

AMENDED NOTICE & AGENDA

Notice is hereby given that the City Council of Elk Ridge will hold a regular **City Council Meeting on Tuesday, April 10, 2007, at 7:00 PM, to be preceded by a Joint City Council/Planning Commission Work Session at 6:00 PM.**

The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.

6:00 PM JOINT CITY COUNCIL – PLANNING COMMISSION WORK SESSION

Road Impact Fees Discussion

7:00 - PM REGULAR COUNCIL MEETING AGENDA ITEMS:

Opening Remarks and Pledge of Allegiance Invitation
Approval/Agenda Time Frame

7:05 Public Forum:

*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council 7

7:15 1. Inspection Bond + Administration Fee – Mayor Dunn

7:20 2. Elk Ridge Meadows PUD, Phase 1/Inspection Bonding

7:30 3. Ordinances:

A. Amendment for City Code re: Flag Lots in Sections 10-2-2 & 10-12-25

B. Amendment to City Code re: Grading Plan & Grading Permit for Development in CE-1 & CE-2 Zones in Sections 10-9A-7 & 10-9B-9

7:45 4. Elk Haven Estates, Plats A -E, Preliminary Plat Approval

8:15 5. Horizon View Farms (Elk Ridge Meadows, Phase 4) – Discussion of Possible Code Changes

8:35 6. Payson – Elk Ridge Boundary Line Adjustment – Mayor Dunn

8:45 7. Payson – Elk Ridge Water Agreement – Mayor Dunn

8:55 8. New City Center – Mayor Dunn

9:00 9. State Regulation for Sewer Point of Diversion – Mayor Dunn

9:10 10. Fire Hydrant Installation/List of Hydrants – Mayor Dunn

9:15 11. Re-appointment of Planning Commission Members (Dayna Hughes & Sean Roylance replacing Ed Christensen...both Terms ended February, 2007)

9:20 12. Resolution – City Fees (Pavilion Fees)

9:25 13. Approval of Minutes of Previous Meetings

9:30 14. Expenditures:

General:

Adjournment



*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this agenda may be accelerated if time permits. All interested persons are invited to attend this meeting.
Dated this 10th day of April, 2007.


City Recorder

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and mailed to each member of the Governing Body on April 5, 2007; & an Amended Agenda was provided to the City Council on 4-10-07.


City Recorder

C

C

C

**ELK RIDGE
CITY COUNCIL MEETING
April 10, 2007**

**TIME & PLACE
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, April 10, 2007, at 7:00 PM; this was preceded by a Joint City Council/Planning Commission Work Session at 6:00 PM.**

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 5, 2007; & an Amended Agenda on 4-10-07.

6:00 PM -

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION AGENDA ITEMS:

ROLL CALL

Mayor: Dennis Dunn; *City Council:* Mary Rugg, Nelson Abbott & Mark Johnson, Alvin Harward (Absent: Raymond Brown); *Planning Commission:* Russ Adamson, Sean Roylance, Kevin Hansbrow, Dayna Hughes, Scot Bell, Shawn Eliot; *Aqua Engineering:* Brent Arns; *MAG:* Robert Allen; *Public:* Scout: Nathan Call, Clint Garner, Jason Smith; and the *City Recorder:* Janice Davis

Mayor Dunn: Summarized the issue to be discussed: The City is in the process of having the Impact Fees reviewed by Aqua Engineering (The Park Impact Fee is being reviewed by Mountainland Assoc. of Governments...MAG). The only one of the issues to be discussed at this Work Session in the Road Impact Fee; the Water & the Sewer Impact Fees are not "land-use issues". (Mr. Bob Allen from MAG has been asked to address the Council and the Planning Commission about the General Plan update.)

Mr. Allen brought a handout regarding the parameters of Impact Fees for all to consider.

There is a formula that says how much park space is necessary, based on population...The City is short on this ratio...impact fees cannot be used to gain park space, to meet the standard. If the City is short on park space, there must be a source other than park impact fees to obtain this park space.

Impact fees are very specialized and restrictive. Road Impact Fees are very difficult to calculate.

City Recorder: Feels there needs to be clarification regarding the issue of "acquiring park space"; the City has utilized park impact fees to acquire the park / retention basin located on Goosenest Drive. The Auditor has been aware of this and has not felt this action inappropriate.

(This is perhaps a legal question to go to David Church.)

Bob Allen: Impact Fees are designed to pay for sewer, water, park that a new resident would make a demand for. *(This still needs clarification.)*

Mayor Dunn: So, if we are in a "deficit situation", new residents will not get the City out of that "deficit".

Discussion of Road Impact Fees:

Mayor Dunn: The Planning Commission had some concerns about the choice of roads designated in the draft of the study as qualifying for impact fees. He understands that one concern was that the "alternate High Sierra Drive" (the one that could run off of Elk Ridge Drive, south of the existing High Sierra Drive) was not included in the Impact Fees Study.

The Mayor spoke to Craig Neeley (Aqua) about this proposed road (the Mayor had this road on his list to be included). Road Impact Fees are geographical in nature and the impact fee would be rescinded when growth in that area stops.

Alvin Harward: Questioned who picked the roads to be included in the Study and the priority of those roads?

Mayor Dunn: There is not "priority at this point...the roads are numbered, but can change, depending on development, need, etc. Even though there are dates listed, the priority can still change. Examples: Connection of West & East Salem Hills Drive and the extension of Hillside Drive will likely be improved by developers. This list was put together a couple of months ago: Mr. Neeley, Brent Arns and the Mayor sat down and looked at roads needing to be addressed that no interest had been shown toward development. Since that time, prospective developers have expressed interest in particular areas. This takes some pressure off the City; and removes these roads from the list in the Study. This Study is a guide.

Mr. Allen: All impact fees must be used within six years of the time of payment.

List of Roads reviewed:

- #2 (East/West connection of Salem Hills Drive) This was place on the list for reasons including safety concerns in bringing bus routes up higher into Elk Ridge so school children do not have to walk or be transported to the intersection of Elk Ridge Drive and E. Park Drive...and for traffic flow.
- #3 (South side of E. Salem Hills Drive...built like High Sierra with ½ + 9')
If this is a major road, it needs to be finished off.
- #5 (Extension of Hillside Drive to Elk Ridge Drive) This would go where the existing dirt road is. This would be on the list due to the amount of traffic planned for Hillside Drive to Elk Ridge Drive.
- #1 (Curb & Gutter on this southern section of Loafer Canyon Rd.) The integrity of the road shoulders is important on this eastern-most "way out of town". The north end has curb & gutter...the south end does not. The road edge is already showing the wear from run-off and traffic.
- #7 (2 Parts: Leading to and from the City property that is proposed for a new City Building and Park area.)
- #4 (North side of East Gooseneast Drive: Curb & Gutter and widening of the road) At the time this road was developed, ½ + 9' was required
(Burke Cloward installed his long driveway leading to his home long before this portion of Gooseneast was installed. The subsequent improvements paralleled his driveway.)
Growth and the new LDS Stake Center have increased the traffic flow on this road.
It needs to be finished off.
- #6 (Including discussion on the proposed "2nd High Sierra")

Russ Adamson:

1. The Circulation map, approved by the Council, shows a secondary road south of the existing High Sierra Drive. He is surprised that it was over-looked in the Impact Fee Study.

2. The "dugway" should be considered for improvement.

Mayor Dunn: Responded that these were not over-looked; they were considered, however, Craig Neeley advised that the road south of High Sierra would not qualify for impact fees because it would be "development driven".

There was a concern that the widening of High Sierra would impact the property owners on the south because their yards are finished to the curbing; that is the road easement and is City property and would have to be reclaimed.

High Sierra was installed with a dead-end road because it was of the intent to continue the road on to service the area to the east and south. The widening of High Sierra qualifies for impact fees, whereas the proposed road to the south would not.

Shawn Eliot: High Sierra was down graded to a "local street" on the circulation map and the proposed road behind was designated as a "major collector". Something else has to connect up in that area...someday; the new development coming into the area would tie into this proposed road...example: Karl Shuler has a portion of his road designed to tie into this back road. There is a plan for this. The Planning Commission's recommendation is that High Sierra will be designated as a "local road".

Mayor Dunn: If this road does not qualify for impact fees, how is it to be dealt with?

Is the City willing to take on the role of a developer and install a \$700,000 road and go through the process of collecting approximately \$20,000/lot in impact fees? Do we want to be in that business?

Russ Adamson: "Not necessarily; but this is where we are at with the developers: we were willing to let them develop the approximately 80 to 100 home with the existing road structure; having High Sierra at the width that it is and connecting it in. We said we were not going to allow more development up there until another secondary access...of more of a major collector type road...is put in. So, somebody is going to have to pay for that...should it be the developer, or the homeowners in that area?"

Another point made by Mr. Adamson was that the roads being approved in the proposed development area are 56" roads; so even if High Sierra were to be widened, it would still tie into the 56' roads...it would be widened for a short distance only. He does not see good thought that went into #6. The area really needs to pay for itself. Highland City has instigated a "geographical road impact fee" for a certain area of their City, because they needed access to that area.

He recommends a similar type of impact fee study for this area in Elk Ridge. We need to have this extra access to that area and the possibility of an additional 400 homes. High Sierra is not adequate to service this whole area.

Mark Johnson: High Sierra is not the only access; there is Hillside Drive, as well. He does not feel that impact fees should be used for as secondary road, south of High Sierra Drive.

Russ Adamson: The Circulation Map has been approved by the Council and it shows this secondary road.

Nelson Abbott: If future developers are going to develop that area and the only way to do so is to bring in this secondary road, they will have to pay for it.

Dayna Hughes: The Planning Commission does not understand why the road impact fees cannot be applied to this secondary road.

Shawn Eliot: There are many connecting roads throughout the existing portions of the City (500 + lots); if there are 400 lots in this area south of the City, two roads is inadequate.

Mayor Dunn: Asked Bob Allen (MAG) & Brent Arns (Aqua) about the possibility of utilizing impact fees for this secondary road. What are the parameters?

Brent Arns: High Sierra was created about 15 years ago; He is not sure if the inconvenience of widening the road warrants the action.

Russ Adamson: Again reiterated...that it makes no sense to him to widen High Sierra for 300' or so and then connect to 56' rights-of-way on the upper, local roads. It does make sense to extend the secondary access to the back side of High Sierra Drive...whether developers pay for it or the future home owners through impact fees; that should be our plan going forward.

There are issues with the developers assuming that all the roads they install are to be 56' roads.

Brent Arns: Questioned whether the residents of High Sierra Drive really prefer to live between two major roads.

(Dayna Hughes responded that this is preferable to them than widening High Sierra.)

Russ Adamson: "Do we have the backbone...when these developers come in...putting 300 more homes up there...to say absolutely "no"...until you put in a secondary road in on the back side of High Sierra."

Mayor Dunn: "Let me reverse that...do you? They see you first...you make the recommendation to us."

Russ Adamson: "We have the backbone. I want to make sure the City Council has the backbone; because there's a lot of pressure when these guys come in to develop this up here...we've felt a lot of pressure from the City Council, saying 'These guys have been waiting for a year; come on guys, get moving on it'."

Mayor Dunn: We have enough backbone to correct things that have been wrong for 14 years; like address changes...Yeah, we have the backbone to do what's right."

Kevin Hansbrow: But, does the Council agree with it...that is the question?

Mayor Dunn: "We don't agree that just because you don't want traffic in front of your house; you have to have something behind it." The Mayor went on to make the point that it is City-owned property (the rights-of-way). The Council has taken the lead from the Planning Commission on the widening of High Sierra; there has not been a motion from the Council to consider widening this road. The only thing that has been considered is in the light of what qualifies for impact fees and what does not.

Scot Bell: The Planning Commission did make a recommendation that High Sierra be completed on the one side...and that High Sierra be left the way it is currently; with the exception that on the one side of the street that is undeveloped with curb/ gutter and asphalt to accommodate the additional driveway. There was an additional recommendation, that if any further development were to occur "up there", then an "additional, auxiliary ingress/egress would be implemented into the City...it was further discussed that it would be toward the Loafer Canyon side of the City...rather than having traffic flow west and turn right around and go back to Provo." In his opinion, Loafer Canyon Rd. and Canyon View Drive are two feasible possibilities. The circulation element needs to include ingress/egress from both sides of the City.

Russ Adamson: (He did not feel they were communicating very well) The Circulation Map, approved by the City Council, shows High Sierra Drive as a "local road".

So, the information was sent to the Council through a map, rather than a motion. The map also showed High Sierra as a "collector road". When the impact fee study shows the widening of High Sierra, the Council has gone against what the current Circulation Map shows.

Mayor Dunn: (Felt he had already explained the issue) The major collector (the road behind High Sierra) did not qualify as an "impact fee road". That was Mr. Neeley's explanation.

Dayna Hughes: (seeking clarification) Then, the Council is not opposed to having a road behind High Sierra; but it would not be paid for with impact fees? It would have to be paid for through development.

Russ Adamson: Concluded that #6 (widening of High Sierra) should be removed from the Impact Fee Study because the approved Circulation Map does not show High Sierra as anything but a local road.

Shawn Eliot: The Circulation Map is like sewer & water...there are different size roads and different uses to facilitate traffic flow. If a local street is being shown as being affected by the necessity of additional access to a particular area, and the Circulation Map supports it; then it is time to consider the addition of another access. The point has been made that the developer of the High Sierra area (*Oak Bluff Estates...by Don Mecham*) was required to install an access road (*Elk Meadows Drive*) for the area he wished to develop.

He was still unclear why the widening of High Sierra qualified for impact fees; but the secondary road would not.

Alvin Harward: Agrees that Numbers 6, 2 & 5 (Impact Fee Study) should be removed. Numbers 2 & 5 will likely be installed by developers. Number 6: There has been no formal decision to widen High Sierra Drive, even though there is the potential for use of impact fees.

Russ Adamson: He feels the dugway should be included in the Impact Fee Study.

Mayor Dunn: (Explained) The dugway has been considered by studies and more recently by the current Council. In the past, widening has been considered; though it does not seem feasible any longer. The problem with sloughing from the west side has been considered and options looked into. Cost estimates need to be gathered. There is a request before the Council by two property owners on Loafer Canyon Rd. to purchase the City-owned property to the west of their lots. This was originally designated as land necessary to widen the dugway; however, the City would also have to condemn the privately owned property north of this, as well (about 8 lots). To widen the dugway 10 feet, 40' of property would be required.

Securing the hillside could be added to the impact fee study.

Russ Adamson: Agreed with Councilmember Harward, to remove numbers 2, 5 & 6 from the impact fee study.

Brent Arns: The City could be waiting years for the roads to be installed by developers; why not use impact fees and be paid back as development occurs?

Mayor Dunn: (#5) if the City uses the adjacent land as a Park, then we would have to install certain improvements, and impact fees would be used for one side.

Scot Bell: Pointed out that developers are required to install full-width roads; so both sides of the road would be developed.

Russ Adamson: Expressed that the Planning Commission felt left-out of the decisions as to which roads would be included in the impact fee study. They would have liked more input on these circulation issues.

Mayor Dunn: The Study is not finalized; that is why it was sent to the Planning Commission...for input. The Council appreciates the input that has been offered this night.

Scot Bell: The Planning Commission did not receive the study in their packets; thus the feeling that the planning has been done for them.

The discussion of widening High Sierra was to have been done by developers; but if this is done, the street will be out of compliance. The developers responded that they could live with improving the one side. When the City has an opportunity to have High Sierra Drive improved by developers; why utilize impact fees?

Loafer Canyon: Complimented the Council in requiring the developer at the corner of Loafer Canyon Rd. and Park Drive to install the curb & gutter on both sides of the road.

Brent Arns: Commented that the Road Impact Fee will likely be about \$700/unit; a person seeking a building permit is going to be much more concerned with the water impact fee, which will be about \$5,000/unit. Projects can be added or removed from the Study; but the Water Impact Fee is solid and will be the greater concern. Numbers 2 & 5 need to be connected.

Mayor Dunn: Encouraged the Planning Commission to make suggestions as to what they would like to see added or removed to the final draft of the Road Impact Fee Study.

Shawn Eliot: Had one more area that he feels should be considered for impact fees: Elk Ridge Drive from the planned round-about (Goosenest & Elk Ridge Drive) south to where the road widens and the south side of Goosenest Drive, from the round-about, west. The south side will be addressed by developers. If this is to be a City Center location, it should be considered.

Russ Adamson: Asked that the Planning Commission be included early in the processes and projects planned for the City.

Mayor Dunn: The Road Impact Fees are difficult to calculate; he welcomes the input from the Planning Commission.

It has been suggested to look into a Safety Impact Fees Study.

MAG is assisting with the Park Impact Fee Study.

(Brief discussion of water conservation)

Mayor Dunn expressed the appreciation felt by the Council for the work of the Planning Commission. The Road Impact Fee Study will be reviewed again before the Final Draft is voted on.

General Plan Discussion:

Robert Allen: (Works for Mountainland Association of Governments...MAG)

(Handout on the General Plan Elements)

Mr. Allen has been asked to assist the City with the re-write of the General Plan and the Update on the Park Impact Fee.

Brief Explanation of General Plans:

- The General Plan is essentially a “guidebook” to how this City looks now and how it should look in the future...in 5 to 15 years. It does set the vision for Elk Ridge and then use zoning ordinances, impact fees, circulation maps, etc to hopefully make the vision a reality.
- General Plan consists of various “elements” (Chapters) in the Plan. He passed out a handout regarding a “Community Vision” Element, which is the most important element. All other elements are “off-shoots” from this element. All the other elements make the “vision” happen. Possible elements:
 - Land Use
 - Circulation
 - Public Facilities
 - Environment
 - Annexation
 - Historic Preservation (May not be applicable to Elk Ridge)
 - Moderate Income Housing
 - County Coordination
 - Economic
 - Open Space (May want to add this element)

Things can be added or taken out, according to specific needs of the Community.

Nelson Abbott: Perhaps the coordination with the County could include future roads leading to I-15 that would provide better access.

2nd Handout: A survey that assists in measuring Community Vision:

This is a survey that would go out to Elk Ridge residents to determine community opinion on various topics; after which, the information would be compiled by MAG to use in assisting with the General Plan.

It was felt by many that “growth” questions could be misleading.

These questions would have to be reviewed and questions added or removed from the survey.

Usually MAG conducts the survey through assistance from students or scouts in one day. They get a good return on the surveys.

Kevin Hansbrow: It would be good to educate the residents about certain growth issues, along with the survey; so they would be better informed about pending development...perhaps through the City newsletter.

- There would be at least one "Open House" to educate people.

Mary Rugg: Feels residents are angry about other issues and when asked about "growth", they respond negatively. They want growth to be regulated. The survey could reflect that growth is going to occur, naturally; how do the people feel it could be regulated?

Mr. Allen: The possible answers need to be considered as well as the questions.

He would like input as to what should be on the survey. He cautions against getting too many questions; people tend to not participate.

He is available to advise the planning Commission as they discuss the General Plan.

He is not particularly in favor of doing the survey online, but it is a possibility. He feels there would be better luck with the survey done in the manner they have practiced in the past...the one-day "blitz" where they get the information back quickly.

Russ Adamson: He has assigned the planning Commission members various elements to review. Perhaps it would be better not to make those assignments at this time...until after the survey. What kind of time frame is the Mayor planning to have the General Plan re-written?

Mayor Dunn: He agrees that the survey should be done; and he feels the Plan could be re-written within a year. It will likely come forward in sections.

Mr. Allen: He feels that, depending on how things progress through the two bodies (Council & Planning Commission), it could be complete by the end of the summer.

He feels assigning chapters now is a good idea.

He suggests utilizing the existing Plan as a "guide" or a template; and then make whatever changes are necessary. Another format could be used as well.

The data from the survey can be processed quickly at MAG; they have equipment to do this.

Mr. Allen will not be available for the meeting on the 19th; but he advises that they go through the survey.

Mayor Dunn: The Planning Commission is charged with the duty of reviewing the General Plan and coming forward with recommendations for changes.

RE: Schools...the school districts have their own budgets and developers are really not required to include schools in their required improvements.

Mr. Allen: The various affected entities are sent notices with regard to development so they are aware and have an opportunity for input. He will be available to assist in other Meetings after this first one. He welcomes calls and is willing to answer questions regarding any planning needs.

**ELK RIDGE
CITY COUNCIL MEETING
April 10, 2007**

**TIME & PLACE
OF MEETING**

This regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, April 10, 2007, at 7:00 PM; this was preceded by a Joint City Council/Planning Commission Work Session at 6:00 PM.

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the scheduled meetings was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 5, 2007; & an Amended Agenda on 4-10-07.

7:55 PM -

CITY COUNCIL MEETING - REGULAR SESSION AGENDA ITEMS:

ROLL CALL

Mayor: Dennis Dunn; *City Council*: Mary Rugg, Nelson Abbott & Mark Johnson, Alvin Harward (Absent: Raymond Brown); *Aqua Engineering*: Brent Arns; *Public*: Scout: Nathan Call, Clint Garner, Jason Smith, Dale & Joann Bigler, Jed Shuler; and the *City Recorder*: Janice H. Davis

OPENING
REMARKS &
PLEDGE OF
ALLEGIANCE

Opening Remarks (prayer) were offered by Jan Davis, after which the Pledge of Allegiance was led by Mayor Dunn, for those wishing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME; ADJUSTING THE START TIME TO 7:55 PM; AND MOVING 3-A FORWARD, STRIKING ITEM #4
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

PUBLIC FORUM

Jed Shuler: He was not present for the discussion on High Sierra Drive. He wanted to be filled in on the discussion.

Mayor Dunn: Summarized: It was decided to remove the widening of High Sierra from the impact fee study. Discussion included a brief history of the intent of the original installation to the pressure that road will receive with new development in the areas south of the City. The secondary High Sierra (no name yet) that is to go in to the south of the existing High Sierra Drive, would probably fall on the shoulders of his father (Karl Shuler) as one of the developers in the area, to take care of the installation of that road. The Circulation Map shows this proposed road as servicing this area. The Road Impact Study is still under consideration.

(Agenda Item #3-A was moved forward)

ORDINANCE –
FLAG LOTS
AMENDMENT TO
CITY CODE

(Memo from Planner to Planning Commission, dated 4-5-07)
The memo to the Council was not available.

"Background

Applicant Gayle Evans has requested that the City Code be amended to allow more than one flag lot to be approved, utilizing a common stem. In the proposed Elk Haven Plats C & E, there are areas where the applicants have determined the best use of the land would be to develop flag lots to access deep corner areas of the properties.

The maximum (*number*) of lots permitted to use a common stem under this request is three. As with all flag lot proposals, these would be subject to the finding of the Planning Commission and City Council that the land is 'not practically developable under conventional development procedures and that approval of a flag lot(s) will not preclude the proper development of any residual parcel or the adjacent properties'.

The proposed verbiage to allow a maximum of 3 lots on a common stem comes from the Pleasant Grove City Code, and represents a common approach to flag lot development (see attached proposed ordinance).

Three lots served by a common stem may be practical in some circumstances, especially in other regular residential zones where the land has less concerns for environment and slope. Staff questions whether this is the best approach for development in the CE-1 and CE-2 zones. If property in a critical environment cannot be well served through regular street patterns, then perhaps larger lots or more open space is the best answer.

Recommendation:

It is recommended that, following a Public Hearing, the Planning Commission recommend to the City Council denial of this request as proposed above."

(Memo from the Fire Chief to the Planning Commission)

Fire Chief Olson was asked for an opinion on these proposed flag lots; he responded:

"I have only a few concerns on changing city ordinance to allow this type of lot. My first concern is water supply in the event of a fire. I would like to see a hydrant placed at the end of the drive leading to the lots. Second is the ability safely getting a fire engine into the lot. I would suggest a slope of not more than 10% grade on the drive.

Lastly, the issue of addressing a home that behind another home...I think there needs to be a clearly marked address on the main road indicating the homes that are not seen from that road."

Brent Arns: Recommended against the 3-way flag lots. He feels this particular proposal is too steep.

Alvin Harward: He has a problem with this proposal; developers should design their roads to front the lots in the development as much as possible. He does not agree with flag lots at all; unless there is just no other way.

Brent Arns: There are also some issues associated with the CE-1 Zone, as well...due to the slopes.

Jed Shuler: Plat A will be coming to the Council with one long driveway; though it appears to be a flag lot, it isn't really. The frontage is on the road...the driveway can come in from another direction.

(Councilmember Johnson expressed his concern with getting emergency vehicles up a long driveway...perhaps a hammer-head driveway would be required. The grade, weight that could be handled, width of the driveway all is to be considered...how far is the hydrant from the house? With multiple agencies called out, where do the trucks go? It would be a nightmare.)

Example: Chapple's lot at the end of High Sierra Drive...that long driveway required a hydrant to reach the home.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO DENY THE REQUEST TO AMEND THE CITY CODE REGARDING THE ALLOWANCE OF THREE FLAG LOTS OFF OF ONE STEM; AND TO LEAVE THE CODE AS IT IS CURRENTLY
YES (4) NO (0) ABSENT (1) RAYMOND BROWN

INSPECTION
BOND + ADMIN.
FEE

Mayor Dunn: It was discovered that the one half percent was figured incorrectly... The tiered structure for calculating the Inspection Bond was approved by the City Council; however, it was also approved to charge an "Administrative Fee" for services rendered by the City staff in behalf of the developments. The fee was figured at ½ of one percent of the Inspection Bond. The numbers written down for the Council's review did not match with the ½ percent; they were figured high. 1% would actually be more appropriate. The Council was in agreement that the Planning Commission should make the change to 1% for the Administrative Fee.

ELK RIDGE
MEADOWS PUD,
PHASE 2 –
INSPECTION BOND

Mayor Dunn: The developers of Phase 1 of Elk Ridge Meadows PUD have requested that they be considered for the tiered structure for the Inspection Bond. They could be charged the 6%, currently still part of the Code; however, it would save developers thousands of dollars and would allow the City to be reimbursed for time involved with the developers.

The question would be if the City can allow a developer to be held to a future Code that has not yet be formally changed. An example of this: The City is currently collecting Park Impact Fees at the time of building permit, rather than ½ being paid by the developer. The Code is going to be changed to collect all impact fees at the time of building permit.

Nelson Abbott: He feels strongly that the City Council should stay within the Code and enforce that.

City Recorder: What, then is to be done with the bonding that is being allowed that is not within the current Code? The Code is changing, but is not changed at this point. If the Code is to be enforced, it should be enforced consistently. There are developments ready to bond in the same manner; what should be allowed?

Alvin Harward: He does not feel there is any difference; if a developer comes in and we know that the Code is going to change, he feels the developer can be allowed to come under the new Code.

Mayor Dunn: With zoning changes, he believes there is a 6 month window where developers can be held to the Code as it will be, if the ordinances are under consideration. The Code needs to meet the needs of the bonding arrangements.

*Mayor Dunn is to contact: Ken Young regarding the status of the Code amendment and David Church regarding allowing developers to move forward to the new requirements prior to the actual adoption of the amending Code.

*After discussion, the Council decided to Poll the vote after the Mayor checks with the City Attorney, David Church, to see if this can be done, legally.

ORDINANCE –
GRADING PERMITS
& PLANS IN
CE-1 & CE-2
ZONES

(Memo from Planner to Council, dated 4-5-07)

Background

"Concerns have arisen regarding the issuance of grading permits in the CE-1 Zone prior to the necessary elements being in place.

The other residential (R-1) zones in the city have specific requirements for the issuance of grading permits, whereas the CE-1 and CE-2 zone codes do not. It is proposed that the city consider adopting ordinance text amendments which would:

1. Require that a grading permit be issued by the city engineer, rather than the building inspector, who shall not issue such permit until a grading plan, endorsed by a licensed civil engineer, shall have been approved by the planning commission.

Nelson Abbott: 1) How does their estimated water usage compare to Elk Ridge's standards?
2) What are the chances of negotiating for certain privileges?

Alvin Harward: Payson has 73 acre feet of water right in SUVMWA. Elk Ridge needs this water.

Nelson Abbott: Would impact fees be collected with this agreement...to be used to improve the water system?

Alvin Harward: They would be required to pay impact fees and they could be charged the regular monthly fees. They would be allowed to connect to the City's water & sewer systems.

Mark Johnson: This would be for indoor use? It needs to be clarified if their outside watering would be using their pressurized system.

Nelson Abbott: Question re: sewer: Would their connections reduce the number of connections for Elk Ridge's residents? (*No...they have enough capacity.*)

Question: Are non-resident fees being considered? (*Unknown*)

What does Payson charge for water outside their city limits?

Mayor Dunn: Payson is still interested in a joint project for water storage...higher up (south).

Boundary Line Adjustment:

Mayor Dunn: (Handout with proposed adjustment) Hole #2 is ½ in Elk Ridge...they (Payson) wants to adjust the boundary to include the entire fairway in Payson. The line would be moved to the north. They are proposing the accessing Elk Ridge Drive currently.

Nelson Abbott: He would like to see another way out of the area, so all the traffic is not coming out onto Elk Ridge Drive.

Mary Rugg: Suggested an access by the city property, onto Goosenest Drive.
(*Easements would be required.*)

Mayor Dunn: Shuler Lane is being considered as well as a possible access; and Payson has purchased property from Shuler's along Elk Ridge Drive.

*Mayor Dunn will find the document that shows the proposed layout of the planned condos that will be in Payson; it would be a gated community.

City Water:

The Council was not opposed to selling water/sewer services to Payson for the planned development; at least in theory. Would it be at a non-resident basis for the charges or resident charges?

Nelson Abbott: He suggested that we find out if Payson intends to bring their secondary water in for outside watering or would they be using culinary water?

*Mayor Dunn will ask about this, as well.

No action is to be taken at this time.

NEW CITY CENTER

Mayor Dunn: The City owns property off of Elk Ridge Drive and off of Goosenest Drive (around where the roping arena used to be. The name of the new owners of the arena property is "Rasmussen". They came up to talk to the Mayor just after Christmas. At that time they were willing to sell the City ½ of that property for a new City Center. That would connect the two pieces of ground owned by the City and give better access to a City Center.

Nelson Abbott: Cautions against getting the activities associated with Public Works too close to the planned condos (Payson).

Generally, the Council felt that they would like to get prices on the property needed for a City Center and to begin negotiations for some of that land that is contiguous with the City property. The prices of land will just continue to increase with time.

Mayor Dunn: Mentioned "Safety Impact Fees" to assist in purchasing fire trucks and building a building for the Fire Dept.

*The City could have Brent Arns (Aqua) check into a safety impact fee.

A City Center could be a community project, with strict guidelines. There is an architect in the City (a former Mayor of the City), who may be willing to assist with the design of the City Center; as well as other professional people that could assist. The Mayor's goal is to get citizens involved, where appropriate, with as much volunteer help, under the guidance of a good contractor.

*Alvin Harward is to find out the price of the land owned by the Rasmussen's and bring that information back to the Council by the next Council Meeting. There may have to be a closed session to discuss the acquisition of this property.

STATE REGULATION FOR SEWER POINT OF DIVERSION Mayor Dunn: He has discovered that when the sewerage is changed to another city, there also needs to be a 'Change Application' filed with the State for a change in the point of diversion; it is also a water issue.
*The Mayor will find out what the charges will be and who we need to go through to have this accomplished.

FIRE HYDRANT INSTALLATION Mayor Dunn: The City needs to have a list of hydrants to be installed. There is already something of a list; it needs to be expanded.
The Fire Chief suggested:

- A hydrant in Loafer Canyon
- A hydrant on the north side of the City Hall

The Council was in agreement with both.
*Mark Johnson will get a list to the Council.

RE-APPOINTMENT OF PLANNING COMMISSION MEMBERS **MOTION WAS MADE BY MARY RUGG AND SECONDED BY MARK JOHNSON TO RE-APPOINT SEAN ROYLANCE AND DAYNA HUGHES AS MEMBER OF THE ELK RIDGE CITY PLANNING COMMISSION; THIS IS A FIVE-YEAR TERM OF OFFICE**
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

(Both of these members had replaced former members, whose terms terminated in February of 2007.)

RESOLUTION – CITY FEES Pavilion Fees:
The current charges were voted on, but never included in the City Fees Resolution.
Fees to rent the City Pavilion:

- \$25 (Flat Fee) for up to 25 people
- \$50 (Flat Fee) 26 + people
- \$50 Refundable Deposit (Key)

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO APPROVE RESOLUTION A RESOLUTION AMENDING RESOLUTION #06-9-26-13R, SETTING A SCHEDULE OF FEES FOR OFFICE SERVICES; REGARDING PAVILION RENTAL FEES
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

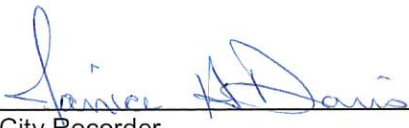
NON-AGENDA ITEM The Mayor explained that the Councilmembers should fill out Conflict of Interest forms because they all own property in the City and whatever else they consider a conflict.

MINUTES City Council Minutes of 3-13-07:
MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO APPROVE THE CITY COUNCIL MINUTES OF 3-13-07, WITH CORRECTIONS ON PG 2; CHANGE "HE" TO "SHE" IN 2ND PARAGRAPH
VOTE: YES (4) NO (0) ABSENT (1) ALVIN HARWARD

EXPENDITURES: *General: None*

ADJOURNMENT At 9:30 PM, Mayor Dunn adjourned the Council Meeting.





City Recorder

Recommendation:

Give direction as to whether the Council would entertain City Code amendments regarding 1) the addition of a 30' right-of-way sub-local street standard in the City Code and the Development and Construction Standards for inner roads within multiple family developments, and 2) the addition of an off-street parking requirement (between 2.5 to 3 per dwelling?) for multiple family dwellings."

Comments:

Alvin Harward: Has a problem with changing to a 30' road right-of-way within this PUD. This will be a homeowner's association and he feels that eventually the City will inherit the roads; at that time the City would have a sub-standard road to deal with. He has seen this in an area in Springville and one can hardly drive through the subdivision (due to congestion). He is in favor of a 56' right-of-way now; then it is not a problem in the future...he would oppose the vote.

Mary Rugg: Questioned whether cars would be parked in the street.

Mayor Dunn: There would be off-street parking spaces provided; in reality, there could be congestion on the streets when anything like a special event (Party, etc) would happen in any one of the units.

Nelson Abbott: In a similar layout around Pilgrim's Landing, a full-size truck has a difficult time maneuvering on those narrow roads.

Jason Smith (Developer): He appreciates the concerns expressed and he feels some valid points have been made; but he wanted to further explain their reasons for the request for narrower roads: They have seen the benefits provided with their proposal... 2 car garages + ½ of a parking stall outside of that...he feels that this provides for visitors. Having a 30' right-of-way opens up the "feel" of these types of communities by directing parking toward the designated parking areas. A narrower road is a form of "traffic calming" and gives more room for open space and trails, with less asphalt.

Mark Johnson: One major problem he sees is that higher density housing creates more of a hazard for larger fires, if one unit catches on fire, others probably will, too; this means more trucks coming into a narrower road...how would multiple departments get in there? This is a major concern.

Jason Smith: He has seen it work out in other areas; but this has to be considered on a "case-by-case basis by the Council. The planned loop in the road would help in providing fire access. They are not asking to change any of the City's other Construction Standards for building a quality road.

Mayor Dunn: Summarized: Mr. Smith is interested in the Council's opinion and concerns; which are considerable. The width of the road is an issue, especially in the winter. Snowplowing would cover up those off-street parking spaces.

Jason Smith: They have considered where snow could be placed...based off of their preliminary site plan; and they feel there are places where snow could be placed and still leave those spaces open.

Mayor Dunn: The snowplows would simply push it to the right.

Mark Johnson (also a snowplow driver): With a 30' right of way, cars parked on the road would likely be placing themselves in a position of danger. The stalls would be rendered "unusable".

Mary Rugg: Asked if the only reason to not stay within the Code is a question of "aesthetics"?

Jason Smith: Aesthetics, traffic calming and for parking purposes...they would like to direct parking to designated spaces. It is also less cost. They do feel that the before mentioned benefits are to be considered.

Mayor Dunn: Agrees that homeowner's associations do disintegrate and the development is left to the city...and that there are safety problems. He is not sure this administration wants to take on the challenges and safety issues associated with their proposal for narrower roads.

Jason Smith: Wanted to get a feel for the Council's stand on these issues; he expressed his appreciation for the Council's time in considering their proposal. They will try to work it out to the satisfaction of all concerned.

PAYSON –ELK RIDGE
BOUNDARY LINE
ADJUSTMENT &
POSSIBLE WATER
AGREEMENT

Mayor Dunn: Payson City owns property in the interior of the golf course that is currently an RV park. The City Council (Payson) desires to develop that area as a city project; that is 81 condos. In so doing, they propose purchasing ground to get access to this area from the main roads. This would be a "gated community". They asked if Elk Ridge would be opposed to selling water and sewer services and perhaps working out some trade issues? This would require Payson bringing the City water and the City selling them water or a trade for Hole #7. These are all possibilities. (Question: would they be required to bring in their own water rights?) That would be one of the issues.

2. Require that "A grading permit shall not be issued and shall not become active until the proposed development has reached final approval status, all fees have been paid, and the bonding has been posted, guaranteeing the construction of all uncompleted, required improvements".

See also attached proposed ordinance.

Recommendation

It is recommended that, following the Public Hearing, the Planning Commission recommend to the City Council approval of this proposed ordinance amendment."

There was no comment from the Council.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO APPROVE THE ORDINANCE AMENDING THE ELK RIDGE CITY CODE PROVIDING FOR THE ISSUANCE OF GRADING PERMITS IN THE CE-1 AND CE-2 ZONES, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE

VOTE (POLL): MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE & NELSON ABBOTT-AYE NO (0) ABSENT (1) RAYMOND BROWN

Clarification: Clearing the land is okay without a permit; moving dirt around is not.

HORIZON VIEW
FARMS –
ROAD
RIGHTS-OF-WAY

Discussion:

(Memo from Planner to City Council, dated 4-10-07)

"Background:

The developers of Phase 4 of the Elk Ridge Meadows development, which is to be known as Horizon View Farms, and will included 74 town home units, is requesting the City's consideration of a narrower right-of-way width to be utilized in their development plan (see attached letter form Jason Smith and the site concept plan). Specifically, the request is to allow for a 30-foot right-of-way for their inner development road servicing the town units.

Staff feels this is a reasonable request, should the City decide to allow for it. In that case, the City Code and Development Standards would need to be amended, providing for a new sub-local right-of-way. Section 10-15C-2 would need to be amended. The following is a proposed amendment:

10-15C-2: STREETS & ROADS:

- B. Right of Way Width: The minimum width of right of way for streets shown on the major street Element of the general plan shall conform to the width as designated on the said plan.

The minimum right of way width for streets not shown on the plan shall be as follows:

Class of Street	Right of Way Width (In Feet)
Sub-local*	30
Minor Class	56
Collector Class	66

*A sub-local street right of way width may only be part of a master planned development and receive approval by both the Planning Commission and City Council.

Additionally, there is a concern regarding the provision of visitor parking sufficient to meet the needs of the future residents of the development. Currently City Code does not provide a requirement for off street parking for multiple family developments. A common requirement for such developments is to provide somewhere between 2.5 and 3 off-street parking stalls for each unit. Two of those stalls are to be provided in an enclosed garage. It is recommended that the City amend section 10-12-15 of the City Code to provide for sufficient off-street parking, as follows:

10-12-15: OFF STREET PARKING:

B. Number of Off Street Parking Spaces:

1. One- And Two-Family Dwellings: Not less than two (2) off street parking spaces shall be required for each dwelling unit. Each off street parking space shall be not less than ten feet by twenty feet (10' X 20') per space and shall not be located within any portion of the required setback area adjacent to a street. Not less than two (2) of the off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.

2. Multiple Family dwellings: Not less than three (3) off street parking spaces shall be required for each dwelling unit. Each off street parking space shall be not less than ten feet by twenty feet (10' X 20') per space and shall not be located within any portion of the required setback area adjacent to a street. Not less than two (2) of the off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.

C

C

C

NOTICE & AGENDA

Notice is hereby given that the Elk Ridge City Council will hold **three Public Hearings on Tuesday, April 24, 2007**; for the purpose of hearing public comment on the following: the **first Public Hearing, at 6:00 PM**, is on a proposed Water & Sewer Impact Fee Analysis. The **second Public Hearing, at 6:30 PM**, is to consider an Amendment to the Elk Ridge City Code regarding the timing of collection of Park Impact Fees. The **third Public Hearing, at 6:35 PM**, is to consider an Amendment to the Elk Ridge City Code regarding the Board of Adjustment; proposing an Appeal Authority. These Public Hearings will be held in conjunction with the **Regularly Scheduled City Council Meeting, to begin at 7:00 PM; and a City Council Work Session at 6:45 PM.**

The meetings will be held at the Elk Ridge City Hall, 80 E. Park Drive, Elk Ridge, Utah.
All interested persons shall be given an opportunity to be heard.

- 6:00 PM** **1. PUBLIC HEARING/WATER & SEWER IMPACT FEE ANALYSIS**
Public Hearing/To consider the Water & Sewer Impact Fee Analysis & Recommendations
- 6:30 PM** **2. PUBLIC HEARING/PARK IMPACT FEE COLLECTION**
Public Hearing/City Code Amendment regarding the collection of Park Impact Fees
- 6:35 PM** **3. PUBLIC HEARING/APPEAL AUTHORITY**
Public Hearing/City Code Amendment –To Establish the Office of Appeal Authority
- 6:45 – PM** **CITY COUNCIL WORK SESSION**
4. Discussion – Road Impact Fee Study
5. Updates: Mayor Dunn
6. Water Rights – Alvin Harward
- 7:00 - PM** **REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**
Opening Remarks and Pledge of Allegiance
Approval/Agenda Time Frame
- 7:00 **Public Forum:**
*Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comment will be limited to three minutes per person. A spokesperson who has been asked by the group to summarize their concerns will be allowed five minutes to speak. Comments which cannot be made within these limits should be submitted in writing. The Mayor or Council may restrict the comments beyond these guidelines
- 7:10 7. Harris Annexation Petition – Acceptance or Denial
- 7:20 8. Requests for Water Right Allocations – Mayor Dunn
- 7:30 9. Elk Haven, Plats A & B – Preliminary Approval
- 8:00 10. Oak Hill Estates, Plats A & C – Release of Durability Retainer
- 8:05 11. Elk Ridge Meadows PUD, Phase 2 – Off-site Roads – Final Road Dedication
- 8:15 12. Cloward Estates, Plat B – Discussion of Water Rights & "Waivers of Entitlement to Build"
- 8:35 13. Elk Ridge Meadows PUD, Phase 1 – Request for Tiered Rate for Inspection Bond (Ratify Polled Vote)
- 8:40 14. Action of Public Hearings:
A. Water & Sewer Impact Fee Analysis
B. Park Impact Fee Collection
C. Appeal Authority
- 9:00 15. Expenditures:
A. General
B. Increase of Park Landscaping Budget – Mary Rugg
- 9:10 16. Minutes
Adjournment

*Handicap Access, Upon Request. (48 Hours Notice)

The times that appear on this Agenda may be accelerated if time permits. All interested persons are invited to attend this meeting. Dated this 19th day of April, 2007.

CERTIFICATION

I, the undersigned, duly appointed and acting City Recorder for the municipality of Elk Ridge, do hereby certify that a copy of the Notice of Agenda was faxed to the Payson Chronicle, 145 E Utah Ave, Payson, Utah, and provided to each member of the Governing Body on April 19, 2007.



[Signature]
City Recorder

[Signature]
City Recorder

ELK RIDGE
CITY COUNCIL MEETING
April 24, 2007

TIME & PLACE
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for Tuesday, April 24, 2007, at 7:00 PM. It was preceded by three scheduled **Public Hearings: the first Public Hearing, at 6:00 PM**, was to consider the Water & Sewer Impact Fee Analysis; **the second Public Hearing, scheduled for 6:30 PM**, was on a proposed City Code Amendment regarding the Collection of Park Impact Fees; the **third Public Hearing, at 6:35 PM**, was on a proposed City Code Amendment regarding an Appeals Authority. The **City Council Work Session was scheduled for 6:45 PM**.

All interested persons were invited to be heard.

The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 19, 2007.

6:00 PM

PUBLIC HEARING/WATER & SEWER IMPACT FEE ANALYSIS

Public Hearing/Proposed Water & Sewer Impact Fee Analysis

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward (Absent: Raymond Brown); *Planning Commission:* Russ Adamson, Sean Roylance & Dayna Hughes; *Aqua Engineering:* Craig Neeley; *Sheriff:* Deputy Rob Riding; *Public:* Stewart P. (?), Connor Hazen, Jorgan Anderson, Bryce Kimber, Brian & Anna Bean, Ken Harris, Pete Weber, Scouts: Kaden Peterson, Kelly Devey, Ryan Wilcox, Mark Christensen, John Money, Jed Shuler, Karl Shuler, Kendall & Loy Jolley, Lee Pope, Barry Prettyman, Matt Rutter, Brad Shuler, Joann Bigler; and *City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:00 PM.

Water:

Craig Neeley: The key for this study is to be "understandable". (This Analysis has been covered in detail at a previous Meeting. The corrections spoken of were made:

- Eliminating wells that are non-producing or abandoned

The Water Impact Fee = \$5,140

Nelson Abbott: Does the storage amount refer to a monthly or daily amount? (That needs to be corrected in the Analysis.)

There was a discussion about storage requirements for Indoor/outdoor requirements.

Mr. Neeley also explained which wells supply which tanks: The Cloward Well supplies the Hillside Tank; and the Loafer Well feeds into the Upper Tank.

Craig Neeley: Sources are supposed to supply the peak day use; which is generally twice the normal day use. The City is only required to store an average day; but sources are required to supply two times that; because normally, peak use is also twice that. If sources can supply peak day use; that is all that is required. If the tank refreshes itself twice a day; that is good...as long as the sources are strong enough to supply twice that. Generally, the City needs water rights for annual use, average daily use & source capacity for peak day use (twice your average).

The Systems are intermingled (upper & lower).

Alvin Harward: he spoke to Mr. Neeley regarding the need to "prove up" on some water rights by running the Loafer Well 24 hours a day for a year. These water rights only have the Loafer Well as the point of diversion.

Mayor Dunn: Added that SUVMWA's attorney has this proposal and is reviewing it and will give an opinion.

Craig Neeley: Discussed the proposed Fairview Tank. We are looking for redundancy throughout the entire system.

Sewer:

Question: Total Collection Sewer Impact Fee = \$910; however, this is added to the \$1,700 that will be paid to Payson? (Yes.)

(This should be referred to in the Analysis.)

Payson City determined the fee to them.

Nelson Abbott: Until we actually connect with Payson, how much do we charge the residents?

Mr. Neeley: The fees, as presented in the Analysis should be collected now; they are applicable.

(This Analysis should be reviewed and updated no longer than every 5 years.)

Mayor Dunn closed the Public Hearing at 6:30 PM.

6:30 PM

PUBLIC HEARING/PARK IMPACT FEES

Public Hearing/A Proposed Amendment to the Elk Ridge City Code regarding the Collection of Park Impact Fees

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward (Absent: Raymond Brown); *Planning Commission:* Russ Adamson, Sean Roylance & Dayna Hughes; *Aqua Engineering:* Craig Neeley; *Sheriff:* Deputy Rob Riding; *Public:* Stewart P. (?), Connor Hazen, Jorgan Anderson, Bryce Kimber, Brian & Anna Bean, Ken Harris, Pete Weber, Scouts: Kaden Peterson, Kelly Devey, Ryan Wilcox, Mark Christensen, John Money, Jed Shuler, Karl Shuler, Kendall & Loy Jolley, Lee Pope, Barry Prettyman, Matt Rutter, Brad Shuler, Joann Bigler; and *City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:30 PM.

The Council has discussed this issue in the past; the proposal is to have all impact fees collected at the time of building permit, and to eliminate the option of developers qualifying for credits for part of the Park Impact Fee in their development process.

Currently, the Park Impact Fee is set at \$1,385. There is an update on the Park Impact Fee being conducted by MAG; so the Impact Fee will likely change in the future.

There were no further comments.

Mayor Dunn closed the Public Hearing at 6:32 PM.

6:32 PM

PUBLIC HEARING/APPEAL AUTHORITY

Public Hearing/City Code Amendment – To establish the Office of Appeal Authority

ROLL

Mayor: Dennis A. Dunn; *City Council:* Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward (Absent: Raymond Brown); *Planning Commission:* Russ Adamson, Sean Roylance & Dayna Hughes; *Aqua Engineering:* Craig Neeley; *Sheriff:* Deputy Rob Riding; *Public:* Stewart P. (?), Connor Hazen, Jorgan Anderson, Bryce Kimber, Brian & Anna Bean, Ken Harris, Pete Weber, Scouts: Kaden Peterson, Kelly Devey, Ryan Wilcox, Mark Christensen, John Money, Jed Shuler, Karl Shuler, Kendall & Loy Jolley, Lee Pope, Barry Prettyman, Matt Rutter, Brad Shuler, Joann Bigler; and *City Recorder:* Janice H. Davis

Mayor Dunn opened the Public Hearing at 6:32 PM.

This proposed ordinance would take our current Code regarding a Board of Adjustment and replaces it with the position of an Appeal Authority. This has been done successfully in other communities; the body of the proposed ordinance was written for Highland City by David Church.

This position would be filled by a person who is a professional in the field of Planning and/or Land Use. There are a couple of possibilities: the person filling the same position for Highland City, who is a Land Use Attorney; and Jodi Hoffman, from Park City, who is also an Attorney with a specialty in HOA's and Land Use issues...or some referrals from her.

After going to this option, Highland City reviewed its land use decisions, made by their former Board of Adjustments, for the last 10 years; and said that the City Manager was not sure if they found even one decision that was correct. The Appeal Authority has worked out very well. Their Attorney (David Church) felt that there were no problems with the process, as it is.

Nelson Abbott: Ken Young brought up the possibility of having two different people; a Hearing Examiner and a Variance Examiner. As he understands it, this would give people a second chance to submit an appeal.

Mayor Dunn: Even with a Board of Adjustments, the Council cannot over-rule a decision by that Board; it can only be appealed through the Circuit Court. The only time a Board of Adjustments or an Appeal Authority would hear an appeal, would be a result of the Council or the Planning Commission making a decision that the person does not agree with. Then they have to submit their application to the City and it goes to the City Attorney to be determined if there is merit in the case going before a Board or an Appeal Authority.

This decision is final, unless appealed through the court system within 30 days.

The individual would be selected by the Mayor and approved by the Council.

The Council was in agreement that this will be of benefit to the City.

The Mayor closed the Public Hearing at 6:39 PM.

6:45 PM

CITY COUNCIL WORK SESSION

ROLL

Mayor: Dennis A. Dunn; City Council: Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward (Absent: Raymond Brown); Planning Commission: Russ Adamson, Sean Roylance & Dayna Hughes; Aqua Engineering: Craig Neeley; Sheriff: Deputy Rob Riding; Public: Stewart P. (?), Connor Hazen, Jorgan Anderson, Bryce Kimber, Brian & Anna Bean, Ken Harris, Pete Weber, Scouts: Kaden Peterson, Kelly Devey, Ryan Wilcox, Mark Christensen, John Money, Jed Shuler, Karl Shuler, Kendall & Loy Jolley, Lee Pope, Barry Prettyman, Matt Rutter, Brad Shuler, Joann Bigler; and City Recorder: Janice H. Davis

ROAD IMPACT
FEE STUDY

Mayor Dunn: The Planning Commission and the Council met two weeks ago to discuss the matter of the portion of the Impact Fee Analysis regarding Road Impact Fees.

Alvin Harward: He has a problem with some of the suggested roads to be developed; to use impact fees in any undeveloped area would be missing the opportunity to have developers install the necessary improvements. He does not feel the City should be involved in "off-site" reimbursements. He feels that the City should designate roads that will not be done by developers;

Examples...1) the "dugway" (Portion of E. Park Drive leading down into Loafer Canyon). Something needs to be done with this road

2) North side of East Gooseneast (By Cloward's fence), that will not be addressed by developers; it was not required at the time.

City Recorder: The Planning Commission also mentioned the south side of Gooseneast where the City Center is intended to be located.

Another issue that was brought up was to possibly consider Loafer Canyon Rd. as a collector road; that road has a special road width standard, created specifically for Loafer Canyon Road.

It is still a 56' right-of-way; but only 28' of pavement, rather than 34'.

Curb & gutter on the east side of Loafer Canyon Rd. has been mentioned in the Impact Fee Study.

Gooseneast Drive, west of 1600 West will not be developed by developers; could that qualify for Impact Fees? (Much of that is County property.)

Craig Neeley: Discussion of the width of Gooseneast Drive and whether it should be widened to be a collector road, since it is one of the main accesses to Elk Ridge from Payson.

Nelson Abbott: With the increased growth resulting in increased traffic, will the life span of the roads be affected? Example: W. Salem Hills, in the area of the new construction; the pavement is gone.

Mary Rugg: Who is responsible to repair that portion of the road?

Mayor Dunn: That is a good question...we will have to look into that.

**(Will Councilmember Brown research this?)*

It seems that road base was sub-standard.

Craig Neeley: The only thing that can be done is to have contractors bond for that with the building permits; then the City can document the damage. Bonding could be for \$5,000 and state that any damage to the road in the immediate area or even sweeping the area, if not kept cleaned-up.

Mark Johnson: to add to the damage caused by the heavy equipment on the roads, the snow gets into the cracks and freezes and the ice pushes the road up.

Craig Neeley: The eligible projects are those that the City cannot wait for. There are roads that can be installed with development; but there will be roads that you feel you can't wait for; those could be declared eligible. There can be a recovery program worked out for the City.

If the road is not essential to the City now, then it should not be considered for impact fees. If it is essential to health and safety, and it is defensible...then it would be eligible. There are situations where the developer may be responsible for ½ the road then the City could apply the impact fees, if eligible. If there are roads that no one is ever going to improve, then impact fees would be applicable. Boulevard projects are always really good candidates.

UPDATES

Mayor Dunn: Fairway Water Tank:

Asked Mr. Neeley: Has the State contacted him lately regarding pursuing the Fairway Tank?

Mr. Neeley: Marissa (State Water) The State is going to the Board in June to ask to assist the City with Bonding Insurance; but private financing would be advisable.

C

0

C

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

(She contacted the Mayor and said private financing would be at a better rate than the State.)
The affordability guidelines were high and the City is “penalized” for that; private financing is encouraged.
*Mr. Neeley is going to get some suggestions on some private lenders.
Alvin Harward: This needs to be addressed rather quickly; the storage capacity is going to be needed. (Mr. Neeley agreed.)
Mr. Neeley: Aqua Engineering needs to go ahead with the design work for the tank while the financing is being decided upon.
City Recorder: Zion’s Bank has a good Public Finance Dept.; the City financed the big fire truck through them. We may want to consider them.
(The Mayor agreed.)

WATER RIGHTS

Alvin Harward: Regarding SUVMWA (The Mayor has addressed that earlier, before Councilmember Harward arrived.)
Additional comments: There are about 60 shares of water right (irrigation) available through SUVMWA that could be transferred to Elk Ridge’s wells.

CITY COUNCIL MEETING
April 24, 2007

TIME & PLACE
OF MEETING

This Regular Meeting of the Elk Ridge City Council, was scheduled for **Tuesday, April 24, 2007, at 7:00 PM.** It was preceded by three scheduled **Public Hearings: the first Public Hearing, at 6:00 PM,** was to consider the Water & Sewer Impact Fee Analysis; **the second Public Hearing, scheduled for 6:30 PM,** was on a proposed City Code Amendment regarding the Collection of Park Impact Fees; the **third Public Hearing, at 6:35 PM,** was on a proposed City Code Amendment regarding an Appeals Authority. The **City Council Work Session was scheduled for 6:45 PM.**
All interested persons were invited to be heard.
The meetings were held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah.

Notice of the time, place and Agenda of the Scheduled Council Meetings & Public Hearing, was provided to the Payson Chronicle, 145 E Utah Ave, Payson, UT, and to the members of the Governing Body, on April 19, 2007.

7:10 PM

REGULAR CITY COUNCIL AGENDA ITEMS

ROLL

Mayor: Dennis A. Dunn; *City Council*: Nelson Abbott, Mary Rugg, Mark Johnson, Alvin Harward (Absent: Raymond Brown); *Planning Commission*: Russ Adamson, Sean Roylance & Dayna Hughes; *Aqua Engineering*: Craig Neeley; *Sheriff*: Deputy Rob Riding; *Public*: Stewart P. (?), Connor Hazen, Jorgan Anderson, Bryce Kimber, Brian & Anna Bean, Ken Harris, Pete Weber, Scouts: Kaden Peterson, Kelly Devey, Ryan Wilcox, Mark Christensen, John Money, Jed Shuler, Karl Shuler, Kendall & Loy Jolley, Lee Pope, Barry Prettyman, Matt Rutter, Brad Shuler, Joann Bigler; and *City Recorder*: Janice H. Davis

OPENING REMARKS
& PLEDGE OF
ALLEGIANCE

An Invocation was offered by the Alvin; and Scout Kaden Peterson led those present in the Pledge of Allegiance, for those willing to participate.

AGENDA TIME
FRAME

MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO APPROVE THE AGENDA TIME FRAME, ADJUSTING THE START TIME TO 7:10 PM; AND TO STRIKE ITEM #11
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

PUBLIC FORUM

Public Comments: Scout: Is there anything that the Scouts can do to assist the Community.
Mayor Dunn: Service is important in any organization. Much of the work in the City is done by volunteers. Some projects could be to clean up the City property, neighborhoods & roadways. Cleaning around the fire hydrants would also be useful. The City could not function without volunteers like the Planning Commission, Fire Dept & Sport’s Program.

Question: Will the Strawberry water line be used in Elk Ridge for irrigation water?

Mayor Dunn: No. Culinary water would not be available from this. Elk Ridge's culinary water comes from our own wells. CUP water is coming out of Spanish Fork Canyon for pressurized secondary water systems; however, the pressure will not take the water further south than the City Hall. The only way to take it further south would be to pump it to a holding area and then distribute it to the southern portions of the City. This is years away.

Alvin Harward: Elk Ridge has applied for our portion of the water that will come through that CUP Project. For the 10 southern cities in the County, there are 30,000 acre feet of water that will be allocated by population. We have applied for this. We can also trade this to another city for culinary water; but this is 10 – 12 years away.

HARRIS ANNEXATION PETITION (*Councilmember Harward & Mayor Dunn declared a possible "Conflict of Interest", in that they are friends & neighbors with the Harris', though they have no personal interest in the project.*)

Memo from Planner to Council, dated 4-24-07)

"Background:

The applicant has submitted a request to annex two separate parcels into the City, one having 9.99 (10) acres; and the other having 16.70 acres, totaling 26.69 acres. Although the parcels are separated, they both adjoin an existing parcel currently within the city, to come forward as one development proposal, following the annexation.

Both of the annexation parcels are within the City's identified annexation policy plan area, and have been designated in the General Plan to become zoned CE-1. Service provision and infrastructure for these properties will most likely occur through properties to the west, since there is a steep slope adjacent to Loafer Canyon Road.

One concern may arise through the County's review of this proposed annexation plat. State code prohibits the creation of a peninsula or island in annexing land. The County engineer will need to determine whether the land, once annexed, would meet the criteria of a peninsula. If such is the case, the proposed annexation areas will need to be modified.

Recommendation:

This request is to accept the petition, NOT to approve the annexation. By accepting the petition, the City merely states that we are willing to consider the annexation, and will begin a process of notifications and allowing protests to be submitted prior to the City taking official action on the annexation. Any concerns from the County, protestors or otherwise can be taken into consideration prior to approval of the annexation.

It is recommended that the City accept the petition to annex 26.69 acres, as shown on the Harris Annexation Plat."

Comments:

Mary Rugg: Needed clarification on the location of the land in question. She asked about access to the property.

Joel Harris: There is a dirt road for emergency access that comes from Canyon View Drive. He has contacted the property owners, Jason Gunderson, (Harris' are purchasing a portion of Gunderson's Property). Part of the property is sloped down to Loafer Canyon Road. Currently this property is in the County.

Mary Rugg: Will the City be able to service this area? (Yes.)

Mayor Dunn: Explained access off of Hillside Drive, with an emergency access through Gunderson's property until access through Loafer Canyon is possible.

One of the concerns expressed by the Planner was the possibility of creating a peninsula with the property to the north. The County will have to determine this.

Mary Rugg: With the annexation, this could leave Gunderson's property as a peninsula.

City Recorder: Brief explanation of the annexation process. There is time to determine any future problems created by the proposed annexation.

Nelson Abbott: What benefit would there be to the City with this proposed annexation, besides more houses?

Alvin Harward: That is all any annexation brings to a city.

City Recorder: To not annex property that is contiguous with another community opens that property up to development under the regulations of that other community; wouldn't it be better to have the controlling ordinances?

Mayor Dunn: Putting it bluntly; we are a bedroom community...what does anyone have to offer the City? We just become what has been defined in the General Plan.

Nelson Abbott: He would like to have the Gunderson access included as an access and that there be additional access routes. (*It is a private driveway.*)

Joel Harris: Mr. Gunderson has agreed to provide that emergency access; he does not want to see an open road.

**MOTION WAS MADE BY MARK JOHNSON AND SECONDED BY ALVIN HARWARD TO
ACCEPT THE PETITION FOR ANNEXATION, SUBMITTED BY JOEL HARRIS
VOTE (POLL): MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE
NELSON ABBOTT-NAY ABSENT (1) RAYMOND BROWN
Passes 3-1**

**WATER RIGHT
ALLOCATIONS**

(Memo from Mayor Dunn to the Council, dated 4-18-07)

"The City has purchased 19 acre feet of water right that are currently in the transfer process with the State. Meanwhile there are three small subdivisions (two 2-lot subdivisions and one 3-lot subdivision) that will require water rights for one or the two lots and two of the three lots. The existing lots already have water rights attached to them; it would only be the newly created lots that would need the allocations.

The City currently has no water rights that are not attached to subdivision lots; however, the 19 acre feet that have been purchased and are being transferred to the City's points of diversion have had no protests registered against the transfer and there is no reason that these shares would not transfer.

I recommend that the Council consider allowing these 19 acre feet of water right to be drawn against for these smaller subdivisions."

Alvin Harward: "I already have 12 acre feet of water that we own, that we are in the process of changing with Spanish Fork, giving them the irrigation water and us taking the underground water...but we already own those." These, plus the 7, we actually do own.

Mayor Dunn:

(Brian Bean also submitted a written request to the Council to be considered for these water right allocations; it was read to the Council. In the letter, he mentions that he is under contract with the property owner to purchase the property under the following conditions: 1. Final Plat is granted & 2. Finding & purchasing the necessary water rights for the other two lots.)

The 3rd page listed the 3 subdivisions and the amount of water right they would require.

Mary Rugg: Questioned the time frame until the City would know for sure about the transfer.

(Not known exactly... 6 to 9 months)

Alvin Harward: We actually own 6.43 acre feet from SUVMWA. We don't really need to draw against these other rights.

Typically, water rights are allocated after between Preliminary and Final; however these subdivisions will be coming from the Planning Commission with recommendation for Preliminary and Final together; and the developers cannot be granted Final without the water rights.

Mary Rugg: Advised allocating from the rights the City already has available rather than the ones in the transfer process.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO
ALLOCATE THE REQUESTED WATER RIGHTS:**

- **BURTONS: 1.21 ACRE FEET**
- **JOLLEYS: 1.40 ACRE FEET**
- **BEANS: 2.23 ACRE FEET**

FROM THE 6.43 ACRE FEET OF WATER RIGHTS ALREADY OWNED BY THE CITY

VOTE: YES (3) NO (1) NELSON ABBOTT ABSENT (1) RAYMOND BROWN

Passes 3-1

**ELK HAVEN,
PLATS A & B –
PRELIMINARY**

Mayor Dunn: A letter from four of the Planning Commission Members (Dayna Hughes, Russell Adamson, Sean Roynance & Shawn Eliot), dated 4-20-07; requesting denial of the two plats and to have them sent back to the Planning Commission for further work, based on misinformation by "staff" during the Planning Commission Meeting. There were three issues listed:

1. The Plats need approved grading plans prior to preliminary plat approval: (details listed)
2. The road grades do not reflect new code that was approved by the Planning Commission and City Council. (details listed)
3. The road right-of-way does not reflect the current of past master road plan map. (details listed)

The letter also requested that the Council's motion (if the Plats are to be sent back) explain what points to be addressed.

When the Mayor reviewed the information in the packet for Preliminary approval, he had some real concerns; as did Councilmembers Abbott and Johnson. The Mayor reviewed the ordinances in place and he felt that the Plats were not ready for the Council to consider for Preliminary Approval; there are several things not being complied with.

He feels the concerns expressed by the four above named Planning Commission Members are valid concerns. These are some of the same concerns the Mayor had.

The Mayor also had concerns about road grades, as well as the building envelopes on certain lots in Plat A.

Karl Shuler: The proposed road has been through Concept Approval and they have been working on it for 1 ½ years; it was approved by the City Council before it was changed. He is not sure he understands the concerns.

Alvin Harward: It is true; "We did approve it".

Mayor Dunn: (Continued) Review of road grade requirements as he read from the letter dated 4-20-07; he also read, "In review of these plats in Planning Commission, our Planner informed us that any road issues could not be changed since a concept road plan had already been approved. This goes against the Council's requirement that a project is not vested until preliminary plat as well as the fact that we were working on this code prior to the concept approval."

RE: #3... There seems to be a discrepancy with the rights-of-ways of the roads in the area.

The Mayor then read from the memo from the Planner:

"Background"

The applicants, comprising a group of property owners / developers of over 100 acres of land in the south hills area, have been working with the City for over a year to develop acceptable street alignments and the subdivision of property. Five Plats have been presented to the Planning Commission, two of which have been forwarded with a positive recommendation to the City Council. The other three will return to the Planning Commission with corrections for further review.

The proposed development on plats A & B appears to meet the intent and specific requirements of the CE-1 Zone, as best as possible. These plats have been reviewed in several technical review staff meetings, and it has been determined that they met all the planning and engineering corrections and concerns (other than those listed by the Planning Commission below).

The CE-1 Code requires specific approval on any lots which have an average slope of over 20%, as well as on any incidental (very small) areas of 30% slope within the buildable area of the lot. The lots for which slope approvals are required are listed below, along with the recommended conditions of the Planning Commission.

PLAT A – Total Acres: 23.03

Total lots: 24 (1/2 acre min.)

Slopes: - Request approval of over 20% average slope on lots 1, 2, 3, 4, 5, 6 & 24
- Request approval of incidental 30% slope on lots 1, 2, 3, 23, & 24

PC Conditions: 1. Lots 6 & 7 access allowed only from High Sierra Drive (since Hillside ends without a turn around).
2. Lots 2 & 3 be combined into one lot with building envelope covering the yellow area which is less than 20% slope.
3. Lots 1 & 24 be deeded to the City as open space.
4. A 10-foot trail shall be along one side of all roads, in lieu of sidewalks.

PLAT B - Total Acres: 9.08

Total lots: 10 (1/2 acre min.)

Slopes: - Request approval of over 20% average slope on lot 4
- Request approval of incidental 30% slope on lots 9, 12, 22, 24, 26, 27, 28, 34, 38 & 41

PC Conditions: 1. Lot 4 building envelope smaller to stay within the area of 20% or less slopes.
2. A 10-foot trail shall be along one side of all roads, in lieu of sidewalks.

Recommendation:

It is recommended that the City Council approve the Preliminary Plats for the Elk Haven Subdivisions, Plats A & B, including the specific approvals for lot slopes as mentioned above, and subject to the conditions listed by the Planning Commission."

Nelson Abbott: The lots listed for Plat B (incidental 30% slopes) are not "B"; they are on Plat "E". There are only 10 lots in Plat B, so the numbers are from Plat "E".

Mayor Dunn: The Mayor reviewed the building envelopes, particularly on Plat A, and went into the CE-1 Code...looking for the average slope of lots. He compared what the Code says to the way some of the lots are put together. He referred to Ordinance 06-12 [10-9A-45 (A)(4)(a)] in the CE-1 Zone, saying, "In all cases, the building envelope location on a lot should conform to the natural terrain and remain within the areas of least slope while allowing for a minimum buildable area in accordance with the provisions of section 10-8A-8. The area of the design envelope could be considerably smaller than the lot to accomplish this requirement. The front, side and rear setback requirements still must be met. No design envelope can be located within areas over 30% slopes in accordance with the provisions in section 10-24-34. All 30% slope will be shown on the plat map as unbuildable."

Mr. Shuler feels they meet all of those requirements. The Mayor commented that they seem to be in compliance with the 30% slope requirements.

He also read from the Code, Section 10-9A-1 (C) that:

- "One acre lots are allowed on lots with an average slope of over 15%
- Half acre lots are allowed on lots with an average slope of 20% or less
- Additionally, third acre lots can be approved on lots with an average slope of 20% or less in return for larger areas of open space.

(10-9A-10 (G)(2))

"...all areas with a slope of 30% or greater shall be preserved as open space. For small, incidental areas of 30% or greater slopes, the planning commission, with the recommendation of the city engineer, can approve these areas as part of the building envelope of a lot. Areas of contiguous open space over 2 acres can be deeded to the city as open space with city council approval. Areas not contiguous, contiguous but under 2 acres in size, or not accepted by the city council shall have attached to the title a preservation agreement with the city."

(In other words it could never be altered or touched.)

So, some of the properties, like lot #24 that is mostly 30% would fall into this.

Karl Shuler: The building envelope is 23%. There is an area of 30%, and you can have areas of 30% as long as they are not in the building envelope.

(Over 20% can be built upon, if it is approved.)

The Code mentions this in the CE-1 Zone regulations.

Sean Roylance: The 30% is supposed to have an agreement attached to it; does that include driveways?

Mark Johnson: Is the driveway considered part of the building envelope?

Mayor Dunn: No, you can't approve these areas as part of the building envelope.

Karl Shuler: You have to drive over the setback to get to the envelope.

Sean Roylance: The plan he is referring to is that you are not supposed to disturb the 30% area; so the question would be about the driveway.

Karl Shuler: This was reviewed many times with the "concept" of the main road with the Planning Commission and with the Council...that the road can go through a 30% slope as long as it meets the slope criteria. There is not building envelope that is on a 30% slope.

Sean Roylance: That is the building envelope; but you are not supposed to touch anything else; you are to attach an agreement saying that all 30% area will be preserved. The question is, does a driveway violate that part of the Code?

Nelson Abbott: This has come up before; what he recalls was that if the slope could not be disturbed for a swing set, how could it be for a driveway?

Mayor Dunn: The Code will have to be deferred to; and he does not have the entire Code in front of him. So, what we are addressing is if a private driveway can be cut across a 30% slope to get to that envelope?

(Councilmember Abbott asked if there is a maximum length for a driveway in the Code?)

Mark Johnson: It has to be within 250' to meet the requirement for fire code; unless there would be a fire hydrant installed along the driveway. There is not way to get a pump truck down that driveway. (Referring to lots #23 & #24, Plat A)

Karl Shuler: The driveways are 20' in width; that is wider than some areas of the current street pavement in Elk Ridge. Mr. Shuler added that they are trying to acquire a bit more property up on the east (on the flat) to get a better building envelope on lot #24. He is not sure that will happen.

Addressing concerns:

1. He is not sure of the concern...the roads are a continuation of Hillside Drive that connects onto the smaller lots; it is on the same slope/grade as the rest of the adjacent houses...to High Sierra Drive.

(Sean Roylance felt that High Sierra is not that steep of a grade; he would like to see terrain maps of High Sierra Drive.)

One can see that there is no abrupt change from High Sierra Drive. The building envelope on lot #1 is under 20% (19.9); and that continues right up from High Sierra Drive. It is just north of the last house on High Sierra Drive (Chappell's).

On #2 & #3; the Planning Commission recommended combining those lots and he said they could do that, but he is not sure why. Both lots have buildable envelopes at slopes that fall at the lower end of those requiring the Council's approval (20% to 30%). Lot #3 is at 23.8%, but still at the lower end of the approval range.

(Councilmember Abbott commented that the access is through a steeper slope and that is probably why the recommendation.)

It is not an ideal situation; and it might be the best solution...to combine the two. He has reviewed this with their engineer and he felt there would be a way to access the buildable area

through the arrangement of the house levels. He realizes this is not ideal, but it may be buildable. If this is not acceptable, they are willing to work with the City.

All of the other lots, with the building envelope size reduced, produced no real problems.

Nelson Abbott: He feels the roads are the main problem; and that is based on the vesting issue.

The Planning Commission was working on the Code. It is his understanding that as long as the City is working on the Code throughout the process, that "grandfathering" is not an issue. That is the part that he is most concerned with.

Karl Shuler: There is a lot of debate on this. It is not "cut & dry"; at one point they were told that "vesting" is when you pay your "Concept fee", another time it was with "Preliminary"...then after Preliminary is approved. To go back now would be very frustrating to have to start over. The Concept on the road was approved with the knowledge that the Code was being reconsidered.

Nelson Abbott: In his opinion, he voted not to approve the road concept because he was not sure where the Code was going. He would err on the side of caution.

Karl Shuler: He feels that even the new Code is pretty much met (on the road)...it states that slopes can exceed 10% for short stretches. It was well within the old Code. At one point, there were 12% grades and they started over with 10%. Are they going to have to start over again?

Sean Roylance: They (developers) knew that the Planning Commission was considering the new Code and this should not be a surprise to them.

Karl Shuler: They also knew that they had been approved at Concept and paid fees associated with that.

Sean Roylance: Concept was not approved until after discussion to change the Code had started. *(Mr. Shuler interjected that it was also discussed that this would probably not affect their development; according to the City Planner... they were vested by the payment of their fees.)*

Nelson Abbott: If the Council were to approve A & B, one of the issues initially was that the road would be connected...east to west. If A & B were approved, could the City potentially end up with a further extension of a dead-end road?

John Money: No. Plats A, B, C, D & E are all coming through; the other plats were not quite far enough along to come forward. Revisions are being made to allow these to move forward. All five land owners have been going through this process for a year and a half. They are not trying to "fight the City"; they have taken the information given to them and had their engineer work from that information.

Mayor Dunn: Feels the Council needs clarification on some of the issues. He realizes the process they have gone through has been somewhat complicated; there are still concerns that need to be clarified. One of the Mayor's greatest concerns is with the steepness of some of the property. Shawn Eliot did meet with the Mayor and showed him sections of the road that may or may not be considered "short stretches". The Planner is not present to defend some of his recommendations.

Is the Council clear on everything?

Mary Rugg & Mark Johnson: No.

Nelson Abbott: He would like additional clarification as to the vesting issue. That does affect the road. He would also like to have an explanation on the Planning Commission's recommendation some of the lots.

City Recorder: Vesting is at the point of Preliminary, currently; but their point is that the Concept was approved before that Code amendment was passed. Concept is "concept"...there is another road in the City that has received Preliminary approval at ½ + 9' that is now looking at changing that to full-width road at Final. It may need some clarification; they have been told differing information as to when they were vested.

Karl Shuler: He would like some direction so they know how to proceed:

- You may need clarification on vesting
- On the lots, # 23 has not been addressed...the driveway is about 250'; they do not consider this a "flag lot"; utilities would be accessed from High Sierra. The fire hydrant would have to be repositioned. *(Mark Johnson asked about a turn-around for emergency vehicles.)* They had discussed the possibility of a "hammer-head" turn-around...there would have to be some thing at the end. They propose a 24' access, with 20' of asphalt, to City Standards for a regular road, not just a driveway. They feel this access is preferable. Does the Council feel this is feasible?

Nelson Abbott: The only difference between lot #23 & lot #3 is the access; one off of Hillside and the other (#3) to just go up the 30% grade.

Karl Shuler: That is because there is an option for lot #23...not with #3.

(Discussion of addressing.)

MOTION WAS MADE BY ALVIN HARWARD TO SEND BOTH PLATS BACK TO PLANNING COMMISSION AND TO TABLE THE ISSUES FOR ADDED CLARIFICATION...

Discussion:

Karl Shuler: *There is one other issue he would like direction on; that is sidewalks vs. trails.*

They had submitted a request to use a trail system rather than sidewalks through the entire Elk Haven development (all 5 plats). They had proposed a 6' trail; but the Planning Commission prefers 10' trails. The trail system would tie in with the future plans Elk Ridge has for trails. The trails were only shown on Hillside and tied into the lower trail system. What are the Council's thoughts on this issue?

Mary Rugg: Feels the trail system would be a much better idea than sidewalks; it goes with the natural terrain in that area.

Nelson Abbott: Feels they should match the trail standard in other parts of town... at 10' width.

(Mr. Shuler added that the steep grades would require much bigger cuts and more fill with a 10' wide trail.) Councilmember Abbott continued that the trails could possibly go through open space rather than follow the roads.

(Mr. Shuler responded that they did have them going through open space; but the Planning Commission recommended they follow the road. They had the trail coming up on Hillside, up the back side of the lots, before it tied into the road system. They could go either way. When it goes along the road, the cuts and fills would be greater in those critical areas.)

Mayor Dunn: Agrees with that. He prefers the idea of more of nature along the trail, where the slopes would not be disturbed. He prefers taking the path of least resistance through those areas.

Craig Neeley (Aqua Engineering): For a multi-use trail, it needs to be 10' wide. Mountain bikes would be mixed with walkers, etc.

Mayor Dunn: The grant applications are for 10' trails.

Russ Adamson (Planning Commission Chair): The Planning Commission is struggling a bit with knowing what the Council's recommendations would be with trails; there may be problems accessing bus routes/stops for school children. How accessible should the trails be vs. going behind the lots? The Planning Commission would like some guidance on this.

Mayor Dunn: Feels that Mr. Adamson has some legitimate concerns; how do you collect children from the homes if the trail is not accessible from some of the lots.

The over-all elements of the trail:

- It should be a trail
- Safe
- 10' wide
- Less invasive rather than destructive...the least amount of impact

Russ Adamson: Do we want any open space corridors for the trails to go through?

Mayor Dunn: Usually the open corridors are associated with a PUD; and this is not. Open space a tougher issue...smaller lots come with more open space.

Mary Rugg: She understands the frustrations expressed; but she feels that the Council cannot vote on these issues without some clarification.

City Recorder: There are conflicting recommendations from the majority of the Planning Commission and the City Planner; that places the Council in an awkward position.

There is a motion on the table...it should be re-stated:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO SEND BOTH PLATS A & B BACK TO THE PLANNING COMMISSION TO RESOLVE THE FOLLOWING CONCERNS:

1. HAVE THE ROAD GRADES BEEN VESTED AT CONCEPT (BOTH PLATS A & B)?
2. AN OPINION IS NEEDED ON PLAT A, LOTS 1, 2, 3, 23 & 24
 - A. The Planning Commission has not seen the adjusted lot configuration
 - B. Why were these lots sent forward for approval with slopes in the building envelopes over 20%? The Council needs clarification on the 30% slopes and the driveways cutting through. Was Code met at the time of submittal?
3. THE CONCERNS EXPRESSED BY THE PLANNING COMMISSION MEMBERS ON THE MEMO DATED APRIL 20, 2007, MUST BE ADDRESSED

VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

Passes 4-0 (1 absent)

(Further Discussion)

Question: Who will the authority on "vesting" be?

Mayor Dunn: The City Attorney, David Church. The rights of the applicants need to be weighed against the efforts of the Planning Commission and the City Council to re-write the CE-1Code. This needs a legal opinion.

Question: Then our attorney needs to contact the City attorney?

Mayor Dunn: He will contact the City Attorney regarding the vesting question. He wants to make sure "we get this right...for you and for us".

Question: How long will this take?

Alvin Harward: Feels this clarification should be before the next City Council Meeting.

Russ Adamson: The Planning Commission will meet on May 3rd to further discuss these questions as well s the other Plats.

*Mayor Dunn will contact David Church the next day and get the information to those involved as soon as possible. (There may be a problem with Mr. Church being at a Treasurers Conference.) (Phone numbers were collected of the various developers.)

Mayor Dunn: Expressed his appreciation of the demeanor of everyone involved with subject matter that is not easy to discuss.

OAK HILL
ESTATES, PLATS
A & C –
RELEASE OF
DURABILITY
RETAINER

As per Engineering letter from Brent Arns, "Prior to the final bond release, it will be necessary for the developer to remove both of the steel plates in the two storm drain catch basins located on Hillside Dr., and thoroughly clean each catch basin from dirt and debris"; the Council was advised to release the bond as of May1, 2007.

**MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARY RUGG TO
RELEASE THE DURABILITY RETAINER FOR OAK HILL ESTATES, PLATS A & C;
CONDITIONAL UPON A FURTHER INSPECTION BY AQUA ENGINEERING TO ENSURE THE
CONDITIONS LISTED ON ENGINEERING LETTER, DATED APRIL 20, 2007, HAVE BEEN
COMPLETED**

VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

CLOWARD ESTATES, (Memo from Planner to Council, dated 4-24-07)
PLAT B – WAIVERS "Background"
OF ENTITLEMENT TO The Preliminary Plat was reviewed and approved earlier by the City Council, and the applicant now desires
BUILD approval of the Final Plat for this 39-lot subdivision.

The Planning Commission reviewed this request on 3-15-07 and 4-5-07. All areas of concern have been addressed as shown on the attached plat. One additional recommendation was added by the Planning Commission: that the approval of the plat be contingent on water shares being dedicated to the City, and that no building permits be granted until such dedication occurs. (Note: This is standard procedure.)

Recommendation:

It is recommended that the City Council approve this plat, based upon the completion of all engineering requirements and the dedication of water rights to the City."

There was a note attached to the memo from the Planner from the City Recorder:

"This plat is not on this Meeting's agenda for Final Plat Approval. It is on the Agenda to have the Council discuss and determine If Mr. Cloward may proceed to Public Hearing on 5/3 at the Planning Commission for Final Plat, based on the Plat being recorded with "Waivers of Entitlement to Build" recorded with the Plat, on each of the lots. These "Waivers" would stay with the land until water rights become available for his subdivision. Mr. Cloward has water rights that are in the transfer process with the State.

This process has been done l the past with one of Lee Haskell's subdivisions, with part of Oak Bluff Estates, Plat A & with the Dennis Shuler Subdivision in Loafer Canyon (based on sewer connections). The Waivers can be released in bulk or one at a time; they would have to come before the Council for the releases.

This Plat will come back to the Council after Public Hearing with the Planning Commission."

**MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO
APPROVE CLOWARD ESTATES, PLAT B; TO MOVE FORWARD TO PLANNING
COMMISSION PUBLIC HEARING FOR FINAL PLAT APPROVAL, WITH WAIVERS OF
ENTITLEMENT TO BUILD TO BE RECORDED WITH THE FINAL PLAT**

VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

ELK RIDGE
MEADOWS PUD,
PHASE 1 –
REQUEST FOR
TIERED RATE –
INSPECTION BOND

Mayor Dunn: The developers of Elk Ridge Meadows PUD, Phase 1, have requested to be approved to bond using the tiered structure for the Inspection Bond, rather than using the flat 6% rate. The Code is changing to the tiered rate. The Mayor contacted David Church to ask if the new, expected Code could be applied. Mr. Church's response: If, in fact, the City really are going to change the ordinance, we can do this before the formal change. The only problem is, if the Council changes its mind; and then the developer has paid less and has to make up the difference. The City would need an agreement from him that he will bring in the difference if the Code does not change.

In the Mayor's absence, Mayor Pro-tempore Harward polled the Council and received 4 "yes's", and one absent (Raymond Brown). A ratified vote is needed.

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO RATIFY THE POLLED VOTE TO ALLOW THE DEVELOPERS OF THE ELK RIDGE MEADOWS PUD, PHASE 1, TO BOND FOR THE INSPECTION BOND; USING THE TIERED RATES, AS OPPOSED TO THE FLAT 6% RATE; BASED ON THE UNDERSTANDING THAT THE CITY CODE IS IN THE PROCESS OF CHANGE TO THE TIERED RATE
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

ACTION ON THE
PUBLIC HEARINGS

1. Water & Sewer Impact Fees Analysis:

MOTION WAS MADE BY MARY RUGG AND SECONDED BY ALVIN HARWARD TO ACCEPT THE WATER AND SEWER IMPACT FEES ANALYSIS, AS PRESENTED; WITH CORRECTIONS, NOTING THE "DEMAND ERC'S"
VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN

2. Park Impact Fee – Collection:

MOTION WAS MADE BY ALVIN HARWARD AND SECONDED BY MARK JOHNSON TO ADOPT AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE RELATING TO THE REGULATION OF THE USE AND DEVELOPMENT OF LAND IN THE INCORPORATED AREAS OF ELK RIDGE; REGARDING THE COLLECTION OF IMPACT FEES AT THE TIME OF THE ISSUANCE OF BUILDING PERMITS
VOTE (POLL): MARK JOHNSON-AYE, ALVIN HARWARD-AYE, MARY RUGG-AYE, NELSON ABBOTT- AYE NAY-NONE ABSENT (1) RAYMOND BROWN
Passes 4-0

3. Appeal Authority:

MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO APPROVE AN ORDINANCE AMENDING THE ELK RIDGE CITY CODE, CHAPTER 2; PROVIDING FOR AN APPEAL AUTHORITY IN PLACE OF A BOARD OF ADJUSTMENT
VOTE (POLL): NELSON ABBOTT-AYE, MARY RUGG-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE NAY-NONE ABSENT (1) RAYMOND BROWN

EXPENDITURES

General:

1. Roto-Tiller:

Public Works requested a mini roto-tiller for \$350.00.

2. Increase Landscape Budget:

Mary Rugg: \$10,000 has been budgeted for landscaping the rock wall; an additional \$7,000 is needed to finish the entire Park area and not miss anything; and to replace the sprinkler system. The contractor works for Spanish Fork City.

*Councilmember Rugg is to check and make sure this system is the water-saving system the Mayor spoke to her about.

MOTION WAS MADE BY MARY RUGG AND SECONDED BY NELSON ABBOTT TO APPROVE AN INCREASE OF \$7,000 TO THE 2006/2007 FISCAL YEAR BUDGET, FOR USE IN LANDSCAPING THE ELK RIDGE CITY PARK; PARK IMPACT FEES WILL BE USED FOR THIS PROJECT
VOTE (POLL): NELSON ABBOTT-AYE, MARY RUGG-AYE, ALVIN HARWARD-AYE, MARK JOHNSON-AYE NAY-NONE ABSENT (1) RAYMOND BROWN

**Mayor Dunn is to determine if cement steps can be installed between the upper parking lot and the Ballpark in the area of the message board.*


4 MINUTES

5 1. City Council Minutes of 3-27-07:

6 **MOTION WAS MADE BY NELSON ABBOTT AND WAS SECONDED BY MARY RUGG TO**
7 **APPROVE THE CITY COUNCIL MINUTES OF 3-27-07, WITH CORRECTION TO PG 3**
8 **VOTE: YES (4) NO (0) ABSENT (1) RAYMOND BROWN**

9 ADJOURNMENT

10 Mayor Dunn adjourned the Meeting at 9:20 PM.
11
12
13



City Recorder

