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**MINUTES**  
**WASHINGTON CITY PLANNING COMMISSION**  
**August 5, 2015**

Present: Commissioner Smith, Commissioner Shepherd, Commissioner Williams, Commissioner Papa, Commissioner Henrie, Attorney Jeff Starkey, Lester Dalton, Drew Ellerman, Kathy Spring, Brandee Walker, Lee Ingram, Benito Alba Jr., Richard Elsmore, Marlene Elsmore, Diana Phillips, Gam Ellis, Chantelle Julian, Scott Julian, Richard Sokoff, Julie Sokoff, Clarice Maffitt, Dick Maffitt, Dena Martini, Frank Martini, Les May, Susan May, Jeff Taylor, Brady Pearce, Lori Kinsey, Jen Dutson, Del Gardner, Jean Arbuckle, Kimball Gardner, Karl Larson, Corbin Church, Matt Ence, Garth Nisson, Dough Rogers, Sharlotte Wride, Samuel Egbert, Kathy Gardner, David Gardner, Holly Campbell, Debra Welling, C R Nickle, Sandie Nickle, Glenda Nay, Theron Nay, Cheryl Russell, Art Ballif, Merlyn Shelton, Chan Slone, Luanna Slone.

Meeting called to order: 5:30 P.M.  
Invocation: Commissioner Henrie  
Pledge of Allegiance: Commissioner Papa

1. APPROVAL OF AGENDA

A. Approval of the agenda for August 5, 2015.  
Commissioner Henrie motioned to approve the agenda for August 5, 2015 with moving 5-B before 5-A.  
Commissioner Williams seconded the motion.  
Motion passed unanimously.

2. APPROVAL OF MINUTES

A. Approval of the minutes from June 17, 2015.  
Commissioner Shepherd motioned to approve the minutes from June 17, 2015.  
Commissioner Papa seconded the motion.  
Motion passed unanimously.

3. DECLARATION OF ABSTENTIONS & CONFLICTS

None

4. ZONE CHANGE

- A. Public Hearing for consideration and recommendation to City Council a Zone Change request Z-15-11 to change from RA-2 (Residential Agriculture minimum 2 acres) to RA-1 (Residential Agriculture minimum 1 acre). Located at approximately 2700 East Washington Dam Road. Applicant: Leon and Ora Lee Smith.

**Background**

Drew Ellerman stated the applicant is requesting approval to change the zoning of approximately 3.00 acres, located at approximately 2700 East Washington Dam Road. The requested change is from the current zoning of Residential/Agricultural - 2 acre min. (RA-2) to a proposed Residential/Agricultural - 1 Acre Min. (RA-1) zoning designation.

The General Plan Land Use Designation for this location is Estate (EST.). The surrounding zoning to this parcel is RA-1 to the west, RA-2 to the north and east, and Open Space to south. Staff has reviewed the requested zone change and finds it to conform to the General Plan and the Zoning Ordinance.

**Recommendation**

Staff recommends that the Planning Commission recommend approval of Z-15-11, for the zone change request from Residential/Agricultural - 2 acre min. (RA-2) to Residential/Agricultural - 1 acre min. (RA-1), to the City Council, based on the following findings.

**Findings**

1. That the requested zoning conforms to the intent of the land use designation of the General Plan.
2. The utilities necessary for this type of development will be readily accessible to the site.

Commissioner Smith opened the public hearing.

No response.

Commissioner Papa motioned to close the public hearing.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

Commissioner Papa asked for clarification of the location.

Mr. Ellerman stated along the Washington Dam Road.

Commissioner Williams motioned to recommend approval to City Council with the recommendation and findings of staff.

Commissioner Henrie seconded the motion.

Motion passed unanimously.

5. PRELIMINARY PLAT

- A. Public Hearing for consideration and recommendation to City Council for the Warner Gateway Preliminary Plat located at approximately East of Marlberry Way 4600 South. Applicant: Corbin Church.

**Background**

Drew Ellerman stated the applicant is requesting approval of a Preliminary plat for the Warner Gateway subdivision, located at approximately 4600 South 1200 East (just east of Marlberry Way of The Meadows at Stucki Farms subdivision). The applicant is wishing to develop 162 lots on an area covering 34.84 acres. The location of this particular project is zoned Single-Family Residential - 6,000 Sq. Ft. Min. (R-1-6).

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. The one problem area as it relates to this request, is the fact that there is only one ingress/egress roadway available (Marlberry Way) to this proposed subdivision.

With that said, staff is requiring that only 30 lots will be able to apply for final plat status until the time that other ingress/egress points will be established as growth occurs to either the north or south boundary lines of the subdivision.

Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

**Recommendation**

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Warner Gateway subdivision to the City Council, based on the following findings and subject to the following conditions:

**Findings**

1. The preliminary plat meets the land use designation as outlined in the General Plan Land Use Map for the proposed area.
2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

**Conditions**

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.
2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.

3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.
4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.
5. At the time of final plat submittal, the following documents shall also be submitted:
  - A. A title report.
  - B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).
6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.
7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.
8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.
9. Driveway locations are to be approved by the Public Works Department.
10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.
11. Only thirty (30) lots will be able to apply for final plat status and be recorded, until the time that alternative ingress/egress roads are made available through development to either the north or the south boundary lines of the subdivision.
12. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

Mr. Ellerman explained the road stub to the north has changed from the notices that were sent out. The developer has changed it to the BLM property.

Commissioner Williams asked if the Marlberry Way could be labeled as the main entrance in regards to the requirement of the 30 lots.

Mr. Ellerman stated it wouldn't mean anything because it is a public road.

Commissioner Shepherd asked who is the owner of the southern property.

Mr. Ellerman stated it is part of the Stucki Farms to the south and to the east is the Southern Parkway. He explained that the BLM property is in the business of selling land. There are many properties developed that was BLM land. BLM and SITLA trade property and they are also in the business of selling property.

Commissioner Smith asked the width of Marlberry Way.

Mr. Ellerman stated it is a 55-foot residential road.

Commissioner Smith asked about the lots adjacent to this project in The Meadows at Stuck Farms they are mostly 7,000 sq foot lots and if not a PCD what would that zone be.

Mr. Ellerman stated it would be R-1-6.

Commissioner Williams asked about the retention pond and does it exist.

Mr. Ellerman stated it isn't built yet. The retention has to be able to hold the historic water flows. He stated the corridor was built to catch the water and divert it to the detention basin. He stated each subdivision has to take care of their own water and the historic flow and what they will create is taken into consideration.

Commissioner Henrie stated, as he looked at the plat what formula do they use to determine traffic.

Mr. Ellerman stated there are engineering models that determine that, and they are looked at when construction drawings come in. This is probably a category 1 and if it is too high Public Works will have to do an in depth traffic study. The study is based on peak hours. This will only have 30 homes then another access will be required.

Commissioner Henrie stated letters that the people have sent are expressing concerns about property values and is there a historical study that would show that.

Mr. Ellerman stated property is what someone would pay for the property. There isn't anything that shows this type of project would devalue the property.

Commissioner Williams asked if they are going to be single story.

Mr. Ellerman stated he doesn't know.

Commissioner Smith opened the public hearing. He stated the commissioner has received the letters sent in.

Richard Ellsworth stated he is the president of Stucki Farms and the major issue was the road going to the cul de sac. He stated his concern is that the smallest lot in Stucki Farms is 7,000 sq ft and less than that brings in a different type of people with starter homes, rentals and property values. He stated they have green belt, walking trails, parks and larger sq foot lots. He stated at Marlberry Way it states it is Stucki Farms development. He stated this development doesn't have amenities and doesn't match the design of Stucki Farms with two story homes next to single story this takes away their views. He would like to encourage the developer to match and mirror what Stucki Farms has with green belt and amenities.

He stated drainage is an issue and doesn't want the drainage from this project. He stated the drains fill up with debris. He stated another concern is the BLM habitat land, which would land lock this project because of the tortoise reserve. He stated sewer tie in would come from Marlberry Way to flow down hill. He stated Marlberry would be a drainage area and is concerned with the drains getting clogged. He stated with 30 homes all the construction traffic will go on that street. He stated the street would be damaged and would be a hazard. The street repair would be at the taxpayer's expense. He stated there is an open high-end look in Stucki Farms.

Commissioner Henrie asked if anyone came to the meeting when the zone change happened last year.

Mr. Ellsworth state he didn't get a notice and the only person that showed up was because she saw a sign

Holly Campbell stated she was the person that came to the zone change meeting. She stated when the 6,000 sq foot lot was discussed it was that 6,000 was to be near the southern parkway and feathered toward Stucki Farm. She stated the water flooding the area is a concern and has caused problems already. She stated with all the homes and there is not a park will have them coming into Stucki Farms and they don't have any financial responsibility.

Jeff Taylor stated he recently moved here. He stated his concern is the density. He stated Washington City and St George have an interest in trails and parks. He stated this project would look into their back yard. He stated he would like to have a substantial barrier with a green belt that would be improved to be a buffer between the two projects.

Dick Maffitt stated he doesn't know if there are vacation rental homes and asked about public safety and schools.

Sharolott Wride stated she isn't a resident of Stucki Farms but is concerned with drainage and flooding. She stated Steeplechase flooded into their subdivision. She stated the retention pond at Stonehedge and Treasure Valley didn't hold the water and the drains were clogged.

Debra Welling stated she came from California and her concern is with little lots next to a nice development without green belt and then in about 10 years it gets ugly. She stated the people would use their parks and things that they pay for. She stated with a 165 house the houses

should be pushed back 100 feet and a park for these people. She stated everything should blend with Stucki Farms.

She asked if they are going to have CC&Rs. She stated there would be 5 foot fences houses then a 5 ft fence and casitas in the front. She stated the developer needs to change to plan to be more thoughtful of those in Stucki Farms.

Julie Sokoff stated she is from California and with children there will be buses coming in. She stated access is going to be an issue.

Frank Martini stated with a developer that is land locked and with only 30 homes he feels there is another plan coming.

Scott Julian lives in Stucki Farms, if they allow this project the quality of life will affect them and the rest of the city. He stated cheap houses and cramming people in a small lot project would deteriorate their quality of life.

Diana Phillips lives in Stucki Farms, she stated her lot is bigger and these lots are small with 2 lots compared to hers and this will affect the property value. She stated people have bought into a community with amenities in which they pay for with HOA fee and the people from this project will come into their project. She stated she would like a green belt buffer. She stated she would like this to be compatible to Stucki Farms and not bring in a cheap housing environment. She stated Marlberry has a planter and this would affect it.

Jen Dutson stated she lives in Stucki Farms because of the quiet area. She stated this is ridiculous that this is a preliminary plat and this would bring the property values down. She stated she is concerned with the safety of the children.

Corbin Church stated he respects the letter and comments expressed. He stated the road was stubbed because the city required it because the park was going to be a city park but didn't happen so they changed the stubbed road. He stated estate homes would not fit next to a major thoroughfare, Southern Parkway. He stated the zone is the same as his project with the 7,000. He asked why isn't there a concern with the cottage homes coming in with a greater density? He stated to compare the two projects there isn't any difference in density. He stated Stucki Farms has a lot of nice amenities and they don't want this development to use them. It isn't financially going to work for them to put in a park because of collapsible soil and the work they have to do. He stated they are working out drainage with the city and the engineers. He stated UDOT took the access when the southern parkway came in. He stated someone asked why just 30 homes, he stated it will take a year to build out the 30 homes. He stated he is working with others to obtain another access. He stated he wants to move forward with the 30 homes. It is unfair to say that this project will devalue their property and subdivision. People often take care of their property. He stated with a 55 and older tend to be good projects, not that this is going to be that but people do take care of their property. He stated they are looking at CC&R.

Commissioner Smith asked if they would have CC&Rs.

Mr. Church stated they are looking very seriously at this.

Commissioner Shepherd stated she is concerned with the only access on Marlberry Way. Her concern is a lot of traffic on that road. She suggested a different configuration for ingress egress to limit some of the traffic off that road with the same amount of lots but maybe north south instead of east west.

Mr. Church stated the east west is from facing of the homes because of the sun. Most of the traffic would come from the north close to the Washington Fields Road. He stated most would use the northern access. They are working with BLM. He stated he would like to keep the construction traffic off of the Stucki Farms Roads but they would have to grant them access to the south.

Jen Dutson stated the cottage homes are high end products that are \$300,000 per lot. She stated Stucki Farms wants to preserve a life style not just make money. She stated Karl Larson has taken out lots to provide a park but this developer doesn't want to do that.

Matthew Ence Attorney for the developer with Snow Jensen Reese firm. He said it has been stated twice that Stucki Farms was zoned the same as this project and this isn't true. He stated it is zoned PCD with approved density with 3 units per acre.

Commissioner Smith stated if it were straight zoning it would be the same zone.

Mr. Ence stated this project is 7 units per acre so it could be twice the density when talking about the buffering. He stated with the cottages the factor of the green space and open space is closer to 51/2. He stated with the southern corridor there could be buffering toward Stucki Farms. He stated the developer of Stucki Farms shares the same concerns that has been expressed. He stated Stucki Farms has a development agreement that stated access is given to the south and west of this project. He stated this plan shows two accesses to the south and that doesn't match the master plan for Stucki Farms. He stated the design is still flexible because it isn't designed yet.

Commissioner Smith asked if Stucki Farms would grant the south access for construction traffic.

Mr. Ence stated he could not answer that at this time.

Frank Martini stated the developer donated the lots to develop a park for drainage. He stated do they have water in the area where they are going to build?

Commissioner Smith stated they have water stubbed at Marlberry Way.

Commissioner Papa asked with the southern parkway is there a future design and time line for that area.

Karl Larson stated he has no plan at this time to develop that area. He stated there is about 53 acres to the north that will be for recreational area and some will be used for vacation rentals property owner owned. He stated he doesn't want to stop development but this isn't a good fit next to his project. He stated he gets along with Corbin and wants to work some things out that will enhance the city. He stated it took him two and half years to design Stucki Farms.

Commissioner Papa asked about the west boundary and what type of barrier.

Mr. Larson stated they are heavily landscaping in Stucki Farms with private wells and irrigation. He is working on irrigation system to Stucki Farms. He stated he would prefer not to use culinary water. He stated he has worked with the BLM and he stated they informed him that it would be a minimum of 5 years before they do anything.

Mr. Church stated Stucki Farms has a beautiful wall. He stated they wouldn't do anything different he stated homes would plant trees to block the sun and development will happen. He stated he respects Karl and what he has done with Stucki Farms but there is a nightly rental coming in and next to the corridor there aren't many solutions.

Commissioner Williams motioned to close the public hearing.  
Commissioner Henrie seconded the motion.  
Motion passed unanimously.

Commissioner Smith asked Lester Dalton about the 30 homes and the requirement for a second access. He asked what number would be for the second access on the southern part.

Mr. Dalton stated with 162 lots there would be about 168 peak hour trips. Each home generates 1.01 peak hour trips so rule of thumb for a standard residential road is 1250 cars a day. The second access would need to be required after the 30 lots.

Commissioner Smith asked Attorney Jeff Starkey if they approve this for the 30 lots would it sit because it would not expire.

Mr. Starkey stated yes. He stated he appreciates comments from Mr. Ence that with a development agreement it states access would need to be given from the Stucki Farms as a means of connectivity.

Commissioner Smith asked Mr. Dalton the event mentioned with drainage after the zone change, was that prior to the southern corridor.

Mr. Dalton stated last fall the corridor hadn't been completed and now drainage would go to the Jepson debris basin. He stated it is under construction now so the water off of the foothill on the east side will be taken to the Jepson debris basin.

Commissioner Smith asked how much would it cut off.

Mr. Dalton stated the majority of it. He stated he has already spoken to the engineers.

Commissioner Henrie asked where does the water go from the detention basin.

Mr. Dalton stated it would go to the Stucki Farms detention basin. He stated currently there are culverts that are maintained by the HOA.

Commissioner Williams stated his dad did a subdivision in Leeds and in that subdivision the lots were larger to preserve the views. He stated this development concerns him not for the lot size because the Stucki Farms will have vacation rental to the south and an RV park. He stated with smaller lots would most likely have kids. He stated those that live there because of quiet need to realize growth happens. He stated the basin is too small and should have a park and to provide a barrier. He stated with the southern parkway it would bring more traffic in the area. He stated he would like to see desert landscape and a Park. People pay for livability.

Commissioner Henrie stated he would like to see a park due to the density. He stated there appears to be a cookie cutter type of subdivision. He is concerned with not knowing the design and encouraged the developer to consider the design.

Commissioner Shepherd stated she would like to see an open space area for kids to play. She stated her concern is Marlberry Way and the impact of the traffic and would like to see the plan reconfigured.

Commissioner Papa stated he appreciates what the commissioners have said and the comments from the citizens and the developer. He stated he would like to see them work together.

Brandee Walker stated she doesn't want to get in between these developers because they are both her clients. She stated once the parkway is developed the drainage will go away. The development has a detention area and could be turned into a park. She stated Sugar Plum has 222 lots and doesn't have a park. She stated to the north there is a plan for a city park according to the General Plan.

Corbin Church stated egress is limited to 30 lots. He asked what are they to do because they are limited. He stated 6 to 12 month is what he is looking at for another access. He stated sitting on property and paying taxes doesn't work.

Commissioner Shepherd stated she is saying the only way to go is Marlberry Way. She stated the most appealing way is Marlberry.

Mr. Church asked how does he do that?

Commissioner Shepherd stated one more north south direction.

Mr. Church asked how could he make people take another way than Marlberry Way. He stated that would create north south lots and the sun is one reason for this layout.

Mr. Ellerman stated if they do the configuration different it could be that it doesn't work either.

**Commissioner Williams motioned to recommend denial to City Council based on configuration of the existing plat and traffic pattern.**

**Commissioner Papa seconded the motion.**

**Attorney Starkey asked for clarification of the basis of denial.**

**Commissioner Williams amended the motion to the plat design, lack of a park and recreation, traffic pattern and a larger drainage basin.**

**Commissioner Papa seconded the motion.**

**Commissioner Papa Aye**

**Commissioner Williams Henrie Nay**

**Commissioner Williams Aye**

**Commissioner Shepherd Aye**

**Commissioner Smith Nay**

**Vote 3-2**

Commissioner Smith announced that this would go to City Council in three weeks.

- B. Public Hearing for consideration and recommendation to City Council for the Eagle Summit Estates Preliminary located at approximately South of Cove Drive 1300 West 200 North. Applicant is Jay Keltner.

### **Background**

The applicant is requesting approval of a Preliminary plat for the Eagle Summit Estates subdivision, located at approximately 1300 West 200 North (just south of Cove Drive). The applicant is wishing to develop 39 lots on an area covering 30.23 acres. The location of this particular project is zoned Single-Family Residential - 15,000 Sq. Ft. Min. (R-1-15).

This particular location is also within the Hillside Protection Overlay Zone of Washington City.

Thus, the applicant was required to make application to the Hillside Protection Board and receive recommendation/approval from that board. Extra "conditions of approval" as outlined by the Hillside Board, are found under the "Conditions" portion, at the bottom of this report.

The proposed subdivision conforms to the subdivision requirements and other city ordinances as it relates to this location. Staff has reviewed the request and recommends approval, with conditions, of the preliminary plat as outlined.

### **Recommendation**

Staff recommends that the Planning Commission recommend approval of the Preliminary plat for the Eagle Summit Estates subdivision to the City Council, based on the following findings and subject to the following conditions:

### **Findings**

1. The preliminary plat meets the land use designation as outlined in the General Plan Land Use Map for the proposed area.

2. That the preliminary plat conforms to the Zoning and the Subdivision Ordinances as conditioned.

**Conditions**

1. A final drainage study and grading and drainage plan shall be submitted for review and approval prior to moving dirt. Development of the site shall comply with the recommendations of the geotechnical study and drainage study, and improvements for drainage and detention shall be approved by the Public Works Department.

2. A final geotechnical study shall be submitted to the City for review and approval prior to submitting the final plat. All recommendations of the geotechnical study shall be adhered to.

3. Construction drawings for the subdivision and its infrastructure shall be submitted to the City for review and approval prior to the submittal for final plat.

4. The construction drawings shall adequately address prevention of nuisance storm water drainage across lots. If retaining walls are utilized to prevent cross-lot drainage, the developer shall be responsible for installing said retaining walls.

5. At the time of final plat submittal, the following documents shall also be submitted:  
A. A title report.  
B. A copy of any deed restrictions, other restrictions, restrictive covenants, architectural controls, or other requirements that may apply to the development (CC&Rs).

6. All detention areas shall be landscaped and all detention and landscaped areas shall be maintained by the property owners and/or homeowners association. A note shall be placed on the plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain the detention and landscaped areas.

7. A final landscaped plan and fencing plan shall be submitted for review and approval prior to the submittal of the final plat. Landscaping and fencing shall be installed prior to the occupancy of the buildings that will be constructed along the landscaped and fenced areas.

8. All landscaping, walls and other structures shall meet sight distance requirements. A note shall be placed on the final plat stating that the City has the right to assess the property owners and/or homeowners association for failing to maintain sight distance requirements.

9. Driveway locations are to be approved by the Public Works Department.

10. Any proposed blasting for the development of the subdivision requires the submittal of a blasting plan with the construction drawings and issuance of a blasting permit.

11. Post Construction Maintenance Agreement will need to be recorded prior to Final Plat recordation.

12. The following items are requirements as provided from the Hillside Protection Board members:

- a. A detailed retaining wall design will be made part of the recorded final plat for all walls to be built the same for aesthetic appeal. Thus, all walls will be uniform in appearance (design and color). The design of these walls will be required to be pre-approved by staff.
- b. The final plat will also have included in the "General Notes", that all lot owners will be required to develop their individual lots according to the Hillside Protection Overlay Zone standards (including all retaining walls).
- c. All retaining walls will be the responsibility of the individual lot owners (excluding the specific retaining walls on those lots listed in letter "d" which follows).
- d. Lots 29, 30, 31, 32, 36, 37 and 38 are required to have the lowest tier retaining walls built during construction of the subdivision. These such retaining walls will be as per the design criteria as mentioned in letter "a" above.
- e. The "Geological Hazard Study and Hillside Review" as prepared by AGEC - Applied Geotech, must be followed and adhered to as well as all the above required items. In the case of any conflicts, the more strict will always apply.

13. The development will need to provide sufficient easements to accommodate the proposed water system improvements contemplated in the submitted water model for this development prior to any land disturbance taking place in the site.

14. A second access (ingress/egress) will be required to be built and tied to a public road on the St. George side of the subdivision. This will be completed before the thirty first lot receives a building permit.

15. Water flows at fire hydrants must be approved by the Fire Marshall and Public Works Department prior to the recording of any lots tied to said hydrants within the subdivision.

Drew Ellerman explained that there were notices sent for a zone change but he realized this was already zoned under the Hillside Ordinance therefore there was no need for the public hearing for a zone change, it is already zoned appropriate. There was a Hillside Committee that met and made recommendations that are included in the conditions. He reviewed conditions 12, 13, 14 and 15 per the recommendation of the Hillside Committee.

Commissioner Williams asked if the project soil is sandy or rocky.

Mr. Ellerman stated it is more rock. He explained the no disturb area and the Natural open space area.

Commissioner Smith asked about 12e and if it included a rock fall study.

Mr. Ellerman stated yes the study did include rock fall. He stated there will be some retaining wall, there are low place lot 36, 37 and 30 and 31 that the developer will put in. He stated some people would want slope landscape and he didn't want to limit them in what they would want as far as landscaping so he is requiring the developer to put in the walls and to be built a certain way and they will be uniform in style.

Commissioner Papa asked for clarification about the walls in the back of the lot.

Mr. Ellerman stated the walls would have to be engineered and inspected by the GEO Tec engineer.

Commissioner Papa stated he asked the question to verify that the walls are built to code.

Commissioner Henrie asked about lot 32 and 33 and the no disturb line.

Mr. Ellerman stated the property line is included in the no disturb line and an example is the Bella Vista project. There will be walk out basements. He stated it is a beautiful area and the people below will not see the homes above. He stated this project was approved many years ago but didn't have a secondary access. The developer has been able to obtain the access to St George. He stated there has been development in the area on the St George side so the access can be obtained and is owned by Dean Terry. He stated after the 30th home the second access would have to be put in.

Commissioner Shepherd asked where the projected access is located.

Mr. Ellerman stated he isn't sure who owns the property but for now it is a stub road.

Brandee Walker stated the private property is part of the tortoise reserve and the developer has been in contact with them. As far as the second access to Dean Terry's property that has been worked out.

Commissioner Smith opened the public hearing.

Cheryl Russell stated she is the board president from Canyon Cove stated their understanding is the no disturb would include watering.

Commissioner Smith answered yes.

Ms. Russell asked about the rock fall statement.

Commissioner Smith stated that GEO Tec would determine from the statement and where a barrier would be during construction.

Ms. Russell asked about the soil and if there would be blasting.

Commissioner Smith stated it would be up to the Geo Tec and included in the rock fall statement.

Ms. Russell asked how would she get a copy of the study.

Commissioner Smith stated she could contact the developer and after the construction drawing she would have to do a GRAMA request.

Ms. Russell asked where the conditions came from.

Commissioner Smith stated the developer and the Hillside Committee determined the conditions. There were professionals on the board that have experience with Hillside Ordinances.

Ms. Russell stated she was told the homes would be away from the side of the hill and now the plat shows property line.

Commissioner Smith stated it is more showing the design and slope of the lot and not the property line.

Ms. Russell asked about the drainage.

Mr. Ellerman stated the drainage would go to the open space detention area next to Westgate Hills.

Chuck Slone lives in Canyon Cove. He stated there is a culvert that filled up and comes into his house and the one next to his. He stated they get flooded from the water above. He is concerned with flood control.

Mr. Ellerman stated retaining walls are not for flood control but they will have drainage to the street.

Mr. Slone stated he feels there is a flood problem. He stated he is concerned with the working and moving dirt and the rocks falling. He stated there are small boulders that fall but he is concerned with the large boulder. He stated he is concerned with flooding and blasting or moving dirt that would cause rocks to fall.

Commissioner Smith stated the engineers will look at what would need to be done to prevent problems and staff would look at the drainage concerns.

Sandie Nickle lives in unit 35 in Canyon Cove she stated she is concerned with blasting and the rocks falling because they are closest to this project with only 10 feet away from the rock wall that they are going to build homes on. She stated she wants assurance before they start building because there are pockets of loose rocks.

Art Ballif stated he is concerned with the rock falling from the disturbance and where is the liability when something goes wrong. He stated he realized the city wants the tax money but he wants assurance before they start building. He stated the flooding is a problem. He wants to know what recourse he would have.

Commissioner Smith stated there are rocks that fall now.

Mr. Ballif stated he realizes that rocks fall now.

Commissioner Smith stated the Hillside Committee looked carefully at this and there would be a Geo Tec engineer that will look at this. He stated before something happens they have to decide if it is the building or would it happen anyway.

Mr. Ballif asked if the developer causes the rock fall who is responsible.

Mr. Ellerman stated it is cause and effect.

Commissioner Smith stated these are hypothetical comments.

Chuck Slone stated he would like to invite the commissioners to drive through his subdivision.

Kimball Gardner stated he developed Canyon Breeze. He stated the contour lines 35,36 and 37 go under the hill. He stated when he developed Canyon Breeze and was told no one could build on the hill because it was in the Hillside Ordinance area. He stated he has a cave and when they rock hammer in Westgate Hills he feel the vibration in his tunnel. He stated it is too rocky to not blast. He stated the drainage is a problem. He stated lot 34 is a problem. He stated if God send a storm he is responsible for flooding.

Brandee Walker stated rock fall was done by a slope analysis. She stated the committee scrutinized the drainage and slopes. She stated drainage is based on a 100-year flood study. She stated the residents have built up to 10 feet from a rock fall area and would think that that development would have looked at the safety at that time. If it say no disturb they cannot disturb it at all. The drainage will mostly go to the street storm drain system. She stated they have tried to work with the neighbors but they didn't want to help. She stated the city has to look at grading and blasting before they do anything.

Commissioner Williams asked about the retention pond and where does it go from the pond.

Ms. Walker stated the Westgates detention pond on the adjacent subdivision has done a good job retaining. It will slowly discharge to the existing drainage point.

Commissioner Henrie motioned to close the public hearing.

Commissioner Papa seconded the motion.

Motion passed unanimously.

Commissioner Williams stated with the subdivision being built out the and with detention pond drainage would be minimized. He stated he is concerned with the cliff.

Commissioner Shepherd asked Ms. Walker what the Geo Tec engineer would do to help.

Ms. Walker stated from below it appears steep. She stated the Geo Tec companies address issues and the study isn't an issue because of the terrain and the fact that the homes are not going to be on the edge. She stated companies that do the studies take a bit of liability and so they are careful with what the reports state. Geo Tec will be on site during grading and they don't want to do mass grading with custom home pads. She stated the Hillside Protection also has requirements.

Commissioner Henrie stated it appears they are trying to fit this with the existing contours.

Commissioner Papa asked what is the percentage of the no disturb line. He stated the developer could go up to the no disturb line.

Ms. Walker answered 30% of angle.

Commissioner Papa asked if they could build up to the no build area.

Ms. Walker answered yes.

Commissioner Papa asked if they took the advice of Mr. Gardner to take a field trip could they do that before they make a decision.

Commissioner Shepherd asked if the Geo Tec Engineer would come and talk to them.

Mr. Ellerman stated if they want a field trip they could do that. He stated they could table this with a specific date.

Commissioner Williams stated his concern is rock fall during construction not after the home is there. He stated the developer below did build close to a hill. He stated the retaining walls do help. He stated the detention area would help as well.

Doug Rogers stated there would be spikes and a fence to protect the area at the no disturb area. He stated he met with the Hillside Committee and worked out most of the concerns expressed. He stated Westgate Hills didn't blast and they don't want to as well. He stated the Geo Tec Engineer would determine a lot of what they are able to do.

Commissioner Shepherd stated she feels this will help the drainage. She stated her concern is rock falling and appreciated the fencing.

Commissioner Smith stated he agrees with the drainage with peak time this project will help with the concerns of drainage. He stated rock falls are a concern now. He stated the developer is trying to mitigate things now by working with the engineers.

Commissioner Williams stated he appreciate the developer Mr. Rogers trying to take care of concerns expressed.

**Commissioner Williams motioned to recommend approval to City Council with the recommendation and findings and conditions of staff.**

**Commissioner Henrie seconded the motion.**

**Commissioner Papa voted nay.**

**Motion pass with a 4-1 vote.**

## 6. DISCUSSION ITEMS

### A. Discussion of General Information and project status.

Commissioner Henrie asked if there is a requirement for open space. He stated he is wondering because of the discussion tonight.

Mr. Ellerman stated there could be but it would be a requirement for all developments not just certain ones. He stated they need to be careful because this is a desert area and water isn't always feasible.

Commissioner Henrie stated with 150 lots shoved in a corner.

Mr. Ellerman stated Leisure Services looks at the need for parks based on a number of people. He stated they need to be careful what they require when the code doesn't require it. He stated it is difficult to take something to City Council when the code does not require it.

Attorney Jeff Starkey stated the standard requirements are set in ordinance per the city code. He stated you can't require something where there isn't a requirement because you want it. He explained the park impact fee is collected at the building permit level so the city can build parks. He stated once zoning is in it is difficult to not allow the develop to come in and the city can't deny it if it complies with the zone.

Commissioner Williams stated Mr. Church opened the door when he asked what he could do.

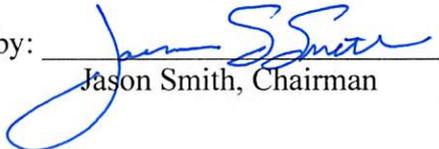
Mr. Ellerman stated Mr. Church is working with the access to the north. He stated they can't make up rules because the development next to them. He stated Marlberry Way was created to a property where there weren't any homes. Originally it would have affected 3 lots but it isn't what is there now because the market and the park is there because of drainage. He stated the suggestion is out there now. He suggested if the commissioner's need to they could table an item so they can look at it more or allow the developer to come with another plan. He stated tabling is tool that can be used from time to time. He stated when tabling get a consensus of what the other

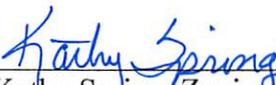
Commissioner's want if there are concerns. He stated it isn't is job to design and it isn't the commissioner's job to design. It is does it comply with the General Plan, zoning, size, access and minimum criteria of the city standards.

**Commissioner Shepherd motioned to adjourn the Planning Commission Meeting.  
Commissioner Papa seconded the motion.  
Motion passed unanimously.**

**Meeting adjourned: 9:05**

Washington City

Signed by:   
Jason Smith, Chairman

Attested to:   
Kathy Spring, Zoning Technician