

February 03, 2024

TO: Mayor Haddock and the Elk Ridge City Council

FROM: Karl Shuler, Shuler Joint Properties

RE: CE3 Zone and Payson Annexation

Dear Sirs:

Our purpose for this letter and requesting time on the city council meeting agenda is twofold. First, we request that the Elk Ridge City Critical Environmental Zones, particularly the CE3 zone, be reviewed by the new city council. After more than a year of workshops, field trips, and meetings with the planning commission, trails committee and city council several of the most critical issues were undecided. At a city council meeting with two councilmen not present, the CE3 code, in our opinion was hastily brought to vote and passed with a minimum legal quorum. In the best interest of the community, we feel this zone should be reviewed and considered by the full new city council. Elk Ridge, after many years and multiple codes, still has never had any developments of residential or recreational use in the zone. We would suggest taking a look at cities with experience in this critical environment area. Cities like Woodland Hills, Spanish Fork, Bountiful, and Draper all seem to have workable codes while still protecting this valuable asset to their communities. You could also take a look at previous versions of Elk Ridge critical environment codes. Some of the past versions were developed through hundreds of hours of work by the planning commission, with professional city planner advice, and engineering consultation. Due to budget constraints, many of these professional advisors are no longer available. Maybe you should consider something closer to the previous in effect 2005 – 20015 plans and codes.

Secondly, we as property owners and citizens of Elk Ridge, wish to be transparent and forthright with the City of Elk Ridge. We wish to formally announce that we are pursuing the possible annexation of our 121 acres into Payson City. We have had several meetings with the Payson Mayor, the city planner, and other development services representatives. These meetings have been productive and it seems we have more common goals and vision of the recreation and development possibilities with Payson City as opposed to Elk Ridge City.

Sincerely,

Karl Shuler
Shuler Joint Properties

Encl: Code Comparison Table

Critical Environmental and Sensitive Zone Comparison

City	Lot Size/Density	Slope Restrictions	Road Grade & Intersections	Sensitive Area Restrictions	PUD/Clustering, Trails & Amenities	Remarks
Elk Ridge (based on previous code. The new code is more complicated and restrictive)	4 acre with 1 acre clustering option when giving up 40% open space and other amenities. Ref 10-9B-13-1; Slopes of 20% or > designated as "Open Space". Ref. 10-9B-11-1.	20-29% limited disturbance restrictions and density bounds restricted to <20% Ref. 10-9B-11. 30% Undisturbed /Unbuildable Ref. 10-9B-97 & 8	10%, with 12% exception. Ref. 10-9B-12-2	Ridge Lines, Ravines and Drainages, Wildlife Corridors, Faults, Unstable Soils. Ref. 10-9B-9-1 thru 6. Restrictive natural terrain and vegetation restrictions. Ref 10-9B-13-13 thru 16.	Trails, Trail Head Parking, Emergency Staging Area and Other Amenities. Ref. 10-9B-11-4. Clustering with higher density to protect natural terrain with . 5 acres has been removed. Ref. 10-9B-13-3	Most restrictive of any in this comparison. Very restrictive with 4 acre for the entire CE3 zone. Clustering with grouped smaller lots; has been removed. Code is complicated by comparison.
Woodland Hills	The most similar areas areas are: R-1-1, 1 acre; R-1-2 PUD and R-1-2 both are 2 acre; R-1-19, 19k sf or .5 acre; Mountain Village PUD Overlay 50% 19K with up to 50% 4 units per acre or 1/4 acre lots. There is a very small RR1-10, 10 acre in the NE agricultural transition area. Ref Chp 8, sec 10-8-5 and 10-10B-6.	Less than 20% no restrictions. 20-30% The buildable slope is identified in the Natural Hazards Assessment, as prepared by a Utah State a Licensed Geologist or Engineer and approved by City Engineer. >30% undevelopable. Ref. 11-9-3-A	Street Grade: 10%, with exception 12% up to 1000 ft, and 14% up to 500 ft. Ref Woodland Hills Construction Stds. 2.3.11	Sensitive or Hazard areas listed faults, landslide and avalanche and other hazard areas.) to be determined by a Utah State licensed geologist or engineer using Woodland Hills Geo Hazards Map as reference. Then approved by the Woodland Hills City Engineer. Ref 11-9-3, 4, & 5 and Woodland Hills Geo Hazards Map.	Open area, trails and amenities are given by developer as part of PUD overlay. Up to 40% of development can be given for increase density. Various percentages are given for amenities. Lots are allowed to 1/2 or 1/4 acre. Ref 10-10A-1, and 10-10A-4	Less restrictive in each category. Considerably less restrictive in lot size, slope restrictions, and road grade. PUD encourages clustering and other amenities in return significantly higher density.
Payson	MH-1, 10 acre; MH-2, 1 acre Clustering and PRD possible. (Hillside Protection Overlay. indicates the following regardless of underlying zone based on slope.) 20 and < existing zoning. 21-25% 15K (1/3 acre), 26-30% 1/2 acre. 30% > development not permitted. Ref 14.16.020	0-20% No restrictions, 20-25% allowed by Geological Report pursuant to PCC 14.12.030, 25-30% as per PCC 14.16.060, >30% not buildable. NO clearing, no excavation. Ref. 14.16.060, 14.16.030	Street Grade: Max 12% with 15% for 300 ft. in 2000 ft of street. Collective Driveways serves maximum of 6 units. Cul-de-sacs serve no more than 10 dwellings with max of 400 ft. Ref. 14.16.070	Some ridge line protection, as highly visible from major roadways in Payson. "p" Ridge. No building within 100' of the crest. 14.16.040. Some Critical Wildlife Habitat Limitations (basically open space). Open space encouraged by allowing clustering. Ref. 14.24.030, 14.24.040	Clustering allowed in PRD (Planned Residential Development). Up to 25% bonus density for public amenities. Ref. 14.16.050. Trails required for public access as per PC Trails Element. Ref. 14.16.130	When taken as a whole, somewhat less restrictive. The Mountain Homes (MH) has 1 acre and 10 Acre lot sizes, 10 acres seems restrictive, but clustering and PUDs encouraged, allowing for greater density. Street grade is less restrictive. Sensitive Areas are less restrictive. PUD and Clustering encouraged.

Critical Environmental and Sensitive Zone Comparison

City	Lot Size/Density	Slope Restrictions	Road Grade & Intersections	Sensitive Area Restrictions	PUD/Clustering , Trails & Am	Remarks
Spanish Fork	R-1-30, 30,000 sf (3/4 ac.), R-1-6, <.25 ac.; R-1-12, 12000 sf (.25 ac)	>33% considered "steep slope", 25-33% requires geotech report. <25% no restriction. Building Site/Envelope must be 4,000 sf and <33% slope. Ref 15.4.16.170-3 & 4.	Max Grade 12%, >8% requires approval by the City Engineer. Ref. 15.4.16.170-9	Sensitive Lands Map includes : Faults, Flood Plains, and Wet Lands. No specific restrictions other than what is determined by geotechnical report and slope stability analysis. Reviewed city engineer. Revegetation plan must be approved. Accepted by the city prior to termination of development improvement bond. Ref. 15.4.16.170	Master Plan Development/ PRD/PUD and clustering possible in hillside developments. PUDs have been extensively used.	The code appears to be much less restrictive than Elk Ridge in every area. Significantly higher lot density. In general this is the area near the mouth of Spanish Fork Canyon and south of the municipal golf course.
Draper	As per underlying zone. RA1 40k sf, RA2 20k sf, RR43 1 acre, RR22 .5 acre, Also PRD (Planned Residential Developments) with less than .5 acres lots, and RM (Residential Multi Units) Ref 9-16-040-B,C,I	30%> Undevelopable. Ref 9-16-040-A	Max grade 12%, Intersections 5% with Exceptions. Ref 9-1-6-050-I	Faults Restricted to > 10', active landslides, perched groundwater or shallow ground water, Rockfall zones. Ref 9-16-50-G	Trails advocated, but no more the 5% of development. Ref 9-16-050-J.	Considerably less restrictive in each category. Note. there is a special section on preventing actions that involve physical taking or exaction of private property that may have constitutional taking issues. See Draper Code Chapter 4 Section 2-4-060