

**ELK RIDGE
CITY COUNCIL MEETING
February 13, 2024**

TIME AND PLACE OF MEETING

This regularly scheduled meeting of the Elk Ridge City Council was scheduled for **Tuesday, February 13, 2023, 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 February 12, 2023.

ROLL CALL

Mayor: Robert Haddock
Council Members: Jared Peterson, Cory Thompson, Tanya Willis, Melanie Paxton, Charles Wixom
Others: Royce Swensen, *City Recorder*, Laura Oliver, *Deputy Recorder*, Deputy Monsen,
Public: Rueben Lisonbee, Sot Bell, Lisa Graham, Larry lee, Robert Paxton, KC Bush, Doralee Bush, Joe Anderson, Greg Shelton, Andrew Jackson, Maureen Bushman, Carolyn Cross, Dianne Schultz, Robert Strang

OPENING REMARKS– INVITATION

Opening remarks were offered by Joe Anderson
Pledge lead by Councilmember Wixom

APPROVAL/AGENDA TIME FRAME

COUNCILMEMBER WILLIS MOTIONED TO SWITCH ITEM 2 LEASE TERMINATION TO ITEM 6
AGENDA AND TIME FRAME COUNCILMEMBER WIXOM SECONDED

VOTE: AYE (5) NAY (0) APPROVED

PLANNING COMMISSION UPDATE

Maureen Bushman Planning Commission Chairperson stated she will be commenting on the Parks during that item discussion.

PUBLIC FORUM

Rueben Lisonbee - stated he is against the Shuler Proposal to change the CE3 zone down to quarter acre lots so more houses can be built. It is a greedy, ungrateful, spoiled, bully mentality making threats which is why the city shouldn't consider making changes. The same people that are presenting recreational areas are the ones that have close access to the mountain. The threat of annexing into Payson is sad. The city sets the rules and set a critical environmental zone which is not an unimportant zone. The CE3 zone requirements are for the beauty of the city and the preservation of our wildlife and lands. Please do not do anything that is irreversible without thinking this through and work this through with all parties to make this work.

Larry Lee stated that the Wildland Urban interface (WUI) is in error in the CE3 zone and council made assumptions on the WUI code about defensible space. If a lot has 100 feet of defensible space around a home, then you do not have to reduce the fire load. It allows 100 feet for firefighters to control a fire. You can have a 30-foot defensible space around a building clad with fire resistant siding and decking. The greatest fire load is a house. If you clad a house in fire resistant material, then that house fire load isn't considered part of the fire load for approximately an hour. If we select very large properties and we have 100 feet of defensible space around it according to the WUI there is hardly any reduction of the fire load which is the canopy. A fire can burn through that if it is coming from a wildland. If the defensible spaces are not overlapping, then they do not create a barrier and the fire goes around. What it results in is the city is not protected if the less protection is chosen according to WUI. We want to increase the people up there to clad the homes roofing 1 hour fire rating and siding to decrease the fire load for at least a half hour. If you have a woodland fire come through, the major defense is a fire break which has to be wide enough so a fire cannot go around it or jump over it. If there is a bunch of defensible space up there a fire will go through, it will find every weakness. Fighting fires is not successful a lot of the time. The city was lucky the wind changed direction. Urban firefighting is really house fire fighting. The city's system is very well

set up with good training, a fire department, good access, good barriers, good utilities that are really good for a city fire, but a woodland fire will find any cracks. The city needs to reconsider CE3 and let people build closer on smaller lots with overlapping defensible space. A road can be a very good fire break and make sure there is a road between the homes and the woodland.

Robert Paxton stated in 2017- 2018 there was a movement by one of the city planners to develop 5 acre lots in the south end of the city. The landowners were against because they were originally selling as one acre lots. Moving to 5-acre lots landowners couldn't develop. The City Council and Planning Commission said they would be honest with the landowners and stay at the same level of density that they had and made the one acre lots with clustering of ½ acre lots so there could be open space. At that time it was zoned HR1. Sometime in 2018 or shortly thereafter, there was a change to CE 3. The landowners were not notified of that and then CE3 was changed and voted upon by a minimum quorum in 2022. The landowners presented their cases and it fell upon deaf ears. Robert concurs with Karl's letter and would like to call for a reconsideration of the zoning of those lands. Robert met with a fire marshal from a local city who works with the landowners to develop their properties in a safe manner, and they have parameters to do that. That fire marshal said that development helps reduce the fire as long as certain types of trees and shrubs are removed around a house. There is a conflict between what the Fire Marshall here has said, and what the other Fire Marshall has said and perhaps he should go to the state Fire Marshall to see what he says. Robert concurs with Karl who will be speaking.

Scott Bell stated the city council did a tremendous job for the community. He has lived here a few days, and he has never seen an item bantered about so much. There was a tremendous amount of discussion and research by the council members. As a resident he wanted to say thank you to the council for taking the health, safety, and welfare of this community as a priority. Elk Ridge is a very unique and diverse community. The topography is unlike most any other city. There are canyons, major drainage problems, urban interface, flat areas which are ideal for clustering, and all kinds of challenges that are unique to Elk Ridge unlike a lot of other cities. When he looks back at the decades he has lived here he remembers every spring they would sandbag Loafer Canyon. In the early days of the city, had we been proactive in truly looking at ways to eliminate problems instead of kicking the can down the road, we wouldn't be joking about saying "I saw you on KSL sandbagging". There was an opportunity in the early years to make sure that the city didn't have to deal with mitigation for decades and we kicked that can down the road. While that topography is highly unique in Loafer Canyon, the topography on the south end is equally challenging. He commends the council for wanting to be on the front end of solving problems, on the south end of town and not trying to figure out how to mitigate problems for the next coming decades. The council holds the power and the key to making sure that the city's existing and future first responders help to take care of our city. As a resident this hit home. Several years ago when the smoke rose, Fire Chief Waite and Kevin Paxton walked into his back yard and said they have a fire break big enough for this home if it continues at the pace it's coming. Make sure you get everything you want, and we will let you know how it progresses. In spite of maybe his neighbor not trimming his stuff down and he had a greater defensible space, he might have felt a lot more comfortable as he left the property that day questioning whether or not that would be home. The city owes it to the residents, future residents and the first responders to look after their health and safety, and welfare.

Robert Strang stated he is a developer and has developed these types of properties in Highland, Alpine, and Park City and there is not anything that can't be mitigated to suppress fire hazards, flood hazards with debris basins. The correct engineering needs to be done. We need a council that is open to what our needs are. We haven't had that with the last council. He supports Karl's letter that he is working on, and he would just as soon get out of this city if the city can't work with him. He thinks that we can work with the community to create a project up there that can range between half acre to 10 acre lots, a mixed type of community to use the typography the way it exists. Beautiful and livable. He would like the opportunity to work with the council on that or get out of the city. If landowners can't get services from the city to develop something that is unique up there... He can build a log home up there on 35 acres and that is fine. With what the council is putting out there it doesn't make any sense to try and develop a community that is not economically feasible to build.

REGULAR CITY COUNCIL MEETING AGENDA ITEMS:

1. KARL SHULER CE3 ZONE AND PAYSON ANNEXATION PRESENTATION

Mayor Haddock turned the time over to Karl Shuler stating they would try to not make this a discussion

but to listen. Karl Shuler stated that they are welcome to ask him questions. Karl Shuler thanked the council for letting him speak and hoped the council had a chance to read his letter and chart for other cities as well as the referenced codes. Karl read his letter which opposed the CE3 changes and asks for the council to reconsider the CE3 zone. Karl asked the council to go back and look at the older code which was very restrictive, had professional planners and engineers draft those codes. Karl Shuler and the other landowners formally informed Elk Ridge City of their intent to consider annexation into Payson City. They have had 3 meetings with Payson City which included their mayor, director of development, their city planner, and some subordinates. They discussed the future of that area and looking forward proactively not as a negative in restricting this and that. It was more of a proactive approach with what they wanted as far as recreation and that Payson had had contact with Elk Ridge in planning with them. They discussed services and utilities and access. If Elk Ridge works with Payson City, we could get better access that would mitigate and would help with the fire concerns. It has always been a concern of how to get people in and out of that area if there is a fire. Firefighters in people out. On the east side several landowners have wanted to get into Woodland Hills. Loafer Canyon would like to get into Woodland Hills. The south end landowners would like to disconnect from the city and has even talked about going into the county, which he thinks is not a good decision. They would go wherever they could to get a fair shot. The Shuler's on the west and adjoining landowners are looking at going to Payson. If every landowner on the east and west of the city going to other cities there is something wrong with the code. Everyone that worked on the code, though well intended, were all trying to do the best for the community, but it got off track. Karl thanked the council and asked if they had any questions. Councilmember Wixom asked if Karl wanted the city to basically open up the CE3 for discussion and asked if there was a list of things that Karl would like to be reconsidered? Karl Shuler stated he didn't have a list, but road grades needed to be looked at, sensitive area restrictions are overlapping, the ridge line is overly restrictive, ravines are overly restrictive. This past year there were concerns of flooding and there wasn't any, it all sucked into the ground. There is a lot of contracting verbiage on vegetation and defensible space. Lot size is very critical. Councilmember Thompson stated one question that came from the CE3 discussion was access, which came up multiple times. Where is Payson going to cut a road from Payson into your property? Karl Shuler stated they haven't said yet, but Payson talked about the possibility of cutting a road up by Walker Flat where the trail comes in for the bikes. You can drop down just below that so it wouldn't bother the walkers and cyclists and come in almost level all the way around and come into Payson City property. Councilmember Thompson stated he remembered that came up and at the time Payson was adamant they would not cut a road from the canyon or anywhere over there into that property. Elk Ridge couldn't do it because there are not 2 access/egress points. Karl Shuler stated there is High Sierra and Hillside Dr. Councilmember Thompson stated Hillside is too steep. Karl Shuler stated Shawn Eliot showed the council how the road could swing around. Councilmember Thompson stated he didn't want to get into it right now, but if they wanted to get into Payson, it was asked where they would cut a road, how would they do it because previously Payson said they wouldn't and wanted to know if Payson had resolved this. Karl Shuler stated it has not been resolved. Mayor Haddock asked Andrew Jackson if the program that is set up through Mountainland with Horrocks Engineering to help smaller cities, if reviewing a code is part of that program? Andrew Jackson, Horrocks Engineering stated he retired from 25 years at Mountainland and is now helping Elk Ridge review the General Plan. That is covered under the contract plan. He looked at the code previously and would review the code along with GIS for slopes and grades and mitigation plans.

2. **MAUREEN BUSHMAN: PARK NAMES**

Maureen Bushman stated the Planning Commission is working on the General Plan and updating the maps and would like the council's input on the park names. The Planning Commission would like official names for all the park areas. The parks on the north end of the park are Elk Ridge Meadows (often referred to as Sky Hawk Park) and continues across the street. The park in the most northern part of the city is called Mount Loafer Park and it is also in 2 areas crossing streets. The question is, should the parks be named after the streets they are on, and should all the different sections have different names? When drafting grants, being able to be specific is critical. Some names that could be considered are Deer Run Park and Grizzly Way Park due to the roads they are on. The area on the corner round about needs a name so that it isn't only a description. The area at the south end of Loafer Canyon could be Loafer Canyon Park or Hidden Hollow. These are just suggestions and do not need to be decided tonight. This is something the City Council decides. The maps will go to public hearing and the public will have an opportunity for input.

Having suggestions for names to decide on would be best. The Beautification Committee would like to create signs for the parks. The blue circles on the map are possible parks and will not be named. They are there to show that the city would like parks in or around the area during development. There may not be 3 of them but that will be decided during development. Councilmember Willis asked if parks 1 and 2 (on the map) are clearly 2 separate parks? Councilmember Peterson stated 1 is in the middle of the homes, and 2 is, a wider grassy area and connects the trails. Councilmember Willis stated she always thought they were 1 park because they are connected by a trail. Maureen Bushman answered a question from a resident on the difference between open space and parks that open space has no amenities. It could be a ravine or oak brush but is just a natural area. Discussion ensued on park names. Maureen Bushman will have the following be placed on the map: Deer Creek Park, Grizzly Way Park, Elk Ridge Meadows, Gooseneck Park and Sky Hawk Park. Shuler Park will remain Shuler Park and Loafer Canyon Park for the land on Loafer Canyon after the federal government is done with the fire/flood mitigation efforts.

3. WATER RIGHTS, BUDGET AMENDMENT

Mayor Haddock stated the city is going to have an analysis done on the city water rights and needs to do a budget amendment.

COUNCILMEMBER WIXOM MOTIONED TO MOVE WATER RIGHTS BUDGET AMENDMENT TO PUBLIC HEARING COUNCILMEMBER PAXTON SECONDED

VOTE	5 AYE	0 NAY	APPROVED
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4. APPROVAL OF CITY COUNCIL MINUTES FOR DECEMBER 12, 2023

COUNCILMEMBER PETERSON MOTIONED TO APPROVE THE CITY COUNCIL MINUTES FOR DECEMBER 12, 2023, COUNCILMEMBER WILLIS SECONDED

VOTE	5 AYE	0 NAY	APPROVED
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5. APPROVAL OF CITY COUNCIL MINUTES FOR JANUARY 9, 2024

COUNCILMEMBER PETERSON MOTIONED TO APPROVE CITY COUNCIL MINUTES FOR JANUARY 9, 2024, COUNCILMEMBER WIXOM SECONDED

VOTE	5 AYE	0 NAY	APPROVED
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6. LEASE TERMINATION, BUDGET AMENDMENT

Mayor Haddock stated this item needs to move to closed session due to pending litigation.

COUNCILMEMBER THOMPSON MOTIONED TO ADJOURN TO CLOSED SESSION PER UTAH CODE 52-4-204 FOR ITEM 6 LEASE TERMINATION COUNCILMEMBER WILLIS SECONDED

VOTE	5 AYE	0 NAY	APPROVED
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COUNCILMEMBER THOMPSON MOTIONED TO ADJOURN COUNCILMEMBER WILLIS SECONDED.

VOTE	5 AYE	0 NAY	APPROVED
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Laura Oliver