

**ELK RIDGE
CITY COUNCIL MEETING
November 8, 2022**

TIME AND PLACE OF MEETING

This regularly scheduled meeting of the Elk Ridge City Council was scheduled for **Tuesday, Nov. 8, 2022, at 7:00 PM**. The meeting was held at the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah. Notice of the time, place, and Agenda of this Meeting, was provided to the Payson Chronicle, 145 E. Utah Ave, Payson, Utah, and to the members of the Governing Body on May 23, 2022.

ROLL CALL

Mayor: Robert Haddock

Council Members: Nelson Abbott, Tricia Thomas, Cory Thompson, Tanya Willis Absent-Jared Peterson,

Others: Royce Swensen, *City Recorder*, Laura Oliver, *Deputy Recorder*, Deputy Monsen

Public: Larry Lee

OPENING REMARKS– INVITATION

Opening remarks were offered by Diane Martin

Pledge lead by Councilmember Thomas

APPROVAL/AGENDA TIME FRAME

**COUNCILMEMBER PETERSON MOTIONED TO APPROVE THE AGENDA AND TIME
FRAME NELSON ABBOTT SECONDED**

VOTE: AYE (5) NAY (0) APPROVED

PLANNING COMMISSION UPDATE

Maureen Bushman stated the Planning Commission discussed the Traffic Management proposed ordinance and traffic study and the city survey.

Councilmember Abbott suggested that the traffic study be done after the roads in neighboring cities finish the road construction that affects the roads outside Elk Ridge City in order for the figures to be accurately reflected.

PUBLIC FORUM

Liz Moeller - There are many different landowners, many of whom are longtime residents of the community. Our interest is in making sure that property rights are respected. They have engaged professionals to present a plan at their own expense. Our top priorities are safety and ensuring any development is done in a responsible way and want to work with the city to make sure that development is done in a balanced, fair and responsible way. Many have sent in written concerns and would like the council to carefully review and consider them.

Karl Shuler - One of the biggest questions council and planning commission has had is lot size. He and others had an aerial survey done to see where buildable areas actually are in the 476 acres. There are 286 acres that would be considered buildable and for the 4 acre lot size there would only be 70 lots. If the lots are 1 acre, taking out roads and trails there are 250 lots. There is a misconception that there are 400 lots. This area would not be developed by one developer but many and would be done gradually. The defensible space around a home only needs to be 100 feet not the 150 feet which Chief Waite stated in the last meeting. He has spoken with Chief Waite since that meeting and Chief Waite stated to him that 150 was incorrect, so a 50 foot setback for defensible space would work. He reviewed the zone of 10 acres and 1 acre areas and bonus densities of the surrounding Payson areas and would like the council to reconsider the larger lot sizes.

Larry Lee - In a lot size of 4 acres here is only 1 acres of defensible space and the rest of the lot is not treated defensibly then that's a lot of acreage that is a fire hazard. If there are large lots up there, then there needs to be a continuity for defensible space.

Connie Strang - She spoke with the Fire Chief of Woodland Hills, and he said that 4 acre lots would be harder to defend than a 1 acre lot.

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56 **PUBLIC HEARING**

57 **BUDGET AMENDMENT- PUBLIC WORKS FLEET**

58 Mayor Haddock stated a budget amendment is needed to renew the lease option on the public works
59 trucks
60 Opened the public hearing and will it remain open.
61

62 **REGULAR CITY COUNCIL MEETING AGENDA ITEMS:**

63
64 1. **FISHER HAVEN PLAT A PRELIMINARY AND FINAL APPROVAL**

65
66 COUNCILMEMBER ABBOTT MOTIONED TO APPROVE FISHER HAVEN PLAT A
67 PRELIMINARY AND FINAL PLAT AS PRESENTED COUNCILMEMBER WILLIS SECONDED

68 VOTE AYE (4) NAY (0) APPROVED Absent - Councilmember Peterson

69 2. **RIDGE VIEW MEADOWS PLAT C PRELIMINARY AND FINAL APPROVAL**

70 COUNCILMEMBER THOMAS MOTIONED TO APPROVE RIDGE VIEW PLAT C
71 PRELIMINARY AND FINAL PLAT COUNCILMEMBER ABBOTT SECONDED

72 VOTE AYE (4) NAY (0) APPROVED - Absent - Councilmember Peterson

73 3. **MICAH OLSON PLAT A ENTER DURABILITY AND ACCEPTANCE INTO THE CITY**

74 COUNCILMEMBER ABBOTT MOTIONED TO ACCEPT MICAH OLSON SUBDIVISION INTO
75 THE CITY AND RATIFY THE POLL VOTE COUNCILMEMBER WILLIS SECONDED

76 VOTE AYE (4) NAY (0) APPROVED Absent - Councilmember Peterson

77 COUNCILMEMBER ABBOTT MOTIONED TO ACCEPT INTO DURABILITY MICAH OLSON
78 PLAT A SUBDIVISION EFFECTIVE OCTOBER 27, 2022 COUNCILMEMBER WILLIS
79 SECONDED

80 VOTE AYE (4) NAY (0) APPROVED Absent - Councilmember Peterson

81 Councilmember Thomas AYE
82 Councilmember Abbott AYE
83 Councilmember Willis AYE
84 Councilmember Thompson AYE

85 4. **AUDIT PRESENTATION, GREG OLSEN**

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87 Greg Olsen, Auditor presented the 2021-2022 city audit. There were no findings, and the city is in
88 excellent shape and has no debt which is very impressive. The city staff and mayor have done a great
89 job.
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91 5. **LIGHTHOUSE SUBDIVISION DISCUSSION**

92 Mayor Haddock stated there are a number of concerns that the city has in regards to infrastructure in
93 which he would like the council input; the rock wall is 10' - 11' rather than the 9' maximum height on
94 the plans, because of the slant of the wall the sidewalk width is now narrower than the plans state, the
95 plans call for a black chain link fence and the road isn't measuring to the required width.

Councilmember Thompson stated with the assurances the developer gave the council approved the change to the rock wall, and he is disinclined to give any exceptions. Councilmember Abbott stated the development needs to be shut down until all the missteps the developer made are corrected. Councilmember Willis stated the maintenance will be higher on a vinyl fence Councilmember Abbott stated the snowplow is going to blow a vinyl fence apart. Mayor Haddock stated the developer met with the 55+ community and the community wanted a vinyl fence to block headlights. Councilmember Thomas stated while she appreciates the developer wanting to do what the 55+ community wants, the 55+ community are not the ones who approved the plans, the council does. Councilmember Thompson stated they shouldn't have changed it without getting approval from the City Council. Mayor Haddock stated the drainage to Elk Ridge Dr. needs to be looked at to see if it is in and can function as planned. Councilmember Thomspson stated the developer needs to stop and fix the problems to meet what was approved, the developer just can't change things. Councilmember Abbott stated the city has city standards that have to be followed, if those standards are not being followed the items in questions need to be fixed or they will not enter into durability. Just because the neighbor (55+) says you can do something doesn't mean you can if the city says you can't do it. Councilmember Thomas stated the developer needs to be told about these issues now so they can make the changes before the development goes any further. Councilmember Thompson stated the issues need to be fixed.

6. CE3 ORDINANCE

Councilmember Willis stated since the last time council met, she and Councilmember Peterson talked about open space and about making a 3rd designation called Preserved Open Space to lessen confusion. Preserved Open Space would include ravines, ridgelines, wildlife corridors, 20% slopes, 30% slopes. If it is in the Preserved Natural Space the only things that could disturb it from its natural conditions is fire mitigation, emergency situations, removal of invasive vegetation, and other things as approved by city council. These areas would be marked on the plat map. If an area falls in more than one restrictive area the most restrictive governs. Discussion ensued on front setbacks and having defensible space of a 50-foot frontage plus the width of the road which gives homes 100 feet defensible space from the home across the street. Councilmember Abbott stated the front setback of 50 would make it more difficult to defend a home and increase the amount of unbuildable land. Fire hoses are 30 feet; 30 feet is better than 50 foot setbacks. The rest of the city has setbacks of 30 feet so that homes can be defended. Councilmember Thompson stated he will support what the professional, such as Chief Waite recommends. Councilmembers called and invited Fire Chief Waite to the meeting to discuss the setbacks and emergency services. Fire Chief Waite is not concerned with having a front setback of 30 feet since it makes homes more defensible, and council members were fine with changing the front setback from 50 feet to 30 feet. Fire Chief Waite stated he misspoke when he said side setback requirements should be 150, the WUI side setback requirements are 100 feet and a lot depends on the variable of the lot, such as lot size. Fire mitigation can also be done through building materials, inside sprinklers etc. Discussion ensued on overlap and fire mitigation on larger lots and smaller lots. 3 Councilmembers agreed to 100-foot side and back setback on a 4-acre lot. Discussion ensued on the larger setbacks would not work on a 1 acre lot but would work on a 1.6 acre lot or 60,000 sq ft lot. Discussion ensued on the 1-acre lot setbacks with 50-foot setbacks that include required fire mitigation, noncompliance, and liability. Councilmember Thompson stated the city needs a code that lets the landowners utilize their property in a way that is safe but reasonable. It's easy to say too bad the landowner didn't maintain their property, but the city can do better than that because that philosophy can apply to anything, that is not how society works. There has to be a compromise making sure it is safe and also usable. A 50-foot setback on an acre lot may work, and still build a 12,000 square foot house, sounds pretty good, he would buy that, and putting fire mitigation requirements in place is not unreasonable and fine those that do not comply. Councilmember Abbott stated he would not have 4 acre

lots at all and would prefer a straightforward 1-acre lot with state fire mitigation requirements and that the contour of the land and the ingress and egress will dictate how many homes can be built and where. Councilmember Abbott stated fire mitigation needs to be in place before a certificate of occupancy is issued. At least three Councilmembers agreed to 50-foot side and back setbacks on 60,000 square feet lot with state code Wildland Urban Interface fire mitigation requirements. Discussion ensued on frontage being minimum 120 feet and cul-de-sacs 60 feet. Council went through the ingress/egress roads section. There were no other items of concern.

COUNCILMEMBER WILLIS MOTIONED TO APPROVE ORDINANCE 22-07 CE 3 ZONE WITH THE CHANGES MADE TONIGHT COUNCILMEMBER THOMAS SECONDED

VOTE AYE (3) NAY (1) APPROVED Absent - Councilmember Peterson

Councilmember Abbott voted nay

Mayor Haddock closed the public hearing for the budget amendment. There were no public comments or concerns

7. **BUDGET AMENDMENT PUBLIC WORKS FLEET**

COUNCILMEMBER WILLIS MOTIONED TO APPROVE RESOLUTION 22-11-08-1R BUDGET AMENDMENT COUNCILMEMBER THOMAS SECONDED

VOTE AYE (4) NAY (0) APPROVED Absent - Councilmember Peterson

Councilmember Willis	AYE
Councilmember Thompson	AYE
Councilmember Abbott	AYE
Councilmember Thomas	AYE

8. **BUDGET AMENDMENT PRV PROPOSAL**

Councilmember Abbott would like a second opinion and measurement to see if the prv's really need to be done.

COUNCILMEMBER WILLIS MOTIONED TO MOVE THE BUDGET AMENDMENT TO PUBLIC HEARING FOR THE PRV'S IN THE AMOUNT OF \$262,000 ON DEC 13, 2022.COUNCILMEMBER THOMPSON SECONDED

VOTE AYE (4) NAY (0) APPROVED Absent - Councilmember Peterson

9. **WATER CONSERVATION AND MANAGEMENT PLAN**

The city council had no concerns.

10. **FINANCIAL REVIEW**

The council had no concerns or questions.

11. **FRAUD RISK ASSESSMENT**

There were no concerns

12. **APPROVAL OF CITY COUNCIL MINUTES FOR SEPTEMBER 13,2022**

177 COUNCILMEMBER ABBOTT MOTIONED TO APPROVE MINUTES FOR SEPTEMBER 13, 2022
178 IN ORDER TO COMPLY WITH STATE REQUIREMENTS COUNCILMEMBER THOMAS
179 SECONDED

180 VOTE AYE (4) NAY (0) APPROVED Absent- Councilmember Peterson

181 13. **APPROVAL OF CITY COUNCIL MINUTES FOR OCTOBER 25, 2022**

182 COUNCILMEMBER ABBOTT MOTIONED TO APPROVE CITY COUNCIL MINUTES FOR
183 OCTOBER 25, 2022 COUNCILMEMBER THOMAS SECONDED

184 VOTE AYE (3) NAY (0) APPROVED Absent- Councilmember Peterson

185 Abstain- Councilmember Willis

186 COUNCILMEMBER WILLIS MOTIONED TO ADJOURN COUNCILMEMBER THOMPSON
187 SECONDED

188 VOTE AYE (4) NAY () APPROVED Absent- Councilmember Peterson

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190 _____
Laura Oliver