authority. Postponed until next meeting.
4. Planning Commission concerns and ideas

Meeting adjourned at 9:25 p.m.