

## NOTICE OF PUBLIC MEETING – AGENDA - AMENDED

Notice is hereby given that Elk Ridge City will hold a specially scheduled **Planning Commission Meeting on Thursday, July 12, 2007, beginning at 7:00 p.m.** The meeting will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

7:00 P.M.      **Opening Remarks & Pledge of Allegiance**  
**Roll Call**  
**Approval of Agenda**

1. **Reschedule Nebo Heights Field Trip and Concept Review for July 19, 2007.**  
     – Review and Discussion
2. **Approval of Minutes of Previous Meetings** – May 17, 2007, May 24, 2007, June 7, 2007 & June 21, 2007
3. **Set Public Hearing for August 16, 2007 to Amend Elk Ridge City Code Regarding Inspection Bonding**
4. **Planning Commission Business**  
     – General Plan Survey Dissemination
5. **Oak Hill Subdivision, Plat D – Final Plat – RL Yergensen**  
     – Revegetation Plan – Review and Discussion
6. **Follow-up Assignments / Misc. Discussion**  
     – Agenda Items for July 19<sup>th</sup>

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 12<sup>TH</sup> day of July, 2007.

  
 Planning Commission Coordinator

### BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

#### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 12<sup>TH</sup> day of July, 2007.

  
 Planning Commission Coordinator



**ELK RIDGE PLANNING COMMISSION MEETING**  
**July 12, 2007**

- TIME AND PLACE OF PLANNING COMMISSION MEETING** A regular meeting of the Elk Ridge Planning Commission was held on Thursday, July 12, 2007, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah. This meeting was a week later than the regularly scheduled July 5, 2007 meeting, which was cancelled due to the July 4<sup>th</sup> holiday.
- ROLL CALL**
- Commissioners:* Russ Adamson, Kelly Liddiard, Paul Squires, Kevin Hansbrow, Scot Bell, Sean Roylance
- Absent:* Shawn Eliot, Dayna Hughes
- Others:* Ken Young, City Planner  
 Margaret Leckie, Planning Commission Coordinator
- OPENING REMARKS & PLEDGE OF ALLEGIANCE** Chairman, Russ Adamson, welcomed the commissioners and guests. Opening remarks were given by Margaret Leckie, followed by the Pledge of Allegiance.
- MOTION TO MAKE ALTERNATE MEMBER, PAUL SQUIRES, A VOTING MEMBER** **A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW, TO MAKE ALTERNATE MEMBER, PAUL SQUIRES, A VOTING MEMBER FOR TONIGHT'S MEETING AS THERE WERE TWO COMMISSIONERS ABSENT. VOTE: YES (5), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SHAWN ELIOT.**
- APPROVAL OF AGENDA** **A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KELLY LIDDIARD, TO APPROVE THE AGENDA FOR THE PLANNING COMMISSION MEETING FOR JULY 12, 2007 WITH ONE CHANGE, MOVING THE APPROVAL OF THE MINUTES TO THE LAST ITEM. VOTE: YES (6), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SHAWN ELIOT.**
- 1. RESCHEDULE NEBO HEIGHTS FIELD TRIP FOR 6:30 P.M., THURSDAY, JULY 19, 2007** There had been a field trip scheduled for tonight to the site of the proposed Nebo Heights Subdivision. Developer, Jared Alvey, was unable to attend so the field trip was rescheduled for next Thursday, prior to the planning commission meeting, at 6:30 p.m. Commissioner Liddiard had a scheduling issue and will be unable to attend.
- 2. SET PUBLIC HEARING TO AMEND THE ELK RIDGE CITY CODE REGARDING INSPECTION BONDING FOR AUGUST 16, 2007** **A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW TO SET A PUBLIC HEARING TO AMEND THE ELK RIDGE CITY CDE REGARDING INSPECTION BONDING FOR AUGUST 16, 2007. VOTE: YES (6), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SHAWN ELIOT.**
- This was per request of Mayor Dunn and City Recorder Jan Davis in order to bring the code in line with the process.
- 3. PLANNING COMMISSION BUSINESS – GENERAL PLAN SURVEY** The commissioners reviewed the final version of the General Plan Survey, prepared, with their input, by Bob Allen, a planner at MAG (Mountainland Association of Governments). The following comments ensued:
1. Russ Adamson felt that question No. 17 was confusing:
    17. *New growth has certain advantages including an increased tax base. A disadvantage is the added cost of extending infrastructure and services. Of the following options, which would you be most in favor of?*
      - *Imposing adequate fees on building permits*
      - *Each individual paying for the extension of the service they require with no reimbursement,*
      - *Each individual paying for the extension of the service they require, then by agreement with the Council, being repaid within a specified period of time,*
      - *Increasing utility rates*
- Russ was not sure what the second bullet item meant. He did not understand why there would be reimbursement.

All the commissioners agreed that they would like to know the information that Mr. Allen was seeking by asking this question, (what he was trying to accomplish with the question) and could it be reworded so it was easier to understand, if it was deemed necessary. Ken Young felt that if the commissioners were having trouble understanding the question, then it was too complicated for the survey. Margaret was asked to email this request to Mr. Allen.

2. Questions 4 and 5 were discussed. Chairman Adamson was concerned about the wording:
  4. *Much of the undeveloped land left within the city is in the hillside areas and is zoned 1 lot per acre. Do you feel one acre lots are appropriate for this area?*
    - o Yes
    - o Uncertain,
    - o No
  5. *Assuming the overall density remains the same, would you prefer clustering homes on smaller 1/3 acre lots with open space, or larger 1 acre lots with no open space?*
    - o Clustered with open space
    - o Larger lots with no open space.

Chairman Adamson asked if we were getting enough out of those two questions to help us as a planning commission? He stated that if people say “no” to question 4, we need to have a way of knowing what alternative they want.

After some discussion it was decided to leave both questions in but change the answer responses for Question 5 to:

- o Yes, (1-acre lot standard remain the same)
- o Would prefer larger lots
- o Would prefer smaller lots

3. It was proposed last week, via phone conversation with Margaret, by Dayna Hughes that the survey go out on August 31<sup>st</sup>. The newsletter has already gone out. We will figure out how to let citizens know the survey is coming when Dayna Hughes gets back. (She is out of town):

#### 4. OAK HILL SUBDIVISION – PLAT D, FINAL PLAT

The following discussion ensued regarding Oak Hill Estates, Plat D, Final Plat:

1. Chairman Adamson referred to the letter that was passed out tonight from RL Yergensen’s attorney concerning Oak Hills Plat D, Final Plat. This letter was hand delivered to the Mayor and Commissioner Squires.
2. The law firm of Van Cott, Bagley, Cornwall and McCarthy has been retained by Mr. R.L. Yergensen with regard to Oak Hill Estates, Plat D development and, specifically, Mr. Paul Squires’ correspondence concerning the re-vegetation plan for that development.
3. Some of the points in that letter (in tonight’s planning commission packed on file in the office) were as follows:
  - a. Mr. Squires correspondence may result in substantial damages, particularly in the event Mr. Yergensen is unable to have curb and asphalt in place before winter.
  - b. Mr. Yergensen stands ready to address any reasonable concerns about the re-vegetation plan.
  - c. Mr. Squires makes no suggestion as to how the plan could be improved to address his concerns.
  - d. The damages occurring to Mr. Yergensen by reason of inability to complete curb and asphalt prior to the winter season would be substantial.
  - e. Mr. Yergensen stands ready to discuss and revise the re-vegetation plan for the Oak Hill Estates to address any legitimate concerns to the satisfaction of the city.
4. Commissioner Squires made the following comments:
  - a. Mr. Hansen works for NRCS – Natural Resource Conservation Service. He is a colleague of mine at the Bureau of Reclamation. When Paul got the agenda and saw the re-vegetation plan, and saw his name on it, he went over to Mr. Hansen and asked if he actually went on-site.



- b. Mr. Hansen responded that he has been up there several times.
  - c. Paul asked him if he really believed that this is a sufficient plan for that area.
  - d. His response was that he was asked to come up with a plan that required no watering and no maintenance at all. Thus, what was included in the plan was the grasses and the mix.
  - e. During the meeting that RL attended I suggested coming up with a re-vegetation plan that followed code and would place the area back in a similar condition. Right now there is scrub oak, gamble oak and sage up there. These are the things I wanted to see on the benches.
  - f. Dave Hansen is a person of high integrity. I did not persuade him to write his letter. I asked him if he had concerns about the sufficiency of the re-vegetation plan and he said he did. He did not feel it would hold the retaining walls in place until the winter of 2009. He mentioned what might happen if there was significant rain, mudflows, etc.
  - g. He suggested to Mr. Yergesen that he put some gamble oak up there. Mr. Yergesen apparently talked to the state extension nursery and was going to get some sawtooth maple to put there. This will not grow on a south or west facing dry area.
  - h. I was concerned as I walked up there that if these walls go, they will end up in someone's home and the city will be liable. If there was any major water coming down, there are two houses in line, including commissioner Eliots.
  - i. The Mayor mentioned a hydrology study done several years ago that indicated that the drainage pipe was sufficient. I am still of the opinion that the grasses are not what came off the hillside, but the gamble oak was and it will grow on the hillside.
  - j. One of the problems is there is very little topsoil on the hillside. It will take some effort to get the oak to grow. The shrubs will need to be watered and maintained.
  - k. Dave Hansen did not change his opinion. He asked his supervisor if it was OK to write the letter.
5. Chairman Adamson read the following from a letter prepared by Shawn Eliot, who was unable to attend tonight's meeting:
- a. He does support what Paul Squires has done.
  - b. He thinks RL should be held to the requirement of a re-vegetation plan. It is somewhat true that at the time RL applied, a re-vegetation plan was not required; but, in the subdivision code it does state that the planning commission can require additional plans to facilitate their ability to approve preliminary/final plans.
  - c. Also, the Development and Construction Standards has a large section about hillside development and it does require re-vegetation plans. (an example of requirements in so many different places – code book, Development and Construction Standards, hard to figure all out)
  - d. Re-vegetation needs to occur on the hillside and retaining wall and along the south side of the property in back of the lots, as this area has near 30% slopes.
  - e. The drainage area needs to be shown on the plot map as an area to be undisturbed of the natural vegetation (as was done on my plot for my home). (RL was told by Mayor Fritz to stay out of the drainage area and leave it untouched, he did not do that)
  - f. Shawn Eliot mentioned concern about what would happen if a pipe broke in this area, not so much concern about run-off.
  - g. The motion should be detailed about where and what will be re-vegetated.
6. Russ read from Section 2.32.030, Nos. C-7&8, where it talked about replanting graded slopes with stabilizing plant material within 120 days after completion of final grade to prevent erosion...Natural vegetation shall remain in all areas where grading is not permitted. This code also states that the town may require additional landscaping in areas which were graded in order to supplement the natural vegetation and to prevent erosion and slope failures. These standards are adopted by law into our code, so we do have verbiage allowing planning commissioners to require this.
7. Paul Squires quoted from Section 10-9A-1 of the code where it talks about the CE-1 zone development. It talks of the need for the preservation of the natural environment conditions, mitigation of potentially adverse unsafe conditions arising from development activities, protection of the interest of subsequent purchasers and occupants. This is where he was coming from.

8. Paul read from paragraph 5: Preserve the aesthetic appearance of the landscape. Because of the sensitive nature of the land in this zone, special conditions and requirements are attached to developments occurring therein to promote the implementation of the purposes stated above and to mitigate the potential adverse aspects of developments in the area. Re-vegetation needs to occur on the hillside and retaining wall and along the south side of the property to the back of the lots since this area has slopes near and over 30% slope.

Chairman Adamson summarized that we do have some authority as a planning commission to require re-vegetation. Our job now is to make recommendations. RL's attorney mentioned they stand ready to accept reasonable recommendations. He read some of Shawn's suggestions in order to bring forward a motion to move RL's project forward to the City Council.

Chairman Adamson stated that the following conditions should be met by the re-vegetation plan:

1. The plan needs to include caring for the plants until maturity.
  2. The seeds need to be planted as soon as the retaining wall goes in.
  3. Shawn recommends scrub oak be planted once water is available to each lot.
  4. The city should meter each lot and bill RL for the water until each lot is purchased. Ken Young had not heard of that concept. Scot Bell stated the Mayor said there has been circumstances where the city has metered water for re-vegetation. RL indicated he would be willing to put in meters.
9. Scot Bell mentioned it is our stewardship on the PUD to oversee what is planted. He is not sure we have that same stewardship on CE-1 developments. He also asked if we required Karl Shuler to put in water to take care of his re-vegetation. It was brought up that with Karl's plat there have been specific comments about leaving the trees in. The re-vegetation comments were only about the road. Kevin Hansbrow stated that the Standards require stabilizing materials but don't specify the type. We can't tell them specifically what to put back in unless it is stated in the code, and it isn't.
  10. Chairman Adamson stated that we do have the ability, but in this case, it is a timing issue. We can hold RL to the commitments he made during preliminary phase, which did include putting in trees. I suggest putting these things in the motion based on RL's prior commitments of what he would do. The plan needs to come up with more than just the seeds. Kelly Liddiard recalled that RL had stated that he has already purchased the seedling trees. If he has them he may as well commit to putting them in.
  11. Sean Roylance added that we also need to consider re-vegetation of the area south and east of the hill. He said the safety issue can be backed up by state law if houses are in danger. Russ mentioned that none of these walls have been engineered. Scot Bell stated that if a wall is not in excess of four feet it does not have to be engineered. Paul mentioned they are beautiful walls, but the problem arises in that there is so little top soil. There is nothing to hold the hillside. Instead of tearing out and taking away the gamble oak (scrub oak) he could have just replanted it on the benches to reestablish the hillside, hold the hill and allow for erosion control and animal browsing.
  12. Paul Squires stated that the only planting that will need some attention until it stabilizes is the gamble oak, but it should not need excessive water.
  13. Chairman Adamson asked the commissioners if they came up with a motion that accepted his seeding plan plus some other things that he committed to up front, such as the gamble oak, and have him find a way to make them live, is that acceptable. The commissioners were agreeable.
  14. Kelly Liddiard recommended regarding the drainage area referred to by Shawn in his letter that RL had disturbed, that he put that back in the same state it was originally.
  15. Margaret Leckie read a statement from RL during preliminary plat consideration as follows: *"There are patches of oak brush that I will preserve, we could red-line it or whatever you want to do. Regarding the retaining walls, in 10 feet you come up 3 feet....."* The preliminary approval motion from those minutes was conditioned that the developer will conform to the city code regarding the protection of the vegetation and that the approval of the city engineer be obtained. Russ stated that there is no vegetation left up there. This is a

problem. He did not leave patches nor did we red-line, but the intent was that there would be more vegetation up there.

16. Paul Squires recommended that we accept his seeding plan and add to that gamble oak and sage. That would put it back close to its natural stage. Regarding where, Russ suggested the terraced areas. Regarding the west side of the property and the drainage areas referred to in Shawn Eliot's letter. Scot Bell mentioned that the drainage area is in another subdivision. A drainage study has already been done on that area by RL in 1997. Margaret read from that study done by Cole Engineering. A copy of that study is in RL's Oak Hill Estates Plat D file.

17. Margaret Leckie read from that study as follows:

*"At the request of RL Yergensen of South Jordan we have reviewed the conditions of the ravine which passes through Plat B of Oak Hill Subdivision, Elk Ridge, Utah. We understand that the hydrological study has also been performed for the drainage associated with the plat by Cole Engineering and they conclude the following: The flow from a 100 year storm in this drainage area will rise from 0 to a high of 30 feet per second in about 15 minutes then should rapidly subside and not cause any major erosion as long as the native brush and grass cover is allowed to grow. It should be noted that the ravine slopes are covered with a thick cover of oak brush and grass and the bottom of the ravine is mostly covered with grass. We concur with Cole Engineering that the erosion would be relatively small.*

*Also from that study: We recommend that no residence in the subdivision be located closer to the ravine than 30 feet measured from the center of the ravine or 12 feet from the crest of the ravine slope, whichever is greater.*

Chairman Adamson asked if any of staff has assured that he had followed that. No one had as they were unaware of the study, which resided in the Plat B file and was just pulled last week by RL. As preliminary has already been granted we cannot go back and check this, but would hope that RL will comply with this in his design.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY PAUL SQUIRES TO RECOMMEND APPROVAL OF THE FINAL PLAT OF OAK HILL ESTATES, PLAT D, WITH THE FOLLOWING CONDITIONS:**

1. **THE DRAINAGE AREA ON THE WEST SIDE NEEDS TO BE SHOWN ON THE FINAL PLAT. BASED ON THE FINDINGS OF THE 1997 STUDY DONE BY COLE ENGINEERING, NATURAL BRUSH AND GRASS COVER ARE TO REMAIN IN THAT DRAINAGE AREA, AND IF IT HAS BEEN REMOVED, RESTORE IT TO ITS NATURAL STATE.**
2. **THE REVEGETATION PLAN SHALL INCLUDE THE PLANTING OF NATIVE BRUSH AND GRASSES (SUCH AS GAMBLE OAK, SAGE, BITTER BRUSH AND GRASSES SHOWN ON THE RE-SEEDING PLAN SUBMITTED BY RL YERGENSEN AT THE LAST MEETING AND ENCLOSED IN TONIGHT'S PACKET) IN THE AREA OF THE TERRACED ROCK WALLS, AND DISTURBED AREAS IN THE SOUTH AND EAST OF THE TERRACED ROCK WALLS.**

**VOTE: YES (5), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SHAWN ELIOT, ABSTAIN (1) SCOT BELL.**

Scot Bell abstained from the motion as he had some influence on the developer.

Kelly Liddiard mentioned that the reason they added the brush is to make the plan adequate to meet safety concerns. (Stabilization of the hill).

Scot Bell recalled that the drainage area referred to is in it's natural state. That will need to be checked out.

The following discussion ensued regarding another project of Mr Yergensen's:

- a. Kelly Liddiard mentioned the property on Hillside Drive just east of Mahogany way could

use some re-vegetation.

- b. Scot Bell recalled that the city allowed this property to be rezoned from CE-1 to R-1 15,000. This meant that no re-vegetation plan was required. He felt that for this reason the city should be very cautious about changing CE-1 zoned land to R-1 15,000.
- c. Paul Squires suggested the re-vegetation of this area would make a good eagle scout project.

## 5. APPROVAL OF MINUTES OF PREVIOUS MEETINGS, MAY 17, MAY 24, JUNE 7 AND JUNE 21, 2007.

Chairman Adamson instructed the commissioners to look at their minutes and give comments. As they hadn't reviewed all the minutes, the only minutes looked at tonight were the minutes for the last meeting – June 21, 2007.

The following corrections were made to the minutes of June 21, 2007:

- a. On all motions, the vote portion shows Paul Squires as being absent and Russ Adamson as being present. Paul was present and Russ was absent. These corrections also need to be made in the roll call also.

It was decided to only review two sets of minutes per meeting and to include both those sets in the packets. At the next meeting, the minutes from tonight and from May 17<sup>th</sup> will be reviewed.

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY KELLY LIDDIARD TO APPROVE THE MINUTES OF THE JUNE 21, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE NOTED CORRECTION. VOTE: YES (3), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SHAWN ELIOT, ABSTAIN (2) RUSS ADAMSON AND SEAN ROYLANCE.**

Russ and Sean abstained as they were not present at the June 21, 2007 planning commission meeting.

## 6. FOLLOW-UP ASSIGNMENTS, MISC. DISCUSSION

- a. We are still working on the General Plan Survey
- b. We are working on a CE-1 code rewrite.
- c. Re flag lots, we may want to put on the agenda consideration of removing a flag lot option. Margaret brought up the point that she was not sure that was what the direction the Mayor and city council wanted to take. Ken Young stated that he would hesitate to eliminate all opportunities for flag lots.

Chairman Adamson mentioned, regarding the recommendation they took on Park View Corner, that a flag lot is a conditional use (The law states that if there are reasonably anticipated detrimental effects which cannot be substantially mitigated by the proposal, the proposal for that conditional use can be denied.) Ken Young felt that those reasons would have to be health, safety and welfare.

Russ stated that it was the feeling from last week's meeting that the community does not want flag lots. He questioned whether we should put it on the agenda. Ken Young stated the city council is now considering Park View Corner and we should probably wait and see how the city council votes on this issue. At their last meeting they did not have enough of a quorum to pass their vote. There was one vote against, and two in favor of the project (which included the flag lot).

Ken Young felt we should have a discussion with city council before we propose this as an agenda item. Chairman Adamson postponed discussion on this item until after the city council vote.

- d. Margaret Leckie reviewed agenda items for July 19<sup>th</sup> as follows:
  - Set Public Hearing to amend the General Plan Circulation Map to remove a portion of Cotton Tail Lane.
  - Mayor Dunn review Road Impact Fee
  - Field Trip and Concept Review of Nebo Heights Subdivision
  - CE-1 Code Rewrite (if Shawn Eliot present)



- General Plan Survey – final review
- Elk Haven, Plat E still needs to have some engineering resubmitted so they will not be on the agenda until August. Scot Bell mentioned a conversation he had with the Mayor and the city engineer. The engineer was concerned about the large amount of fill required to construct the road, and in particular, stabilization of the uphill side of the cut. Engineering on the detention pond was also needed. The option of an engineered wall was discussed. Scot Bell suggested looking at the bigger picture, look at additional contour lines of areas that will be future growth areas. Maybe redirect traffic. Look at the area of the Payson Golf Course, over towards Loafer Canyon. By including more land owners we may be able to achieve a less steep road. We need to determine whether these land owners are willing to participate. Other suggestions during that meeting were some sort of a retaining wall, a suspended road, or a different route using neighboring properties.

City Planner, Ken Young, reported on a meeting held with the developer of Elk Haven, Plat E, Craig Peay; his engineer, Barry Prettyman and City Engineer, Craig Neeley to discuss the recommendations from the last planning commission meeting. He brought up the following points from that meeting:

1. They felt there were certain recommendations they were not going to be able to comply with. Ken asked them to report why or why not and tell us what their proposal is.
2. It sounds like eliminating the portion of Mountain Crest Drive is not something they are going to propose. They will try and reduce the slope of that road and address the rest of the concerns brought up by the commission.
3. Ken told them to not come back until all the concerns had been addressed.
4. Kevin Hansbrow suggested possibly requiring a note from the neighbors indicating they have been contacted regarding their desire, or lack of desire to participate in the road development in that area. Possibly a planning commissioner could be assigned to contact them.

#### ADJOURNMENT

Chairman Adamson adjourned the meeting at 9:00 p.m.

  
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Planning Commission Coordinator





## NOTICE OF PUBLIC MEETING – AGENDA

Notice is hereby given that Elk Ridge City will hold a specially scheduled Planning Commission Meeting on Thursday, July 19, 2007, beginning at 7:30 p.m. which will be preceded by a Planning Commission Field Trip/Work Session at 6:30 p.m. The meetings will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

**6:30-7:30 P.M. Field Trip and Discussion – Nebo Heights Subdivision, Jared Alvey**

**7:30 P.M.**      **Opening Remarks & Pledge of Allegiance**  
**Roll Call**  
**Approval of Agenda**

1. **Nebo Heights Concept**  
     – Review and Discussion
2. **Road Impact Fee Concerns – Mayor Dunn**
3. **Set Public Hearing for August 16, 2007 to Amend Elk Ridge City General Plan – Circulation Map**  
     – Remove portion of Cotton Tail Lane
4. **General Plan Survey Review**  
     – Review and Discussion
5. **Approval of Minutes of Previous Meetings – May 17, 2007, and July 12, 2007**
6. **Planning Commission Business**
7. **Follow-up Assignments / Misc. Discussion**  
     – Agenda Items for August 2<sup>nd</sup>, 2007

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 13<sup>TH</sup> day of July, 2007.

  
 Planning Commission Coordinator

### BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 13<sup>TH</sup> day of July, 2007.

  
 Planning Commission Coordinator



**ELK RIDGE PLANNING COMMISSION WORK SESSION**  
**July 19, 2007**

**TIME AND PLACE OF  
PLANNING  
COMMISSION  
MEETING**

A field trip of the Elk Ridge Planning Commission was held on Thursday, July 19, 2007, beginning at 6:40 p.m. The planning commissioners and developer of Nebo Heights Subdivision met at 80 East Park Drive, Elk Ridge, Utah. The commissioners and developers took a field trip to the site of the proposed development prior to the regular planning commission meeting.

**ROLL CALL**

*Commissioners:* Shawn Eliot, Sean Roylance, Dayna Hughes, Kevin Hansbrow, Paul Squires  
*Absent:* Russ Adamson, Kelly Liddiard, Scot Bell  
*Others:* Margaret Leckie, Planning Commission Coordinator  
Developers, Jared Alvey and Jacob Alvey

**FIELD TRIP**

**Field Trip to Nebo  
Heights Subdivision –  
Jared Alvey, Developer**

The commissioners walked the property close to the Salem Hills Street side. They viewed where the road would be, where the steepest slopes were, etc. They then drove around to Hillside Drive and viewed where the road would enter the project from Hillside Drive.

## ELK RIDGE PLANNING COMMISSION MEETING

July 19, 2007

TIME AND PLACE  
OF PLANNING  
COMMISSION  
MEETING  
ROLL CALL

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, July 19, 2007, 7:10 p.m., at 80 East Park Drive, Elk Ridge, Utah.

*Commissioners:* Shawn Eliot, Sean Roylance, Dayna Hughes, Kevin Hansbrow, Paul Squires  
*Absent:* Russ Adamson, Kelly Liddiard, Scot Bell  
*Others:* Margaret Leckie, Planning Commission Coordinator  
 Dennis Dunn, Mayor  
 Ken Young, City Planner  
 Developer, Jared Alvey and Jacob Alvey

OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE

Co-chairman Dayna Hughes welcomed the commissioners and guests and opened the meeting at 7:10 p.m. Opening remarks were given by Paul Squires, followed by the Pledge of Allegiance.

APPROVAL OF  
AGENDA

The agenda order and content were reviewed. There were no changes to the agenda.

1. NEBO HEIGHTS  
SUBDIVISION -  
CONCEPT

Co-chairman, Dayna Hughes, introduced this agenda item by stating we just completed our field trip to the property. She invited to commissioners to share any concerns they had with the proposed plat.

## SHAWN ELIOT

- a. Shawn read the following from the code and asked the commissioners to discuss afterwards whether they felt the project fell within the code:

## SECTION 10-91-1: LEGISLATIVE INTENT

## SECTION 10-9A-1-B

*B. It is hereby declared that the intent and purpose of the city council in establishing the CE-1 zone is to:*

*1. Delineate environmentally sensitive areas within the city and to establish standards and guidelines for the uses and development activities occurring therein which recognize and appropriately balance the diverse interests arising from development, including: a) the need for the preservation of the natural environmental conditions; b) the need for mitigation of potentially adverse or unsafe conditions arising from development activities; c) the protection of the interests of subsequent purchasers and occupants; and d) the rights of current owners to the reasonable use of the property.*

*2. Avoid or mitigate the potential impact of natural hazards from earthquakes, landslides, floods, fires and similar calamities upon development, and reduce the extent of public involvement or expenditure in subsequent mitigation of the adverse or unsafe conditions.*

*3. Protect and conserve the culinary water supply, sensitive vegetation, soil, wildlife habitat and other natural resources within the area.*

*4. Facilitate and encourage the location, design and construction of uses, development projects and building sites in the zone area, which provide maximum safety and human enjoyment, consistent with the natural limitations and the need for protection of the environment.*

*5. Preserve the aesthetic appearance of the landscape. Because of the sensitive nature of the land in this zone, special conditions and requirements are attached to developments occurring therein to promote the implementation of the purposes stated above and to mitigate the potential adverse aspects of developments in the area. The requirements hereinafter set forth are considered the minimum required for the accomplishments of the intent of this zone.*

Shawn re-iterated that this is the "minimum" required for the accomplishments of the intent of the zone.

## SECTION 10-9A-1-C

*... Lots clustered together on flatter terrain should be surrounded by naturalistic settings, situated in those portions of the zone which are most suitable for development activity...*

## SECTION 10-9A-6: STREETS AND ROADS

## 10-9A-6-C-1

*... 1. Roads that cross slopes greater than thirty percent (30%) must be reviewed by the planning commission and the city engineer; they must conclude that such streets or roads will not have significant adverse visual, environmental, or safety impacts.*

Shawn interpreted this as meaning no significant cuts and fills. When this code was first sent to the council it contained verbiage that you could only have stretches of 100 feet on the 30%. That was taken out and it was thought the commission and council could determine what a short stretch was.

#### 10-9A-6-C-2

*2. Streets and roads proposed to cross slopes greater than ten percent (10%) are allowed, subject to the following:*

- a. Proof that such street and/or road will be built with minimum environmental damage (see subsection F of this section) and within acceptable public safety parameters.*
- b. Such street and road design follows contour lines to preserve the natural character of the land, and are screened with trees or vegetation.*
- 3. Cutting and filling is minimized and...*

#### 10-9A-10: SPECIAL PROVISIONS

##### 10-9A-10-B: REVIEW BY THE PLANNING COMMISSION....

- 3. The location and arrangement of the buildings, roadways, open areas and other elements of the development duly recognize and accommodate the natural conditions present, and construction of such elements will not result in the creation of an adverse or unsafe condition.*
- 4. The development will accomplish and preserve the intent of the zone.*

#### FROM THE DEVELOPMENT STANDARDS: (adopted as code)

There is a whole section on Hillside Development.

#### 02-32-030-C-2

*Any area within a subdivision which has a percent slope between 20% and 29% may be graded, provided, however, the grading area shall be less than one-half of the area of such slope.*

Shawn re-iterated (and this was new to him) that for area between 20 and 29 percent you cannot grade over half of that area. We have not previously taken this into consideration.

#### 02-32-030-C-4

*Cuts and slopes shall be no steeper than 2 feet horizontal to 1 foot vertical and shall be designed with acceptable erosion control system.*

In Elk Haven the city council approved a variance of 3 to 1.

#### 02-32-030-C-10

*Any buildable area or portion of a buildable area shall not be closer than 30' to any man-made or natural drainage system.*

Shawn stated that there are two drainages in this subdivision, one being more prominent than the other. This means that the building envelopes in this subdivision can't be closer than 30' to this drainage area.

- b. Shawn Eliot's concerns (having read from the code) were
  - 1 Half of the property seems more suitable for development than the other half. The fact that there is a hillside surrounded by 30% slopes, and especially on the east side, it seemed like a very extreme road system going through there. The only thing the code says re: cutting roads through 30% slopes is that it must be safe and must be approved. This is why it says short distances.
  - 2. Kevin Hansbrow mentioned that the developers are taking the road on the contour lines so they are accomplishing what needs to be accomplished. They are not taking the road "face on".
  - 3. Shawn did say that this plan does a pretty good job following the letter of the law. He did, however, question the building footprint on Lot No. 19. He felt it was too small and erratic. Lot 20 is a flag lot. Lot No. 8 has a very small buildable area that is right next to the drainage through that area.
  - 4. When you get back to the intent and whether this is fulfilling the requirements that you take the natural conditions in mind, taking a road through here is pretty extreme. In the developer's submittal is a copy of the proposed cuts and fills. Developer, Jared Alvey,

said the biggest cut and fill will be along Lot 10. This is shown without any kind of retention wall. A retention wall would minimize this quite a bit.

5. Shawn stated that cul-de-sacs are discouraged, but one place that they are appropriate is when you have a situation where a road like this would be more adverse to the area than a cul-de-sac would be. He suggested a cul-de-sac in the mix. There are still some problems.
6. Jared Alvey was not sure of the size of the building envelope on Lot 19. He asked what Shawn suggested. Shawn mentioned that most of the lot contains 30% slopes. Shawn drew an alternate plat. He did make an error in that the code only allows cul-de-sacs up to 450 feet long and the one he drew in was over 500' long, maybe this could be shortened. Shawn felt that the eastern side was not really following the intent. He has concerns on Lot 5 area with the 30% in the front. He questioned driveway access. The developer stated they might bring the access through Lot 6.
7. Shawn's idea plat only contained 15 lots, which is 5 less than the developer's proposal. It does address the large slope on the hillside. The two large lots would have to have access shown.

#### PAUL SQUIRES

- c. Paul liked Shawn Eliot's proposed plat. The lots would remain highly vegetated which would be good for a lot of things, including wildlife habitat.
- d. Paul questioned Shawn's Lot 11. The area in the upper left would have two big lots. One accessed from Salem Hills Drive and one accessed from Hillside Drive.
- e. Paul questioned whether a cul-de-sac could get to one of the more challenging areas (near the Hillside Drive portion of the property). Jared Alvey, developer, stated that one problem was that they could not put a cul-de-sac any closer than 150' from an intersection.

#### SEAN ROYLANCE

- f. Sean questioned how a driveway could be designed to code on Lot 5. The proposed road on the east along the Hillside also concerned him. Even on Shawn's proposed plat, he wondered where the driveway would be on the two big lots. Possibly if the lot lines were changed you could get a driveway to work. Sean mentioned that in the past where there is a 30% slope that blocks access to the lot above, the design has been denied. This is the issue on Lot 5 and Shawn's proposed big lot to the south. The developer asked if he could do a common drive on the common property line. Ken Young said the slopes would be a challenge even for a shared driveway.
- g. Sean mentioned that on Lot 4 there is hardly any flat area until you get to the back of the lot. Shawn Eliot mentioned a driveway can go 500' to the back of the lot according to code.

#### JARED ALVEY, DEVELOPER

- h. Jared mentioned that LEI has been working on this on and off for about a year and tried to get the project designed according to code. It has been challenging.
- i. Shawn Eliot mentioned that in the area near Hillside Drive, there are existing erosion problems. He was concerned about the large cut proposed there. When we went on site tonight, the road did not look too bad, but what is proposed is a lot of cut.
- j. Jared mentioned that it has been difficult for them not having definitions of what a "short stretch" is. The cuts and fills are not specifically defined as to what is allowable. They have spent about \$20,000 guessing. Kevin Hansbrow mentioned that he feels that if a developer is meeting code, he thinks we need to approve it. If driveways can be shown, etc. Jared Alvey stated the biggest concern is the large cut on the road off of Hillside Drive. It looks to be 150' plus. Possibly a retention wall could minimize this. Shawn Eliot read again from the code:

*a. Proof that such street and/or road will be built with minimum environmental damage (see subsection F of this section) and within acceptable public safety parameters.*

*b. Such street and road design follows contour lines to preserve the natural character of the land, and are screened with trees or vegetation.*

Shawn felt that a retaining wall would take away from the intent of the code.



- k. Co-chair Dayna Hughes asked the developer if the commissioners had given enough information at the concept level to maybe go back and work on some of the building envelopes that are of concern, try and mitigate or eliminate the extreme cut. Maybe use some of Shawn's suggestions. Jared did not feel the slope of the road was a major problem other than in a few areas. The actual grade of the road is fine (Shawn Eliot), we are just looking at the cuts and fills and some of the lots that seem unbuildable. Shawn Eliot mentioned the drainage area through Lot 8 which is a problem for that lot. Lot 19 looks to have a questionable building envelope. Having a lot with almost 70% of it being 30% slopes is a problem (Lot 19). Dayna mentioned we need to show driveway access to Lot 5. Shawn mentioned Lot 5 is basically a flag lot. In the CE-1 code flag lots are strongly discouraged. Jared mentioned that Lot 20 could come off of Salem Hills Drive.
- l. City Planner, Ken Young, proposed still another plat which gives 16 lots. It stays more closely with the developers concept. It does combine Lots 12 and 20 into one lot. It combines Lots 19 and 13. It combines Lots 4 and 5 into one lot. It does not do anything with the cut on the road, it only looks at building envelopes. It creates two lots from Lots 8 and 10 with a diagonal line going through. He gave a copy of his proposal to the developer as did Shawn.
- m. Shawn Eliot did mention that when the developer does a grading plan, the code specifies that you must mark the ravines, the drainage areas, and the steep slopes so the development stays out of these areas. The east cut and fills on the steepest portion of the road are the problem areas. Jared was wondering how to minimize this cut. Possibly this might be done by moving the road down.

Co-chairman, Dayna Hughes, thanked the developers for coming and told them we appreciate the challenges they face in developing on a hillside. Hopefully we can come to a consensus on a plan that meets code and maintains the natural beauty of the area.

## 2. ROAD IMPACT FEE CONCERNS – MAYOR DUNN

Co-chairman, Dayna Hughes, invited Mayor Dunn to address the commissioners.

Mayor Dunn mentioned that he tried to do this at the last meeting but due to the fact that the meeting fell behind and he had to be in St. George, he was unable to do so. He assumed the commissioners had read the information in tonight's packet concerning the council's response to the commissioner's review of the road priorities for the impact fees that went out in the packets. The following discussion ensued.

- a. The Mayor wanted to discuss any issues the commissioners had so the road impact fee approval could be moved forward.
- b. Shawn Eliot mentioned that the only ones, from the suggestions they made last time, were the old Salem Hills portion of Canyon View Drive (Big 6). What we were trying to suggest is that roads in the city that are going to become main roads (once it connects through and everything connects onto it, it will). It has no development possibilities to get curb and gutter added improvements other than if we get trail funding, and that is question. There are drainage problems along this portion of the road now.

The other was Big No. 1, the portion of Goosenest between the Haskell Subdivision and the intersection of Goosenest and Elk Ridge. The possible development along here would be commercial, if it stays zoned commercial. It being the main entrance into town and having the new development built right up to there, it would just be a small section that would need to be done. It would be nice to fix this hole between the new development and Haskell Plat J.

The only other one was on Hillside Drive South. One side has development potential but the other side doesn't. When the new area connects the one portion will be undone.

Summarizing, we would like to see the roads that will be main roads and do not have developer driven improvement possibilities, be prime on the list.

- c. The Mayor mentioned that the piece on Hillside (the John-Henry Subdivision piece) Big No. 4, should be developed by John Henry. Shawn pointed out that the portion by Mary Rugg's house will not be taken care of by that development. The Mayor mentioned that the road list on the front was put together after discussions with the city engineer, Craig Neeley. For example, along Salem

Hills Drive there are 7 infill lots. This is one of our projects.

- d. The Mayor mentioned the issue of the dugway. He said the dugway is safer than you think. There is an issue with the school bus. They are afraid of the guard rail. He stated that this portion of the road is less steep than you would imagine. The elevation of Allen Anderson's house at the bottom is the same elevation as LaRon Taylor's house at the top.
- e. Dayna Hughes asked where we were on this. The Mayor stated that it will go to the City Council and Craig Neeley will be involved. He will work on it, add to it and his expertise will guide some of these issues, such as whether the improvements are developer driven and maybe half-impact fee. He asks on every one of these whether the whole community will benefit from the improvement or just a portion of the community. You have to establish the greater benefit when using money from impact fees. Shawn Eliot felt that the improvements suggested for the main roads would benefit everyone.
- f. Co-chairman Hughes thanked the Mayor for attending and told him it is always an honor to have him in our meeting.

**OTHER COMMENTS  
FROM MAYOR  
DUNN**

- a. Mayor Dunn asked if Margaret had gone over the email from city attorney, David Church, which was received today and passed out regarding the powers and duties of the planning commission. She hadn't and felt now would be a good time to do that.
- b. She mentioned that the email contained some of city attorney David Church's thoughts he was putting together for a Utah League of Cities and Towns training session during the Annual Convention. It referred to some of the things that cause problems between planning commissions and city councils.
- c. She told the commissioners she would only read a portion to whet their appetite but asked them to read it in totality on their own. The Mayor confirms that this is great stuff. She read as follows:

*It is not uncommon for members of a planning commission to get "cross wise" with the city or town council. This is understandable since the primary purpose of the planning commission is to make reasoned recommendations to the council about the general plan and the land use ordinances, but the city or town council is under no obligation to take the recommendation of the planning commission. It is not a rare occurrence for members of a planning commission to become invested in their recommendations. These recommendations are the product of long public processes and hard decision making. It can appear disrespectful to the process and the efforts of the planning commission when the council ignores the recommendations of the planning commission and goes off on its own. There is no solution to this source of conflict. Decisions regarding the general plan and the adoption of land use ordinances are legislative acts that are intended to be made by elected policy makers and not by appointed commissioners. Council members must always respect the recommendation of the planning commissions, but in the end they need to vote for their own constituents according to their own consciences.*

*It is also not uncommon for city and town councils to become frustrated with their own planning commissions. This is generally not because of any recommendation made by the planning commission, but when the commission is acting as a land use authority and granting or denying permits and approvals. The principle source of this frustration is a planning commission's attempt to exercise discretion in granting or denying these permits. Utah law is very clear that a landowner is entitled to approval of a land use application if the application complies with the city or town's ordinance. It is also specifically stated in Utah law that a land use authority cannot impose any requirement on an applicant for a land use permit that is not specifically expressed in either state law or local ordinances. In addition the law states that if a proposed subdivision, with limited exceptions, complies with the city or town ordinances, it must be approved. What all this means is that the planning commission, when acting as a land use authority, has very little discretion on whether or not to grant or deny the permit. If the land owner's application complies with the ordinances the commission must approve it, and if it does not comply then the planning commission must deny the application. This is regardless of whether or not the planning commission, or the public, thinks the application is a good or bad idea. In addition if the city or town ordinances are ambiguous they must be interpreted by the city or town in favor of the land owner. When*

*a planning commission ignores the law and approves (or denies) a land use application in violation of the city or town ordinances it just make trouble and unnecessary conflict for the city or town council. This type of trouble they always resent.*

- d. Kevin Hansbrow mentioned that this is a good reason to tighten up our code. If we must favor the developer when the code is ambiguous, then we need to make sure our code is not ambiguous. Shawn Eliot concurred. We need to be more specific so the developer knows what is expected. Kevin stated that we need to put in the code exactly what is meant by “a short distance” referred to earlier in tonight’s discussion in relation to the steep proposed road in Nebo Heights. The Mayor mentioned that the city council decides what a short distance is, not the planning commission. Kevin asked if we could just put this into the code. The Mayor said only if they were directed to do so by the city council.
- e. The Mayor stated that what they are looking for from the planning commission on the city council level is to give the property owner’s a fair shake in applying the code in what they want to do. Kevin asked about the code regarding the slope of the road. The Mayor said in that case we should move the project forward, listing the slope or cuts and fills, as a concern. The Mayor mentioned that the mountain community of Park City approves as safe some much more severe projects. He questioned what they do to find the balance. If our code has holes in it, the council wants to know about it. They don’t want us to just go ahead and change it without being asked. They want to know why we want to change it and what the concerns are. We have access to other communities and our attorney. The document Margaret read is from our city attorney.
- f. Sean Roylance stated that the memo from city attorney, David Church, seems to go against what he learned at the Citizen Planner Training Seminar. There they talked about grey areas. If there were grey areas you look back at the general plan. Shawn Eliot mentioned that in some places in the code it states that if you have contradictory portions of code, you follow the most restrictive. The Mayor said in his experience, David Church’s memo explained things the way he learned them. He stated that following the city attorney is the safest way to go and it really is fair. He said to decide with the code and let the city council take the heat on these type issues. Sean mentioned that he did not mean to decide outside of code, but felt if the code was at variance, the commissioners could use their discretion. The Mayor mentioned that there have been two recent issues where developers felt the planning commissioners were not voting strictly according to code and threatened suits – those two being RL Yergensen (Fairway Heights, Plat C, and the Elk Haven groups. Shawn mentioned that they also understood that the city council wants decisions made before moving things forward. These appeared to be mixed messages. *(Sean Roylance pointed out in reviewing these minutes, that in one of these two cases it was only tabled for one meeting and it did have due process. It was tabled because a revegetation plan was not turned in. When it was turned in things moved forward. Sean Roylance stated that regarding the Elk Haven groups it was action by the city council that caused the issue.)*
- g. Shawn Eliot mentioned that the commission has had a lot of concerns about the CE-1 code. Our big issue is we took the old CE-1 code and merged it with the PRD code. We didn’t ask if this was correct or detailed enough. With the last few CE-1 developments that have come through, we did find that there is a lot of lack of detail in the code. When we got this approved and then came back in November requesting some additions to the code, our concern was that we met with the council and they gave us guidance to go back. One of the issues was the density cap on the zone. When we came back the whole things go denied. Some of us still feel there are holes in the code.

One example which manifested tonight in review of the Nebo Heights Subdivision, having 100’ frontage on one-acre lots does not give clustering incentive. Woodland Hills requires 200’ frontage on one-acre lots, keeping things spread out or clustered with open space. Thus, the open space requirements in our code is one hole. Shawn Eliot mentioned that he took a class at a planning conference in Philadelphia and they were talking about 50% and 70% open space requirements in hillside zones for clustering so we can get some open space. If we could meet with the council again, express these concerns, and get some direction that would be great. The Mayor said they would love to. Shawn mentioned we want to get our ducks in order first.

The Mayor mentioned he has looked at the open space issue. The city in that area doesn’t care if we own any of that open space. The property always costs the city money and we have limits to our income. We are a poor income community. We don’t have any commercial tax base so we are limited. A park up there is useless to us. We don’t care if the open space is owned by private

individuals.

- h. Margaret was asked by co-chairman Dayna Hughes, to find a time to meet during a work session with the city council to express our concerns regarding the CE-1 zone and get their direction. It was decided to try for the second city council meeting in August, which would be August 28<sup>th</sup>
- i. The Mayor shared that they are looking at acquiring some property (the old Jim Brown property) for a new city center. He spoke with Randy Young about possibly moving the round-about south and trading Randy for some of his property so the round-about can still work. The city council wants the round-about to work and it might still.

### 3. SET PUBLIC HEARING FOR AUGUST 18, 2007, TO AMEND ELK RIDGE CITY GENERAL PLAN, CIRCULATION MAP

**DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBOW TO SET A PUBLIC HEARING FOR AUGUST 18, 2007, TO CONSIDER AMENDING THE ELK RIDGE CITY GENERAL PLAN, CIRCULATION MAP TO REMOVE A PORTION OF COTTON TAIL LANE. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) RUSS ADAMSON, KELLY LIDDIARD, SCOT BELL.**

### 4. GENERAL PLAN SURVEY REVIEW

1. Dayna Hughes explained that she felt it the easiest and best route to change the method of disseminating the surveying. Rather than ask the youth to do it as an eagle project, or service project, we will call "The Magnificent Seven" who will commit to come and bring 4 other people the evening of July 31st. These five people need to be ages 12 and over. If we can do this we will have approximately 40 people.
2. Mary Rugg has volunteered, as has Dayna. Kevin said he will be one of the Magnificent Seven though he can not be there himself, he will get five people to commit. Four more are now needed. Shawn also signed up as one of the seven. She also thought Russ should be one of the seven. Helping with the survey could be part of service for personal progress (Young Women) or merit badge service.
3. Dayna is meeting with Bob Allen on the 30<sup>th</sup> of August. I will tell him we have 40 people coming. We will subdivide the city. Everyone will get a certain number of surveys and they will be told where to go. We are thinking it will take about 3 hours. 1 hour to deliver, 1 hour to wait for the citizens to pick up, 1 hour to pick up. We will meet at the city office at 7:00 p.m. Maybe go back out at 8:45 p.m.
4. Mayor Dunn spoke up and said that there are several questions that don't fit for a general plan survey. He did not want the dissemination date changed but said he will speak with Bob Allen about these questions
5. Dayna will type up verbiage for the carriers to read to the citizens. It would be something to the effect:

*"Hi, my name is \_\_\_\_\_. I represent the planning commission of Elk Ridge City, we are redoing our general plan and we have a survey here because we really want the input from the citizens. We are approaching this a little differently. We are going to hand-deliver these and if it is at all possible we would like you to sit down and fill this out and we will be back in an hour to pick it up. If you have it done, we will take it, if not, would you please return it to the city by \_\_\_\_\_ (date)."*

If they are not home, leave it on the door. or somewhere where they can find it.

6. Dayna will talk to the city council and explain this to them during the public forum. She will try and get three people from there.
7. Margaret will copy the survey.
8. The Mayor will provide pizza and soda for the workers after they deliver.

### 5. APPROVAL OF MINUTES OF MAY 17, 2007 AND JULY 12, 2007 PLANNING COMMISSION MEETINGS

Corrections to minutes for May 17, 2007

Sean Roylance – P. 3, No. 36 – change "Shawn Roylance" to "Sean Roylance"

**DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY SEAN ROYLANCE TO APPROVE THE MINUTES OF THE MAY 17, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE-NOTED CORRECTION. VOTE: YES-ALL (5), NO-NONE (0), ABSENT**



**(3) RUSS ADAMSON, KELLY LIDDIARD, SCOT BELL.**

Corrections to minutes for July 12, 2007

Paul Squires – P. 3, No. 7, next to last line, change “protect” to “protection”

Dayna Hughes – P.6, Item 6-c, change “we make” to “we may”

**KEVIN HANSBROW MADE A MOTION THAT WAS SECONDED BY DAYNA HUGHES TO APPROVE THE MINUTES OF THE JULY 12, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE-NOTED CORRECTIONS. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) RUSS ADAMSON, KELLY LIDDIARD, SCOT BELL.**

**6. PLANNING  
COMMISSION  
BUSINESS**

**1. RL YERGENSEN LEGAL ACTION:**

Dayna questioned where we are with legal issues with RL Yergensen. The Mayor said RL retained legal counsel who authored a couple of letters. The commissioners have copies. Things are OK now. He is happy the way things have turned out. His biggest concern was he thought he was not getting due process. If action is ever taken where it goes to the point where they are taking statements to prepare for a lawsuit, the Mayor would put a gag order on the entire project. No one would be able to talk to anyone about it. You could not talk to each other, to Ken, etc. That would be a sign that it has gone to the next level.

He is fine with the motion you commissioners made. You did a good job keeping things on track.

**2. LANCE PAPE LETTER RE: DETENTION POND IN ELK HAVEN.**

The Mayor stated that Lance was actually a geologist for the Navy. He mapped the ocean floor. He was part of the remapping after the Alaska earthquake. I am getting him involved in with LaRon Taylor, a retired hydro-geologist, and two of the state geologists along with our engineer – we are going to walk the hills and see what the potential is for a possible well site for a partial artesian prospect. This letter is a challenge, based on his expertise, that should have gone to the John Money group, asking what kind of answers do you have regarding putting a retention, or holding pond in that area? The Mayor asked Margaret to get this letter to the Elk Haven developers and the engineer, Barry Prettyman.

The Mayor also mentioned that we need to get to our engineer, the results of the perk tests that were done in that area last year. The city has recommended sumps, rather than ponds, so the water can be rationed in 100-200 foot increments off the road into street sumps and go back into the aquifer, and not collected in any retention basin.

**7. FOLLOW-UP  
ASSIGNMENTS /  
MISC. DISCUSSION**

Remind Kevin, Russ (who Dayna will contact) and Shawn to have five people here at 7:00, July 31<sup>st</sup> in the council room to deliver the general plan surveys. We should be done a little before 10:00 p.m. Dayna will contact the Magnificent Seven

**ADJOURNMENT**

Co-chairman, Dayna Hughes, adjourned the meeting at 9:10 p.m.

  
\_\_\_\_\_  
Planning Commission Coordinator





## NOTICE OF PUBLIC MEETING – AGENDA

Notice is hereby given that the Elk Ridge Planning Commission will hold a regular **Planning Commission Meeting on Thursday, August 2, 2007 beginning at 7:00 p.m.**, the Planning Commission Meeting will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT. During the meeting time consideration will be given to the following:

- 7:00 P.M.**      **Opening Remarks & Pledge of Allegiance**  
**Roll Call**  
**Approval of Agenda**
- 1. Horizon View Farms, Final Plat**  
     - Review and Discussion
  - 2. JNB Homes – Driveway Exception**  
     - Review and Discussion
  - 3. CE-1 Code Rewrite**  
     - Review and Discussion  
     - Joint Work Session City Council – Aug. 28
  - 4. Set Public Hearing for Ordinance Amendment to City Code re: Ancillary Buildings**  
     - Review and Discussion – Ken Young
  - 5. Set Public Hearing for Ordinance Amendment to City Code re: Off-street Parking for Multiple Family Units**  
     - Review and Discussion – Ken Young
  - 6. Approval of Minutes of Previous Meetings – May 24 and July 19, 2007**
  - 7. Planning Commission Business**
  - 8. Follow-up Assignments / Misc. Discussion**  
     - Agenda Items for August 16, 2007 Planning Commission Meeting

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 26<sup>th</sup> Day of July, 2007.

  
 \_\_\_\_\_  
 Planning Commission Coordinator

### BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

#### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 26<sup>th</sup> Day of July, 2007.

  
 \_\_\_\_\_  
 Planning Commission Coordinator



# ELK RIDGE PLANNING COMMISSION MEETING

August 2, 2007

**TIME AND PLACE OF PLANNING COMMISSION MEETING** A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, August 2, 2007, at 7:05 p.m., at 80 East Park Drive, Elk Ridge, Utah..

## ROLL CALL

*Commissioners:* Russ Adamson, Kevin Hansbrow, Scot Bell, Sean Roylance, Shawn Eliot  
*Absent:* Paul Squires, Kelly Liddiard, Dayna Hughes  
*Others:* Ken Young, City Planner  
 Margaret Leckie, Planning Commission Coordinator  
 Corbett Stephens, Building Inspector  
 Horizon View Farms Developers, Jason Smith, Elliot Smith

## OPENING REMARKS & PLEDGE OF ALLEGIANCE

Chairman, Russ Adamson was late and co-chairman, Dayna Hughes, was absent, so Shawn Eliot welcomed the commissioners and guests. Opening remarks were given by Kevin Hansbrow, followed by the Pledge of Allegiance.

## APPROVAL OF AGENDA

The Agenda order and content were reviewed. The only change made was to reverse the order of Items 1 and 2 as the Horizon View Farms representatives were late.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY DAYNA HUGHES, TO APPROVE THE AGENDA FOR THE AUGUST 2, 2007 PLANNING COMMISSION MEETING WITH THE ONE ABOVE-MENTIONED CHANGE. VOTE: YES (5), NO-NONE (0), ABSENT (3) DAYNA HUGHES, KELLY LIDDIARD AND PAUL SQUIRES.**

## 1. JNB HOMES – DRIVEWAY SLOPE EXCEPTION – 130 SOUTH HILLSIDE DRIVE

1. Building Inspector, Corbett Stephens, explained that the contractor poured the driveway prior to inspection and it fell outside of the 12% slope range required in the code. The city does not have the equipment to shoot grade for the builder so it is their responsibility to meet grade. The driveway averages 12.7 percent slope. Corbett usually goes by centerline, but this is not specified in the code.
2. The road is on a slope so on the low side the slope of the driveway is 14.8% and 10.6% on the high side. If the builder had been paying attention, he could have made the driveway work. Corbett usually measures the slope prior to concrete and if it meets the 12% he accepts it.
3. Ken Young stated that we had tried to handle this administratively. He recommended that he did not feel that .7% was worth forcing the contractor to tear out the driveway. We are under 13% so are still in the 12% realm. We are not asking for an exception, we are asking for an agreement of the stretching of the interpretation of the code. We do not have the ability to grant an acceptance.
4. Corbett Stephens explained that we are only talking about 3 inches in height on the whole driveway. Even a little less than that. Corbett is bound by the code and cannot give in and that is why it is being considered by the planning commission.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY SEAN ROYLANCE, TO RECOMMEND THAT THE CITY COUNCIL APPROVE THE 12.7% DRIVEWAY SLOPE AT 130 SOUTH HILLSIDE DRIVE. VOTE: YES (5), NO-NONE (0), ABSENT (3) DAYNA HUGHES, KELLY LIDDIARD AND PAUL SQUIRES.**

The code does not allow for an exception, but due to the vagueness of the code as to where the 12% is measured from, and due to the fact that the average slope is less than 13%, the planning commissioners decided in favor of the applicant on their vote. Possibly some detail could be added to the code regarding the measurement of the slope.

## 2. HORIZON VIEW FARMS, (ELK RIDGE MEADOWS, PHASE 4), FINAL PLAT

The following discussion ensued regarding Horizon View Farms:

1. Margaret Leckie passed out a list of items the city engineer, Craig Neeley, found that still needed attention on Horizon View Farms. These covered all the items on the staff review by Ken Young, and a few others. (Those on the staff memo not listed on this document have been taken care of. Ken Young stated that Items 2 and 4 on the staff report have been completed). Elliot Smith stated

that their engineer had made many of the changes but missed some and will get them done. The items listed as still needing to be done included the following:

- a) Provide storm drain flow and volume calculations.
  - b) Need to change all storm drains to 15", missed some, did some (some were listed as 12", they need to be changed to all 15")
  - c) Show pressurized irrigation system (secondary water) throughout.
  - d) Denote on drawings snout detail and locations.
  - e) Define and explain references regarding Sky Hawk Way. Utility and service improvements shown to be completed by others – Who are the others, and is the viability of your project dependent on others putting in these improvements.  
(Elliot mentioned that D.A.I. (Development Associates Inc.) is contractually obligated to complete that portion of Sky Hawk Way and also the section of Dusk View coming in off of 11200 South and the improvements on 11200 South. They have it worked out with DAI and will show it on the plans. Craig wants this shown so the city has assurance that these roads will be completed)
  - f) Show one-tenth drop through the storm drain man-holes.
2. Chairman Adamson questioned the direction some of the units faced. Some were not facing the direction recommended by the commissioners. Elliot explained that after discussion with the city council this layout was agreed upon due to aesthetics. An exception was granted so a planter strip is not required.
  3. Chairman Adamson also questioned off-street parking. He thought our code required 2 per unit. Ken Young, City Planner, explained that our code has no designation for parking for multiple family units such as these. Tonight we are setting a public hearing to do that. It will not effect this development as it is vested. Each of these units has a two-car garage, so there are 2 spaces there. At least one can be counted on the driveway. Elliot Smith mentioned there are places in the development also where cars can be parked on the side of the street as the street is a full-width right-of-way and has plenty of room. Elliot mentioned that per the code the driveway only counts as one parking space but two cars will fit on the driveway.
  4. Scot Bell asked if it was reasonable to provide a small parking lot in some of the open space. Russ Adamson stated that our code does not call for it and Elliot felt with the above-mentioned parking spaces, that should be sufficient. He stated most cities only require two to two-and-a-half for this type of development.
  5. Commissioner, Kevin Hansbrow, suggested a sign be placed by street-side parking limiting parking to 48 hours so people will not use the streets as "junk car parking". Elliot mentioned this will be taken care of in the CC&Rs.
  6. Elliot Smith passed around some pictures of what the units will look like and passed them around. For the rear-load units they have tried to provide architectural relief using hardy-plank, stucco and brick on the exteriors. On the driveway units there are gables and shutters and outlines around the windows. Trellises will also be used.
  7. Scot Bell asked how they would handle the drop in elevation of a group of units. Elliot stated they will drop some, and build up what needs to be built up.
  8. Shawn Eliot asked about the playground equipment on the tot lot. Elliot stated it will be industrial or commercial grade and they will provide samples if the city requests them. They are not to that point in their development yet but can provide them. Shawn asked that this be included in the motion.
  9. Brent Bowers, with Salsbury Homes, is Pangea's joint-venture partner and will be building the units. They have done some similar units in Spanish Fork. They are working on purchasing the Smart property.
  10. Shawn Eliot asked about lighting and if it was the same as was approved for the rest of the PUD. Elliot was not sure. Shawn Eliot gave him a copy of the specs for the lighting being used by the rest of the PUD along the trails, etc. Shawn Eliot said that the lighting shown on the drawings was sufficient except the crosswalks needed lighting. Elliot mentioned DAI will be responsible for the area along 11200 South. Elliot said he would have his engineer add lighting for the tot lot and crosswalks.

11. Scot Bell felt the lights should have a point-to-point definition. Shawn said in an area like this it will be OK with the lights on the housing units themselves (driveways). The city council did not approve lights on any of the roads other than the main roads. Shawn Eliot felt that lighting should be part of the commissioner's recommendations for this development because it is such a high density area.
12. Ken Young noticed that the location of the tot lot and sports court are reversed on the landscaping plan from what is shown on the main drawing. Elliot stated that his engineer will fix this so they are the same.

**A MOTION WAS MADE BY SHAWN ELIOT AND SECONDED BY KEVIN HANSBROW TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE FINAL PLAT OF HORIZON VIEW FARMS (ELK RIDGE MEADOWS, PHASE 4) WITH THE CONDITIONS LISTED ON THE HANDOUT BEING ADDRESSED AS WELL AS:**

1. **ADDITIONAL LIGHTING BE ADDED TO THE TOT LOT AND SPORTS COURT AREAS AS WELL AS TO THE CROSS-WALKS.**
2. **THE TOT LOT AND SPORT COURT BE COMMERCIAL GRADE AS PER CITY CODE.**
3. **THE REAR LOAD UNITS CONTAIN TRELLISES OVER THE GARAGES FOR ARCHITECTURAL RELIEF. THEY ARE NOT REQUIRED ON THE FRONT LOAD UNITS.**
4. **FOR FRONT-LOADING GARAGES, USE MORE VARIETY IN MATERIALS (INCLUDING COLORS) TO MAKE THE UNITS LOOK MORE LIKE THE REAR-LOADING UNITS.**

**VOTE: YES (5), NO-NONE (0), ABSENT (3) DAYNA HUGHES, KELLY LIDDIARD AND PAUL SQUIRES.**

Ken Young asked that corrected drawings be turned in by next Wednesday so the Final Plat of Horizon View Farms can be put on the August 14<sup>th</sup> city council agenda. Elliot Smith said he would do this.

### **3. CE-1 CODE REWRITE**

Chairman, Russ Adamson, introduced this topic with the following statements:

1. Russ met with the Mayor on Tuesday night. He spoke with him about some of the frustrations the planning commission has been having based on some of the feedback from the commissioners.
2. He tried to get on the same page with the Mayor re: what the council wants and doesn't want from the planning commission especially in regards to the CE-1 code.
3. He told the Mayor that Attorney Church did state that the code needs to be tightened up after the discussion that he was involved in with the Elk Haven Developers. Also the Mayor himself had at one time mentioned he was a little surprised at the density in RL's second submittal for Fairway Heights, Plat C.
4. Russ stated that the CE-1 code has not worked as well as we had hoped it would be in guiding the new developments in terms of clustering, open space, etc.
5. He told the Mayor that he had assigned Shawn Eliot and Sean Roylance to do some work on it and asked the Mayor what he wanted us to do? To table it or go forward? The Mayor stated that if it has been worked on, we want to talk about it and see what you have done.
6. The Mayor is open to having us present our ideas at the joint workshop with the City Council on the 28<sup>th</sup> of August.
7. In the future, the city council feels they should be giving us more direction on what we should be working on.
8. Russ showed the Mayor in the direction given by the Utah League of Cities and Towns training information where it does give some broad ability for the planning commission and residents of the city to suggest amendments to zoning and ordinances. We have taken that to mean that when we are struggling with issues with applicants because of vague code, making it difficult to move forward, that we can work on that code.
9. The city council does like to know what we are working on. I (Russ) need to do a better job of coordinating with the city council what we are working on. Also the Mayor needs to give us better direction on what he wants us to work on, as the planning commission doesn't get much direction. The Mayor agreed to try and work on this.
10. We also talked about the general plan survey, which we will discuss later during our "Planning



Commission Business” agenda item.

11. The Mayor read thru the items noted by Shawn Eliot and Sean Roylance in the handout on the CE-1 Code Change History, *Problems and Work to Be Done* and afterwards had a better idea why the commissioners wanted to do a rewrite of the CE-1 code.
12. Ken Young suggested that next time the commissioners feel the need to change the code, that we bring the idea to the council first and get some direction. Russ agreed to this. Shawn stated that we will, but sometimes need to do some review and ground work before it goes to the city council.
13. Russ Adamson stated that the last time we presented the changes there were so many, it was a bit overwhelming for them. We need to make things simple and clear.
14. Shawn Eliot proposed presenting clear bulleted items to the council of the items we are suggesting changing. He felt that we should present on the 28<sup>th</sup> but not ask for any decisions, just that they consider the information and take home and read the handouts.
15. Last time we presented changes the Elk Haven developers were there and they did not want any changes to the CE-1 code. Shawn agreed that this was complicated. Last time he presented the possible addendums to the code there was not a lot of commissioner comments. He hopes that this time the commissioners will read and comment on the proposed addendums.

Shawn reviewed the handout he prepared for the evening:

1. CE-1 Code – Change History (Russ suggested adding the date to this history)
2. CE-1 Code – Problems --- including but not limited to:
  - a. Look at RL's development on the hill. The intent would be to try and preserve some of the natural features, but we did not require enough open space to do this.
  - b. There is confusion regarding regular development with clustering. We first came up with the idea after a presentation (Woodland Hills presentation). When we wrote this we thought a development would have all clustered. What is now often being proposed is a combination of big and small lots. This tells us we don't have enough open space required.
  - c.. There are too many variables for base-lot sizes. Having half-acre and one-acre lots allowed as base density is awkward. With the mixtures of big and small lots, they are filling in the gaps to get more lots. In Elk Haven they have a mix of half and one acre lots. There was no incentive for them to cluster on the flatter areas.
  - d. There is a lack of technical requirements to enforce the intent of the code in keeping development off of ravines, drainages, wildlife corridors, and along the lay of the land, etc. A clearer definition would have guided RL to stay off the ravines and out of the drainage areas.
  - e. There is confusion in the flow and layout of code.
3. CE-1 Code – request moratorium
 

Shawn discussed reasoning behind this request which will be presented to the council.
4. CE-1 Code – Work to be done (see Shawn's suggested Work to be Done). Including but not limited to:
  - a. Add regulations to support intent of code.
  - b. Rename zone
  - c. Reformat code
  - d. Have only one base density
  - e. Change clustering to half-acre rather than third-acre
  - f. Require more open space for clustering – (the city does not want open space that it has to maintain). Shawn stated there are 3 types of open space: a) 30% slopes on private land, b) homeowners association open space, and c) open space deeded to city. In order to preserve wildlife corridors, we could require that private open space cannot be closed in with fences. Scot Bell asked why we are promoting clustering to provide open space if the city does not want open space? Shawn stated that the clustering was a carry-over from the PRD code. We could go back and require one-acre lots.



We should ask the city council what direction they would like to take re: clustering. One of the city council members who is on the fire department does not like the idea of the large lots as the houses are too far apart and this causes fire hazards. Scot Bell mentioned that the cost of maintaining the infrastructure will increase if we increase the frontage requirement, as Shawn mentioned as a possibility (Woodland Hills requires 200 foot frontages).

Scot Bell also mentioned that a city runs more efficiently when the infill lots are filled in. Russ Adamson mentioned that before we came in as commissioners the CE-1 had a one-acre density with the lot size requirement of one acre. Shawn mentioned that the code in the R-1 20,000 requires 120 foot frontage. The Harris Subdivision was given a variance of 100 feet. Shawn does not feel these homes fit into the area as they appear to be too close together. Woodland Hills decided they want 200 foot frontages in their new subdivision. Shawn feels third-acre lots are too small even in clustering. We should find a balance in what we require in open space and what size lots are clustered, to get the density desired.

- g. Shawn summarized that there are still a lot of issues and it will take more than one work session with the city council to review them all.
- h. Ken Young stated that the commissioners have recognized the need to further this discussion. He felt that rather than hammering out the issues now, right now we should be general and not get detailed till we meet with the city council and get their direction.
- i. Shawn is hoping that the council will approve the direction the commission is taking and allow a 180-day moratorium to work through the code issues.
- j. Lastly, define maximum cuts/fills, lengths of roads allowed in 30% slopes, ravine, drainage, wildlife corridor and other features that should remain in their natural state. Park City makes developers do a wildlife report where they examine any wildlife corridors. We need to determine if preserving wildlife corridors is one of our priorities.
- k. Chairman Adamson suggested highlighting a few key issues and asking the council for some guidance on a few questions. Get enough guidance so that we can come back in a couple of weeks and present something. Shawn asked which element should be removed so it does not appear to be such a large issue. This is something we need to continue working on with them. It might be appropriate to form a sub-committee with some council members on it. Sean Roylance suggested cutting the material by half. Shawn suggested possibly taking out the moratorium discussion.
- l. Scot Bell stated the city does not want open space. Maybe some of that discussion can come out.

The following list was generated to get feedback from the city council on:

1. Lot density – third vs/ half acre for clustered lots.
2. Define cuts and fills and ravines to stay off of.
3. Define what a “short stretch” in 30% roads is.
4. Rename the zone.
5. Detail what will we allow a road to transition to on a slope (roads thru 30% slopes) – cinderblock walls, etc.
6. Define detail of driveway slope – what does 12% mean. (Where on driveway is average slope measured, etc.)
7. Beef up the requirements of what you can and can’t build on 20% slopes.

**4. SET PUBLIC  
HEARING RE:  
ORDINANCE  
AMENDMENT TO  
CITY CODE RE:  
ANCILLARY**

Ken Young explained there was a question recently by a resident about building an accessory building detached from the home. He found the city code referring to an ancillary unit – twice in the code. Nowhere beyond that, in the code, is there any explanation telling how or why or what qualifications and requirements there are if you do build an ancillary unit. We are saying we flat out do not want ancillary units and this amendment will put that in the code – deleting any reference to the possibility of building an ancillary unit.

**BUILDINGS**

Accessory apartments are allowed when they are built as part of the main structure. An ancillary unit is a completely separate building. The Mayor has recommended removing all referent to ancillary units.

**A MOTION WAS MADE BY SHAWN ELIOT AND SECONDED BY KEVIN HANSBROW TO SET A PUBLIC HEARING FOR SEPTEMBER 6, 2007 TO CONSIDER AMENDING THE ELK RIDGE CITY CODE REGARDING ANCILLARY UNITS. VOTE: YES (5), NO-NONE (0), ABSENT (3) DAYNA HUGHES, KELLY LIDDIARD AND PAUL SQUIRES.**

**5. SET PUBLIC HEARING RE: OFF-STREET PARKING FOR MULTIPLE FAMILY UNITS**

City Planner, Ken Young, explained that there are some other proposals coming forward on land other than Horizon View Farms that may be developed as multi-family units. There is some property that may be annexed into the city near the present PUD area that is designated on our Future Land Use Map as PUD 12,000 zone. There are also other possibilities. We want to put in place this code, as it was not in place when we were considering Horizon View Farms (Elk Ridge Meadows, Phase 4).

This code would require not less than three off-street parking spaces for multiple family dwellings. Each space not less than ten feet by twenty feet in size. Not less than two of the off-street parking spaces appurtenant to a dwelling shall be enclosed within a garage.

Scot Bell questioned requiring clustered parking, or visitor parking. Ken Young said this verbiage could be suggested after the hearing.

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY RUSS ADAMSON TO SET A PUBLIC HEARING FOR SEPTEMBER 6, 2007 TO CONSIDER AMENDING THE ELK RIDGE CITY CODE, SECTION 10-12-15, REGARDING OFF-STREET PARKING FOR MULTIPLE-FAMILY UNITS. VOTE: YES (5), NO-NONE (0), ABSENT (3) DAYNA HUGHES, KELLY LIDDIARD AND PAUL SQUIRES.**

**6. APPROVAL OF MINUTES OF PREVIOUS MEETINGS, MAY 24, AND JULY 19, 2007**

Corrections to minutes of July 19, 2007

1. Russ Adamson: Change person who adjourned meeting to "Dayna Hughes", I was not there.
2. Sean Roylance – Page 6, letter f, where the Mayor refers to two issues "*where developers felt the planning commissioners were not voting strictly according to code and threatened suits,*" in one of these cases they were only tabled one meeting and due process did occur. Sean Roylance responded that the other issue, the Elk Haven group, and it was actually action by the city council that caused the issue with that group.

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY SHAWN ELIOT TO APPROVE THE MINUTES OF THE JULY 19, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE CORRECTIONS. VOTE: YES (5), NO-NONE (0), ABSENT (3) DAYNA HUGHES, KELLY LIDDIARD AND PAUL SQUIRES,**

Corrections to minutes of Elk Haven Workshop on May 24, 2007

1. Russ Adamson: Those present included Russ Adamson, Sean Roylance, Paul Squires, Dayna Hughes, Scot Bell; absent: Kevin Hansbrow, Shawn Eliot and Kelly Liddiard. Others present included Elk Haven developers.
2. Russ Adamson stated that the commissioners did not actually vote on these items but took a straw poll saying it looks like you will be OK when we have the meeting.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY SEAN ROYLANCE TO APPROVE THE MINUTES OF THE MAY 24, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE CORRECTIONS. VOTE: YES (4), NO-NONE (0), ABSENT (3) DAYNA HUGHES, KELLY LIDDIARD AND PAUL SQUIRES, ABSTAIN (1) KEVIN HANSBROW.**

Kevin Hansbrow abstained from the vote as he was not present at the May 24, 2007 meeting.

Margaret Leckie was out of town so the minutes were done by commissioner, Dayna Hughes.

**7. PLANNING COMMISSION BUSINESS**

**General Plan Survey**

1. Chairman, Russ Adamson, stated that he spoke with the Mayor about several issues. He had a

- frank discussion and got some feedback from the Mayor about the way the planning commission works with the city council. It was decided that they would both try to help each other coordinate the two bodies better. The city council did not feel they had had enough opportunity to give feedback on the General Plan Survey and they wanted that. The Mayor would have liked the council to review the questionnaire after the commissioners completed it.
2. The Mayor felt the questions he removed were not applicable to a general plan survey. Bob Allen, who drafted the original survey, put in some questions just to get feedback to the city. The Mayor only wanted questions pertinent to the general plan. The Mayor felt there were actually some questions that could be added to the survey.
  3. Russ's perception was that the planning commission gave the survey to the Mayor, he made some changes, and it went to press. The Mayor does not want a chasm between the two bodies, nor does Chairman Adamson. Russ said he will make a better effort to coordinate with the city council and get their input, and the Mayor will work on better communications also.
  4. All that said, Russ Adamson does not have heartburn with the questions being taken out by the Mayor. We may want to add questions. We need to decide when we will get the final draft and get the survey out.
  5. Shawn Eliot felt the question about the growth issue that was removed was an important question. Russ stated that the Mayor commented, regarding this, the wording was not proper, you can't regulate growth, you can regulate zoning. If we want that kind of feedback, we need to re-word the question. Scot Bell suggested maybe asking if the current zoning protects both the residents and the developers.
  6. Sean Roylance was concerned about time. If we discussed this during the joint work session with the city council on August 28<sup>th</sup>, there may not be enough time as the CE-1 code discussion could be lengthy. Sean Roylance did go through the questions that were removed and the reasoning behind the removal with the Mayor. Sean stated he could go through this reasoning with the commissioners without taking up city council time.
  7. Russ read an article about Washington County's *Vision Dixie* and the divide it exposed between their residents and the local and state officials because of their growth policies. Their vision process included a survey. The residents were given 4 different growth scenarios to choose from. The article pointed out the importance of public servants to represent the public they were elected to serve.
  8. Russ did bring up the possibility that the city council may favor an R-1 15,000 zone change within the Elk Haven Subdivision.
  9. Russ suggested using the joint work session with the city council to work on the CE-1 code but have an updated draft of the survey go out in their packets for that meeting. The feedback on the survey could possibly be a part of the actual city council meeting rather than the work session.
  10. After some discussion Chairman Adamson asked Sean Roylance to update the survey and get it in the packets of the city council for the August 28<sup>th</sup> meeting and as an agenda item during that meeting get their feedback so we can go to press. We really do need to not put off discussion on the CE-1 code as we are burning through our 180 period we announced in a previous agenda for working on the CE-1 code and we need to get that done.
  11. We should make one more cut, with the Mayor's input; add a question or two that might help define the CE-1 questions we are struggling with better, and email it to the commissioners and get it in the packets for the August 28<sup>th</sup> meeting. Russ asked if we want something similar to number 3, maybe Shawn Eliot could work with Bob on rewording that question. Sean Roylance said he would also work on that question. Sean will work with the Mayor.

August 16, 2007 planning commission agenda.

1. There are two public hearings scheduled for August 16<sup>th</sup> regarding amendments to the code re: Durability retainers, and the other re: amending the Circulation Map of the General Plan.
2. The rest of the meeting will be preparing to meet with the city council regarding the CE-1 code rewrite, and the general plan survey.

#### 8. FOLLOW-UP ASSIGNMENTS, MISC. DISCUSSION

#### ADJOURNMENT

Chairman Adamson adjourned the meeting at 9:35 p.m.

  
Planning Commission Coordinator





## NOTICE OF PUBLIC MEETING – AMENDED AGENDA

Notice is hereby given that the Elk Ridge Planning Commission will hold two Public Hearings to consider the following:

- 1) 7:00 – Code Amendment to Section 10-16-7, entitled "Durability Retainer", regarding the Inspection Bond
- 2) 7:10 – General Plan Amendment to Circulation Map, removing portion of Cotton Tail Lane

These hearings will be held on **Thursday, August 16, 2007, beginning at 7:00 p.m.** during the first part of the regularly scheduled **Planning Commission Meeting on Thursday, August 16, 2007, beginning at 7:30 p.m.** The meetings will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

- |           |  |
|-----------|--|
| 7:00 P.M. | <b>Opening Remarks &amp; Pledge of Allegiance</b><br><b>Roll Call</b><br><b>Approval of Agenda</b>   |
| 7:10 P.M. | <b>1. Public Hearing to consider Code Amendment to Section 10-16-7, entitled "Durability Retainer", regarding the Inspection Bond</b><br>– Review and Discussion<br>– Motion on Public Hearing   |
| 7:20 P.M. | <b>2. Public Hearing to consider General Plan Amendment to Circulation Map, removing portion of Cotton Tail Lane</b><br>– Review and Discussion<br>– Motion on Public Hearing<br><br><b>3. General Plan Survey Review</b><br>– Review and Discussion - Sean Roylance<br><br><b>4. CE-1 Code Rewrite, Joint Work Session Presentation to City Council</b><br>– Review and Discussion - Shawn Eliot<br><br><b>5. Approval of Minutes of Previous Meeting – August 2, 2007 and June 7, 2007</b><br><br><b>6. Planning Commission Business</b><br>– Review and Discussion<br><br><b>7. Follow-up Assignments / Misc. Discussion</b><br>Agenda Items for September 6, 2007 Planning Commission Meeting<br>- PH regarding Ancillary Buildings Code Amendment<br>- PH regarding Off Street Parking for Multi Family Units<br>- Discussion of possible code amendment requiring secondary water laterals at the time of Building Permit in Developments with Secondary Water Lines |

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 15<sup>th</sup> day of August, 2007.

  
 Planning Commission Coordinator

BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 15<sup>th</sup> day of August, 2007.

  
 Planning Commission Coordinator





**ELK RIDGE PLANNING COMMISSION MEETING**  
**August 16, 2007**

**TIME AND PLACE  
OF PLANNING  
COMMISSION  
MEETING  
ROLL CALL**

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, August 16, 2007, 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah.

*Commissioners:* Russ Adamson, Shawn Eliot, Sean Roylance, Dayna Hughes, Kelly Liddiard  
*Absent:* Scot Bell, Kevin Hansbrow, Paul Squires  
*Others:* Ken Young, City Planner  
 Margaret Leckie, Planning Commission Coordinator  
 Elliot Smith, Brent Bowers, Bob Peavley

**OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE**

Chairman Russ Adamson welcomed the commissioners and guests and opened the meeting at 7:05 p.m.. Opening remarks were given by Shawn Eliot, followed by the Pledge of Allegiance.

**APPROVAL OF  
AGENDA**

The agenda order and content were reviewed. There only amendment to the agenda was to introduce a new item between Items 2 and 3. Elliott Smith and Brent Bowers are under contract on the Smart Property which is adjoining their Elk Ridge Meadows Phase 4 project (Horizon View Farms). They wanted to take a few minutes to get a feel from the planning commissioners as to how the commissioners felt about some of their development ideas for this project.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY DAYNA HUGHES, TO APPROVE THE AGENDA FOR THE PLANNING COMMISSION MEETING FOR AUGUST 16, 2007 WITH THE ABOVE MENTIONED CHANGES. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, SCOT BELL.**

**1. PUBLIC HEARING  
FOR PROPOSED ELK  
RIDGE CITY CODE  
AMENDMENT TO  
SECTION 10-16-7  
ENTITLED  
"DURABILITY  
RETAINER"**

Russ Adamson opened the public hearing at 7:10 to consider an amendment to Section 10-16-7 of the Elk Ridge City Code, entitled "Durability Retainer" regarding the inspection bond. The following comments and discussion ensued:

1. City Planner, Ken Young, explained (as per his handout added to tonight's packet) that this is a simple addition to a durability bond amendment approved recently. This is just an additional sentence the city recorder and the Mayor would like to add into Section 10-16-7 of the code, it reads:

*Upon final inspection and recommendation by the city engineer, the amount of durability shall be adjusted to an appropriate amount for the two (2) year durability time period.*

2. This means that the amount of durability remaining after the final completion of the project to remain on account for the two-year durability period can be adjusted.

Public comments were invited, there were none Chairman Adamson closed the public hearing at 7:15.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KELLY LIDDIARD, TO RECOMMEND APPROVAL OF THE ABOVE PROPOSED AMENDMENT TO THE ELK RIDGE CITY CODE, SECTION 10-16-7, ENTITLED "DURABILITY RETAINER", ADDING THE SENTENCE QUOTED ABOVE. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, SCOT BELL.**

**2. PUBLIC  
HEARING FOR  
AMENDING  
CIRCULATION MAP  
OF THE ELK RIDGE  
CITY GENERAL  
PLAN REMOVING A  
PORTION OF  
COTTON TAIL LANE**

Chairman Adamson opened the public hearing at 7:15 to amend the Circulation Map of the Elk Ridge City General Plan by removing a portion of Cotton Tail Lane and removing the minor collector designation on that northern portion of that road.

Ken Young explained that in the Horizon View Farms project, there was an improvised arrangement which was approved which took out a portion of Cotton Tail Lane between Sky Hawk Way and Dusk View Lane. It is also proposed that we remove the designation of minor collector from the portion of Cotton Tail Lane between Sky Hawk Way and 11200 South, even though a small portion will remain at the northern end, it will just be a local road.

Public comments were invited. There were none. Chairman Adamson closed the public hearing at 7:20.

**A MOTION WAS MADE BY KELLY LIDDIARD AND SECONDED BY SEAN ROYLANCE, TO RECOMMEND APPROVAL OF THE ABOVE PROPOSED AMENDMENT TO THE CIRCULATION MAP OF THE ELK RIDGE CITY GENERAL PLAN WHICH REMOVES A**

**PORTION OF COTTON TAIL LANE BETWEEN SKY HAWK WAY AND DUSK VIEW LANE AND REMOVES THE DESIGNATION OF MINOR COLLECTOR FROM THE PORTION OF COTTON TAIL LANE REMAINING BETWEEN 11200 SOUTH AND DUSK VIEW LANE. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, SCOT BELL.**

**3. GENERAL PLAN SURVEY REVIEW**

The following discussion ensued regarding the General Plan Survey review:

1. Russ mentioned that the Mayor told him that the commissioners should consider the vision statement in the current general plan the only official vision statement. The statement tacked on the wall is not an official version of the mission statement. Russ suggested taking that statement off the wall if that is the case.
2. Sean Roylance prepared feedback on the questions the Mayor removed in anticipation of getting the commissioners comments and consensus tonight on whether they wanted any of these to remain in a reworked version; then rewording any questions the commissioners wanted to remain, maybe adding some additional questions; then approaching the Mayor and the city council for their feedback before coming up with a final version of the survey.
3. Chairman Adamson stated that we would like to have a version ready for the Mayor's and city council's review to go into their packets for the August 28<sup>th</sup> city council meeting. This can then be an agenda item for them to make a decision on the survey during the meeting.
4. Sean mentioned that the Mayor had suggested he might want to add some questions regarding economic development, but does not know what those questions are yet.
5. There was some discussion on the vision statement. Margaret explained, as per the Mayor's comment, that the official vision statement is the one that is currently in the General Plan and not the one displayed on the wall of the council room. The commissioners included a combined version in their final version of the survey, and we need to just include the one in the General Plan which is:

*To provide a small-town rural atmosphere with well planned, open space and recreation areas. Also to create a family oriented and friendly community that is a great place to live.*

The following questions were discussed and the following feedback was given:

Questions Removed by the Mayor, along with Sean's comments and commissioners decisions:

1. *Do you feel Elk Ridge City is adequately regulating growth in the community?*

The Mayor stated that developers have a right to develop their property and we cannot regulate this so there is no point in keeping this question. This is correct. Another way of looking at it is there are things that can be done that people do consider regulating the growth or at least steering it in a direction that the people are more happy with.

The moderate income housing requirement was discussed. Ken Young stated there is a moderate income housing plan but it does not state how we need to apply it. It does give some ramifications of 80%, but that changes according to community. In our community we have some units which qualify in Horizon View Farms, but also some others around town. Russ said maybe we could say: *There is a planned unit development going in which includes some higher density housing. Do you favor having additional developments in a planned unit environment?*

Another option for this question presented by Sean Roylance (the idea of which came from the article Russ passed out at the last meeting on Washington County's Vision Dixie would be to insert the following questions

1. Which scenario best describes how you would like further growth to be handled:
  - a) Low density growth that would generate sprawl—somewhat similar to Woodland Hills. Lots would be large—1 or more acres in many instances—and would consume most of the available land with little publicly accessible open space.
  - b) Medium density growth with greater preservation of scenic vistas and open space. Lots would be smaller—perhaps 1/3 to 1/2 acre lots—with more open space.

- c) High density growth placing a premium on preserving scenic vistas and open space. Lots would be small and would include condos, duplexes, and other high density housing options.

The commissioners liked this option but didn't like using the word "sprawl". Ken Young said that "sprawl" usually refers to large infrastructure to access a small amount of homes, thus it is appropriate. The commissioners decided they liked using "spread out" rather than "sprawl".

Sean stated he would try and find some examples of b and c.

- 2. *If open space is important to you, would you be willing to raise taxes in order to purchase open space?*

Sean felt we should keep this question as "open space" is talked about numerous times in the general plan and the code. Understanding how important it is to people is important as we work on revising the plan and the code.

Commissioner's discussion and decision:

- a. Dayna Hughes asked if the city could do a bond to pay for open space rather than pay for open space by taxing the residents. Ken Young stated that it is done but is not common. In Park City open space was important enough to residents that they actually purchased the open space privately.
- b. Chairman Adamson suggested asking the Mayor what way can we word this differently so that it would be acceptable. Dayna suggested using the word bond. Sean will make that change and then have the Mayor look at it.

- 3. *What areas would you like to see preserved with possible funds?*

Sean will group this one with the one above that he is redoing for the Mayor to look at.

- 4. *How would you rate the enforcement of laws and codes concerning: landscaping, storage of vehicles, stray animals/leashes, traffic.*

All commissioners agreed this should be removed. Interesting feedback but has nothing to do with general plan.

- 5. *Are you happy with the way public meetings are posted and advertised?*

Sean felt meetings are an important part of Planning Commission business. It would be useful for us to know if people feel they are adequately advertised.

- a. Chairman Adamson suggestion substituting "planning commission meetings" for "public meetings".

- 6. *How do you hear about what is happening in Elk Ridge?*

Again, this is important for the Planning Commission since we hold so many Public Hearings, etc.

- a. All agreed that this question can be removed.

- 7. *Are you happy with the way city events (Elk Ridge Days) are posted and advertised?*

- a. All agreed that this question can be removed. The events that are held are very successful and we don't need this one.

- 8. *What impact do you feel the Elk Ridge celebrations have on the community?*

Sean stated that there is a section in the General Plan that talks about city activities. Instead of this question, how about if we ask: Would you like to see more city events or celebrations?

- a. The commissioners felt that we didn't need this question.

- b. Dayna Hughes has headed the Elk Ridge City Carnival for 11 years. She feels this is a great effort and is enough. Leave out the question.
- c. Ken Young stated that while this is the most important event for the community, there are other kinds of events that don't require major volunteer work that might be considered that can benefit the community such as outdoor concerts. There might be certain groups or a family that might want to take the lead on an activity and do it. The question Ken suggested was: *Would you like to see more or other kinds of activities in the community.*
- d. Shawn Eliot suggested that if there is interest, put out a statement in the newspaper asking for people to call the city if they are interested in heading up other city activities.
- e. Chairman Adamson asked Sean to reword the question to include some of the above ideas and make it more acceptable.

9. *Do you feel Elk Ridge City should merge with and become a part of another city?*

This question was brought up in the feedback forms that were received and there has been other "talk" of this possibility. This does seem to be a possible direction for our city to take, and it would be useful to know when revising the General Plan whether or not the community is generally in favor of this idea.

- a. Chairman Adamson suggested removing this question as this is a survey for our vision and when you imply we are not going to have a vision because we are going to adopt someone else's, you have taken away some of the emphasis of the questionnaire.
- b. If left in a possible rewording suggested by Russ was: *Currently there are no plans to merge.....however; would you like us to consider doing that?* Don't let it be a rumor generator.

10. *If you do favor merging, which city would you favor merging with?*

All agreed this question can be removed.

11. *The following is a list of activities or services. Please indicate the agency's performance in the following areas: City Administration, City Office Staff, Code Enforcement.*

All agreed that this should be taken out.

A few other possible additional questions were discussed but decided to not use.

Sean Roylance asked the commissioners if they had any further comments or issues regarding the survey questions that needed to be discussed. There were none. He will revise the survey, take it to the Mayor for immediate feedback, then it will go to the city council on August 28<sup>th</sup>. It will be in their packets the week before. It needs to be to Jan at the city office by the 23<sup>rd</sup> of August.

#### 4. CONCEPT DISCUSSION ON SMART PROPERTY DEVELOPMENT

Ken Young explained that Elliott Smith, of Horizon View Farms, is wanting to look at the possibility of expansion of his project onto the Smart property. He would like to discuss options for that development. Currently our code would not allow for what he is proposing simply because he is in the R-12,000-PUD Residential Zone, which requires a certain density and open space. Horizon View Farms was approved as a portion of the Elk Ridge Meadows PUD so it does meet the requirement. He would like to consider this as another extension and continue the same density as Horizon View Farms onto the Smart Family. He would have to do some code amendments. He would like your reaction tonight so he can decide if it is worth it to proceed. He would like to get a feel for whether or not he could get a code amendment to allow this to happen.

The following discussion ensued:

- a) Elliott Smith, of Pangea Development, introduced Brent Bowers of Salisbury Homes, their partner in the Phase 4 project. They are thinking of expanding the Horizon View Farms concept into the Smart property, add a clubhouse, possibly an enclosed pool (just for those in the town homes development).



- b) The plan they propose has a lesser density than Horizon View Farms. Horizon View Farms contains plats A and B. The new property would contain plats C and D. There are about 10 acres on this concept plan. There are 18 acres total. They are not married to this plan, it is just an idea. Elliott passed out this concept plan, which will be included in the office file on tonight's meeting. This is a PUD R-1 12,000 Zone. Elliott stated this means minimum lot size is 12,000 square feet. Ken Young stated this is in reference to the overall density, not necessarily the minimum lot size.
- c) Elliott stated they will be looking for some type of zoning change or creation of a new zone for this property. He stated that they have done a couple of concept layouts with larger lots – 12,000 to 15,000 square feet. They did not think those size lots backing up to the busy roads would be the best use for the property. They do have some single-family units and have tried to leave some open space buffer adjoining them so they are not backing up to the multi-dwelling family units, except for 3 or 4 houses.
- d) Given the busy roads, the fact that they can expand their existing project and thus provide some nice amenities, Elliott and company feels this is the best use for the land. One of these is a proposed clubhouse with a pool.
- e) Ken Young stated a new zone designation would have to be created to allow for this as it does not fit into the PUD zone. There would have to be a new section in the PUD code to allow for the new density created here, as it is a bit higher density than allowed in our PUD code. Presently the density in new proposed development is a little under 5 per acre. Another option is to create a new zone. This is not a difficult thing. What we need to focus on is whether this fits in with how we want this portion of Elk Ridge to develop.
- f) This property is County land right now. Elliott stated they did not see this property as commercial development. He has attended some economic forecast seminars. The Utah housing market is being hit in a big way. People are not qualifying for homes. During the last few years in Utah home prices have increased 40% faster than wages have. People cannot afford homes. Their goal is to offer nice affordable housing for empty-nesters, young marrieds and people who don't make 6-figure incomes. Currently house priced above the \$350,000 range are having a hard time selling. Our target price on the condos is around \$170,000.
- g) Shawn Eliot expressed concern that the condos were supposed to satisfy the low-impact housing requirement for our city and they turned out not to be very affordable. Eliot felt \$170,000 is affordable. Ken Young stated that we are looking at Elk Ridge citizens alone when considering affordability. Shawn thought it was a County-wide average. He personally feels we have enough condos.
- h) Shawn Eliot also felt one of the proposed roads was too close to the intersection. Sean Roylance felt the pool concept might not be a good idea if it is private. He feels it might bring in resentment. Ken Young felt most people would be OK as they are familiar with the concept.
- i) Shawn Eliot stated that as this is the entrance to town, condos might not be the best option. The rest of the PUD developers tried to create an open feel on the property adjacent to the entrance roads.
- j) Dayna Hughes stated that everything Eliot stated in the way of development made sense, but it is not right for Elk Ridge. Most of the residents here want single family homes. The idea is good but in the wrong place. This would fit in Payson or Salem, but not here (as it would not in Woodland Hills).
- k) Eliot Smith stated this is not price-driven at all. They can lay it out with a generic, sterile lot layout. They are simply trying to find an affordable product and put in some nice amenities. They are trying to do "smart land planning." They are trying to find a product that will sell in today's economy.
- l) Kelly Liddiard liked their idea, he liked the open space. Shawn Eliot asked if they could use the PUD option of clustering.
- m) Dayna stated there is an "us vs. them" mentality in Elk Ridge because of the two different sides of Elk Ridge. She felt this would make it worse. Brent Bowers, developer, said that they will start Horizon View Farms first, and then the commissioners could get a better feel for what these units will look like. It will be very open. Maybe by the time they get the Smart Property Annexation done, the resident will see that.
- n) Elliott thanked the commissioners for their willingness to hear them tonight.

## 5. CE-CODE REWRITE

Russ had to leave the meeting early, so Dayna Hughes, co-chairman, took over the conducting of the meeting.

We will be meeting in a joint work session with the city council on August 28<sup>th</sup>. Shawn Eliot has been working with other commissioners in putting together the presentation on the problems with the CE-1 code. He passed out two handouts to the commissioners (These items are in the office file for tonight's meeting):

1. A bulleted list telling reasons to revisit the code, and
2. A look at the current code with comments on why it needs changing, or editing.

(As these items are included in tonight's packet, they will not be duplicated here, but main points will be brought out)

As Shawn discussed the items some of the major points included:

- a. Shawn mentioned we have lots of verbiage in the code that specifies that developers are supposed to tread lightly as they develop. The hardest part as the last three CE-1 developments came forward was that, though the intent was in the code, the specific verbiage to back it up and enforce it is not there.
- b. The code is not strong enough and it lacks the definition needed to support the goals and policies of the general plan and legislative intent of the CE-1 zone.
- c. **Section 10-9A-1: Legislative Intent:**
  - One mistake we made in the current code is that we wrote "average" when referring to the 20% slope instead of saying you could not do lots on 20% "or above". This allowed RL to get homes on top of the hill with a smaller lot size. This combined with only making 20% open space allows him to have a 20-acre parcel with 5 acres of 30% slopes, allowing over 30 lots. This does not seem to fit the intent of the code.
  - The clustering code is not working right. Regulations in the code do not support clustering on flatter terrain by allowing smaller lots with an "average 20% slope". We should require more open space and define what natural features need to be stayed off of (ravines, etc. with definitions of how far to stay off of).
  - Park City requires a sensitive lands map before design of lots which shows where ravines, hilltops, etc. are on the property.
- d. **Section 10-9A-6: Streets and Roads**
  - Need to define what a significant adverse visual, environmental, or safety impact is.  
Example: *What is a short stretch?*
  - Define minimal cuts and fills. Loafer Canyon is about 40 feet. RL's terraced wall may end up 46 feet high. We should have a maximum height allowed.
  - Intersection grades, we have two but have not used both, maybe only need one. Maybe leave 4% and 100 feet.
  - Code referring to "slope arch" is confusing (10-9A-6-E)
- e. **Section 10-9A-3: Conditional Uses**
  - We need to decide whether we want to allow flag lots. Eric Allen's proposed flag lot was not popular. Shawn Eliot stated we need to either eliminate the option or beef up the code allowing for flag lots.
- f. **Section 10-9A-4: Area and Width**
  - Shawn Eliot felt that one base density and one clustered lot density would make the code more clear and encourage clustering.
  - He also stated that we should clarify that once a development has clusters, that entire plat needs to be clustered.
  - Are third-acre lots appropriate for this zone. Do we want third-acre lots or do we want to have half-acre lots and not require as much open space (40% vs. 50%).
- g. **Section 10-9A-10: Special Provisions**

- There are too many things required on the preliminary plat. Maybe it should be a separate plan which would be “Sensitive Area Determination” report done before preliminary.
- Dayna Hughes mentioned maybe including fault lines, land slide areas, etc.
- Define how far stay off natural conditions, and specifics of how they are to be preserved. Ken Young stated that the code needs to define and spell out the intent of the code to allow legal enforcement of the intent.
- Clearing of vegetation should not be allowed until grading permit is obtained. A developer should provide a plan that shows unique terrain such as ravines, natural drainages, natural vegetation, etc. We should have this grading plan prior to preliminary plan.
- Slopes greater than 20%: It used to be that you could not build on these. We need clarification of what can be built on 20% slopes.

Open space: We now have two types: natural or usable. Both requirement percentages are different. Maybe we should go to having just one and have it be a 50% exchange for clustering. Third-Acre and 50% requirement will give you more useable land. You will have flatter land.

**h. Rename the Zone**

- The council has said we should do this. Shawn suggested “Hillside Residential Zone.” Critical Environment implies you cannot build on that zone, which is incorrect.

**i. Reformat code to make it easier to understand**

**j. Research setbacks from ridgelines and wildlife studies**

**k. Restrict where fencing can be placed**

**l. Add code to revegetate past damage (such as ATV trails)**

**m. Look into allowing longer cul-de-sacs**

**n. Look into not requiring concept fee so vested at preliminary rather than concept**

**o. Add verbiage in code requiring slope analysis**

In summary, Shawn proposed taking the handouts to the council member along with the maps. Dayna suggested doing the presentation to the city council in phases. Let Phase 1 be the first things to be fixed, give them a time-line then proceed with the rest in that fashion.

Shawn suggested cutting down the bulleted list. He mentioned we can either re-write the code or just change it in portions. His concern about just changing portions was that we would miss some inconsistencies, as happened with the last re-write. If we can do a re-write we can make it flow right and make it more easily understandable for all.

Shawn questioned whether we still ask for a moratorium to be passed by the city council. The commissioners felt that would be good. A 180-day no vesting can be passed by either body but Shawn mentioned that state code specifies that a moratorium must come from the city council.

Shawn suggested the following:

- a. Take this proposal to them, get their blessing and input
- b. Go back and put together the code
- c. Bring it back to the city council for another work session
- d. Let them have it for review for a few weeks
- e. Meet again for final review
- f. Maybe do this in three sections

**6. APPROVAL OF  
MINUTES OF  
PREVIOUS  
MEETINGS –  
AUGUST 2, 2007 AND**

Review of June 7, 2007 minutes. Corrections and comments:

Dayna Hughes

p.2, item 18, change “to the city” to “of the city”

p.2, item 19, par. 1, change “give the” to “do this”

JUNE 7, 2007

- p.2, item 19, last par., change “Camas” to “Kamas”
- p.3, item 3-f, 2<sup>nd</sup> sentence, capitalize “with”
- p.3, item 3-f, 3<sup>rd</sup> sentence, change “replace” to “replaced”
- p.5, item b, 1<sup>st</sup> sentence, change “are now” to “is now”
- p.5, item 2, 2<sup>nd</sup> par, 1<sup>st</sup> sentence, change “I” to “Ken”
- p.6, item c, correct spelling to “Adamson”, remove “d” as item heading
- p.7, item g, 3<sup>rd</sup> par., change “trainls” to “trains”
- p.7, item 1, 3<sup>rd</sup> sentence, change “several thousand” to “\$700,000
- p.7, 3<sup>rd</sup> par. from bottom, item 1, change “resolved” to “unresolved”

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KELLY LIDDIARD, TO APPROVE THE MINUTES OF THE JUNE 7, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE AMENDMENTS. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, SCOT BELL, LEFT EARLY (1) RUSS ADAMSON.**

Review of August 2, 2007 minutes. Corrections and comments:

Shawn Eliot

- Add to roll, Corbett Stephens, Elliot Smith, change “Jason Elliot” to “Jason Smith”
- p.2, last sentence, change what Shawn said to “Shawn said that what was shown on the drawings was sufficient except crosswalks needed lighting.” delete statement that was there.
- p.5, item 7, change “???” to “beef up the requirements of what you can and can’t build on 20% slopes.”

Kelly Liddiard

- p.1, 1<sup>st</sup> motion, Kelly was not there, correct that in the vote on the first motion

Dayna Hughes

- p.4, item 1, remove “d” from “dated”
- p.4, item b, add “we” after “when”
- p.5, line 2, change “Some of the council” to “One of the council members”
- All motions, remove “LATE: RUSS ADAMSON”
- p.7, item 8, change “of” to “that the council may favor”

**A MOTION WAS MADE BY SHAWN ELIOT AND SECONDED BY KELLY LIDDIARD, TO APPROVE THE MINUTES OF THE AUGUST 2, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE AMENDMENTS. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, SCOT BELL, LEFT EARLY (1) RUSS ADAMSON.**

#### 6. PLANNING COMMISSION BUSINESS

None

#### 7. FOLLOW-UP ASSIGNMENTS / MISC. DISCUSSION

- Items for Sept. 6, 2007 planning commission meeting as discussed by Ken Young:
- Public hearings: Ancillary Buildings and Off-street Parking for Multiple Family Units
  - Possibly change code to require secondary water laterals at time of building permit

Ken Young passed out a proposed schedule suggest by the engineer as a timeframe for developers to submit their applications. This was suggested by city engineer, Craig Neeley. Staff needs a more reasonable time to review plats prior to TRC, planning commission and city council meetings.

#### ADJOURNMENT

Co-chairman, Dayna Hughes, adjourned the meeting at 9:40 p.m.

  
 Planning Commission Coordinator



## NOTICE OF PUBLIC MEETING

Notice is hereby given that the Elk Ridge Planning Commission will hold two Public Hearings to consider the following:

- 1) 7:00 – Code Amendment to Sections 10-12-4 and 10-12-6, regarding removal of ancillary residential unit option.
- 2) 7:10 – Code Amendment to Section 10-12-15 regarding off-street parking for multiple family dwellings.

These hearings will be held on Thursday, September 6, 2007, beginning at 7:00 p.m. during the first part of the regularly scheduled Planning Commission Meeting on Thursday, September 6, 2007, beginning at 7:20 p.m. The meetings will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

- |           |  |
|-----------|--|
| 7:00 P.M. | <b>Opening Remarks &amp; Pledge of Allegiance</b><br><b>Roll Call</b><br><b>Approval of Agenda</b>   |
| 7:10 P.M. | <b>1. Public Hearing to consider Code Amendment to Sections 10-12-4 and 10-12-6, regarding removal of ancillary residential unit option</b><br>– Review and Discussion<br>– Motion on Public Hearing   |
| 7:20 P.M. | <b>2. Public Hearing to consider Code Amendment to Section 10-12-15 regarding off-street parking for multiple family dwellings</b><br>– Review and Discussion<br>– Motion on Public Hearing<br><br><b>3. Lee Haskell Commercial Concept</b><br>– Review and Discussion<br><br><b>4. Elk Haven Subdivision – Plat A - Final</b><br>– Review and Discussion<br><br><b>5. Elk Haven Subdivision – Plat B - Final</b><br>– Review and Discussion<br><br><b>6. Set Public Hearings</b><br>a. <b>Zoning Code Amendment re: Section 10-12-24, Street Hard Surfacing</b><br>b. <b>Zoning Code Amendment re: Section 7-4-6-C-4, Street Facilities</b><br><br><b>7. General Plan Survey Status</b><br>– Review and Discussion<br><br><b>8. Approval of Minutes of Previous Meeting – August 17, 2007 and June 7, 2007</b><br><br><b>9. Planning Commission Business</b><br>– Review and Discussion<br><br><b>10. Follow-up Assignments / Misc. Discussion</b><br>Agenda Items for September 20, 2007 Planning Commission Meeting |

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 30th day of August, 2007.

  
 \_\_\_\_\_  
 Planning Commission Coordinator

BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 30th day of August, 2007.

  
 \_\_\_\_\_  
 Planning Commission Coordinator





ELK RIDGE PLANNING COMMISSION MEETING AND PUBLIC HEARINGS  
September 6, 2007

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TIME AND PLACE  
OF PLANNING  
COMMISSION  
MEETING AND  
PUBLIC HEARINGS

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, September 6, 2007, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah. The Planning Commission Meeting was preceded by two scheduled public hearings: the first public hearing, at 7:00 p.m. was to consider adoption of an amendment to Sections 10-12-4 and 10-12-6 of the Elk Ridge City Code regarding the removal of the ancillary residential unit option; the second public hearing at 7:10 p.m. was to consider an amendment to Section 10-12-15 of the Elk Ridge City Code regarding off-street parking for multiple family dwellings.

ROLL CALL

*Commissioners:* Russ Adamson, Sean Roylance, Dayna Hughes, Kevin Hansbrow, Kelly Liddiard  
*Absent:* Scot Bell, Shawn Eliot, Paul Squires  
*Others:* Ken Young, City Planner  
Margaret Leckie, Planning Commission Coordinator  
Karl Shuler, Jed Shuler, John Money, Lee Haskell

OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE

Chairman Russ Adamson welcomed the commissioners and guests and opened the meeting at 7:05 p.m.. Opening remarks were given by Kevin Hansbrow, followed by the Pledge of Allegiance.

APPROVAL OF  
AGENDA

The agenda order and content were reviewed. There only amendment to the agenda was to move Item 3 (Lee Haskell) to come after Items 4 and 5 (Elk Haven Subdivision, Plats A and B – Final) as Lee arrived late.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW, TO APPROVE THE AGENDA FOR THE PLANNING COMMISSION MEETING FOR SEPTEMBER 6, 2007 WITH THE ABOVE MENTIONED CHANGES. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) SCOT BELL, SHAWN ELIOT, PAUL SQUIRES.**

1. PUBLIC HEARING  
TO CONSIDER  
ADOPTION OF AN  
AMENDMENT TO  
SECTIONS 10-12-4  
AND 10-12-6 OF THE  
ELK RIDGE CITY  
CODE REGARDING  
THE REMOVAL OF  
THE ANCILLARY  
RESIDENTIAL UNIT  
OPTION

Russ Adamson opened the public hearing at 7:10 to consider an amendment to Section 10-12-6 of the Elk Ridge City Code, regarding the removal of the option for ancillary residential units.

Chairman Adamson read the following background information from the memo prepared by Ken Young, City Planner:

**Background:**

A recent inquiry as to whether the City would allow a residential unit in an accessory building (which is prohibited), staff found two references in the code to "ancillary residential units", which are mentioned as an exception for approval through code provisions. The code does not otherwise provide for such approval or give any regulations for such units.

In a discussion with the Mayor, it was determined that the language found in two code sections that refers to "ancillary residential units" be removed and that the city not consider at this time any proposal to allow for the approval of such units.

**The following code amendments are proposed:**

**10-12-4: EACH DWELLING TO BE ON A ZONING LOT:**

Only one building which contains a dwelling shall be located and maintained on each zoning lot. , ~~except when a second structure shall have been approved as an ancillary residential unit in accordance with the provisions of this development code relating thereto.~~

**10-12-6: ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS:**

Living and sleeping quarters shall not be permitted in any accessory building. , ~~except when the structure shall have been approved as an ancillary residential unit in accordance with the provisions of this development code relating thereto.~~

**Recommendation:**

It is recommended that the Planning Commission set a date for a public hearing to consider this code amendment proposal.

**Discussion**

Ken Young explained that since our code does not provide any description of what is required for an

ancillary unit, it cannot be regulated so it is easiest to remove this reference.

Public comments were invited, there were none. Chairman Adamson closed the public hearing at 7:15 p.m..

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW, TO RECOMMEND APPROVAL OF THE ABOVE PROPOSED AMENDMENT TO THE ELK RIDGE CITY CODE, SECTIONS 10-12-4 AND 10-12-6, REMOVING ALL REFERENCE IN THE CODE TO ANCILLARY BUILDINGS. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) SCOT BELL, SHAWN ELIOT, PAUL SQUIRES.**

**2. PUBLIC  
HEARING TO  
CONSIDER  
ADOPTION OF AN  
AMENDMENT TO  
SECTION 10-12-15 OF  
THE ELK RIDGE  
CITY CODE  
REGARDING OFF-  
STREET PARKING  
FOR MULTIPLE  
FAMILY  
DWELLINGS**

Russ Adamson opened the public hearing at 7:15 p.m. to consider an amendment to Section 10-12-15 of the Elk Ridge City Code, regarding off-street parking requirements for multiple family units..

Chairman Adamson read the following background information from the memo prepared by Ken Young, City Planner:

**Background:**

In review of the Horizon View Farms development, it was recommended that an off-street parking requirement be put into place for such developments, which currently does not exist in the City Code.

A common requirement for such developments is to provide somewhere between 2.5 and 3 off-street parking stalls for each unit. Usually, 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 for multiple family development, as follows:

**The following code amendments are proposed:**

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. Not less than two (2) of the off street parking spaces appurtenant to a dwelling shall be enclosed within a garage.

**Recommendation:**

It is recommended that the Planning Commission recommend approval of this proposed code amendment.

**Discussion**

Ken Young answered a question by Kelly Liddiard explaining that setbacks from a public street cannot be counted as parking spaces. Ken Young stated that presently there are only 2 off-street spaces required and they must be in the garage and one additional.

Kevin Hansbrow asked if Elk Ridge is ever planning to build any units more dense than Horizon View Farms. Ken Young mentioned there is a new zone being proposed adjacent to the golf course and across the street at the corner of Elk Ridge Drive and Park Drive (Park View Corner) where they are proposing twin homes. These are not more dense but we don't know what might be proposed along the canal. For now this will be a safety catch.

Kevin Hansbrow stated that if we ever did apartments, this code would be a little strict for apartments. This code amendment will work for now, but might have to be re-examined if we ever did denser units.

Public comments were invited, there were none Chairman Adamson closed the public hearing at 7:25 p.m..

**A MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY KELLY LIDDIARD, TO RECOMMEND APPROVAL OF THE ABOVE PROPOSED AMENDMENT TO THE ELK RIDGE CITY CODE, SECTION 10-12-15, REGARDING OFFSTREET PARKING REQUIREMENTS FOR MULTIPLE FAMILY UNITS. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) SCOT BELL, SHAWN ELIOT, PAUL SQUIRES.**

**3. ELK HAVEN  
SUBDIVISION, PLAT  
A, FINAL PLAT**

Chairman Adamson asked City Planner, Ken Young, to explain what he was referring to in the memo on this item in tonight's packet when he referred to the engineering issues that still needed to be resolved. Ken explained there were construction drawing engineering requirements and whether we mention them here or not the plat as shown tonight can still be approved. They will not go forward until these requirements are met.

The following discussion ensued:

- a) Russ Adamson brought up an issue that needed to be discussed, which he mentioned Shawn had commented on. This is the recommendation from staff that Lots 13-15 be given the option of dual access from High Sierra and Mountain Crest Drive. Russ mentioned that High Sierra probably should be the one access as Mountain Crest is fairly steep and we may not want to alternate front and back. The planning commission is not sure they agree with the idea of granting frontage opportunity on both sides.
- b) Karl Shuler mentioned that the reason it is shown that way on the plat is that is what Shawn Eliot had put both addresses in. Their intention was always to have access on at least Lot 13 for sure, on Mountain Crest. They were directed to put the building envelopes on the flattest portion and on 13 it is closest to Mountain Crest.
- c) Russ asked if there was concern about having alternate accesses on the same street. Ken Young did not think so, other than aesthetics. Ken did mention that the code does call for frontage on the road with the lesser classification, but in this case they are both classified the same. The other criteria to be considered is the slopes.
- d) Dayna Hughes mentioned that the lots are large enough that if some fronts were adjacent to backs, it would not be noticeable.
- e) Karl felt that Lot 13 should front Mountain Crest, but would like to let the people who buy Lots 14 and 15 decide which street they want to front. There will be undisturbed vegetation outside the building envelope so you would not be able to tell as you drove down the street that you were looking at the back of the house. Lot 14 is over 26,000 sq. ft. and Lot 13 is over one acre in size.
- f) Mountain Crest Drive is higher in elevation than High Sierra Drive. Mountain Crest by Lots 12 and 13 has a 10% slope. High Sierra is less than 5%, so as far as the driveway access, it would be coming off a flatter road off of High Sierra. Karl Shuler mentioned it is about the slope of High Sierra where Sean lives (Sean thought that would be closer to Chappell's home where it is steep).
- g) Commissioners Hansbrow and Liddiard agreed that with the large lots, staggering the fronts and backs on adjacent lots should not be an issue.
- h) Dayna Hughes mentioned that the building envelope for Lot 13 was shown differently on different pages of Karls submittal. Karl would like to keep the larger envelope. He thought the smaller envelope was a mistake. Dayna Hughes was concerned that if you provided a larger building envelope someone might fill it up with a huge house.
- i) There was some confusion at the detailing of the lot dimensions. They appeared too small, but Ken Young explained that they go from curve to curve, not clear across the whole front.
- j) Ken Young stated we can not require anything stricter than the code and the code allows for dual access options.
- k) Russ quoted the code as follows:

*10-15F-3: LOTS ABUT ON PUBLIC STREET; DOUBLE FRONTAGE LOTS PROHIBITED, EXCEPTIONS:*

*Each lot in a subdivision shall abut on a street dedicated to the city by the subdivision plat or an existing public street, either dedicated or which has become public by right of use, and is more than fifty six feet (56') wide. Interior lots having frontage on two (2) streets are prohibited except in instances where topographic conditions make such design desirable. (Ord. 97-7-8-8, 7-8-1997)*

- l) Ken Young stated that approval of this plat assumes we are approving double frontage on these

particular lots because of the topography in the area. Russ stated that the code is silent as far as access is concerned.

- m) Ken Young stated that vegetation must stay in beyond 30 feet of the building envelope. Jed Shuler read from the CE-1 code Section 10-9A-10-E:

*E. Removal Of Natural Vegetative Material: Natural vegetative material shall not be removed except for those portions of the site to be committed to the dwelling and attendant yard area (generally 30 feet around dwelling), and required to accommodate roadways, driveways, retention walls, and firebreaks. All areas proposed for removal of vegetative materials shall be shown on the grading and site plan. Any area requiring revegetation will be shown on the grading and site plan.*

- n) John Money stated that when a homeowner takes out a building permit the plat will have to be approved by the city and by him. The system is already in place to cover the concerns of the planning commission.
- o) Karl mentioned there is a note on the plat that states that “to protect the wildlife corridors and natural drainage, slopes of 20% or greater outside of the building envelope shall not be fenced”.
- p) Dayna Hughes mentioned the drainage issue on Lot 2 – (this was from an email from Shawn Eliot, who could not attend tonight’s meeting) –

*“Lot 2 has a drainage through the heart of it with the building envelope straddling it and the proposed driveway access crossing it. I know this is the top of the drainage, but our code does not say ‘stay back from only the bottom and middle of the drainage, it states drainage’. The development standard states that any building area or portion of the buildable area shall not be closer than 30 feet from any manmade or natural drainage channel. It is the homes downslope that we should be concerned about with what we would allow at the top of the drainage...A great example of this is at the end of Cove Drive. They have their homes built at the bottom of the drainage with homes built at the top of the drainage above them. When it rains water drains and percolates into the Holman’s and Graham’s back yards and window wells. If the above code had been followed there would probably not be this problem.*

*The reason the building envelope for Lot 2 is in this location is because on the slope analysis map it showed this area being the flattest. What we didn’t look at is the reason this is flatter is it is the drainage. I recommend moving the building envelope to the west (the commissioners thought he probably meant northwest) of the property next to Lot 1 and if it helps, allowing the front setback to be 20’ from the road as per our code. Really, there should not be a lot here in the first place. The average slope of the lot is 25% with a drainage through the middle. Anything you do on those steep slopes on the side of the drainage could have consequences later.*

- q) Jed Shuler stated that it is not natural drainage any more because the street goes through there and creates it’s own drainage with the sumps. Kevin Hansbrow concurred that the street breaks the drainage. Karl said it is more like a bowl than a v-drainage channel. The building envelope is in a big bowl, not a channel. From reading military maps for a long time, he would not call that a channel. It doesn’t even form a V until you get further down.
- r) Karl stated they first had the envelope on the west side. Ken Young stated that it might cause a lesser driveway approach on that west side. It was almost arbitrary where the envelope was put. If the drainage and driveway approach makes a difference maybe it would be ok to move it. Karl said that the reason it was moved was when they looked at the natural slope, that made sense. He is fine with moving it.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW, TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE FINAL PLAT OF ELK HAVEN SUBDIVISION, PLAT A WITH THE FOLLOWING CONDITIONS:**

- 1) WE RECOMMEND MOVING THE BUILDING ENVELOPE ON LOT 2 TO THE NORTHEAST OF THE PROPERTY NEXT TO LOT 1, AND IF IT HELPS, ALLOWING A 20’ FRONT SETBACK FROM THE ROAD AS PER CODE.**
- 2) THE BUILDING ENVELOPE ON LOT 13 SHOULD BE MADE CONSISTENT ON ALL MAPS (AS IT IS SHOWN ON MAP 3).**

**VOTE: YES-ALL (4), NO (1) SEAN ROYLANCE, ABSENT (3) SCOT BELL, SHAWN ELIOT, PAUL SQUIRES.**

Sean Roylance voted “no” because he felt that dual access streets posed a safety issue.



**4. ELK HAVEN  
SUBDIVISION, PLAT  
B, FINAL PLAT**

There are no outstanding issues with Elk Haven Subdivision, Plat B, owned by John Money.

**A MOTION WAS MADE BY KELLY LIDDIARD AND SECONDED BY SEAN ROYLANCE, TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE FINAL PLAT OF ELK HAVEN SUBDIVISION, PLAT B. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) SCOT BELL, SHAWN ELIOT, PAUL SQUIRES.**

**5. LEE HASKELL  
COMMERCIAL  
CONCEPT**

Lee Haskell stated that they simply want to sell the commercial lots. No one has come up with a good idea of what type commercial development should go on them. There was no staff report on this item. This is just a discussion of a concept.

The following discussion ensued:

- a. Russ Adamson stated that the General Plan Survey we will find out from the residents how they feel about commercial property in Elk Ridge. He is anxious to see what their thoughts are.
- b. Lee stated there are four acres. In Phase 1 they would like to do 2 lots on Olympic Lane, approximately 1-1/3 acre lots. Lee Haskell gave us an engineer's drawing of his concept (similar to the hand drawn one in tonight's packet). There are a total of about 5 acres with all the 5 lots.
- c. Phase 2 would be the large lot on Goosenest and the 2 small lots not owned by Lee along Park Drive. The proposed round-about is far enough away that it will not effect this property.
- d. Lee stated that Clark Kay owns the lot that is shown on the plat as owned by the Bank of Utah.
- e. Lee Haskell brought this to us just to get our feelings.
- f. His property would comprise 3 of the proposed lots and the other 2 would be owned by someone else (as shown on plat map handed out in tonight's packets).
- g. Nothing can be done with Lot 3 until the sewer comes in.
- h. Russ stated that our code is silent on what types of commercial ventures are acceptable. He stated the city would like a bigger tax base.
- i. Ken Young stated there is no action required tonight. Lee is just seeing if we amenable to his selling these 3 commercial lots. He will come back in with a subdivision plat dividing this ground.
- j. Kevin Hansbrow said it comes down to checking the ideas of the person who buys the lot.
- k. Lee would like to see a nice restaurant.

**6. SET PUBLIC  
HEARINGS**

From tonight's memo prepared by Ken Young:

*In dealing with the construction of new developments, concern has arisen regarding whether a developer should be allowed to defer completion of road hard surfacing improvements prior to the issuance of a building permit. It has been recommended that it is better policy and allows less problems with builders and home owners to always require the road improvements first.*

*Language allowing for such deferral of improvement completion is proposed to be eliminated from Section 10-12-24 of the City Code.*

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY SEAN ROYLANCE, TO SET A PUBLIC HEARING FOR OCTOBER 4<sup>TH</sup>, 2007 TO THE CITY COUNCIL OF THE ELK RIDGE CITY CODE AMENDMENT TO SECTION 10-12-24 IN ORDER TO PROHIBIT DEFERRAL OF HARD SURFACE STREET IMPROVEMENTS. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) SCOT BELL, SHAWN ELIOT, PAUL SQUIRES.**

B. From tonight's memo prepared by Ken Young:

*Recent concerns and problems with road construction in the community have caused staff to look at and suggest code amendments regarding construction deadlines, fines and required lanes remaining open.*

*The City Code subsection dealing with the construction of street facilities, under the section for*

*bonding requirements (7-4-6), is proposed to be amended.*

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY SEAN ROYLANCE, TO SET A PUBLIC HEARING FOR OCTOBER 4<sup>TH</sup>, 2007 TO THE CITY COUNCIL OF THE ELK RIDGE CITY CODE AMENDMENT TO SECTION 7-6-4-C-4 REGARDING CONSTRUCTION DEADLINES, FINES AND REQUIRED LANES REMAINING OPEN. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) SCOT BELL, SHAWN ELIOT, PAUL SQUIRES.**

The commissioners discussed the fine options. Kevin Hansbrow suggested a graduated scale for the fine that increased as the time increased. Chairman Adamson suggested they present some of their ideas at the public hearing.

## 7. GENERAL PLAN SURVEY STATUS

Sean Roylance mentioned that they finalized things pretty well at the last work session with the city council. He will work on some final word changes with the Mayor this week, nothing of real note.

We just need to set a date and organize the actual distribution. Bob Allen will make the changes. He could have it ready in a day. Sean Roylance will take over the organization from Dayna Hughes.

Sean agreed to find the main "magnificent seven". Kevin still will be one. Mary Rugg and Ray Brown had volunteered to help as one of the seven.

Sean is going to try and get things done and get the survey out Sept. 18<sup>th</sup>.

## 8. APPROVAL OF MINUTES OF LAST MEETING – AUGUST 16, 2007

Review of August 16, 2007 minutes. Corrections and comments:

Russ Adamson

He left early from that meeting so remove him from the last two motions (change vote numbers).

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY RUSS ADAMSON, TO APPROVE THE MINUTES OF THE AUGUST 16, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE CHANGE. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, SCOT BELL.**

## 9. PLANNING COMMISSION BUSINESS

1. Chairman Adamson mentioned that we will know after city council meets this Tuesday whether they enact a moratorium on CE-1 projects. We should put the CE-1 code rewrite back on our agenda for the next meeting.
2. If the moratorium passes we may want to keep our agenda for next time pretty clear.
3. Dayna Hughes mentioned someone brought up the issue of planning commissioners meeting together outside of planning commission meeting to work on items. After checking with code and the city attorney it was determined that this is legal as long as a quorum (4) is not present.
4. Ken Young explained the suggested timetable for plat submittal that went out in tonight's packet. This was drafted in order to provide the needed review time for staff.

## 10. FOLLOW-UP ASSIGNMENTS / MISC. DISCUSSION

None.

## ADJOURNMENT

Chairman Adamson adjourned the meeting at 8:25 p.m.

  
Planning Commission Coordinator

## NOTICE OF PUBLIC MEETING – AMENDED AGENDA

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled **Planning Commission Meeting on Thursday, September 20, 2007, beginning at 7:00 p.m.** The meeting will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

**7:00 P.M. Opening Remarks & Pledge of Allegiance**

**Roll Call**

**Approval of Agenda**

- 1. CE-1 Code Rewrite**  
– Review and Discussion – Shawn Eliot
- 2. Driveway Slope Exception – Donahoe – 278 Grandview Circle**  
– Review and Discussion – Corbett Stephens
- 3. Loafer Canyon Recreations District Site Approval - Thompson**  
– Review and Discussion – Corbett Stephens
- 4. Code Amendment/Creation**
  - a. Fire Sprinkler Code
  - b. Open Space/Park Code
  - c. Road Delay Fines
- 5. General Plan Rewrite / Survey Results**  
– Review and Discussion – Sean Roylance
- 6. Approval of Minutes of Previous Meetings – September 6, 2007**
- 7. Planning Commission Business**
- 8. Follow-up Assignments / Misc. Discussion**  
– Agenda Items for October 4, 2007 Planning Commission Meeting

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 20<sup>th</sup> Day of September, 2007.

  
\_\_\_\_\_  
Planning Commission Coordinator

### BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

#### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 20<sup>th</sup> Day of October, 2007.

  
\_\_\_\_\_  
Planning Commission Coordinator





**ELK RIDGE PLANNING COMMISSION MEETING**  
**September 20, 2007**

**TIME AND PLACE OF  
PLANNING COMMISSION  
MEETING**

A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, September 20, 2007, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah..

**ROLL CALL**

*Commissioners:* Russ Adamson, Kevin Hansbrow, Scot Bell, Sean Roylance, Shawn Eliot, Paul Squires, Kelly Liddiard, Dayna Hughes  
*Absent:* None  
*Others:* Ken Young, City Planner  
 Margaret Leckie, Planning Commission Coordinator  
 Corbett Stephens, Building Inspector  
 Julie Thompson (owner of Loafer Canyon Recreation Lot), her father (Jack Winterbottom?), Ken Donohoe

**OPENING REMARKS &  
PLEDGE OF  
ALLEGIANCE**

Chairman, Russ Adamson opened the meeting at 7:00 p.m.. Opening remarks were given by Kevin Hansbrow, followed by the Pledge of Allegiance.

**APPROVAL OF AGENDA**

The Agenda order and content were reviewed. The only change made was to move Item 1 – CE-1 Code rewrite to follow Items 2 and 3 so those in attendance for those two items could leave earlier.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW, TO APPROVE THE AGENDA FOR THE SEPTEMBER 20, 2007 PLANNING COMMISSION MEETING WITH THE ONE ABOVE-MENTIONED CHANGE. VOTE: YES-ALL (8), NO-NONE (0).**

**1. KEN DONOHOE –  
DRIVEWAY SLOPE  
EXCEPTION – 278  
GRANDVIEW CIRCLE**

Elk Ridge Building Inspector, Corbett Stephens, explained that the driveway at 278 Grandview Circle was poured and it is steeper than our code allows. The commissioners referred to the drawing given to them tonight by Mr. Donohoe which showed the slopes on the various driveway segments.

The following discussion ensued.

- a) Mr. Donohoe, owner/builder, explained his drawing. The drawing showed the existing deviation compared to the 12% code. In 130 feet the overall slope is 12% but there is a hump. One of the increments is 21% (20 feet). It is a very long driveway.
- b) Chairman Adamson pointed out that if he had been careful, he could have achieved the 12% along the whole driveway. The owner concurred that it could have been poured without the hump and he regrets to have to come before the commissioners.
- c) Margaret read from the Development Standards which stated that *driveway slope shall not exceed 12%. Where observance of this standard is not feasible the town council subject to the prior recommendation of the planning commission shall have power to grant an exception.*
- d) Mr. Donohoe said that maybe he misinterpreted the code. In the overall length, it does not exceed 12%. He worked to do that. When they graded and poured they ended up with the hump. It will be a considerable hardship to take the driveway out and re-pour.
- e) Russ mentioned there are some driveways in our community as steep as 14% but he has not seen one as steep as 21%.
- f) Mr. Donohoe said he lives in Cedar Hills where there are driveways as steep as 45%. Shawn Eliot stated that they do not allow that any more.
- g) Mr. Donohoe stated the maximum slope is in the center of the 130'. If the end goal is safety, people can walk up the steps and not the driveway.
- h) Shawn asked Building Inspector, Corbett Stephens, for background. Corbett stated that prior to the issuance of a building permit the owner received a copy of the assessments, which included the driveway standard. In the assessments it states *no driveway grade shall exceed 12%*. This is repeated in the homeowner association documentation received by the owner. The owner had plenty of documentation.
- i) The owner stated that he was not unaware of the requirement. He intentionally put the garage where it is in order to achieve the slope requirement. It wasn't like he just blew off the 12%.
- j) The owner stated the upper portion of the driveway is fairly flat, kids can play on it, it is very usable for parking, etc. Most of the slope is in the hump area.



- k) Scot Bell asked if there was any purpose for the hump (ie. trying to avoid utilities, etc.). The owner responded there was not, the hump was a mistake. He is not adverse to the slope in the winter because of where it is located. You are not coming straight off that slope into the street, nor are you coming straight up that slope into a driveway. The steeper grade is in the middle of the long 160' driveway.
- l) Shawn Eliot stated you are starting at 12%, which is as steep as we allow, and going up to 21%. His concern was for an emergency vehicle (ambulance or fire truck) trying to get up to the house.
- m) The owner explained that both sides of the driveway are retained by rock. If there was an easier way to rectify the error, the owner stated he would feel differently about it. The only way to get to the 12% would be to take out all of the driveway, re-grade and re-pour. This would cost \$6,000 to \$10,000 dollars.
- n) Shawn Elliot asked for Corbett Stephen's opinion (Chief Building Official). He stated that this is a steep driveway looking at it from a safety viewpoint. The house is for sale and for the next person who buys into it, he would rather see it at 12%. The owner stated it is his home but he does have a for sale sign up.
- o) Mr. Donohoe said there could be a rider on the title of the home stating the driveway is in non-conformance and exceeds 12%.
- p) Sean Royslance did not want to set a precedence of approving something so far out of code. Scot Bell said he has never seen the commission approve such a deviance from code.
- q) Russ stated that based on the code, from which the commission must make their decision, he does not feel they should recommend such a deviation when they could have achieved the code.

**SHAWN ELIOT MADE A MOTION THAT WAS SECONDED BY SCOT BELL TO RECOMMEND TO THE CITY COUNCIL THAT THE DRIVEWAY SLOPE EXCEPTION FOR KEN DONOHUE AT 278 GRANDVIEW CIRCLE BE DENIED DUE TO THE EXCESSIVENESS OF THE SLOPE (80+ FEET BETWEEN 12% AND 20%) AS IT WOULD BE A HEALTH AND SAFETY ISSUE FOR OUR EMERGENCY PERSONNEL. VOTE: YES- (7), NO- (1) PAUL SQUIRES.**

Paul Squires voted "NO" as he did not feel the slope was that big an issue. If a person buys the house and signs off that they realize it, that should be sufficient.

## 2. LOAFER CANYON RECREATION DISTRICT SITE APPROVAL – JULIE AND JASON THOMPSON LOT – 2224 S. LOAFER CANYON ROAD

Jason and Julie Thompson have a building site at 2224 S. Loafer Canyon Road which is in the Loafer Canyon Recreation District.

Building Inspector, Corbett Stephens, explained that our ordinance requires that any site in the Loafer Canyon Recreation District Association must be approved by the planning commission. There is nothing particular about this site plan. There is nothing excessive. We have an inspection report by the fire chief giving his approval. He completed the pre-qualification checklist. It is a technicality that it must be approved by the planning commission.

The following discussion ensued:

- a) Ken Young explained this is just a site plan on an already approved lot. Normally these don't come before the planning commission, but just go to the building inspector. They are in the CE-2 zone.
- b) Scot Bell asked if the CE-2 required a landscaping plan. Shawn Eliot stated that it required a grading plan. Scot stated we should have some topo detail. The CE-2 zone does not require some of the things the CE-1 zone does. Shawn Eliot stated that the CE-2 code is found in Section 10-9B-8 of the city code. There is a grading permit required.
- c) The owner's father stated the lot is very flat. They do not propose to remove any further vegetation. The lot is steep enough for a walk-out basement. There are two driveways proposed because of the elevation change. Because of the rise and fall of the lot, both driveways come off the road fairly flat.
- d) Dayna Hughes questioned whether any of the building area was over 20% slope.
- e) The owner was not aware that he was supposed to get a grading permit. He had met with staff and was never told this. Ken Young said he did not know a grading site plan was to be approved by the planning commission. This is the first Loafer Canyon Recreation Lot that has come in since he has worked here and he just got it this afternoon. We don't deal with them very often.
- f) In Chapter 9, Article B, Section 10-9B-9-E, it stipulates a grading permit is required, as follows:  
*Grading Permit: No grading, filling or excavation of any kind shall be commenced on land within the zone without first having obtained a grading permit from the city and signed by the*

*city engineer, who shall not issue such permit until a grading plan, endorsed by a licensed civil engineer, shall have been approved by the planning commission. All land surface having a slope of twenty percent (20%) or greater shall remain in its natural state and shall not be graded or otherwise disturbed except for the planting of additional vegetation, the addition of sprinkler irrigation systems, the establishment of required firebreaks or access easements, or when such disturbance is specifically provided for under an approved site plan. 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.*

- g) The owner said they have begun clearing the land and have added fill where the retaining wall is and some grading has been done.
- h) The owners plan does show some grades. He took one GPS reading then shot everything based on this reading with a level. The grades are right in conjunction with this one point.
- i) Shawn Eliot stated that if the grading has begun, it is too late for the planning commission to worry about this. The owner stated the portion of the lot that has been graded was not 20% slope or greater. The only excavation remaining is to level the backfill for the house.
- j) The lot is 149 feet wide and has about 13 feet fall from one end to the other. From front to back it is basically flat.
- k) Mr. Thompson stated that the property has a drainage ditch in the back that was just cleaned out.

**A MOTION WAS MADE BY SHAWN ELIOT AND SECONDED BY KEVIN HANSBROW TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE SITE PLAN FOR THE THOMPSON HOME AT 2224 S. LOAFER CANYON ROAD WITH THE NOTE THAT IN THE FUTURE WE REQUIRE A GRADING PLAN BE APPROVED AS PER CODE. VOTE: YES (7), NO-(1) DAYNA HUGHES**

Dayna Hughes voted "NO" because the process was not done according to code. She did recognize that this was not the owner's fault. He had checked with the City. He stated that if he had been aware he would have done it. Ken Young was not given this project until today and had never dealt with this area. Corbett Stephens also stated this was the first time he had dealt with a building permit in this area.

#### **MOTION TO AMEND AGENDA**

As Corbett Stephens, building inspector, was here and needed to leave it was decided to discuss original Item 4 (Code Amendment/Creation) before original Item 1 (CE-1 Code Rewrite)

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW, TO MOVE THE CODE AMEDEMMENT AGENDA ITEM TO PRECEDE THE CE-1 CODE REWRITE AGENDA ITEM. VOTE: YES-ALL (8), NO-NONE (0).**

#### **3A. CODE AMENDMENT /CREATION - FIRE SPRINKLER CODE**

Shawn Eliot mentioned that earlier this year we had suggested code to the city council after speaking with the fire chief. At the same time the city council requested we write a special code requiring fire sprinkler systems for Goosenest (Shuler Water System) as the pressure in that area does not support fire hydrants. We wrote a code that combined all Elk Ridge with the Goosenest area. They did not want that, they wanted a separate requirement for just Goosenest, so it was tabled and sent back to the planning commission. They want separate code for the Shuler water system and for the hillside area.

The following discussion ensued.

- a. Corbett Stephens, Elk Ridge City Chief Building Official, stated that after the training he received as a building inspector he sees many reasons for requiring fire sprinkling systems in all new residential development. He feels that some of these reasons are that the building code gives so many trade-offs and credits for putting in indoor fire sprinkling systems and fire sprinklers save lives. In 100% of the homes that have fire sprinklers there has never been a fatality. In 80% of the homes the most that have ever gone off have been 2 heads. Most rooms would only have one head. A head will service a 20' x 20' room. They put off about 15 gallons of water per minute as opposed to a fire hose at 1,500 gallons a minute. With the sprinklers there is enough water to absorb heat and keep the fire at bay until the fire department arrives. The fire department can then come in and put the fire out with fire extinguishers, thus life saving is enhanced, and the structural damage is minimized.
- b. Several of the commissions felt that sprinklers should be required in all homes after this discussion.
- c. Shawn Eliot mentioned that the Elk Ridge Fire Department only has 2 people here during the day.
- d. Shawn Eliot requested that when this is presented before the council that Corbett attend and

- present this information.
- e. There is developer pressure against sprinklers being required.
  - f. Corbett mentioned the cost is \$1.25/sq. foot. For a 4,500 sq. ft. home the cost would be about \$6,000. Sean Roylance mentioned you would be paying for this over 30 years and your insurance would have an immediate savings.
  - g. Corbett mentioned the danger of adjoining homes catching on fire also if a home burns down due to the fact that it did not have sprinklers. The homes in Elk Ridge Meadows are only 10 feet apart.
  - h. After discussion among the commissioners, they felt they should send forward a separate ordinance for the Shuler Water System (Goosenest) and then discuss overall code at the same meeting. Kevin Hansbrow stated we need to get this going soon, as there are a lot of potential homes that are going to be built in the near future.
  - i. Dayna Hughes mentioned that if someone comes in now for a building permit, as the item was on our agenda, they are bound by whatever is decided on the fire sprinkler code amendment.
  - j. Corbett referenced a video clip showing a tree in rooms with and without sprinklers catching fire. The difference was phenomenal. The tree in the room with sprinklers just smolders, the tree in the room without sprinklers bursts into flame.
  - k. Corbett stated that when he worked in Woodland Hills the city got credit for every dollar that was spent towards fire prevention as matching dollars from the state. If residents of Woodland Hills spent \$100,000 a year, the state would match that \$100,000. Woodland Hills just bought a brand new \$94,000 brush truck.
  - l. In Woodland Hills, as a trade-off, the fire rating is taken away if you put in sprinklers.
  - m. In Woodland Hills it is in the ordinance that you have to have an annual check-off of your system by a licensed fire sprinkler contractor. It can be as low as \$60 if done in a group.

The commissioners decided to send forward the Goosenest code, then at that meeting as an agenda item discuss amending the code to require sprinklers in all new development. It was decided to do this on October 23<sup>rd</sup> at the city council meeting.

**DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KELLY LIDDIARD TO REVISE THE RECENTLY PROPOSED CITY-WIDE SPRINKLER SYSTEM REQUIREMENT CODE TO INCLUDE ONLY THE PORTION OF THE CITY ON THE GOOSENEST WATER COMPANY SYSTEM (ALSO REFERRED TO AS THE SHULER WATER SYSTEM). VOTE: YES-ALL (8), NO-NONE (0).**

**DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KELLY LIDDIARD TO RECOMMEND TO THE CITY COUNCIL TO REQUIRE INDOOR FIRE SPRINKLER SYSTEMS IN ALL NEW DEVELOPMENT OUTSIDE THE SHULER GOOSENEST WATER COMPANY SYSTEM (ALSO REFERRED TO AS THE SHULER WATER SYSTEM). VOTE: YES-ALL (8), NO-NONE (0).**

Ken Young stated that maybe we just have one motion if they decide the sprinklers should be required city-wide. Chairman Adamson stated the Mayor only requested code for Goosenest so keep the two separate. That is what we were asked to do.

**3B. CODE AMENDMENT/  
CREATION – OPEN  
SPACE/PARK CODE**

Shawn Eliot stated that at the last city council meeting they requested the planning commission write open space code for the city and to do research. They had in mind the Payson Golf Course Holes they are trying to buy. Provo has public facilities code. Anything that is deemed public, such as schools, churches, open space, golf course, are in a separate zone. Spanish Fork has a very cut and dry code.

The following discussion ensued:

- a. Kevin Hansbrow stated that some of the residents indicated on the surveys that they would like more usable public open space, rather than private open space. Example, the park in Elk Ridge Meadows is technically for those residents only.
- b. Shawn Eliot spoke with the city manager of Alpine yesterday. They have city-owned open space. The open space in the city was private. Now all are coming in as public. They charge the resident on the monthly bill for maintenance. When Eagle Mountain did the ranches, a 7,000 unit development, they included lots of open space...trails, pocket parks, a large regional park. The homeowner's association covered it all. After five years when it was established, the park went to the city.
- c. Russ asked if we could recommend code that would allow the city to own open space.
- d. It was decided to have a work session to discuss this along with the fire sprinkler code.

- e. Shawn suggested someone check and see what other cities do.
- f. We need to develop a skeleton idea. Shawn and Dayna will work on that.

### 3C. CODE AMENDMENT/ CREATION – ROAD DELAY FINES

Russ asked Kevin Hansbrow to come up with a proposed scale for fines. Kevin will do some research on what other cities do and bring back the results of his research to the next meeting. Extenuating circumstances, such as weather, will be taken into consideration as we don't want concrete poured to meet a deadline if the weather is bad and the integrity of the pour will be in jeopardy.

### 4. GENERAL PLAN SURVEY

Sean Roylance said that we received surveys from about 40% of the Elk Ridge houses, 20% is more the norm so this is a very good return. The results have not yet been tabulated. Bob Allen from Mountainland Association of Governments will be doing that.

The comments on the last page will be summarized and other comments will also be noted too.

### 5. CE-1 CODE REWRITE

The following discussion ensued:

- a. Shawn Eliot told the commissioners that after meeting with the city council last week, there was one minor question that needed clarification...Nelson Abbot asked why we aren't redoing the CE-2 code also. Shawn responded that there are special issues up there. The CE-2 code does not fit what cabin owners want to do up there. This area presents special problems that will be dealt with at another time separately.
- b. Ray Brown made a motion at the meeting that was accepted by council vote to pass the 180-day moratorium. We are now in that 180-day period. Dayna Hughes mentioned that she learned during her training that if there are other mitigating circumstances that require deeper study, the moratorium can be extended.
- c. Shawn Eliot met with Draper City today. Their steep hill developments are having major problems. No studies were done prior to some of these developments. We need to be pro-active in looking at these type issues. Scot Bell questioned whether the city should take on the expense of doing studies when the developer is required to do geotechnical studies already in the CE-1 zone?
- d. Dayna Hughes stated it would be good to know in advance where the fault lines are, where potential landslides might occur, at concept – before they even paid anyone to do anything. She felt that Shawn's earlier statement should be adhered to when he stated, regarding the CE-1 zone, that the very first thing he would like to see happen is a survey of the whole CE-1 zone identifying the ridge lines, ravines, and 30% slopes so we know in advance where the hotspots are. It would be good for us to know the geographical hazards and terrain issues.
- e. Shawn Eliot stated that our General Plan states there are unstable soils in the community (expandable soils). It does suggest in the plan that further studies be done by the city to identify those. The city has never done that. He thought these studies would be a good idea.

Shawn went through (and asked for minimal comments) the first half of his handout identifying the sections of the CE-1 zone. He asked the commissioners to review this first half during the next 2 weeks prior to our next meeting, and come back with comments.

He has reformatted the CE-1 code and given it simpler numbers so it is easier to follow. It uses a number system only, similar to our Development Standards. He also put a table of contents at the beginning so it is easier to find desired code. This table of contents can be expanded.

He also renamed the zone (subject to approval). His proposed name is **HILLSIDE RESIDENTIAL ZONE**. The city council was in agreement that it should be renamed. Critical Environment implies that it cannot be developed, which is not the case.

The first half of his code which he read is included as follows:



**SECTIONS**

10.09.10 -- Hillside Residential Zone  
 10.09.20 -- Legislative Intent  
 10.09.30 -- Permitted Use  
 10.09.40 -- Conditional Use  
 10.09.50 -- Base Density - Acre Lots  
 10.09.70 -- Cluster Developments  
 10.09.90 -- Open Space/Natural Environment  
 10.09.110 -- Streets and Roads  
 10.09.130 -- Subdivision Process  
 10.09.140 -- Concept Plan  
 10.09.150 -- Preliminary Plat  
 10.09.170 -- Final Plat  
 10.09.180 -- Building Process  
 10.09.190 -- Grading of Lot  
 10.09.200 -- Dwellings  
 10.09.210 -- Off Street Parking/Driveways  
 10.09.220 -- Fencing

Reformatted numbering to remove letters and make easier to follow. Main sections start at 10s subsections are in between 10s (11, 12, 13, etc.) Would recommend that if this code were adopted, that we next start working on reformatting and correcting all of title 10. Also, added table of contents.

**10.09.10 -- Hillside Residential Zone**

The Hillside Residential Zone (HR-1) includes areas of the city that are environmentally sensitive due to the presence of steep slopes, unique soils, natural vegetation, earthquake faults, ravines, and wildlife habitat areas. The zone has areas that are susceptible to erosion, flooding, landslides, and wildfires. Much of the city's urban interface area resides within this zone.

Renamed to zone to better reflect that homes can be built in zone.

**10.09.20 -- LEGISLATIVE INTENT**

The intent and purpose of the HR-1 zone is to delineate environmentally sensitive areas within the city and to establish standards and guidelines for the uses and development activities occurring therein which recognize and appropriately balance the diverse interests arising from development. Because of the sensitive nature of the land in this zone, special conditions and requirements are attached to developments and building within the zone to promote the implementation of the legislative intent and to mitigate potential adverse aspects of developing in the area. Removing natural vegetation, creating large cuts and fills, and extensive grading can lead to hazards and are detrimental to the natural hillside environment of the city. The intent of the HR-1 zone is to limit such activities.

Intent of the zone is better defined. Development responsibility is defined. 10.09.21 breaks out the intent.

**10.09.21 -- Preservation of Natural Environment:**

The code supports the need for the preservation of the natural environment conditions through clustering of development on flatter land, dedication



## TITLE 10 DEVELOPMENT CODE | CHAPTER 09 HILLSIDE RESIDENTIAL ZONE

of open space, preserving ravines and drainages, minimal or no building on steep slopes and ridgelines, and preserving wildlife habitat corridors in their natural state.

**10.09.22 -- Mitigation:** The code establishes the need for mitigation of potentially adverse or unsafe conditions arising from development activities for the protection of the interests of subsequent purchasers and occupants and adjacent landowners.

**10.09.23 -- Property Rights:** The code recognizes the rights of current owners to the reasonable use of the developable property providing development falls within the guidelines of the zone.

**10.09.24 -- Location and Design:** The code facilitates the location, design and construction of uses, development projects, and building sites within the zone, which provide safety consistent with the natural limitations and the need for protection of the environment.

**10.09.25 -- Natural Hazards:** Development must avoid or mitigate the potential impact of natural hazards from earthquakes, landslides, floods, fires and similar calamities, and reduce the extent of public involvement or expenditure in subsequent mitigation of the adverse or unsafe conditions.

**10.09.26 -- Protection and Conservation:** Development must protect and conserve the culinary water supply, sensitive vegetation, soil, wildlife habitat and other natural resources within the area.

**10.09.27 -- Minimize Impacts:** Development must minimize impacts to the present terrain and natural conditions. It must be demonstrated to the planning commission and city council that any proposed development will preserve the natural features and conditions of the area. Roadways and building envelopes shall conform to the lay of the land as much as possible.

**10.09.28 -- Minimum Requirements:** The requirements hereinafter set forth is considered the minimum required for the accomplishments of the intent of this zone. The planning commission and city council can add additional requirements that further implement the legislative intent of the zone.

Adds ridgelines as an area to preserve. This is new.

No Change

No Change

No Change

No Change

No Change

New. Better clarification of the developer's responsibility to identify how development is built in tandem with the natural terrain.

No Change

**10.09.30 -- PERMITTED USE**

Permitted uses are those that are allowed within the HR-1 zone.

10.09.31 -- Single-family residential dwellings on acre lots or larger

10.09.32 -- Foster care homes

10.09.33 -- Home occupations

10.09.34 -- Orchards and filed crops

10.09.35 -- Parks

10.09.36 -- Residential facilities for persons with a disability

10.09.37 -- Residential facilities for the elderly

10.09.38 -- Minor utility transmission projects

fault lines, unstable soils, and wildlife habitat areas.  
Impacts of

Went back to the original intent of the zone by making one-acre lots the base density.

**10.09.40 -- CONDITIONAL USE**

Conditional uses are those than can be allowed if approved by the planning commission. It should be demonstrated that the proposed use is in concert with the general plan, zoning ordinances, adjacent land uses and adjacent conditional uses. The planning commission can require additional conditions be place on these uses if such requirements help mitigate potential adverse effects that the use could cause. These uses can be denied if it is found that the negatives effects outweigh positive or if the health, safety, and welfare of the people is jeopardized.

Explains in more detail what a conditional use is.

10.09.41 -- Single-family residential dwellings on half acre lots in clustered developments with dedicated open space

10.09.42 -- Accessory apartments

10.09.43 -- Agricultural buildings directly associated with agricultural development

10.09.44 -- Churches

10.09.45 -- Wells, water storage tanks, and similar facilities and structures.

Made half acre lots in clustered developments a conditional use better allowing the PC to approve or deny and add conditions to such projects.

**Removed flag lots. We need to discuss this.**

**10.09.50 -- BASE DENSITY - ACRE LOTS**

One Acre and larger lots are the allowed base density of the zone and can be platted on terrain of any slope as long as the following requirements are met.

Makes one-acre lots the only base density.

**10.09.51 -- SENSITIVE AREA**

**DETERMINATION:** In designing a development an applicant must first identify the property's sensitive environmental and aesthetic areas such as steep slopes, ridgeline areas, ravines and drainages,

Added sensitive area determination to help developers start at the beginning of planning a development to stay away from sensitive areas. Park City requires wildlife study.

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development to these areas should be minimized or be dedicated to open space.

**10.09.52 -- Building Envelope:** The building envelope location shall conform to the natural terrain and remain within the areas of least slope. This area could be considerably smaller than the lot to accomplish this requirement. The minimum building envelope size is 4,000 square feet. The front, side and rear setback requirements must be met. No design envelope can be located within areas of 30% or greater slopes, nor can these slopes be graded to provide for a buildable area.

**10.09.53 -- Steeper Buildable Slopes:** Lots that contain natural terrain with slopes between 20% and 29% must be engineered and approved by a licensed engineer. The city engineer and planning commission must approve lots incorporating these slopes. A building envelope can only contain a maximum of 50% of its area of these steeper slopes.

**10.09.54 -- Lot Frontage:** Frontage along a city street shall be a minimum of 200 feet.

**10.09.55 -- Front Setback:** All dwellings and other main buildings shall be set back not less than 30 feet from the front lot line which abuts on any existing or proposed public street right-of-way.

**10.09.56 -- Front Setback/Exemption:** The planning commission can approve an adjustment up to a 20-foot front setback if it is demonstrated that by doing so sensitive areas such as steep slopes, ridgelines, drainage areas, or wildlife corridors would be preserved. A 45-foot clear zone at the corner of a road intersection is still required.

**10.09.57 -- Side Setback:** All dwellings and other main buildings, including any attached garage or similar structure, shall have side setbacks of 50 feet or greater from any side property line.

**10.09.58 -- Rear Setback:** All dwellings or other main buildings shall be set back 40 feet or greater from the rear lot line. On corner lots for a garage that is attached to the rear of the dwelling, the required rear setback for the garage may be reduced to 30 feet or greater from the rear lot line. No living area can be included within the garage footprint in the reduced area.

**10.09.59 -- Open Space Requirement:** Open space areas are required in the HR-1 zone to preserve natural features that sustain hillside

stability. For Base Density developments, open space areas shall conform to the requirements

No change.

Added that a building envelope can only have 50% of its area on 20% to 29% slopes.  
Derived from ER Development Standard

Changed from 100ft to 200ft. Same as Woodland Hills. Gives incentive to use clustering.

No change

No change

Changed from 12ft to 50ft since frontage was changed to 200ft. Keeps structures spaced farther apart, allows for more natural terrain and vegetation to remain while giving more of an incentive to adhere to the urban interface vegetation clearance requirements.

Changed from 30ft to 40ft since frontage was changed to 200ft. Keeps structures spaced farther apart.

Better defines what sensitive areas shall be made open space.

listed in 10.09.90 and can be a part of individual lots. Ravines, drainages, steep slopes, ridgelines, fault lines, unstable soils, and wildlife habitat corridors all must be included within open space areas.

**10.09.60 -- Cuts and Fills:** Since development is required to conform to natural terrain conditions, at the subdivision phase, cuts and fills should only be associated with the construction of roads, trails, utilities, or other approved activities. Cuts, fills, and any grading to a lot should be completed at the time individual lot development occurs in the building process. See 10.09.212 (WRONG #) for requirements for individual lot development in the building process.

Since development is to conform to the natural terrain this outlines that cuts and fills of individual lots should be done at the building process rather than the subdivision process. *(ref. # wrong – not 10.09.212)*

### 10.09.70 -- CLUSTER DEVELOPMENTS

Clustering of development on the flatter terrain and preserving open space is a priority of the general plan. A cluster development is a conditional use that allows more density by allowing smaller lots on the flatter terrain in return for more open space that preserve unique and steep terrains. A cluster development can be approved as long as the following requirements are met.

Cluster developments are half-acre lots, no third acre lots. Outlines that cluster developments are to be separate from base density developments. *(Thinking of possibly doing clustering as overlay rather than including in zone code)*

**10.09.71 -- Conditional Use:** Cluster developments are a conditional use that must be approved by the planning commission. The purpose of allowing half-acre lots is to have smaller lots clustered together on flatter terrain surrounded or interspersed by open space. The planning commission can deny a cluster development if it is not demonstrated that the intent of the HR-1 code is being met.

Reiterates that cluster developments are a conditional use that can be denied if the intent of the code isn't met.

**10.09.72 -- Sensitive Area Determination:** In designing a development an applicant must first identify the property's sensitive environmental and aesthetic areas such as steep slopes, ridge line areas, ravines and drainages, fault lines, unstable soils, and wildlife habitat areas. Impacts of development to these areas should be minimized or be dedicated to open space.

Added sensitive area determination to help developers start at the beginning of planning a development to stay away from sensitive areas.

**10.09.73 -- Minimum Development Size:** Developments must include 10 or more acres.

No change

**10.09.74 -- Cluster Development Requirements:** Multiple clusters of lots can be interspersed between open spaces within a development. Since cluster developments are designed to have smaller lots clustered together to preserve larger areas of open space, one-acre base density developments must be platted on a separate plat.

Added that one-acre base density developments must be part of a separate plat.

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**10.09.75 -- Lot Slopes:** All lots within a cluster development must be platted on land with the current natural slopes under 20%. A clustered lot can include up to 10% of the total area incidental slopes of 20% or greater. The planning commission must approve their inclusion.

Changes slope allowed from an average of 20% to less than 20% for each lot (was original intent of code change last year.) Allows some incidental 20% slopes within a cluster development lot with PC approval.

**10.09.76 -- Lot Size:** Lots within a cluster development must stay as close to one-half acre as possible. Three-fourth acre and larger lots are not allowed within a cluster development. Larger size lots must be a part of a separate plat outside of the cluster development and follow the requirements of acre lot developments.

Defines that a cluster must have smaller lots to better keep the homes clustered. Three-fourth acre lots and larger are not allowed in a cluster development

**10.09.77 -- Building Envelope:** The building envelope location within a lot should conform to the natural terrain and remain within the flattest areas of the lot. This area could be considerably smaller than the lot to accomplish this requirement. The minimum building envelope size is 4,000 square feet. The front, side and rear setback requirements still must be met.

No change.

**10.09.78 -- Lot Frontage:** Frontage along a city street shall be a minimum of 110 feet.

Raised frontage requirement to 110 feet.

**10.09.79 -- Front Setback:** All dwellings and other main buildings shall be set back not less than 30 feet from the front lot line which abuts on any existing or proposed public street right-of-way.

No change.

**10.09.80 -- Front Setback/Exemption:** The planning commission can approve an adjustment up to a 20-foot front setback if it is demonstrated that by doing so sensitive areas such as steep slopes, ridgelines, drainage areas, or wildlife corridors would be preserved. A 45-foot clear zone at the corner of a road intersection is still required.

No change.

**10.09.81 -- Side Setback/Interior Lots:** All dwellings and other main buildings, including any attached garage or similar structure, shall have side setbacks of 12 feet or greater from any side property line not abutting a street.

No change.

**10.09.82 -- Side Setback/Corner Lots:** All dwellings and other main buildings, including any attached garage or similar structure, shall have side setback of 12 feet or greater on the side not abutting any existing or proposed road, and shall have a side setback of 30 feet or greater on the side which abuts on any existing or proposed road.

No change.

**10.09.83 -- Rear Setback:** All dwellings or other main buildings shall be set back 30 feet or greater from the rear lot line. On corner lots for a garage

No change.



that is attached to the rear of the dwelling, the required rear setback for the garage may be reduced to 12 feet or greater from the rear lot line. No living area can be included within the garage footprint in this reduced area.

**10.09.84 -- Open Space Requirement:** 40% of a cluster development must be preserved as open space. Open space in a cluster development cannot be a part of individual lots. Ravines, drainages, ridgelines, fault lines, unstable soils, and wildlife habitat corridors all must be included within open space areas. All slopes of 20% or greater (unless approved by the planning commission to be included as part of a lot) must be included within open space areas. Additional land can be required as open space if the unique land features listed above total more than 40% of the development. Likewise, if unique land features do not total 40%, flatter terrain shall be used to arrive at the 40% requirement.

Better defines what sensitive areas shall be included within open space. Increases requirement of dedicated open space in a cluster development from 20% to 40%. Removed park space as an open space type. Also removed additional requirements for large-scale developments.

**10.09.85 -- Cuts and Fills:** Since development is required to conform to natural terrain conditions, at the subdivision phase, cuts and fills should only be associated with the construction of roads, trails, utilities, or other approved activities. Cuts, fills, and any grading to a lot should be completed at the time individual lot development occurs in the building process. See 10.09.212 for requirements for individual lot development in the building process.

Since development is to conform to the natural terrain this outlines that cuts and fills of individual lots should be done at the building process rather than the subdivision process.

### 10.09.90 -- OPEN SPACE/NATURAL ENVIRONMENT

Open space and preserving the natural conditions are a fundamental aspect of the HR-1 zone. The following are requirements for all developments within the HR-1 zone.

Added intent of open space

**10.09.91 -- Requirement of Open Space:** Open space areas shall be shown on the plat map marked as unbuildable. Open space areas must remain in their natural state unless re-vegetation or retention is needed to mitigate adverse conditions due to past uses or if the planning commission approves an allowed use. The commission must approve the

Clarified that past uses (ATV trails, etc.) need to be re-vegetated. Also that the PC must approve open space areas and can add additional areas if need to further implement the intent of the zone.

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locations of proposed open space and any uses within them. The commission can also require additional areas of open space to further implement the intent of the zone.

**10.09.92 -- Areas Required as Open Space:** All slopes 20% or greater that are not a part of a building envelope are required to be preserved as open space. Ravines, drainages, ridgelines, unstable soils, and wildlife corridors shall also be preserved as open space.

Clarified what areas need to be open space.

**10.09.93 -- Types of Open Space:** Open space areas include three categories; land deeded to the city as open space; areas preserved as open space as part of a homeowners association; steeper areas on private lots.

Summarized the types of open space.

**10.09.94 -- Open Space Dedication to City:** Any open space to be deeded to the city must be recommended by the planning commission and approved by the city council. If approved, the title must be conveyed to the city and be designated for open space purposes. Open space deeded to the city should be continuous to other open space areas, roads, trails, or adjacent properties that have the potential to become open space. These areas will be labeled on the preliminary and final plats as non-buildable (except for areas approved for building) and must be cordoned off during any grading and construction activities with nylon fencing or equivalent. Open space deeded to the city cannot be a part of a building lot or homeowners association.

No change.

**10.09.95 -- Open Space on Private Land:** Designated open space areas on private property either on an individual lot or as part of a homeowners association shall be required to have an open space preservation agreement with the city. The owner agrees to refrain from excavating, constructing roadways, or installing utilities not approved as part of a preliminary/final plat, or constructing any dwellings or other structures within the designated open space area. These areas will be labeled on the preliminary and final plats and must be cordoned off during any grading and construction activities with nylon fencing or equivalent. Open space cannot be a part of a building envelope.

No change

**10.09.96 -- Allowed Uses within Open Space:** Roads, trails, utility corridors, and driveways can traverse open space areas if it is demonstrated that they pose a minimal impact to the area or that by their construction other adverse conditions are

Defines what can be within an open space area. Added linear open space along roads for roadside trails.

mitigated. Cuts and fills for these activities shall be re-vegetated and shown on the re-vegetation plan. Developed parks with lawn and xeriscape, play equipment, picnic areas, pavilions, or other park facilities can be interspersed within open space areas. Open space can be linear along road corridors to allow for trails, sidewalks, or entrance features.

**10.09.97 -- Trails:** Trails required along roadways shown on the city trail plan shall be 10 feet wide and paved as described within the trail development standard. Trails traversing and connecting open space areas are required in cluster developments. Trail access must be provided in all developments at the end of cul-de-sacs connecting to open space areas or to adjoining current or future developments and trails. Trails connecting roads through open space to adjoining developments shall be 6 foot wide, paved, and be set back from adjoining lot property lines at least 15 feet on each side. The planning commission can wave the paved trail requirement for gravel in areas that a gravel trail would be appropriate to help preserve natural conditions.

Clarified what trail requirements are and allows the PC to wave some requirements.

**10.09.98 – Ravines and Drainages:** A ravine is considered a continual low point in topography that slopes down a hillside. A drainage is similar to a ravine but is shown on the general plan soils map as a low point that could carry water. An area of 30 feet from the center of these features shall be designated as open space. All slopes 20% or greater and any incidental lesser slopes interspersed within these steeper slopes, rising from ravines and drainages, shall also be designated as open space.

Defined what a ravine and drainage are and quantifies what parts of them shall be open space.

**10.09.99 -- Ridgelines:** A ridgeline is defined as an area that has a steep drop off from the majority of the terrain above. Ridgelines atop of slopes of 20% or greater shall be designated as open space. The open space area associated with the ridgeline will include all slopes 20% or greater and any incidental lesser slopes interspersed within these steeper slopes. Required open space shall also extend uphill 100 feet from the crest of the 20% slopes. No building envelope shall be within these areas.

Defined what a ridgeline is and quantifies what parts of it shall be open space.

**10.09.100 -- Fault Lines:** No building envelope shall be located within 100 feet of a fault line as shown on the hazard map of the general plan.

Defined what a fault line is and what parts of it shall be open space. *(need to find out what other cities do foot-wise)*

**10.09.101 -- Wildlife Corridors: ???**

See Park City requirement.

**10.09.102 -- Unstable Soils:** No building envelope shall be located within 100 feet of an

Defined what unstable soils are and what parts of it shall be open space.

area identified to have unstable soils as disclosed within a geotechnical report.

**10.09.103 -- Slopes 20% or Greater:** All land having a slope of 20% or greater that is not a part of an approved building envelope shall remain in its natural state and shall not be graded, fenced, or otherwise disturbed. The planting of additional vegetation and/or the addition of sprinkler irrigation systems is allowed. Roads, trails, firebreaks, utilities, retention walls, and driveways can traverse these areas if it is demonstrated that they pose a minimal impact to the area or that by their construction other adverse conditions are mitigated.

No Change – Note: old code didn't allow any building envelope on 20% + slopes.

City Planner, Ken Young, commended Shawn for his good work, time, and effort that went into reformatting and redoing the CE-1 code. All concurred.

#### 6. APPROVAL OF MINUTES OF PREVIOUS MEETINGS, SEPTEMBER 6, 2007

The following corrections were suggested:

Russ Adamson

p5, Item 6 – remove Item A – mistakenly left in from template

Dayna Hughes

p3, Item 3, line 3 – change “they” the “there”

p3, Item a), line 4 – change “on” to “one”

p.4, Item m), remove whole sentence starting with “Dayna stated...”

p.4, bottom, motion, change “NOTHEAST” to “NORTHEAST”

p.6, Item 7, line 2, change “Mayor with” to “Mayor within”

Ken Young

p.2, Item 2, paragraph “discussion”, change “setbacks on” to “setbacks from”

Sean Roylance

p.4, motion, change to reflect Sean Roylance voted “NO” due to dual access streets, there were more safety issues with one than another.

**DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBROW TO APPROVE THE MINUTES OF THE SEPTEMBER 6, 2007 PLANNING COMMISSION MEETING. VOTE: YES-ALL (8), NO-NONE (0).**

#### 7. PLANNING COMMISSION BUSINESS

1. Dayna Hughes proposed, and all concurred, that each planning commission member rotate going to city council meeting for a month (2 meetings), once every six months. Paul Squires would be the alternate if the commissioner could not attend. Shawn Eliot requested that the commissioners get a copy of the agenda prior to the meeting.
2. Shawn mentioned that he spoke to Corbett regarding planter street trees. Some cities have very specific specifications He brought a copy of the Spanish Fork tree list. This list was given to Paul Squires who will research this topic and present his ideas at an upcoming planning commission meeting.
3. Russ Adamson got a letter re: Elk Haven Plat E from resident, Lance Pape. This project has not gotten preliminary yet. His original letter was given to the commissioners at a previous meeting. Ken Young stated that in working with the developer Ken asked the developer to do what he could do regarding the design of the sumps and pond, then address these issues with the planning commission and let them know why you could not do certain requested things. The road layout also will possibly be modified.
4. Included in tonight’s packet was an invitation from Payson for September 26 at 7 pm at the Payson City Center to a public hearing discussion the Four Bay Management Plan. Scot Bell said he would attend and report back to the commission on the meeting. Sean Roylance said he would also like to go.
5. Shawn Eliot gave a plug for the Mountainland annual Transportation and Community Planning open house on Wednesday, October 24. All the major developments and road plans in the County will be discussed.
6. Chairman Adamson thanked Sean Roylance for his work getting out the General Plan surveys

#### ADJOURNMENT

Chairman Adamson adjourned the meeting at 9:30 p.m.

  
Margaret Leeb  
Planning Commission Coordinator



## NOTICE OF PUBLIC MEETING – AMENDED AGENDA

Notice is hereby given that the Elk Ridge Planning Commission will hold two Public Hearings to consider the following:

- 1) 7:00 – Code Amendment to Section 10-16-7, entitled "Durability Retainer", regarding the Inspection Bond
- 2) 7:10 – General Plan Amendment to Circulation Map, removing portion of Cotton Tail Lane

These hearings will be held on **Thursday, October 4, 2007, beginning at 7:00 p.m.** during the first part of the regularly scheduled **Planning Commission Meeting on Thursday, October 4, 2007, beginning at 7:20 p.m.** The meetings will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

- |                  |  |
|------------------|--|
| <b>7:00 P.M.</b> | <b>Opening Remarks &amp; Pledge of Allegiance</b><br><b>Roll Call</b><br><b>Approval of Agenda</b>   |
| <b>7:10 P.M.</b> | <b>1. Public Hearing to consider Code Amendment to Section 10-12-24 regarding Street Hard Surfacing</b><br>– Review and Discussion<br>– Motion on Public Hearing   |
| <b>7:20 P.M.</b> | <b>2. Public Hearing to consider Code Amendment to Section 7-4-6-C-4 regarding Street Facilities</b><br>– Review and Discussion<br>– Motion on Public Hearing<br><br><b>3. Proposed South Utah County Trail System</b><br>– Review and Discussion – Tracy Padgett<br><br><b>4. Elk Haven Drainage Discussion</b><br>– Review and Discussion – Lance Pape<br><br><b>5. Code Amendment / Creation – Discussion with City Council</b><br>– Fire Sprinkler Code - Corbett Stephens and Ken Young - Set Public Hearing<br>– Open Space / Park Code - Shawn Elliot, Dayna Hughes<br>– Penalty Fine Recommendation - Kevin Hansbrow<br><br><b>6. Recommended Trees for Planter Strips</b><br>– Review and Discussion - Paul Squires<br><br><b>7. General Plan Survey Review</b><br>– Review and Discussion - Sean Roylance<br><br><b>8. CE-1 Code Rewrite</b><br>– Review and Discussion - Shawn Elliot<br><br><b>9. Approval of Minutes of Previous Meeting – September 20, 2007</b><br><b>10. Planning Commission Business</b><br>– Review and Discussion<br><br><b>11. Follow-up Assignments / Misc. Discussion</b><br>Agenda Items for October 18th Planning Commission Meeting |

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 26<sup>th</sup> day of September, 2007.

  
 Planning Commission Coordinator

BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 26<sup>th</sup> day of September, 2007.

  
 Planning Commission Coordinator



**ELK RIDGE PLANNING COMMISSION MEETING AND PUBLIC HEARINGS**  
**October 4, 2007**

**TIME AND PLACE  
OF PLANNING  
COMMISSION  
MEETING AND  
PUBLIC HEARINGS**

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, October 4, 2007, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah. The Planning Commission Meeting was preceded by two scheduled public hearings: the first public hearing, at 7:00 p.m. was to consider adoption of an amendment to Section 10-12-24 of the Elk Ridge City Code regarding Street Hard Surfacing; the second public hearing at 7:10 p.m. was to consider an amendment to Section 7-4-6-C-4 of the Elk Ridge City Code regarding Street Facilities.

**ROLL CALL**

*Commissioners:* Russ Adamson, Sean Roylance, Shawn Eliot, Dayna Hughes, Kevin Hansbrow, Scot Bell  
*Absent:* Kelly Liddiard, Paul Squires  
*Others:* Ken Young, City Planner  
 Margaret Leckie, Planning Commission Coordinator  
 Lance Pape, Rob Dean, Jeffery Waterman, Austin Gunnerson, Brian (?) Crippen

**OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE**

Chairman Russ Adamson welcomed the commissioners and guests and opened the meeting at 7:05 p.m.. Opening remarks were given by Russ Adamson, followed by the Pledge of Allegiance.

**APPROVAL OF  
AGENDA**

The agenda order and content were reviewed. Their only amendment to the agenda was to move Item 3 (South Utah County Trail System) to follow item 4 (Elk Haven Drainage) as the presenter for the trails item was not here and Mr. Pape was present to discuss his Elk Haven drainage concerns.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW, TO APPROVE THE AGENDA FOR THE PLANNING COMMISSION MEETING FOR OCTOBER 4, 2007 WITH THE ABOVE MENTIONED CHANGE. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) KELLY LIDDIARD, PAUL SQUIRES.**

**1. PUBLIC HEARING  
TO CONSIDER  
ADOPTION OF AN  
AMENDMENT TO  
SECTIONS 10-12-24  
OF THE ELK RIDGE  
CITY CODE  
REGARDING  
STREET HARD  
SURFACING**

Russ Adamson opened the public hearing at 7:05 p.m. to consider an amendment to Section 10-12-24 of the Elk Ridge City Code, regarding the Street Hard Surfacing.

Ken Young, City Planner, explained that this amendment would eliminate any mention in the code of allowing exceptions or deferral of completion of road improvements before building permits can be issued.

**Discussion**

Chairman Adamson invited comments. There were none. Scot Bell did ask for examples of the problems caused. Ken had not been aware of these particulars.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE PROPOSED ZONE CODE AMENDMENT TO SECTION 10-12-24 REGARDING STREET HARD SURFACING. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) KELLY LIDDIARD, PAUL SQUIRES.**

**2. PUBLIC  
HEARING TO  
CONSIDER  
ADOPTION OF AN  
AMENDMENT TO  
SECTION 7-4-6-C-4  
OF THE ELK RIDGE  
CITY CODE  
REGARDING OFF-  
STREET HARD  
SURFACING**

Russ Adamson opened the public hearing at 7:15 p.m. to consider an amendment to the Elk Ridge City code, Section 7-4-6-C-4 regarding street facilities.

Ken Young, City Planner, explained that we did have a discussion about this last May. Commissioner Hansbrow was going to look into this further. The amendment was precipitated due to construction on Park Drive which went well beyond the anticipated time. The access along this major road in the community was shut down for a considerable length of time. It was decided that we need some teeth in the code to allow the city to fine developers when they exceed the expected time. It is also desired that the developer be required to leave one lane open on major roads while they are doing this construction.

The question arose as to what was a reasonable fine. The following discussion ensued:

1. Kevin Hansbrow did some research as to what other nearby cities do in regards to fines. Most of them just have stricter enforcement and apply more pressure. Because of the size of our city and

- the manpower limitation we have not done this. He thinks \$300 to \$500 a day is a more reasonable amount for a fine and would provide a better incentive than \$100 per day.
2. Kevin did not find other cities who impose fines. Payson is in the process of coming up with some code.
  3. Shawn Eliot mentioned that some cities do their roadwork on major roads at night. The commissioners agreed that that would not work here in Elk Ridge.
  4. The possibility was discussed of having a range for a fine, the actual amount to be at the discretion of the city. This was decided against so it would never look like favoritism was an issue.
  5. There should be some discretion on the part of the city for bad weather, etc.
  6. There is an exception clause allowing for unforeseen weather conditions.
  7. The commissioners did not feel the portion of the code referring to the 3-day and 7 day-calendar deadlines were clear as to what was expected for each. Chairman Adamson felt we should just leave this code as it stands. Others felt there should be some clarification.

Chairman Adamson closed the public hearing at 7:25 p.m.

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY SEAN ROYLANCE TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE AMENDMENT TO SECTION 7-4-6-C-4 OF THE ELK RIDGE CITY CODE REGARDING STREET FACILITIES WITH THE FOLLOWING CHANGES TO THE PROPOSED ADDED CODE:**

- a. CHANGE "The permittee *may* be ..." to "The permittee *shall* be..."
- b. CHANGE "... a fine of up to \$100 a day" to "...a fine of \$500 a day..." (remove "up to" and change fine from \$100 to \$500 a day)

**VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) KELLY LIDDIARD, PAUL SQUIRES.**

### 3 ELK HAVEN DRAINAGE DISCUSSION

Chairman Adamson introduced Lance Pape, a resident on Oak Drive, who had submitted a letter regarding the proposed drainage in Elk Haven Subdivision expressing concern about installing detention basins for collecting water. He was concerned the commissioners were not taking his concern seriously and wanted something documented that the commissioners were aware of his concerns, thus he was put on tonight's agenda per recommendation of Chairman Adamson.

The following discussion ensued:

- a. Chairman Adamson invited Mr. Pape to summarize his concerns. Mr. Pape began by thanking the commissioners for the General Plan survey and for giving the opportunity to residents to voice their opinion. He liked the way it was worded and felt it gave people room for sincere evaluations and assessments.
- b. Mr. Pape stated he discussed his concerns with several neighbors, but he does not speak for everyone. He questioned how the planning commission accepts preliminary status on developments. He was told that Plat E has not yet received preliminary approval. He wondered what criteria must be met to receive preliminary approval. Margaret Leckie told him there were applications on the front desk which he could take on his way out that specified this criteria.
- c. Shawn Eliot mentioned that neighbors (Clarks) had brought up concern regarding catch basins and the road and the developers were reworking things.
- d. Margaret introduced Lance Pape to Rob Dean, who was present tonight representing the developer and who might be able to answer some of his questions.
- e. Ken Young, City Planner, stated that due to staff's recommendation, the developers of Plat E have steered away from the catch basin concept and are considering the alternative of a series of sumps. The city engineer's have recommended that approach. Ken mentioned that this is based on engineering practices, and the city relies heavily on their engineer's expertise.
- f. One of Lance's concerns was on the quality of materials (soils) that were to be excavated and used for drainage. He was not sure whether anyone had done specific soils studies on that site. Going from plat to plat the conditions can vary widely, thus, studies need to be done on each plat.
- g. Rob Dean stated that based on the information they gathered from the soils tests done by their engineer (the developer's engineer), they are going to have to go under all the roadways and place 2' of drainable fill to accommodate all the run-off. They came up with about 5,000 feet of roadway on their property alone that will need this treatment. The perk tests did not come back showing that a retention basin would be an effective method of handling run-off. The drainage basin was proposed early on before they received the results of the soils tests and geological test.



He had not yet received a copy but said he would forward a copy to the city when he did.

- h. Lance mentioned they had a rainstorm about 6 weeks ago that left lots of cobbles in the road. He stated it would be nice if the city would clean that off. This is on the south end of Hillside Drive. It runs off the ATV road that takes off from that area. Shawn Eliot stated that with this development, that road, thus, that problem, will be removed.
- i. Lance also stated that if there was that amount of debris in a water shed area, there is a lot of surface area and there will be a lot of water coming down these roads. He asked if there is a series of sumps along here, has anyone considered the construction of a storm drain system to carry this water away. Ken Young mentioned the sumps would be a storm drain system down that road but as it continues further into the community, the community is not set up to handle a storm drain system at this time.
- j. Scot Bell mentioned that the city did look at implementing a storm drain system. This was back during Mayor Fritz's administration. The projected cost was 1.5M which was prohibitive. The cost could not be divided and charged to residents. Sumps are nice developer-pay-as-you-go items for new development. It is not an economically viable community project for the existing development.
- k. Lance asked how this system ends coming down from Elk Haven. Scot Bell mentioned this is a legitimate concern.
- l. Lance asked if the water will be ponded then drain into the substrata or will there be drainage wells to percolate into the substrata. Ken Young stated that no one here tonight was qualified to answer these questions. It will be the engineers who will give the ultimate answers and direction as to how to perform the system. We are not finalized in our review on these plans. There are certain requirements being requested by the engineer and Ken was not certain where the developer was on implementing these in his plans.
- m. Margaret gave Lance Pape the contact information for city engineer, Craig Neeley, with Aqua Engineering. Chairman Adamson invited Lance to remain engaged in the process as it is still in the early stages. Margaret said she would put Lance on the Agenda Notification List.
- n. Shawn Eliot mentioned that it was citizens who rose the flag on the problem and that was helpful to the commissioners. He also invited Lance to stay involved.
- o. Lance stated that percolation studies, in the location of proposed sumps, would be good to have as there is so much variance in the substrata. His biggest concern, which has been relieved from what he has heard, was putting the water all in one spot.
- p. Shawn Eliot asked the developer if they were going to level the steep roads where sumps will be built in order to slow the water down. Rob Dean did not know. He again explained the 2' of drainable fill that would go in where the cuts and fills take place.
- q. Scot Bell mentioned that the former city engineer redesigned and re-drew the standard for sumps and grids and they are much better designed. They are longer and provide more surface area for water to pass through. The implementation of this can be seen on Gladstan Drive, heading towards the golf clubhouse.

#### 4. PROPOSED SOUTH UTAH COUNTY TRAIL SYSTEM

Tracey Padget, who brought in this plan, was unable to attend. She works at Mountainland Association of Governments, where commissioner Eliot works, and as she has been talking to him about this, he explained the project to the commissioners.

Tracy used to work for the City of Mapleton. She is very passionate about trails. Shawn held up a map she had brought in which showed a map put together by a committee representing cities in Utah County. The map included proposed bicycle trails, etc.

The following discussion ensued:

- a. They tried to put together a committee of citizens representing all the cities in south Utah County.
- b. On our trails map we show a trail along 11200 South (developers putting in) and the Bonneville Trail which goes along the Highline Canal. This is a major trail.
- c. She is trying to drum up support for these major region trails and to get us and the cities around us together to coordinate connections. They also want to try and get funding for these.
- d. Our biggest problem when we tried to get UDOT funding was that our trails did not connect to



anyone else's.

- e. Shawn Eliot stated he would be willing to be on the committee.
- f. In our prior application it was shown that our trail connected to the Bonneville trail. The 200' right-of-way along the canal that was required in the Elk Ridge Meadows PUD provides for that trail.
- g. Dayna Hughes mentioned the problem in retro-fitting trails to follow existing roads where development already occurs. Ripping up mailboxes, land-scaping, re-claiming city easements, etc. is not popular. Shawn stated that the surveys strongly implied a desire for trails.
- h. Shawn stated that when (and if) we get the funding then these issues can be worked out with the residents. A similar situation occurred in Hobbie Creek Canyon and the residents are now very happy with the trails.
- i. Dayna stated that when we apply for the grant money we have to show where these trails would be put in in existing neighborhoods. Shawn stated that the trails would help drainage. Until we have the money we don't need to be concerned.
- j. Scot Bell referred to the trails in the CE-1 area. He felt by reducing ROW to 46' and having a meandering trail following more closely the lay of the land, we can mitigate our cuts and fills. He felt the request of the commissioners requiring a trail right next to the road in this area would cause problems.

## 5. CODE AMENDMENT / CREATION

### A. FIRE SPRINKLER CODE

Corbett Stephens, city building inspector, had planned on presenting the information on encouraging a required fire sprinkler code. He was unable to attend so prepared a packet of information that was handed out to the commissioners, and is on file in the folder for tonight's meeting in the city office. This information will also be put in the packets for the city council on October 9<sup>th</sup>, 2007.

Margaret Leckie mentioned that we will be presenting this information at the upcoming city council meeting on October 9<sup>th</sup>, as well as the park/open space code ideas. These had previously been scheduled for the city council meeting to be held on October 23<sup>rd</sup>, but that meeting agenda was too full so it was moved to the 9<sup>th</sup>.

Ken Young mentioned he had spoken with the mayor as to whether to come forward with two different pieces of code re: sprinklers, one for Goosenest and one for the remainder of the city, as had previously been discussed and requested. The Mayor gave Ken permission to combine the two. He will work on putting them all in one section. He suggested setting a public hearing on this for November 1, 2007.

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY DAYNA HUGHES TO SET A PUBLIC HEARING TO CONSIDER FIRE SPRINKLER CODE FOR NOVEMBER 1, 2007. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) KELLY LIDDIARD, PAUL SQUIRES.**

### B. OPEN SPACE / PARK CODE

Shawn Eliot stated the council requested some code that protects the park space (currently the golf course hole which the city hopes to purchase). Shawn told them that most cities have a public facilities code. They say that anything public or quasi-public is included in that.

Orem does nothing. Some cities just have a conditional use in a residential zone. The downside of that is that if something happens where future council wants to sell residential land as open space, there is an extra step required to rezone.

Shawn passed out a copy of the Woodland Hills code, which he thought worked well. As he looked to see where it would fit in our code, he discovered our code does contain a Public Facilities Code. He passed out a copy of our code (Chapter 11, Article A – Other Zones, Public Facilities Zone).

The following discussion ensued:

- a. Woodland Hills allows going down to half-acre lots but the overall density has to remain at two acres unless you put in some amenities then they give you some bonus.
- b. In their code they allow for churches.
- c. Provo has public facilities code. This includes BYU and the golf course.
- d. The Mayor stated that we don't own Payson Golf Course. Shawn stated that is not how it works. It is not ownership, it is use.
- e. He would like to present to city council that our code, (Permitted Uses: Section 10-11A-2) already includes several things. He would like to just add to the permitted uses golf courses, open space, etc...so rather than writing new code, just add to our permitted uses for public facilities zone.
- f. We might want to include some setback, lighting and height code for these permitted uses.
- g. (There was one discrepancy Shawn pointed out in the code which states wells, water reservoirs and storage tanks are permitted uses, then in the next section, it states they are conditional uses)

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY SEAN ROYLANCE TO SET A PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 11 OF THE ELK RIDGE CITY CODEE REGARDING OTHER ZONES FOR NOVEMBER 1, 2007. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) KELLY LIDDIARD, PAUL SQUIRES.**

**6. RECOMMENDED TREES FOR PLANTER STRIPS**

Paul Squires, who was researching recommended planter tree strips, was unable to attend tonight's meeting so this agenda item was tabled.

**7. GENERAL PLAN SURVEY REVIEW**

Sean Roylance told commissioners that Bob Allen has processed the surveys, but has not gotten the software to work together to tabulate the results. Also, he was unable to be at our meeting tonight and wanted to be present when the results were presented. For these reasons we are also tabling this item.

Shawn Eliot stated that he has read several of the surveys and there is some very good input. We received 242 out of the 475 that were given out. That is a tremendous percentage. This will help us greatly with the general plan review. Shawn mentioned that the re-write will probably not be done by the end of the year as we need to have workshops with the city council and the public.

**8. CE-1 CODE REWRITE**

Shawn Eliot suggested we just do the road section for tonight. (We ended up reviewing the road section and the concept review process of the subdivision process). The commissioners took a 5-minute break before the CE-1 Code Rewrite agenda item.

The proposed changes discussed this evening are as follows (begin on next page)

### 10.09.110 -- STREETS AND ROADS

The varying slopes within the HR-1 zone make road designs complicated at best. As with other requirements of the zone, minimal impact to the current slopes, ravines, drainages, wildlife corridors, and vegetation is required. These roadway regulations are required within all developments of the HR-1 zone.

**10.09.111 -- Access:** Each lot shall front upon and have direct access to a designated city street.

**10.09.112 -- Improvement Required:** All existing public streets and all streets proposed to be dedicated to the public shall be improved in accordance with city standards for public streets.

**10.09.113 -- Road Grade:** No street shall have a grade of more than 8%, except that the planning commission may approve up to a 10% grade for short straight stretches of roadway under 300 feet in length. The commission must conclude that the 8% standard would result in undesirable extra earthwork or circuitous routes and that the proposed steep grade section will not result in the establishment of a

Adds clarification to requirements for streets and roads in the zone.

No change.

No change.

Deleted allowance of 10% grades with additional 2% for local streets. Developers asked for this allowance and then didn't use it. Added PC as a requirement of approval, helps keep the project development at the PC level. Defined that a short stretch is 300 feet. Added that the fire chief gives recommendations.

hazardous condition. It is the responsibility of the developer to present evidence that the additional allowance in grade is desirable. The city engineer and fire chief shall provide recommendation regarding hazardous conditions and any other concerns on the proposed steep grade sections.

**10.09.114 -- Traversing 10% Slopes:** Roads proposed to cross slopes greater than 10% are allowed if proof that such road will be built with the preservation and mitigation of environmental impacts to drainages, ravines, steep slopes of 20% or greater, ridgelines, fault lines, and wildlife corridors. The road design must follow contour lines to preserve the natural character of the land, and be screened with trees or vegetation. Cutting and filling is minimized and must be stabilized and re-vegetated to a natural state within the two-year durability time period. The planning commission and city engineer must approve a re-vegetation/retention plan.

**10.09.115 -- Traversing 30% Slopes:** Roads that cross slopes greater than 30% must be approved by the planning commission and the city engineer; they must conclude that such roads will not have significant adverse visual, environmental, or safety impacts. A segment of a road can cross short stretches of 30% or greater slopes for up to 100 feet in length. A road crossing these slopes must provide access to a larger developable area of 10 acres or more having flatter terrain of under 20% slopes.

**10.09.116 -- Intersection Grade:** The maximum grade of intersecting roads shall be a 4% grade extended a minimum of 100 feet on each leg of the intersection. Grade shall be measured from the edge of the asphalt of the intersecting roadway to the nearest grade break/vertical curve.

**10.09.117 -- Cuts and Fills:** No road providing access to a lot shall be constructed in a location or in such a manner that results in the creation of a slope arch exceeding the critical angle of repose or a disturbed cross section which exceeds the cut and fill slope standards for streets in the city. Cut or fill slopes shall be no steeper than two feet horizontal to one foot vertical (2:1) and shall be designed with acceptable erosion control systems. And erosion control system is generally composed of a combination of long-term non-degradable erosion mat, structural geogrid and/or geotextile. The maximum cut or fill allowed along a road is 20 feet on each side of the road. Retaining wall systems

Clarified that environmentally sensitive areas shall be preserved or mitigated.

Added PC as a requirement of approval, helps keep the project development at the PC level. Added types of activities that must be minimized (cuts and fills, etc.). Added that a segment of road can only traverse 30% slopes for up to 100 feet. Also requires that roads crossing these slopes must connect to larger areas of flat developable land. *(until a year ago crossing 30% slopes was not allowed, it was allowed to get access to Elk . Maybe we shut this down now that they are in).*

Removed 3% for 50 feet section. Was a request from developers that they didn't use. Is odd to have two standards. 100 feet at an intersection is appropriate for safety.

Added verbiage from development standard about 2:1 slope. Added retaining wall requirements (need to check what the city requirement is, *(This section still needs work. Scot Bell suggested talking to engineer, Craig Neeley, regarding this code. It was discussed that portions of the Elk Haven Road [Plat A] were allowed to be narrower and sidewalks put in at more of the natural elevations... in order to minimize cuts and fills).* Added maximum cut or fill is 20 feet.

shall be terraced, four-foot walls with three-foot landings.

**10.09.118 -- Stabilization And Re-vegetation:** All disturbed cut and fill slope areas shall be stabilized and re-vegetated. The submittal materials for the preliminary plat plan shall include a detailed re-vegetation/retention plan showing the intended re-vegetation and retention treatment for all cut and fill slope areas of roads and the performance guarantees amounts shall include their costs.

No change.

**10.09.119 -- Cul-De-Sacs:** The design of the road system shall provide for continuous circulation throughout the project. Cul-de-sacs and temporary dead end roads stubbed for future development must have approval by the planning commission and are only allowed where unusual conditions exist which make other designs undesirable. Cul-de-sac streets shall be not longer than 400 feet and shall be terminated by a turnaround or loop road of not less than 120 feet in diameter. The planning commission can grant an exception for a cul-de-sac of up to 1,000 feet in length if the developer demonstrates that this design is less damaging to the natural terrain than a through street. Surface water must drain away from the turnaround unless the city engineer grants an exception with the necessary catch basins and drainage easements provided. No Cul-de-sac shall have more than 10 building lots. All cul-de-sacs shall provide pedestrian connectivity to open spaces, public facilities, sidewalks, trails, or adjacent subdivisions.

Changed length from 450 feet to 400 to be consistent with city development standard. Added PC to approve and exception up to 1,000 feet. Allowed city engineer to approve reverse draining cul-de-sacs with proper drainage. Clarified pedestrian connectivity. *(It was mentioned that longer cul-de-sacs could have helped in RL's Fairway Heights Plat C and Nebo Heights. Ken Young said there are other reasons for limiting length to 800' including emergency servicing, water flow, and circulation.)*

**10.09.120 -- Through Roads:** The road system shall conform to the city master transportation plan. Driveway access to arterial and major collector roads should be limited. For traffic calming purposes, local streets should be short in length to promote livable neighborhoods. Major roads on the city master transportation plan shall not be longer than 2,000 feet in length without an intersecting street, local roads shall not be longer than 1,000 feet. If terrain features require a longer street, the planning commission can grant an exception to the distance requirement.

Cleared up language of length of streets. Old code allowed longer local streets and shorter major streets. Should be reverse.

**10.09.121 -- Secondary Access:** Any development over 10 building lots must have a secondary public access street.

Clarified that the secondary access must be a public street.



**10.09.130 -- SUBDIVISION PROCESS**

The process to start a development within the HR-1 zone can be detailed due to the strict requirements in preserving the natural environment. There are various plans and applications required to gain final approval of a development.

Added this section to better clarify subdivision process vs. building on a lot.

**10.09.140 -- CONCEPT PLAN**

A concept plan is not required but is highly recommended. A concept can guide the applicant in a positive direction before more costly plans are drawn.

Added language to make concept phase a recommendation. Would need to change our application fee and process.

**10.09.141 -- Application and Fee:** The concept stage does not require an application or fee. There are recommended guidelines that can be followed to help give the planning commission enough detail to adequately review a concept proposal.

Concept will not require an application or fee. Guidelines will help a developer plan their concept.

**10.09.142 -- Vesting:** Since no application or fee is required at concept, projects are not vested at concept. Any advice or direction given by staff or the planning commission shall not be construed as any approvals. If needed, the concept stage is the appropriate time to adjust the development code if needed to create a better project.

Vesting will not occur at concept. *(Most city's codes state you are not vested at concept, charge no fee, but charge higher preliminary and final fees. We may want to look at our fee structure.)*

**10.09.143 -- Sensitive Area Plan:** A full sensitive area plan is not required in the concept stage, but it is recommended that a cursory plan be done to aid in designing the concept plan layout. See 10.09.150 for the requirements of a sensitive area plan.

Recommends that a sensitive area plan be done with concept.

**10.09.144 -- Staff Review:** City staff as part of the Technical Review Committee will review the concept and make comments that can guide the applicant to design a development that meets the HR-1 zone intent and regulations. Multiple reviews can occur. Staff review shall occur prior to a public meeting and planning commission review.

Just clarification of the review process.

**10.09.145 -- Neighborhood Meeting:** A neighborhood meeting should be held with the neighboring property owners and others nearby that could be affected by the development. This meeting is informal and can occur during a planning commission work session. This is an opportunity to gauge public sentiment and garner ideas that might help form a better development.

Added neighborhood meeting as an informal meeting of neighbors that can give input upfront to a developer that can help mold a development. This could avoid bigger problems later.

**10.09.146 -- Planning Commission Review:** After staff reviews and any public meetings, the planning commission shall review in a work session the revised concept plan and give comments to the applicant that can help guide the development to meet the intent of the HR-1 zone and its regulations. Additional reviews and a field trip to the site may occur.

Just clarification of the review process.

9. APPROVAL OF MINUTES OF LAST MEETING – SEPTEMBER 20, 2007

- Review of minutes of September 20, 2007 planning commission meeting.
- Russ Adamson
- p4, item h, change “*being to be built...*” to “*going to be built...*”
  - p4, add “,” after “soon” in item h
  - p5, item e, *Just make note, we need to determine what further studies could be done to identify unstable problem soils.*
- Shawn Eliot
- Change spelling of Shawn “Elliot” to “Eliot” throughout minutes.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW, TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE NOTED CORRECTIONS. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) KELLY LIDDIARD, PAUL SQUIRES.**

10. PLANNING COMMISSION BUSINESS

11. FOLLOW-UP ASSIGNMENTS / MISC. DISCUSSION

1. Scot Bell attended a Payson City meeting regarding preliminary discussion of developing the Four Bay area owned by Payson City. He reported the following:
  - a. The city of Payson is in the very preliminary stages of developing the Four Bay area.
  - b. Their current goal is to make it a recreation area use only.
  - c. Three Bay is recommended for camping. It will be restricted from any four-wheeling activity.
  - d. They are talking about some trails and paths. No dogs even on leashes. No motorized vehicles, not sure about horses.
  - e. They will try and preserve the area as a water conservancy area.
  - f. Access from Payson Canyon is anticipated. No access from Elk Ridge is anticipated.
  - g. Scot did talk to their city planner to see if there was potential of working with them on the circulation element to tie in with our trails and paths. He listened but did not provide direction.
  - h. There are springs and water bodies in this area. They want to protect these.
  - i. Scot was the only member there from outside their community.
  - j. They are at a very infant stage in the development process.
  - k. Scot Bell mentioned the road from Dan Shaws and asked if they considered this as a road to develop into the area. They did not at this point.
  - l. They did not want hunting in the area.
  - m. Scot asked if they planned on developing around the perimeter golf course with access from that area into Four Bay. They did not respond directly.
  - n. Scot asked if there was any way Elk Ridge could work in conjunction with them to merge some trails, etc. They were not opposed to visiting on that. Scot felt the planner may not have had permission from the city council or planning commission to provide an answer to that question.
  - o. They are now appointing a committee to talk about this. They are in the very beginning stage.
2. They also discussed at this meeting the development of the east side annexation of Payson (near Elk Ridge).
  - a. This would be the “Haskellville” area, the orchards, down Salem Canal Road, state highway, from professional plaza at Mountain. View Pharmacy to 1600 West.
  - b. Regarding the sharing of commercial bases along 1600 West, they are not showing commercial property along there anywhere near Elk Ridge in the Payson Annexation Plan. Ken Young mentioned the mayors have discussed this. Ken did not think this was a good place for commercial development.
  - c. There was some discussion about development at 1600 West and the State Hiway. Scot said this may be annexed by Salem.

3. Chairman Adamson reminded the commissioners to plan on attending the joint session with the city council this Tuesday, October 9, 2007 at 6:00 p.m.

**ADJOURNMENT**

Chairman Adamson adjourned the meeting at 9:20 p.m.

  
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Planning Commission Coordinator



## NOTICE OF PUBLIC MEETING

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled **Planning Commission Meeting on Thursday, October 18, 2007, beginning at 7:00 p.m.** The meeting will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

7:00 P.M.

**Opening Remarks & Pledge of Allegiance**

**Roll Call**

**Approval of Agenda**

1. **Proposed Elementary School – Elk Ridge Meadows, Phase 3 – Randy Young**  
– Review and Discussion – Ken Young
2. **General Plan and Code Amendments**
  - A. **Add R-1 8,000 PUD Zone – Gladstan View and Park View Corner**  
– Review and Discussion – Ken Young, Eric Allen
  - B. **Public Facilities Zone Code (General Plan & Zoning Map Amendment)**  
– Review and Discussion – Shawn Eliot
  - C. **Street Facilities Code – Section 7-4-6-C-4**  
– Review and Discussion – Ken Young
3. **Recommended Trees for Planter Strips**  
– Review and Discussion – Paul Squires
4. **General Plan Survey Results**  
– Review and Discussion – Shawn Eliot
5. **CE-1 Code Rewrite**  
– Review and Discussion – Shawn Eliot
6. **Report on October 9, 2007 City Council Meeting / Joint Work Session**  
– Review and Discussion – Dayna Hughes  
– Upcoming Planning Commission Representatives at City Council Meetings  
October ..... Dayna Hughes  
November..... Russ Adamson  
December..... Kevin Hansbrow
7. **Approval of Minutes of Previous Meetings – October 4, 2007**
8. **Planning Commission Business**
9. **Follow-up Assignments / Misc. Discussion**  
– Agenda Items for October 18, 2007 Planning Commission Meeting

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 10<sup>th</sup> day of October, 2007.

  
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Planning Commission Coordinator

### BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

#### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 10<sup>th</sup> day of October, 2007.

  
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Planning Commission Coordinator





# ELK RIDGE PLANNING COMMISSION MEETING

October 18, 2007

## TIME AND PLACE OF PLANNING COMMISSION MEETING ROLL CALL

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, October 18, 2007, 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah.

*Commissioners:* Dayna Hughes, Sean Royslance, Kevin Hansbrow, Kelly Liddiard, Paul Squires  
*Late:* Russ Adamson, Shawn Eliot, Scot Bell  
*Absent:* None  
*Others:* Ken Young, City Planner  
 Margaret Leckie, Planning Commission Coordinator  
 Randy Young, Eric Allen, Legrand Woolstenhulme

As the chairman and co-chair, Dayna Hughes was presided over the meeting until chairman, Russ Adamson arrived. Dayna Hughes welcomed those present. Opening remarks were given by Kevin Hansbrow followed by the Pledge of Allegiance.

## APPROVAL OF AGENDA

The agenda order and content was reviewed. There were no corrections or changes.

**DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBROW TO MAKE ALTERNATE MEMBER, PAUL SQUIRES. A VOTING MEMBER FOR TONIGHT'S MEETING. VOTE: YES-ALL(4), NO-NONE(0), LATE (3) RUSS ADAMSON, SHAWN ELIOT, SCOT BELL.**

## 1. PROPOSED ELEMENTARY SCHOOL IN ELK RIDGE MEADOWS PHASE 3.

The following discussion ensued:

- a. The Nebo School District has approached Randy Young, developer of Elk Ridge Meadows, Phase 3, with an offer to purchase some of that property for an Elementary School. Randy spoke with the Elk Ridge City staff, including the Mayor, and was met with a favorable reaction.
- b. The overall change would create a new school in the place of 24 residential lots, and the attached recreational park areas could be in place of a portion of the required open space (as long as the 25% requirement is still met). The acreage involved for the new school is approximately 12.98 acres.
- c. The Elementary School will add more open space to the proposed development. The school district would like to purchase the property in November. They approached Randy through realtor/developer, Eric Allen. The school district loves the site and wants to be in Elk Ridge.
- d. Developer, Randy Young, said he will lose money on the purchase (as opposed to keeping the lots that would have been where the school is planned) but the market is soft now and he would like to do this. Ken Young stated that the school will definitely be an elementary school. The lot is not large enough for a middle school.
- e. Randy Young said the school district has already built two schools using the proposed plan. He responded to a question regarding fencing, that the whole perimeter will be fenced.
- f. Kevin Hansbrow told Randy that the extra open space would benefit him in meeting his open space requirement.
- g. Randy passed out a map showing the school design, and where lots would be removed to provide ground for the school.
- h. There will still be 25 feet on both sides of the street for open space and the main corridor. The school will not effect the planned landscaping for the main corridor.
- i. Mr. Young is looking for a nod of approval from the commissioners before he goes ahead and sells the property to the school. He is not looking for a motion. He will bring his preliminary plat to the next meeting.

- j. Ken Young responded to a question from Dayna Hughes as to whether Elk Ridge will receive revenues from the school. He said “no”, but other benefits will come.
- k. Sean Roylance asked if there will be an outlet for the cul-de-sac that dead ends on the school property. Randy showed that on his map it shows a path going from the cul-de-sac into the school property between Lots 22 and 23.
- l. The commissioners concurred that this was a great idea and would probably not meet with public opposition.
- m. Paul Squires asked Randy if the round-about issue had been resolved. City Planner, Ken Young, said he did not think the round-about will happen, there are too many unresolved issues, including Mr. Cloward not wanting to change the access to his property, some of which would be needed for the round-about.
- n. A poll was taken of the commissioners and all were in favor of allowing the school to be built at the proposed site.
- o. A new final plat for Elk Ridge Meadows Phase 3 will be prepared showing the location of an elementary school and the school recreation areas meeting the open space requirements.

Chairman, Russ Adamson, arrived at 7:15 p.m. and took charge of the meeting. Shawn Eliot and Scot Bell also arrived about this time.

**2A. ADD R-1 8,000  
PUD ZONE –  
GLADSTAN VIEW  
AND PARK VIEW  
CORNER**

Developer, Eric Allen, was present, along with his partner, LeGrand Woolstenhulme, to take the planning commissioners pulse regarding creating a new PUD zone to allow for more dense units than now allowed – an R-1-8,000 PUD Zone. The city currently has an R-1-12,000 PUD Zone which the Elk Ridge Meadows PUD falls in. He is proposing twin homes to be built in this new zone.

The discussion included the following points:

- a. Developer Eric Allen brought in concepts for two proposed developments, which would fall under the proposed new zone, Gladstan View (near the northwest corner of Gladstan Drive and Elk Ridge Drive) and Park View Corner (northeast corner of Park Drive and Elk Ridge Drive).
- b. He proposed two different options for a zone to include his twin home developments. One was to create the new zone and the other was to revise the existing R-1-12,000 PUD zone, in order to allow for his proposed twin home development. The areas for the proposed twin home developments are relatively small.
- c. The process would be first to change the code to create the new zone or alter the existing zone, then come forward with a plan for the twin homes. The drawings he brought in this evening show what type development would work in the newly created zone.
- d. The overall density would be an average of one unit per 8,000 sf, but the twin homes would be on smaller lots with open space around them.
- e. From the city planners memo for this item for tonight the following was read:

...The proposed new zoning code (attached in tonight's packet) has followed closely the existing code for the R-1 12,000 PUD Zone, with some modifications to allow for twin home development, including the following provisions:

- 1. PUD Compliant: Chapter 14 requirements for PUD developments apply (with some proposed amendments, attached)
- 2. Base density: Average of 1 unit per 8,000 square feet, with bonus density allowed.
- 3. Setbacks: Street = 20', Side = 12', Rear = 30'
- 4. Min. Dwelling Area: One story = 1,200 sf, Multi story = 1,400 sf total / 1,000 sf footprint

5. Lot size: Not less than building footprint.

6. Min. Development. 1.5 acres, unless approved.

As a concept proposal for how this zoning might be applied, the applicant has provided concept drawings of two proposed developments: Gladstan View and Park View Corner. These concept plans may be reviewed for consideration of approval only after the proposed zoning is approved.

Recommendation: It is recommended that the Planning Commission offer feedback and direction regarding the proposed new R-1-8000 PUD zone, and set a public hearing.

- f. Eric Allen further explained that he had spoken to some of the city council and the mayor and was told there was a need for twin homes for people in the mid-price range, younger and older. The first concept he presented (Park View Corner) had 10 units, each similar to a single family home. They have basements, are ramblers, and have 2-car garages.
- g. There is a common area that a home-owner's association will take care of the landscaping. The landscaping would go in right after the units were built and be well-maintained.
- h. The second development Eric is proposing is on what is now Hole 8 of the Gladstan Golf Course. The land just to the west of it is in Payson. There are homes in Elk Ridge along Gladstan Drive that border the south of the property. Payson is talking about doing upscale, high density, golf-course destination type condos on the property bordering Eric's property on the west side.
- i. Eric mentioned that his twin homes would be a good transition from Elk Ridge into the high density units proposed by Payson. Eric currently has 5-6 acres in this location and is looking at purchasing more property from Payson in the same vicinity. He stated the location would be most suitable for retired couples who wanted to downsize.
- j. There will be some steep open space remaining and the development will have to work around climbing up the hill to the south end.
- k. Ken Young mentioned this will not be low income housing because of the price range.
- l. Shawn Eliot mentioned that from the results of the survey recently passed out to the citizens, most are not in favor of higher density units. We have the Elk Ridge Meadows PUD that should already meet our moderate income housing requirement.
- m. Kevin Hansbrow stated that he would be less opposed if there was some way to limit residents to seniors. Ken Young stated that you might get a range of age, but the range of income would not be there. Shawn Eliot mentioned a similar project in Provo where the units are in the \$275,000 range. Shawn Eliot said some of the higher end twin homes in Provo are in the \$350,000 to \$400,000 range.
- n. Shawn Eliot said on one hand it might be nice to have a place where seniors can live and not have to maintain a yard. He was sort of split on his own opinion. He mentioned a lot of the residents stated they moved here because of the type of city it is and do not want high density housing. He stated we do need to share this information with the city council.
- o. Kevin Hansbrow mentioned that if we had code which allowed this type of development, the commissioners would have to support the code, but since we do not, we should listen to what the residents are wanting regarding this type of development as gleaned from the recent general plan survey results (which are now posted on the city web site).
- p. Dayna Hughes felt that since the units are dense and there is not a lot of area for children to play in, it makes sense to make it a retirement community. She also felt there were similar housing opportunities close enough to Elk Ridge, that we did not need to repeat that type of development here.
- q. Eric Allen's partner, LeGrand Woolstenhulme, stated that in these units you attract seniors, single moms with a couple of kids, young professionals who might enjoy the environment for mountain biking, etc.
- r. Chairman Adamson asked Eric if he knew how soon Payson was going to put in the high density units. Eric responded that his road needs to go in first, for access. Russ mentioned that if they put those condos in, they will be very visible and look like they are part of Elk

Ridge, but we have no control over what goes in.

- s. Eric's partner mentioned that in order for Payson to get the density they are seeking, they will have to be stacked units. Eric and LeGrande stated they were looking into developing these units but the market is not there now and it would be very costly to do this type of development nicely.
- t. Scot Bell mentioned that this proposed development will be on our main entrance road, Elk Ridge Drive. The units proposed for Park View corner (where the first concept showed 5 home) are now up to 10 units (5 twin homes). He stated he is not sure this is what we want as we come into the city. He also did not like the idea of creating zones within zones.
- u. Shawn Eliot mentioned that on the survey only 12.9% of the residents expressed a positive response for twin homes. Chairman Adamson said that due to his responsibility to the citizen's, he could not vote for this concept. We are now working on the general plan vision and he felt he should support that in his views where there is no code demanding acceptance. He said he would be more amenable to the idea if they were doing two units on 15,000 sf rather than 8,000 sf. He asked Eric why he was wanting to go to an 8,000 sf PUD?
- v. Eric responded that when they went to the city council they did not express opposition to this type development for Gladstan View (west side of Elk Ridge Drive) but did on the east side (Park View Corner).
- w. Shawn Eliot mentioned we are in the middle of tabulating the survey and re-writing the city's general plan. We need to invite the public to more open houses to air their feelings and also to meet with the city council regarding this type development.
- x. Eric said he does like to get the neighbors involved and has talked to the neighbor to the north (Nick Nelson) and he did not express a negative opinion re: this type of development going in next to him.
- y. Shawn Eliot mentioned there is a lot of potential for growth in the city and the citizens are expressing distrust in the city development right now. We need to take time to hear them and listen to what they are saying.
- z. Chairman Adamson mentioned we will have more work sessions and go over with the city council what they want and see how the survey is interpreted. From what he is hearing from the public now, he cannot give a resounding "yes" to Eric's proposal, but he stated more discussion will happen. Chairman Adamson did express being impressed with Eric's presentation, very organized, nice visuals.
- aa. Eric mentioned he has enjoyed developing in this community and has had a good experience as a developer here. He would like to see this development happen.

Shawn Eliot requested that discussion on this item, Public Facilities Zone Code, be postponed until the next meeting.

## **2B. PUBLIC FACILITIES ZONE CODE (GENERAL PLAN AND ZONING MAP AMENDMENT)**

## **2C. STREET FACILITIES CODE – SECTION 7-4-6-C-4**

As read from the memo for tonight's meeting:

This item was reviewed in a public hearing held on October 4, 2007. The planning commission recommended the following changes:

1. Clarify the verbiage regarding the 3 and 7 day requirement. The proposed changes (shown on the attached code – in the file for tonight's meeting) are intended to more clearly state that street projects must be done within 3 days, and that there must be a 7-day period before any other road projects begin. This allows sufficient time for detour and other signs to be removed and allows community traffic to re-adjust to a regular flow, before the new adjustments need to be made.
2. The amount of the fine for work not completed is changed to \$500 a day.

**DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBROW TO RECOMMEND APPROVAL OF THE PROPOSED AMENDMENT TO THE ELK RIDGE CITY CODE, SECTION 7-4-6-C-4, REGARDING STREET FACILITIES AS EXPLAINED ABOVE. VOTE: YES-ALL (7), NO-NONE (0).**



### 3. RECOMMENDED TREES FOR PLANTER STRIPS

This discussion was in response to a request from the developers of the Elk Ridge Meadows PUD regarding what type of trees to plant in the planter strips. Paul Squires, planning commissioner who works as a contracting officer for the improvement of the large recreation plan for Deer Creek Reservoir, and is involved in plant selection, presented several options for trees which would be suitable to plant in the planter strips which will be adjacent to many of the sidewalks to be installed in the city in the near future. Elk Ridge Meadows PUD will be the next development to plant these trees along their streets.

The following points were made:

1. Paul passed out a list (attached in tonight's file), which included nine trees which have been proven to have the best survivability rate for Utah and at Elk Ridge's elevation and weather patterns (he added one tree during his discussion – see No. 10).

He stated that Maples and Ash trees are the most desirable. Ornamentals are not as desirable but do add attractive color which some people seem to like. They are more for yards, and not strips. The trees recommended were:

- 1) Autumn Blaze – Maple Family
  - 2) Norway Maple – Maple Family
  - 3) Honey Locust – Ash Family
  - 4) Summit Ash – Ash Family
  - 5) Green Spire Linden – Ash Family
  - 6) Autumn Purple Ash – Ash Family
  - 7) Spring Snow Crab Apple – Ornamental, Apple Family – Blossoms only, no fruit
  - 8) Kwanzan Flowering Cherry Ornamental, Cherry Family – Blossoms only, no fruit
  - 9) Flowering Plum Ornamental, Cherry Family – Fruit dries up on tree and does not drop
  - 10) Prairie Fire Crab Apple – Ornamental, Apple Family – Blossoms only, no fruit
2. The trees do not grow overly tall, nor wide. (about 25' – 40' tall) The Ash trees have small leaves, hardy bark and turn orange in the fall.
  3. All the trees are deep rooted, that is why they are good in planter strips. The roots do not go along the surface. They develop deep tap roots and do well in rocky soil.
  4. When the trees are purchased, Paul would like to be involved in the bidding process, possibly we can do a community purchase and others in the community who would like to purchase trees, can.
  5. Different type trees can go along the trails since there are different requirements.
  6. Paul said that ash and maple trees are hardy, and deer resistant. The deer won't eat and strip the leaves off them. When purchased they should be potted (not wrapped in burlap) and be two-inches in diameter. They seem to resist shock better when planted if they are potted.
  7. If you want to force growth (make them grow higher and quicker) you can trim off the bottom branches.
  8. The commissioners were in agreement that the ornamentals should be taken off the list.
  9. It was agreed that in our development and construction standards, where we list the acceptable trees, we should also stipulate they be potted and at least 2" in diameter when purchased. It was also agreed that, for aesthetic purposes, the same tree should go in on one street, though the trees can vary from street to street.
  10. All the trees should survive without being watered after they are established (about 2 years). They all have low sun requirements and will do well in our climate.
  11. Paul suggested we have the people we purchase the trees from plant the trees and guarantee them. They will clear the area and mound properly and we would not have to worry about those type problems.
  12. Ken Young suggested amending our city code (landscaping section) to state that there are required trees that go in planter strips and that the standards and tree list is found in the development and construction standards.
  13. Paul stated these trees are grown in Oregon and are available year round.

**RUSS ADAMSON MADE A MOTION THAT WAS SECONDED BY KELLY LIDDIARD THAT WE ADOPT THE FIRST SIX TREES ON PAUL SQUIRES LIST OF RECOMMENDED TREES AS THE PLANTER STRIP TREES WITH THE FOLLOWING CONDITIONS:**

- 1. WHEN PURCHASED, THE TREES BE POTTED AND AT LEAST 2 INCHES IN DIAMETER.**
- 2. THE LANDSCAPING CODE WILL STATE THAT ONLY TREES FROM OUR LIST (IN THE DEVELOPMENT AND CONSTRUCTION STANDARDS) CAN BE PLANTED IN PLANTER STRIPS.**
- 3. ONLY ONE TYPE TREE BE PLANTED ON A GIVEN STREET, THOUGH THE TYPE TREES FROM STREET TO STREET CAN VARY, TO GIVE A CONSISTENT LOOK ON EACH STREET.**

**VOTE: YES-ALL (7), NO-NONE (0).**

**RUSS ADAMSON MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBROW TO SET A PUBLIC HEARING FOR NOVEMBER 15, 2007 TO AMEND THE ELK RIDGE CITY LANDSCAPING CODE TO SPECIFY REQUIREMENTS FOR TYPES OF TREES ALLOWED IN PLANTER STRIPS. THIS INFORMATION WOULD BE IN THE DEVELOPMENT AND CONSTRUCTION STANDARDS. VOTE: YES-ALL (7), NO-NONE (0).**

The amended code will come back before the planning commission.

#### **4. GENERAL PLAN SURVEY RESULTS**

Shawn Eliot presented a very well done draft tabulation of the General Plan Survey that was passed out to the residents on September 18<sup>th</sup> of this year.

The survey results will be put on the Elk Ridge City web page once the tabulation is complete, a copy of the draft which was discussed tonight is in the file for tonight's meeting in the city office.

The results will not be included in the minutes as they are in tonight's file in the city office and are on the web site. Shawn Eliot presented the survey results. Some of the discussion points on this agenda item were:

1. There were about 475 surveys handed out and about 240 returned. Statistically the confidence level of the results should be about 95% with a +/-3% margin of error.
2. Some of the survey highlights were:
  - People moved to Elk Ridge for the quiet setting, scenery, rural feeling, mountains and lack of congestion.

##### **Some of the things the citizens want are:**

- Follow through with goals of city vision statement
- Large lots in hillside
- Some form of commercial services
- Preserve hillsides and open space
- Development of parks and recreation activities
- Keep rural setting
- Planned trail system
- Recycling program
- Protect wildlife habitat
- Bond/possible tax for hillside and open space protection and water improvement

##### **Some of the things the citizens don't want are:**

- Higher density housing
- Bonding/Tax for sidewalks, new city center, additional code & law enforcement

**The city is doing a good job with:**

Roads	Garbage
Water	Utility Billing
Sewer	Snow removal
Police	Recreation
Fire	
Parks	

**The city needs help with with:**

Animal control  
 Building and development department  
 Senior citizen opportunities

3. Shawn Eliot stated that sometimes developers try and talk the planning commission into approving things the citizen's don't want. When it is not written in the code, we need to not let them do that. It is very important to the citizens that we maintain open space.
4. The commissioners asked Margaret Leckie to check with the Mayor and see if we could post the results on the city web page.
5. Shawn told the commissioners to read through the results and use the trends in our decisions as we re-write the Elk Ridge City General Plan.

## 5. REPORT ON OCTOBER 9, 2007 CITY COUNCIL MEETING.

Dayna Hughes reported on the city council meeting held October 9, 2007. This was the joint meeting with the planning commission and city council. The following points were made re: that meeting:

- Corbett Stephens, building inspector, did a good job presenting information to the council on indoor fire sprinkler systems. All council members present seemed to favor requiring fire sprinkling systems in all new development except Alvin Harward, who was uncertain. Ken Young will re-write the code for the upcoming public hearing.
- Shawn Eliot did a good job presenting the general idea of open space code that would be appropriate for parks, golf courses, etc. He will continue doing research and present his findings at a later date.
- Mary Rugg and Ray Brown were not there so they did not have a quorum. The city council will revisit the subject of changing the name of Loafer Drive.
- The City is taking out a loan to purchase land for a new city center.
- Dayna told the council members if they had questions for the commissioners to direct them to her that evening and from here on out the planning commission will always have someone represented at their meetings.

## 6. CE-1 CODE RE- WRITE

The CE-1 code re-write agenda item was tabled until the next meeting.

## 7. APPROVAL OF MINUTES OF PREVIOUS PLANNING COMMISSION MEETING, OCTOBER 4, 2007

The following corrections were made to the minutes of the October 4, 2007 planning commission meeting.

1. p1, Agenda Approval Item – change “there” to “their”
2. p3, item p, change “whree” to “where”

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW TO APPROVE THE MINUTES OF THE OCTOBER 4, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE NOTED CORRECTIONS. VOTE: YES-ALL (7), NO-NONE (0).**

**8. PLANNING  
COMMISSION  
BUSINESS**

Dayna Hughes suggested that if we need to replace planning commissioners after the city council election, we might ask some of those who ran for city council and did not get it so they can get some city government exposure.

**9. FOLLOW-UP  
ASSIGNMENTS, MISC.  
DISCUSSION**

Chairman Russ Adamson will be the planning commission representative for at the city council meetings during November

**ADJOURNMENT**

Russ Adamson adjourned the meeting at 10:00 p.m..

  
\_\_\_\_\_  
Planning Commission Coordinator

## NOTICE OF PUBLIC MEETING

Notice is hereby given that the Elk Ridge Planning Commission will hold two Public Hearings to consider the following:

- 1) 7:10 – Code Amendment to Section 10-12-24 regarding Minimum Level of Improvements Installed Before Issuance of Building Permits
- 2) 7:20 – Code Amendment to Section 10-12-38 regarding Fire Sprinkling System Requirements

These hearings will be held on **Thursday, November 1, 2007, beginning at 7:00 p.m.** during the first part of the regularly scheduled **Planning Commission Meeting on Thursday, November 1, 2007, beginning at 7:20 p.m.** The meetings will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

- |                  |  |
|------------------|--|
| <b>7:00 P.M.</b> | <b>Opening Remarks &amp; Pledge of Allegiance</b><br><b>Roll Call</b><br><b>Approval of Agenda</b>   |
| <b>7:10 P.M.</b> | <b>1. Public Hearing to consider Code Amendment to Section 10-12-24 regarding Minimum Level of Improvements Installed Before Issuance of Building Permits</b><br>– Review and Discussion<br>– Motion on Public Hearing   |
| <b>7:20 P.M.</b> | <b>2. Public Hearing to consider Code Amendment to Section 10-12-38 regarding Fire Sprinkling Systems Requirements</b><br>– Review and Discussion<br>– Motion on Public Hearing<br><br><b>3. Proposed Elementary School – Elk Ridge Meadows, Phase 3 – Randy Young</b><br>– Review and Discussion – Randy Young, Ken Young<br><br><b>4. General Plan/Code Amendments</b><br><b>A. Public Facilities Zone Code</b><br>– Review and Discussion – Shawn Eliot<br><br><b>5. CE-1 Code Rewrite</b><br>– Review and Discussion – Shawn Eliot<br><br><b>6. Report on City Council Meeting October 23, 2007</b><br>– Review and Discussion – Dayna Hughes<br><br><b>7. Approval of Minutes of Previous Meeting – October 18, 2007</b><br><br><b>8. Planning Commission Business</b><br>– Review and Discussion<br><br><b>9. Follow-up Assignments / Misc. Discussion</b><br>Agenda Items for November 15th Planning Commission Meeting<br>November Representative at City Council – Russ Adamson |

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 25<sup>th</sup> day of October, 2007.

  
 \_\_\_\_\_  
 Planning Commission Coordinator

### BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

#### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 25<sup>th</sup> of October, 2007.

  
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 Planning Commission Coordinator





**ELK RIDGE PLANNING COMMISSION MEETING AND PUBLIC HEARINGS**  
**November 1, 2007**

**TIME AND PLACE  
OF PLANNING  
COMMISSION  
MEETING AND  
PUBLIC HEARINGS**

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, November 1, 2007, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah. The Planning Commission Meeting was preceded by two scheduled public hearings: the first public hearing, at 7:10 p.m. was to consider adoption of an amendment to Section 10-12-24 of the Elk Ridge City Code regarding Minimum Level of Improvements Installed Before Issuance of Building Permit; the second public hearing at 7:10 p.m. was to consider an amendment to Section 10-12-38 of the Elk Ridge City Code regarding Fire Sprinkling System Requirements.

**ROLL CALL**

*Commissioners:* Dayna Hughes, Kevin Hansbrow, Kelly Liddiard, Paul Squires, Sean Roylance, Shawn Eliot, Russ Adamson  
*Absent:* Scot Bell  
*Others:* Ken Young, City Planner  
Margaret Leckie, Planning Commission Coordinator  
Randy Young

**OPENING REMARKS  
& PLEDGE OF  
ALLEGIANCE**

Co-chairman, Dayna Hughes, welcomed the commissioners and guests and opened the meeting at 7:00 p.m. Opening remarks were given by Kevin Hansbrow, followed by the Pledge of Allegiance.

**APPROVAL OF  
AGENDA**

The agenda order and content were reviewed. There were no changes to the agenda.

**A MOTION WAS MADE BY SEAN ROYLANCE AND SECONDED BY KELLY LIDDIARD TO MAKE PAUL SQUIRES, ALTERNATE PLANNING COMMISSION MEMBER, A VOTING MEMBER FOR TONIGHTS' MEETING. VOTE: YES-ALL (5), NO-NONE (0), LATE (2), SHAWN ELIOT, RUSS ADAMSON; ABSENT (1), SCOT BELL**

**1. PUBLIC HEARING  
TO CONSIDER  
ADOPTION OF AN  
AMENDMENT TO  
SECTIONS 10-12-24  
OF THE ELK RIDGE  
CITY CODE  
REGARDING  
MINIMUM LEVEL  
OF IMPROVEMENTS  
REQUIRED BEFORE  
ISSUANCE OF  
BUILDING PERMIT**

Ken Young, City Planner, explained that this amendment was a house-keeping issue. In looking at the requirements for culinary water and sanitary sewer, the improvements that are normally required to be installed have had exception for the Goosenest area, where there was no extension of the line. This extension is now anticipated so it is suggested by the Mayor, and the council is aware, that we now require them to connect.

**Discussion**

Co-chairman, Dayna Hughes invited public comments. There were no comments.

Dayna Hughes closed the public hearing at 7:13 p.m.

Dayna asked the commissioners if they had any discussion. Sean Roylance asked if this only applied to the Goosenest area. Were there any other areas not connected. Ken Young said that was correct.

**A MOTION WAS MADE BY KEVEN HANSBROW AND SECONDED BY SEAN ROYLANCE TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE PROPOSED ZONE CODE AMENDMENT TO SECTION 10-12-24 REGARDING MINIMUM IMPROVEMENTS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE, IN PARTICULAR THOSE REQUIREMENTS REQUIRING CONNECTION TO CULINARY WATER AND SEWER. VOTE: YES-ALL (5), NO-NONE (0), LATE (2) SHAWN ELIOT, RUSS ADAMSON; ABSENT (1) SCOT BELL.**

**2. PUBLIC  
HEARING TO  
CONSIDER  
ADOPTION OF AN  
AMENDMENT TO  
SECTION 10-12-38 OF  
THE ELK RIDGE  
CITY CODE  
REGARDING FIRE  
SPRINKLING**

The following discussion ensued relating to requiring fire sprinkling systems in new development:

a. Ken Young, City Planner, explained that this requirement to put fire sprinklers in new development will not apply to any existing homes or structures, just to new development.

Commissioner, Shawn Eliot, arrive late at 7:15 p.m.

b. Sean Roylance asked that if in the current California fires, it was found that having sprinklers in homes helped. Dayna Hughes stated that those fires were so intense, that it would not have mattered. Ken Young concurred. It was suggested to keep our ears open and see if any homes on the fringes were saved due to sprinkling systems. It was also stated that sprinklers are mainly

## SYSTEMS

geared to suppress fires starting inside, rather than outside of the home.

- c. Dayna Hughes questioned the previous discussion of having a requirement to have installed sprinkling systems tested once a year. Ken Young mentioned that this could be an item to clarify during the public hearing. He stated that it would be very hard to monitor who had and who had not had their systems inspected. Dayna Hughes expressed that did not mean it was not a good idea to include that requirement, just to encourage that inspection among the residents.
- d. Corbett Stephens, building inspector, would be the person to make sure these systems were installed.
- e. Shawn Eliot mentioned that we do still need to come up with the standards for the systems to be installed. This would be in the Development and Construction Standards. Corbett would be a good one to write this as he wrote the code for Woodland Hills.
- f. Dayna also questioned whether the system could be monitored off-site. Paul Squires stated that would probably be prohibitive due to expense.
- g. Dayna Hughes suggested tabling this item until it could be reviewed by Corbett and Fire Chief, Seth Waite.

Dayna Hughes invited public comment, there was none. She closed the public hearing at 7:20 p.m.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY SHAWN ELIOT TO TABLE THE DISCUSSION ON A FIRE SPRINKLING SYSTEM REQUIREMENT UNTIL IT WAS CREATED AND OFFICIALLY SIGNED OFF BY BUILDING INSPECTOR, CORBETT STEPHENS, AND FIRE CHIEF, SETH WAITE. ALSO TO GET THEIR OPINION AS TO WHETHER ANNUAL INSPECTIONS SHOULD BE REQUIRED IN THE CODE. VOTE: YES-ALL (5), NO-NONE (0), LATE (2) SHAWN ELIOT, RUSS ADAMSON, ABSENT (1) SCOT BELL.**

### 3 PROPOSED ELEMENTARY SCHOOL IN ELK RIDGE MEADOWS PUD, PHASE 3

Randy Young, developer of Elk Ridge Meadows, Phase 3, was present to discuss the latest drawing including the proposed elementary school and landscaping plan for Phase 3. The following discussion ensued.

- a. Dayna Hughes mentioned she had driven through the Elk Ridge Meadows PUD, Phases 1 and 2, currently under construction. The trails are in, the lights are in, the park is in and it looks great. She commended developer, Randy Young.
- b. Margaret Leckie mentioned that the latest rendition of Phase 3 plat were in tonight's handout and not in the packets (they will be inserted in the office file for tonight's meeting).
- c. Randy Young stated that the reason he wanted to be on the agenda was he wanted the commissioners to take a look prior to his scheduled TRC for Preliminary Plat for Phase 3 on November 9th in order to get their input. Preliminary plat is scheduled for consideration by the Planning Commission on November 15, 2007.
- d. He called attention to the school property. The trail will go along the border of the school property. The fence will be along the school inside the trail easement. The trail will turn alongside of Lot 54 then cross the street, go along the sidewalk, and then pick up the other trail system after about 40 steps.
- e. He also called attention to the trail easement between Lots 22 and 23 on the cul-de-sac abutting the school property. The easement is 20' wide. This easement will connect to a sidewalk which will go north to the trail system along 11200 South.
- f. Along Elk Ridge Drive there is a 108' corridor, including a 56' wide street, and a 16' meandering trail system on each side.
- g. Dayna Hughes asked if the trails were off-limits to the general public. Randy said "no", and neither was the park. Shawn Eliot mentioned that Dave Milheim had stated that the park in Phases 1 and 2 was off-limits to the general residents and only for PUD residents. Randy stated that that was not his original intention for the PUD and he would speak with Dave Milheim so he could understand what that was about.
- h. Randy said his original intention was to use that park for ball games, city use, etc.
- i. Randy mentioned there are two new things on this plan since the planning commission reviewed

- it. They are: 1) He has added 11 lots in the open area along Elk Ridge Drive across from the school and 2) an added parking lot for open space.
- j. The school took 23 lots out of his original plan for Phase 3. He said there were 3.9 extra acres of open space. To help accommodate his costs (lost money on school) but still stay within his open space requirement, he is adding 11 lots on the east side of Elk Ridge Drive along the corridor (Lots 78-88 on the new plan). He also added a parking lot for the open space.
  - k. Ken Young stated that due to the school recreation areas and landscape areas, there is additional open space. The area where the additional lots are going in was originally just under 6 acres, now it is close to 3-1/2 acres. On his plan he shows that the original plan had 10.61 acres of open space, with the proposed school, it now has 10.98 acres open space (school – 6.91 acres, Phase 3 open space – 4.07 acres).
  - l. Sean Roylance asked Randy if the school paid him for the portion of the property that was to be used as open space. The school did not want liability or cost of providing a public park.
  - m. Ken Young asked Randy about the portion of school property shown on the plan that juts half-way into Sky Hawk Way.
  - n. Paul Squires asked about the trees. Randy said they are the same type as is in Phase 1 and 2. Shawn Eliot mentioned they were approved in the landscaping plan a few years ago. Randy said one is a flowering pear and he was not sure what the other one was. Dayna Hughes stated that the question was asked because the council was in the process of setting a standard for street trees. She asked if he would be willing to use the trees the commission had chosen, even though he could not be required to. Shawn mentioned the trees chosen were because of the planter strip issue. Randy said he will look into it. Paul will provide him with the information. He wanted to maintain the clustering rather than have them equally spaced apart. This is different in that there is more planter space, and as there is not the 2 per lot requirement since this is open space, the trees can be clustered.
  - o. Next to the pavilion in the park is a playground.
  - p. There were some questions from the commissioners regarding Randy's deal with the school Ken Young mentioned that Randy's deal with the school is not our concern. We need to be concerned with 1) does it meet code; and 2) is it a good idea. Sean Roylance stated that the concern was that in the past developers have proposed things because they said "it was good for the community", when in reality it appeared that it was because it was profitable to them, thus there is a little distrust sometimes on the commissioners part whether all proposed is really for the good of the community. However, the commissioners are excited about the school.
  - q. Shawn Eliot questions whether the desired open feeling as you drove through that part of town would be going away with the proposed school and the added lots. Ken Young stated that you are only losing a small portion of street frontage open space on the west side of the street (Lots 78 and 88). On the east side you are expanding the open space along the street frontage and the depth is increased. Shawn added that you do get a closed in feeling as there are fences and school buildings.
  - r. Dayna Hughes asked if the ball court areas will all be grass and was told it would.
  - s. Kelly Liddiard had some questions regarding school access. Ken Young stated that this is only a concept drawing and those issues would be made more clear at preliminary plat.
  - t. The only feedback Dayna Hughes had was for Randy to look into using some of the approved trees along Elk Ridge Drive. The commissioners are generally in favor of the school and the layout.
  - u. Kelly Liddiard mentioned that turning Elk Ridge Drive into a school zone for a portion of the way, will be a great traffic control mechanism.
  - v. Ken Young asked that if in Randy's discussion with Dave Milheim regarding use of the park in Phase 1 and 2, it does not get resolved; that in his Phase 3 that Randy have an agreement with whoever buys the property that all Elk Ridge residents will be able to use the park.

**PLAN/CODE  
AMENDMENTS**

**A. PUBLIC  
FACILITIES ZONE  
CODE**

Shawn Eliot passed out tonight a draft of his proposed public facilities code along with a map which showed properties currently owned by the city. The following discussion ensued:

- a. On the map, the dark shows properties owned by Elk Ridge City and Payson City. This was taken from the parcel data on the county web site. He questioned the ownership shown by the County of some of the property shown along Hole 8.
- b. The city is looking at purchasing some property on the south west corner of Goosenest and Elk Ridge Drive. This would connect the other property shown in that area on the map that is owned by the city. He pointed out the area near Hole 7 where the underground tank (raised up but buried) is going in.
- c. Shawn also showed an area where Park Drive and Loafer Canyon meet that is owned by the city, which they may sell for a home to go in.
- d. Shawn Eliot mentioned some talk he had heard about Payson and Elk Ridge rearranging their boundaries.
- e. Shawn mentioned that when you change zone code you must define on your general plan what areas you will put into it. He mentioned it is ironic that we have this zone in our code, but we have no property in that zone.
- f. Shawn then reviewed the code he passed out. The portions he added were from the Woodland Hills code. He removed some from ours. One of the issues discussed was churches. He asked commissioners if we wanted churches in this zone. It was decided that we did, otherwise we would have no say when a church went in, as to any minimum requirements for the church such as setbacks, height, etc. If a church were to go in Elk Ridge, the property on which it were to be built would have to be rezoned to the Public Facilities Zone.
- g. What he is proposing tonight is just for review and to set a public hearing.
- h. Our code allowed many things which were listed as conditional use. They should not have been in the conditional use since they are allowed in the regular zone so the conditional uses were removed.
- i. The code includes height restrictions, lighting restrictions, setbacks, etc. Approval process section may be removed as it is already a part of the subdivision code.

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY KELLY LIDDIARD TO SET A PUBLIC HEARING FOR DECEMBER 6, 2007 TO CONSIDER AMENDING THE PUBLIC FACILITIES ZONE CODE. VOTE: YES-ALL (6), NO-NONE (0), LATE (1) RUSS ADAMSON, ABSENT (1) SCOT BELL.**

**5. CE-1 CODE  
REWRITE**

The proposed changes discussed this evening are as follows (begin on next page)



### 10.09.150 -- PRELIMINARY PLAT

A preliminary plat plan is required and is the first official step toward gaining approvals of a development. Since the plan is preliminary in nature, larger developments and those being proposed on unique terrains can require multiple renditions of the plan as well as additional meetings.

Just clarification of the preliminary process.

**10.09.151 -- Application and Fee:** The preliminary plan stage requires an application and fee. Listed on the application are the requirements that must be met to have a complete application along with the fee schedule.

Just clarification of the preliminary process.

**10.09.152 -- Vesting:** Once an application is found complete and all fees paid, an applicant is vested with all applicable development codes and standards.

Clarifies that vesting is at the preliminary stage once an application is complete and fee is paid. *Shawn spoke with attorney, David Church, he said we need to fix our vesting code! This will fix it. The state law has changed since our code was written. Ken Young suggested we say once a preliminary plat is complete you are vested. Shawn was worried state code implies whenever you pay the fee and complete the application you are vested. Shawn will check with Dave Church.*

**10.09.153 -- Sensitive Areas Plan:** An aerial map showing the non-disturbed conditions that exist prior to any grading or construction shall be submitted and approved by the planning commission prior to the submittal of the preliminary plan. The map shall outline the current vegetative conditions including clusters or groves of indigenous hardwood trees. It shall also illustrate natural features including ravines, drainages, steep slopes, ridgelines, fault lines, wildlife habitat corridors, unique soil features such as collapsible soil, rock features, etc.

Requires a sensitive area plan that will aid the developer in designing a project and to aid staff and the planning commission in approving a development. Requires submittal prior to preliminary plat when it is easier to change subdivision layout before extensive engineering work is done. *Taken from Park City code. They use staff to mark all the ridge lines. They have 500 ft. area for wildlife corridor. When you turn in plan you they have wildlife expert give input. We probably don't need to go that far.*

Proposed lots, building envelopes, roads, trails, and open space areas shall be shown on the map. Data from the non-disturbed conditions map shall be used to develop the preliminary plan by locating areas that should be preserved to meet the intent and regulations of the HR-1 zone. The commission can require redesigns of lots, roads, and other development features to better implement the intent of the code.

**10.09.154 -- Slope Analysis:** A slope analysis shall be submitted prior to the submittal of the preliminary plan. The slope analysis shall show contour lines at 2-foot intervals. It will also identify by color slopes under 15%, 15% to 19%, 20% to 29%, 30% to 39% and 40% and above. Proposed lots, building envelopes, roads, trails, and open space areas shall be shown on the map. The slope analysis shall aid

This adds the slope analysis as a requirement that we have been requiring but has not been supported by code.

the applicant, staff, and the planning commission in determining that the intent and regulations of the HR-1 zone are met.

**10.09.155 -- Preliminary Plat Requirements:** The preliminary plat shall delineate the location of designated setback areas, the building envelope, areas of cuts and fills, retention, open space areas, and conform to the requirements set forth in

10.15.B. A re-vegetation/retention plan, erosion control plan, and geotechnical report are required to be submitted and approved with the preliminary plat.

**10.09.156 -- Re-Vegetation/Retention Plan:** A re-vegetation/retention plan shall be submitted as part of the preliminary plan. The re-vegetation/retention plan shall show all areas that will be disturbed, retained and re-vegetated. These areas include roads, utility corridors, firebreaks, trails, or other proposed work that require cut and/or fills, any grading or retention. The plan shall show designated storage areas of debris, dirt, and topsoil. The plan shall detail where vegetation will be removed and replaced and the types of vegetation to be planted. Disturbed areas must be re-vegetated with indigenous plants before any bonds are returned by the city. Detail of how vegetation will be established shall be listed. Also shown are all cuts and fills and retention wall depths, slope, and height. A licensed civil engineer shall endorse the plan. The city engineer and planning commission must approve the plan.

**10.09.157 -- Erosion Control Plan:** An erosion control plan shall be submitted as a part of the preliminary plan. The erosion control plan shall detail how run off will be controlled to avoid flooding problems on neighboring properties and how erosion will be controlled and how construction debris and silts will not be collected by the storm water system during construction. It will also detail how erosion will be managed in cut and/or fill areas. The city engineer and planning commission must approve the plan.

**10.09.158 -- Geotechnical Report:** A geotechnical report shall be completed and submitted as a part of the preliminary plan. The report shall consider and address all recommendations in any reports prepared by the Utah Geological Survey (UGS) in relation to the subject property. If no prior reports have been prepared, the applicant shall consult with the appropriate UGS official, obtain comments addressing the geologic conditions affecting the area, and provide those comments. If unsafe geologic conditions that may affect the property and

Just clarification of the preliminary process.

This adds clarification to what was the grading plan. Better defines that grading shall occur only for roads, trails, utility corridors, firebreaks, etc. Grading of lots is done at the building process. Also requires the locations of debris, and dirt storage.  
*Ken Young stated we need to change "plan" to "plat" when referring to preliminary, concept and final. Landscaping and grading drawings would be "plans"*

No change.

No change.

the probability that those conditions will detrimentally impact the proposed development or surrounding properties within 50 years from the date of the statement, the environmental impact of the proposed action, including a projected "worst case scenario" of the detrimental effects the proposed action or development may have on the safety and environmental stability of the property and adjacent properties shall be required. Any adverse environmental effects that cannot be avoided should the proposal be implemented as well as alternatives to the development to avoid any unsafe geologic conditions shall be documented. The geotechnical report shall be stamped and signed by a licensed professional engineer registered in the state of Utah with experience in preparing and rendering geotechnical reports.

**10.09.159 -- Staff Review:** City staff as part of the Technical Review Committee will review the preliminary plan and its associated plans and reports and make comments that can guide the applicant to a development that meets the HR-1 zone intent and regulations. Multiple reviews can occur. Staff review shall occur prior to the public hearing and planning commission review. Staff shall make recommendations to the planning commission stating the general plan, city code, and the development standards to support their recommendations.

Just adds clarification to code of what a staff review is.

**10.09.160 -- Public Hearing:** A public hearing shall be held with the neighboring property owners in accordance with 10.14.5 or the development code. This is a formal meeting. Concerns and comments from the public shall be taken. Staff and/or the commission shall address any comments that site code violations or health, safety, and welfare concerns. Comments from this hearing can aid the applicant, staff, and the commission to address design elements of the development.

Just adds clarification to code of what the public hearing is used for.  
*Dayna Hughes questioned why we hold public hearings if all we can do is follow code. Shawn gave the example of the public input re: Elk Haven drainage, which was brought to the attention of staff and did make a difference in the design. Sometimes input can cause change if the code is not an issue. Also, this keeps the citizens informed. Ken Young mentioned that through the public comments and the commissioners review, we make recommendations to city council – thus public input might influence them. Shawn mentioned that in discussion with David Church, if the public is interested and a hearing has already been held, we can inform them of our meeting on the issue, which whether planning commission meeting or city council, is a public meeting. Ken Young stated you can hold more than one public hearing if you choose.*

**10.09.161 -- Planning Commission Review:** After staff reviews and comments from the public hearing have been addressed, the planning commission shall review the preliminary plan and associated plans and reports. The commission can require adjustments to the building envelope, roadways, open space areas, and other elements of the development that better accommodate the natural conditions present and ensure that location or construction of such elements will not result in the creation of an adverse or unsafe condition. The commission shall conclude that the development will

Just adds clarification to code of what the planning commission review is.

accomplish and preserve the intent and regulations of the zone

**10.09.162 -- Planning Commission Action:** The commission can approve, approve with conditions, or deny the plan giving findings drawn from the general plan, city codes, and development standards. The motion shall be sent to the city council with the recommendation and findings from the commission. If the commission finds that the plan is not ready to be forwarded to the council, the commission can table the plan requiring the applicant to supply additional information or make changes.

Just adds clarification to code of what the planning commission can do to approve a preliminary plan.

**10.09.163 -- City Council Action:** The city council can approve, approve with additional conditions, or deny the plan basing their decision on the planning commission recommendations and their findings. If the council denies or significantly changes the plan, it shall be sent back to the planning commission for additional work. Additional public hearings could be required.

Just adds clarification to code of what the council can do to approve a preliminary plan.

### 10.09.170 -- FINAL PLAT

A final plan is required and is the last official step toward gaining approvals of a development. Changes to the preliminary plat should be minimal.

Just explains what a final plat is.

**10.09.171 -- Application and Fee:** The final plan stage requires an application and fee. Listed on the application are the requirements that must be met to have a complete application and the fee schedule.

Just adds to code the requirement of an application and fee. (Change "plan" to "plat")

**10.09.172 -- Final Plat Requirements:** The final plat shall conform to the city development standards.

No change.

**10.09.173 -- Public Hearing:** A public hearing is not required for the final plat though staff or the planning commission can decide to hold one if substantial changes from the preliminary plat would require additional comment.

Just adds clarification to requirements of a public hearing at the final plat.

**10.09.174 -- Planning Commission Review/Action:** The commission can approve, approve with conditions, or deny the plan giving findings drawn from the general plan, city codes, and development standards. The motion shall be sent to the city council with the recommendation and findings from the commission. If the commission deems that the plan is not ready to be forwarded to the council, the commission can table the plan requiring the applicant to supply additional information or make changes.

Just adds clarification to the planning commission review and action of a final plat.



**10.09.175 -- City Council Action:** The city council can approve, approve with additional conditions, or deny the plan basing their decision on the planning commission recommendations and their findings. If the council denies or significantly changes the plan, it shall be sent back to the planning commission for additional work.

Just adds clarification to the city council action of a final plat.

**10.09.176 -- Grading Permit:** No grading, filling or excavation of any kind shall commence on land within the HR-1 zone without first having obtained a grading permit. A re-vegetation/retention plan, endorsed by a licensed civil engineer, must be approved by the city engineer and planning commission prior to preliminary plat approval. A grading permit for subdivisions shall not be issued and shall not become active until the proposed development has final plat approval, all fees have been paid, and the bonding has been posted, guaranteeing the construction of all uncompleted required improvements. Areas outside of approved grading areas shall be cordoned off with nylon fencing or equivalent during the grading and construction process and shall not be disturbed.

No change. *One change, in subdivision code, only grading for utilities, not for lots ,now have put this in preliminary plat code also.*

## 10.09.180 -- BUILDING PROCESS

Building on individual lots shall conform to requirements of the development code in title 10 chapter 12 as well as the following:

## 10.09.190 -- GRADING OF LOT

All grading, removal of natural vegetation and retention on building lots requires a re-vegetation/retention plan and a grading permit.

Clarifies that grading of a lot is done at the building process.

*Shawn asked Ken Young, re: RL's lot on Cove Drive. Has been dug out and has sat for two years. Do we require that after a certain time something be done for erosion control?*

## 10.09.191 -- Removal of Natural Vegetation /

**Retention when Constructing a Dwelling:** Natural vegetation including indigenous hardwood trees can be removed from the portions of the lot to be committed to the dwelling, driveway, retention walls, firebreaks and areas required to be cleared as described within the urban interface area requirements (09-03-9). Once these areas are cleared, 75% of the remaining hardwood trees shall remain on the property. Areas with slopes 20% or greater that are not a part of an approved building envelope, ravines, drainages, and wildlife corridors shall remain in a natural state. An individual lot re-vegetation/retention plan shall be prepared showing all areas proposed for removal of vegetative materials and retention. Re-vegetation of

Clarifies what you do for a dwelling. Adds to the code requirement of keeping 75% of natural vegetation after removing it for dwelling and urban interface requirements. Also added retention as a requirement for a grading permit.



indigenous hardwood trees and grasses is required for areas of cuts and fills and around retention walls. Areas requiring re-vegetation will be shown on the re-vegetation/retention plan. A licensed civil engineer shall endorse the plan. The city engineer and planning commission shall approve the re-vegetation/retention plan. A grading permit must be issued before any removal of vegetation or retention is commenced.

**10.09.192 -- Grading Permit:** No grading, filling or excavation of any kind shall commence on land within the HR-1 zone without first having obtained a grading permit. A re-vegetation/retention plan, endorsed by a licensed civil engineer, must be approved by the city engineer and planning commission. A grading permit is required for each individual lot prior to a building permit being issued. Areas outside of approved grading areas shall be cordoned off with nylon fencing or equivalent during the grading and construction process and shall not be disturbed.

No change.

**10.09.193 -- Cuts and Fills:** Cut or fill slopes shall be no steeper than two feet horizontal to one foot vertical (2:1) and shall be designed with acceptable erosion control systems. And erosion control system is generally composed of a combination of long-term non-degradable erosion mat, structural geogrid and/or geotextile. The maximum cut or fill allowed along on a lot is 20 feet. Retaining wall systems shall be terraced, four-foot walls with three-foot landings.

Added verbiage from development standard about 2:1 slope. Added retaining wall requirements (need to check what the city requirement is). Added maximum cut or fill is 20 feet.

*Sean Roylance observed a 2:1 creates a 30% slope, which means you can't do a cut and fill on a 30% slope or you will never catch up.*

*Shawn said the only place you can cut into a 30% is on the roads, and we may want to reexamine this.*

*Shawn said we need Corbett to check our code. If we keep having to make exceptions, we need to reexamine the code.*

## 10.09.200 -- DWELLINGS

Each dwelling within any development in the HR-1 zone shall conform to the following requirements:

**10.09.201 -- Building Envelope:** All buildings shall be constructed within the building envelope. The building envelope is identified on the approved subdivision plat and is located on the lot detailing the front, side and rear setback requirements.

Added to better define the difference between the subdivision process and building process.

No change.

**10.09.202 -- Rambler Dwellings:** The rambler type dwelling shall contain a main floor living area of 1,200 square feet or greater. Near ridgelines and other prominent natural features, the planning commission can require that only rambler type dwelling be allowed.

Added might be required near ridgelines..

**10.09.203 -- Multi-Story Dwellings:** The multi-story dwelling shall have as a minimum a total building footprint area of 1,400 square feet, as measured

No change.

from the outside of the foundation wall. A minimum of 1,000 square feet of the building footprint area shall be devoted exclusively to living space (portions of the footprint area occupied by garages, porches, breezeways and similar areas shall be excluded). The dwelling shall contain a minimum total living area of 1,800 square feet located entirely above the finished grade of the ground surface.

**10.09.204 -- Minimum Dimension:** The minimum width or length of any dwelling as measured from the outside wall shall be a minimum of 24 feet. Nonliving spaces such as garages, porches and sheds shall not be included in determining compliance with this requirement.

No change.

**10.09.205 -- Height of Building:** The maximum height of any dwelling shall be 36 feet as measured from the highest point of finished grade of the ground surface adjacent to the foundation of the structure to the top of the roof line. The minimum height of a building used as a dwelling shall be not less than 8 feet. Chimneys, flag poles, television antennas and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of 15 feet above the building.

No change.

*Dayna Hughes questioned whether we need to revisit where our height requirement starts – Should it be from median grade or highest point. Shawn was concerned about our code allowing from maximum height – thought would make hard for fire fighters. Commissioners felt this should go back to council.*

**10.09.206 -- Conformance with Special Dwelling Requirements:** In addition to the requirements herein set forth, all dwellings shall conform to the special provisions relating to dwellings set forth under section 10.12.27 of this title.

No change.

**10.09.210 -- OFF STREET PARKING AND DRIVEWAYS**  
All dwelling within the HR-1 zone shall adhere to the following parking and driveway requirements:

No change.

**10.09.211 -- Off Street Parking:** A minimum of 2 off street parking spaces shall be required for each dwelling unit and additionally for each accessory dwelling. Each off street parking space shall be not less than 10 feet by 20 feet per space and shall not be located within any portion of a front or side setback area adjacent to a street.

No change.

**10.09.212 -- Garage:** A minimum of 2 off street parking spaces shall be enclosed within a garage. A minimum of 1 off street parking space shall be enclosed within a garage for an accessory dwelling.

No change.

**10.09.213 -- Reverse Slope Driveways:** No driveway providing access to a garage or off street parking area within a lot shall have a down slope grade from the adjacent street to the garage or covered off street parking area except when approved by the planning commission. The planning commission may approve down slope driveway upon finding that any drainage of surface water will be adequately diverted from entry into the dwelling, garage or other covered parking area and that the proposed diversion treatment will not impact adjacent properties.

No change.

**10.09.214 -- Driveway Grade:** Any driveway providing access to a building envelope shall have a slope of not more than 12% and shall not result in any cut or fill slopes greater than 7 feet. Any cut or fill between 5 feet and 7 feet shall be subject to planning commission approval.

No change. *Need to talk to council – is this average slope or slope at any point? Should we add “no point in driveway can have slope over 12%?”*

**10.09.220 – Fencing**

Fencing requirements will conform to the standards listed in 10.12.13. Additionally, to preserve drainage and wildlife corridors, no fence shall be constructed on ravines, drainages, open space areas, and slopes of 20% or greater.

Adds that fencing cannot be in open space areas or steep slopes.  
*Paul Squires stated when he installed his fence the code required pole fencing. It was determined that he was following the general plan rather than the code. Shawn questioned whether we should disallow chain link fencing.*

Removed sections on utilities and non-conforming uses. Both are covered in other sections of the development code.

Shawn Eliot stated that now that we have gone over the entire CE-1 code changes suggested, we need to come back and make some recommendations. Shawn wants to take a couple of weeks and proof some of the other cities requirements against ours.

He would like to see what we might do to enhance the code similar to Woodland Hills. They allow up to 30% density bonus for amenities such as soccer fields, parks, trails, improvements to open space, fancy curbing or street signs, etc. They do require the overall density remain 2 acres. They make the base density so high that even as you come down in size, you still have a lot of open space. He will go over their code.

The commissioners felt it would be good to break into groups and have some small meetings. We have until March to finish this. There is a good chance it will not go back to the council until after December.

Woodland hills has base code, then they have a community code. Maybe it is good to split up and do clustering as a separate thing. Dayna suggested organizing the groups then emailing the commissioners with assignments. Shawn said he would do that.

#### **6. REPORT ON OCTOBER 23, 2007 CITY COUNCIL MEETING**

Dayna Hughes reported on the October 23<sup>rd</sup> city council meeting. The following discussion points ensued:

- a. The city council will be holding a public hearing regarding taking out a bond to build a new city center. Taxes will not increase. Sales taxes assigned to the city will be used as collateral for the bond.
- b. The city is looking into options on a new health insurance plan for city employees.
- c. The Joel Harris annexation plan will be coming to us at some point. Kevin Hansbrow did not like the idea of half-acre lots with animal rights, which he thought they were proposing.
- d. The possibility of getting some lots from Woodland Hills (Meecham) was discussed as these lots could better be served by Elk Ridge (having the ridge line rather than the road be the delineating feature).
- e. The two code amendment were approved as follows:
  1. Section 10-12-24 regarding Hard Surface Street Improvements and
  2. Section 7-4-6-C-4 regarding Street Facilities
- f. The council discussed Shawn Eliot replacing Ken Young as city planner as Ken's responsibilities with Pleasant Grove have expanded and he is not able to service Elk Ridge as he has in the past. It was discussed that as soon as Shawn Eliot leave the planning commission, Paul Squires will be made a full-time member of the commission if he was in agreement, and he was.
- g. The purchase of Hole 7 of the Payson Golf Course was discussed. The city is actively pursuing this purchase.

Russ Adamson will be the planning commission representative at the city council meeting for the month of December.

#### **7. APPROVAL OF MINUTES OF PREVIOUS MEETING – OCTOBER 18, 2007**

The minutes were reviewed and minor corrections made.

It was discussed that when commissioners are late, there should be a note as to their arrival time in the minutes.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW TO APPROVE THE MINUTES OF THE OCTOBER 18, 2007 PLANNING COMMISSION MEETING WITH THE CORRECTIONS DISCUSSED. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) SCOT BELL.**

#### **8. PLANNING COMMISSION BUSINESS**

Chairman Adamson asked what the original assignments were on the General Plan review. Margaret was asked to check that so we can re-engage that committee.

Shawn Eliot stated that Bob Allen, from Mountainland Association of Governments would like to review the results of the General Plan Study with the city council at their meeting on December 13, 2007. He will go over the results and explain what is next. He would like to have a one-hour workshop with the planning commission and city council on determining priorities. We should include the new city council members voted in at the election.

**9. FOLLOW-UP  
ASSIGNMENTS /  
MISC. DISCUSSION**

Shawn Eliot stated that we need to advertise for new planning commissioners as he will be leaving, Scot Bell will be leaving in February and Kevin Hansbrow may possibly be leaving if elected to the city council.

Shawn asked if it might be possible to hold our planning commission meeting to Wednesdays or the second and fourth Thursdays. Wednesdays was a problem with Kevin Hansbrow due to a church calling.

**ADJOURNMENT**

Chairman Adamson adjourned the meeting at 9:20 p.m.

  
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Planning Commission Coordinator



## NOTICE OF PUBLIC MEETING – AMENDED AGENDA

Notice is hereby given that the Elk Ridge Planning Commission will hold a Public Hearing to consider the following:

- 1) 7:10 – Code Amendment to Section 10-12-36: Landscaping Requirements, regarding street trees in planter strips.

These hearings will be held on Thursday, November 15, 2007, beginning at 7:10 p.m. during the first part of the regularly scheduled Planning Commission Meeting on Thursday, November 15, 2007, beginning at 7:00 p.m. The meetings will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

- |                  |  |
|------------------|--|
| <b>7:00 P.M.</b> | <b>Opening Remarks &amp; Pledge of Allegiance</b><br><b>Roll Call</b><br><b>Approval of Agenda</b>   |
| <b>7:10 P.M.</b> | <ol style="list-style-type: none"> <li>1. <b>Public Hearing to consider Code Amendment to Section 10-12-36: Landscaping Requirements, regarding street trees in planter strips</b> <ul style="list-style-type: none"> <li>– Review and Discussion</li> <li>– Motion on Public Hearing</li> </ul> </li> <li>2. <b>Proposed Senior Overlay Zone Creation</b> <ul style="list-style-type: none"> <li>– Review and Discussion – Shawn Eliot</li> </ul> </li> <li>3. <b>Elk Ridge Meadows PUD, Phase 3 – Preliminary Plat</b> <ul style="list-style-type: none"> <li>– Review and Discussion – Shawn Eliot, Randy Young</li> </ul> </li> <li>4. <b>Elk Haven Subdivision, Plat E – Preliminary Plat</b> <ul style="list-style-type: none"> <li>– Review and Discussion – Shawn Eliot</li> </ul> </li> <li>5. <b>Fairway Heights Plat C – Concept</b> <ul style="list-style-type: none"> <li>– Review and Discussion – Shawn Eliot</li> </ul> </li> <li>6. <b>Fire Sprinkler System Standards for Development and Construction Standards</b> <ul style="list-style-type: none"> <li>– Review and Discussion – Corbett Stephens</li> </ul> </li> <li>7. <b>Report on American Association of Planners Seminar</b> <ul style="list-style-type: none"> <li>– Review and Discussion – Shawn Eliot</li> </ul> </li> <li>8. <b>Approval of Minutes of Previous Meeting – November 1, 2007</b></li> <li>9. <b>Planning Commission Business</b> <ul style="list-style-type: none"> <li>– Review and Discussion</li> <li>– Request by Planner to Change PC Meeting Night</li> </ul> </li> <li>10. <b>Follow-up Assignments / Misc. Discussion</b> <ul style="list-style-type: none"> <li>Agenda Items for December 6, 2007 Planning Commission Meeting</li> <li>November Representative at City Council – Russ Adamson</li> </ul> </li> </ol> |

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 14<sup>th</sup> day of November, 2007.

  
 Planning Commission Coordinator

### BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 14<sup>th</sup> day of November, 2007.

  
 Planning Commission Coordinator



**Elk Ridge City Planning Commission Meeting and Public Hearing  
15 November 2007**

<b>TIME AND PLACE OF PLANNING COMMISSION MEETING AND PUBLIC HEARING</b>	<b>A regular meeting of the Elk Ridge City Planning Commission</b> was held at 7:00 p.m. on Thursday, November 15, 2007 at the Elk Ridge City Hall at 80 East Park Drive, Elk Ridge, Utah. The Planning Commission Meeting was preceded by a <b>Public Hearing at 7:10 p.m.</b> to consider recommendation of adoption of an amendment to the Elk Ridge City code Section 10-12-36: Landscaping Requirements, regarding street trees in planter strips.
<b>ROLL CALL</b>	<p><i>Commissioners:</i> Dayna Hughes, Shawn Roylance, Paul Squires, Russ Adamson, Kelly Liddiard, Scot Bell</p> <p><i>Absent:</i> Kevin Hansbrow</p> <p><i>Others:</i> Shawn Elliot, City Planner</p> <p>Margaret Leckie, Planning Commission Coordinator</p> <p>Rob Dean, Craig Peay, Gayle Evans, Barry Prettyman, June Christensen, Corbett Stephens, Eric Allen, Joel Harris, Gordon Jones, Randy Young, Lari Fitzgerald, Rob Fitzgerald, Derek Johnson, RL Yergensen, Brian Ewell, David Askelson, Karl Shuler, Kevin Clark</p>
<b>OPENING REMARKS &amp; PLEDGE OF ALLEGIANCE</b>	<p>Chairman, Russ Adamson, welcomed the commissioners and guests and opened the meeting at 7:00 p.m. Opening remarks were given by Sean Roylance.</p> <p>As Shawn Eliot is no longer on the planning commission due to his new job as city planner, Paul Squires is now a full voting member of the planning commission and is no longer an alternate member.</p> <p>In discussing the agenda Shawn Eliot asked that Item 6: Report on American Association of Planners meeting, be tabled until the next meeting. The only other addition was to add "Report on City Council Meeting" to Item 9: Planning Commission Business.</p> <p><b>RUSS ADAMSON MADE A MOTION THAT WAS SECONDED BY SEAN ROYLANCE TO APPROVE TONIGHT'S AGENDA WITH THE TWO CHANGES LISTED ABOVE. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (1) KEVIN HANSBROW.</b></p>
<b>APPROVAL OF AGENDA</b>	
<b>1. PUBLIC HEARING TO CONSIDER ADOPTION OF AN AMENDMENT TO ELK RIDGE CITY CODE SECTIONS 10-12-36 REGARDING STREET TREES IN PLANTERS</b>	<p>Chairman Russ Adamson opened the public hearing at 7:05 p.m. to consider recommendation of approval of an amendment to Elk Ridge City code, Section 10-12-36, regarding trees in planter strips.</p> <p>The following discussion ensued.</p> <ol style="list-style-type: none"> <li>1. City Planner, Shawn Eliot, explained that a little over a month and a half ago the developers of Elk Ridge Meadows approached the city and explained that as a part of their CC&amp;R's they were requiring owners to plant 2 trees per yard in their planter strips adjacent to the sidewalks. They wanted to know from the city what types of trees they should plant. The planning commission did some research and came up with a list of trees and requirements regarding the planting of these trees in PUD developments.</li> <li>2. The commission came up with a list of about six trees and some requirements including a) only one type of tree be planted per street for continuity, b) the trees be 2" in diameter when purchased and c) they be in pots rather than bundled in burlap.</li> <li>3. It was decided that these requirements would go in the PUD code. For a standard subdivision, they only would be required to plant one of the type trees shown on the list. The remainder of the requirements would only be in the subdivision code as recommendations. We would be more restrictive with the PUD requirements.</li> <li>4. The ordinance to go to the city council was in the commissioner's packets for tonight. The public hearing tonight was to hear any comments from the citizens on this issue.</li> <li>5. Shawn read from the memo the list of acceptable trees which included:</li> </ol>

	<ul style="list-style-type: none"><li>- Autumn Blaze Maple</li><li>- Norway Maple</li><li>- Honey Locust</li><li>- Summit Ash</li><li>- Green Spire Linden</li><li>- Autumn Purple Ash</li></ul> <p>6. The reason these trees were chosen is they have a deeper root system so they will not disturb the sidewalk. Also, they are hardy and drought resistant and they are deer resistant.</p> <p>7. Chairman Adamson invited public comment. There was none. He closed the public hearing at 7:15 p.m.</p> <p>8. Paul Squires suggested making sure the ordinance contained verbiage indicating the trees upon purchase be required to be 2" in diameter and in pots. This recommendation would be added to the subdivision code. In the subdivision code it would be a recommendation and not a requirement.</p> <p><b>A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KELLY LIDDIARD TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF AN AMENDMENT TO THE ELK RIDGE CITY CODE SECTION 10-12-36 AND ALSO IN THE REGULAR SUBDIVISION CODE, REGARDING TREES IN PLANTER STRIPS AS WRITTEN IN THE MEMO IN TONIGHT'S PACKET. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (1) KEVIN HANSBROW.</b></p>
<b>2. PROPOSED SENIOR OVERLAY ZONE CREATION</b>	<p>Chairman Adamson mentioned the commissioners had had a chance to read through the proposed code for a senior overlay zone in tonight's packet. The following discussion ensued:</p> <ol style="list-style-type: none"><li>1. Shawn Eliot, City Planner, reminded the commissioners that the applicant, Eric Allen, came before the commission at the last meeting wanting to develop twin homes near the golf course (Hole 8) and at the northeast corner of the intersection of Elk Ridge Drive and Park Drive.</li><li>2. According to the recent general plan survey, residents are not in favor of twin homes as we already have 72 condos going in as part of the Elk Ridge Meadows PUD, Phase 4. This commission felt that if they were made just for seniors as a retirement community, they would be more acceptable. The survey did indicate more acceptance for this type development.</li><li>3. Shawn researched other cities' codes for these type developments and from his research presented the proposed code in tonight's packet for such a development. The proposed code mainly came from the city of Alpine, which has similar characteristics to Elk Ridge.</li><li>4. The proposal allows for higher density senior housing. It allows for similar units or two unit structures. It requires prior lots to conform to the structure so it is not a lot with a back yard and front yard, the lot is actually the structure. The property around it is a common area maintained by a homeowner's association.</li><li>5. It requires the common areas to be landscaped and maintained. It requires that the overlay zone be approved for each location as it is an overlay zone. Each location must be scrutinized.</li><li>6. It allows for placement only on major roads of the city. It allows for non-senior persons 18 or over to live with the senior.</li><li>7. The definition of what a senior is comes from the federal Fair Housing Act. One definition of a senior is 62 years of age and over, period. The other definition is one person in the household has to be 55 years of age and over in 80% of the units. Alpine uses this definition, which allows kids to live with them. Alpine took the next step, and said no one under 18 years of age can live in senior units.</li><li>8. We do require amenities which are to be negotiated between the developer, planning commission and city council.</li><li>9. The proposed code allows the city to be included in setting up the CC&amp;Rs. This means you cannot change the use of this development without the city's approval. It allows the city to have a say in the layout, building materials and design. These things in the CC&amp;Rs are not usually enforced or influenced by the city. As this is a PUD the situation is different.</li><li>10. The general plan does allow for twin homes and PUDs (mixture of housing types). There is no discussion in the general plan about retirement communities. In the recent survey general comments indicated they would be in favor of retirement homes if they were upscale, placed on the north side of the city, not a convalescent home. The survey did indicate 54% of the citizens were not in favor of a retirement community.</li><li>11. This is just a draft code; it is not something proposed to pass tonight. We are in the working stages mode</li></ol>



Some comments from commissioners were as follows:

1. Russ Adamson stated that he was not sure what the reason was for only allowing twin homes along major roads in the city. Shawn responded that in Alpine they only allow these developments in commercial districts downtown. This is why Shawn wrote this. He stated maybe we say just on arterial roads. The city council can review and accept or deny wherever they deem appropriate.
2. Russ also wondered about the maximum density allowed to be 5 units per acre, which would be about one per 8,000 square feet. Presently the applicant on the golf course property is proposing 4.7 units per acre. Under the current R-15,000 zone he could get about 10-11 units in there. Under this code he could get 18-20 units. Shawn Eliot stated that his is what Alpine allows.
3. This type development usually does allow for more density. One of the questions we need to ask is "is this too much, do we want to lower or increase this?"
4. Kelly Liddiard's expressed concern that this project might end up being a rental community. He would like to put in the covenants that it had to be mostly owner-occupied. He also mentioned that this is our entrance to the town and this is a concern.
5. Shawn Eliot mentioned that when the twin home discussion went to the city council, they were more in favor of the development occurring by Hole 8 rather than at the corner of Park Drive and Elk Ridge Drive.
6. Once we decide whether we are in favor of this type of use, we will have to come back and look at the application of the use, and go thru that process.
7. Russ Adamson mentioned that in this code the city would have quite a bit of say as to how the units looked, which is positive for keeping it an upscale development.
8. Shawn Eliot mentioned the portion of the proposed code which stated "*The Planning Commission may, during the process of Site Plan Review, request the use of an architectural style, exterior color or material that would be most compatible with the purposed of the underlying zone district, assure greater compatibility with surrounding development, or create an aesthetically pleasing visual theme for the project.*" This puts the planning commission in the driver's seat.
9. Under Section K: Development Amenities, it states "*Senior Housing Overlay Zone developments shall include; pocket park, trail or walking path, finish garden area, benches, picnic or pavilion area, central barbeque, upgraded signage and street furniture (street lights or street signs or those kind of things), ornamental yard pole lighting, entrance monuments and gates (gates cannot be closed across a public street, but can be permanently secured open as an entrance feature)...* The decision of what amenities to include shall be negotiated between the developer, the planning commission and the city council."
10. The developer is here tonight and does have one setback concern. In Item C the proposed code states that the rear setback will be 50' which would allow a larger common area or if neighboring a regular neighborhood, would give more privacy. He felt this would make it harder to develop this area. Everywhere else in the city the rear setback is 30 feet.
11. Some of the proposed lots near Hole 8 back Elk Ridge Drive, some back the homes on Gladstan Drive and some back the Payson property. Alpine has 30 feet setbacks. There are two of these type developments in their city now and they say they are working just fine. The city lets the home-owners association work out the issues of who lives in the units.
12. Dayna Hughes questioned the demonstrated need for this type housing in Elk Ridge. Shawn stated that the developer must demonstrate this need. Shawn stated he knows of at least one resident who has to sell his home as it is too large and he would love this type of development. Eric Allen, developer, stated the neighbor to one of the proposed developments said he was in favor, as has one of the city council members (Ray Brown). The Mayor also indicated there was a need here (said Eric Allen). This is why he came forward with this idea.
13. Chairman Adamson felt that 4 units per acre were more appropriate than 5 units per acre. Right now our highest density single family homes are R -1 15,000 or 3 units per acre.
14. The reason for having them on arterials is that it places them in locations where higher density use is more appropriate.
15. The 30' as opposed to 50' setback makes it easier to do a garage.
16. His development has about 500' frontage (on the east side of Elk Ridge Drive). Eric mentioned his designs have at least 50% open space.
17. If we go with this code the CC&Rs can be more restrictive as far as age allowed, but not less restrictive.
18. Sean Roylance mentioned the recent survey was not in favor of high density housing but was a little more in favor of a senior housing development. They were very in favor of open space.



19. Eric asked if the commissioners liked more open space around each unit, or a larger common open space with more clustered units. Sean likes the units having required setbacks then the rest of the open space going into a common area. Eric mentioned his original plan had more clustered units with a larger park area. He eliminated one unit and provided almost a half-acre park at the entrance of the development. This was where Hole 8 is. He thought about keeping the green area as a putting place for the residents.
20. Shawn Eliot, planner, suggested that it would be good that once we had the code where we were comfortable, schedule a joint work session with the city council.
21. In summary, chairman Adamson felt the 30' setback was not a problem, the open space should be at least 40%, density should not be greater than 4 units per acre.
22. Having a requirement for 80% of units have one person 55 and over and no one less than 18 years living there. Shawn will check on the grey area as to whether we can go to more restrictive code than the fair housing restriction suggestion.
23. Eric Allen stated, when questioned about the size of the units that they were about 1,900 sq. ft. with a 400 sq. ft. garage, and they will have about a 4,000 sq. ft. footprint, typical of the area.
24. Russ asked if Eric had canvassed the community sufficiently to see if there is a need for this type development in the community. Dayna Hughes felt this development was a little premature for our community. Scot Bell felt these would have the appearance of smaller homes and this is not what our residents have requested. He also questioned the need of a retirement PUD over a standard PUD. He does not see our current PUD selling out. Paul Squires felt that the seniors would rather be in a PUD with no small children and kids, not ATVs etc. His problem was that it was not in keeping with the survey. He felt there should be single home dwellings rather than twin homes.
25. Shawn Eliot mentioned the big change in allowing this to go forward under the current PUD zoning is changing the size of land required to do a PUD. This would take it from 15 acres to one acre and it might be setting a precedent we don't want to set in the city. This would also allow PUDs in all areas. He recommended sitting with the council and discussing these issues – maybe after the first of the year.
26. Eric Allen did want to know if the commissioners were generally in favor.
27. Russ stated, in response to a question from Shawn Eliot, that we could take it to the city council as is, but change the setback to 30', have the density 4 units/acre rather than 5, and add an owner/occupied requirement.

### 3. ELK RIDGE MEADOWS PUD – PRELIMINARY PLAT

- Chairman Adamson mentioned we discussed this item at our last meeting. There were some misperceptions on the open space issue across the street from the proposed school. The commission discussed this with the city council last Tuesday. The council did not feel the school ballparks and fields should be counted as open space for Randy's development. The following discussion ensued:
1. The council felt that the school was a separate issue and the 11 lots Randy added should not be added in.
  2. Another issue raised was that the city council wanted the approval tabled until the city purchase of the Brown Property was settled, so the round-about could possibly be redesigned using some of this property. This should be settled within 30 days.
  3. Shawn Eliot mentioned there was no one present at the public hearing to protest the proposed bond for the purchase of the above-mentioned property so the city is moving forward and the process will take about a month. At that point Randy can start designing an amended round-about using some of this new city property to make it work.
  4. Chairman Adamson did mention that our former city planner, Ken Young, had given the following feedback (1.01.03) on developer, Randy Young's, current proposal.
    - a) Indicate portion of 1600 West (north of Golden Eagle Way) that is to be vacated by cross hatch and note.
    - b) Show small area of land where monument sign is to be placed as open space, as well as small piece south of Goosenest intersection.
    - c) Move crosswalk on Elk Ridge Drive and north end of Silver Wolf Loop to be at the intersection of Golden Eagle Way. Remove the crosswalk shown at Goosenest Drive, since trail system will be at Silver Wolf Loop.
    - d) Show the planned paths and sidewalks within the right-of-way on Elk Ridge Drive, and through the school property, connecting by crosswalk with the trail in Phase 2. Set path on school property back from adjoining residential properties at least 10 feet. Show the slope of Elk Ridge Drive through this phase.
    - e) Phasing of development area boundaries needs to be shown more clearly.

- f) Meet all other engineering requirements.
- New planner, Shawn Eliot, added a few more observations:
- g) Putting in school property caused a cul-de-sac off Elk Ridge Drive. It needs a street name. He recommended "Pine Tree Cove".
  - h) Silver Wolf Loop was a little long to have the same name on the north/south and east/west portions. He recommended naming the east/west portions different names and gave two recommendations. *(get recommended names from Shawn for minutes)*
  - i) Set back path on school properties adjoining other properties at least 10 feet.
  - j) Show the slope of Elk Ridge Drive
5. Randy Young commented they did not give up the round-about because they were shirking what they had agreed to, but after many design attempts, they could not come up with one that worked. Even with the new purchase, they will be making the new road steeper and it is an engineering problem, but they will keep trying.
  6. Dayna Hughes mentioned the question which arose regarding the open space calculation. Shawn Eliot stated that the council viewed the school property as private and not to be used by Randy, as it had been sold. To use this as a basis for adding more lots was not appropriate.
  7. Shawn also mentioned the new development agreement had some problems. Randy said this was the city's and the development's agreement and will not be dictated by what the school wants. The school wanted the option to opt out and sell to someone else. What do we do with open space in this case? The council says don't count it.
  8. Randy Young, developer, stated that when the school was added in, he benefited in that he could recoup some cash during a slow market and it would help his development in selling lots. The city also benefits and does want a school.
  9. The big arterial road will not benefit the development now, but will the city. The cost of the road must now be divided over 77 lots as opposed to 100 lots – a big expense to him. It doesn't pencil at 77 lots. (This road was required as a part of the overall development agreement of over 300 lots, not just 77)
  10. It was his understanding from the previous city planner that he could use the school as open space, recupe some of the lost lots, and have enough lots to pay for building the main road.
  11. Shawn Eliot stated that the commission originally saw the development with the school shown and the open space shown across the street without the additional lots. At the next meeting Randy stated that because of all the extra open space with the school, they were going to put 11 more lots in the open space across the street. This was a concern.
  12. Randy stated that when the school approached him he came here to see if the planning commission and city was even interested in having a school. This appealed to him because he could sell the property, recupe his cash flow and appeal to other buyers of lots. Also having a school puts the city on the map. He was not going to spend a lot of time on the option if the city did not want a school. Last week he brought the actual preliminary. He felt that if he lost lots and still had to put in a big arterial road, that doesn't benefit anyone living next to it, but does benefit the traffic flow.
  13. Randy questioned whether he would divide the cost of that seven figure amount over 100 lots or 77. It doesn't pencil over 77 lots. The next issue was if you want a school, it was my understanding and the city planners, that the school met some of the open space requirement.
  14. Are you interested? You have about 4 extra acres open space. It may appear that I am being shady, but that is the way it happened. I am here today needing to know – Am I going to sell it to the school? I am not going to sell it to the school not knowing if I am going to lose lots.
  15. Chairman Adamson stated that based on what the city council felt, if he sold the property to the school, that was a separate transaction and did not effect what happened on the other side of the street. This plan would require a new approval process to start over again. Randy will have to make a financial decision.
  16. Randy stated he has already received final approval with the 100 lots; he is going to the city council with final plat when he chooses to do that on the 100 lots. His question to us is if we hold him up, he still has to go to city council. He goes either way. Holding him up for something he is not approved on does not benefit anything. We are still in the same situation– whether he does the round-about or not. Does that make sense?
  17. Sean Roylance stated that one big issue is whether the school district can sell the land. If we say yes and let him go ahead with the extra lots on the west side also, we could potentially loose a lot of open space. Randy stated that when they were done with the PUD, the requirements run with the property. Unless we do what the school is asking, the open space requirement is protected.

- 18. Russ asked if the final approval was passed through the planning commission. Shawn Eliot stated it was. Randy Young stated he did not final the project at city council because of the water rights and because h is not ready to bond.
- 19. Sean Roylance asked what was being counted as open space now. Randy said it is all the grassy playground areas, and the playground hardtop – not the fronts, parking lots, or sidewalks. Sean did not think, after eye-balling the plat, that it looked like the total grass area was not that much different size-wise than the open space in that area before the school was introduced. He questioned the logic in adding 11 more lots across the street.
- 20. Randy again asked whether the city wanted the school. He felt there is more open space than shown on the plat they were discussing. Dayna said the city does want the school.
- 21. Speaking practically, Randy said that we got our open space; he is putting in the whole road, now he does not have 100 lots which allowed him to provide the road. The school will not help financially with the road. The school district is paying him much less per acre than he would have received if he developed the property out. The school will help sell lots to people with children.
- 22. If it doesn't work, it doesn't work. I think it does work for your open space requirement. Chairman Adamson stated that he didn't think anyone was convinced that we still had 25% open space and that would have to be shown.
- 23. Randy stated that having the extra lots allows him to have the school and put the costly road in. Bottom line is he doesn't need to sell to the school.
- 24. Russ reiterated that initially the city council was very concerned about the open space on the west side of the street. They are not convinced there is a net gain in open space. They think there is a net loss. He told Randy he still needs to demonstrate that. The whole premise of a PUD is providing adequate open space. Russ stated the issue would be tabled until that took place.
- 25. Randy asked if it would be viable to send him through with the contingency that he demonstrate the open space is there? The reason is that it is kind of a hurry-up thing. That contingency will be diagramed and shown. Sean Roylance asked Randy what his time-frame was. Randy said he was supposed to close with the school district on the 29<sup>th</sup> of this month. When asked if he could get an extension, he said he could if we wanted the school. He does not want to spend any more time with this if it was a maybe. Shawn Eliot stated maybe we should get the information from Randy then have the planning commission meet with the city council. Randy said he was on the agenda to meet with the city council this Tuesday. Scot Bell reminded him we were going to wait until the city council had more information on the purchase by the city of the Brown property. Randy reminded him he had to go to city council anyway. He said either this goes or he is going to kill it. Kelly Liddiard told him to do what he needs to do.
- 26. Randy asked, again, what was gained by putting off this preliminary approval when it will only take minutes to meet the contingency. Kelly Liddiard asked what the council's problem with the round-about was. Was it because the boundary line will be re-engineered? Russ said the council was concerned about the school property being thrown into the open space equation for Randy's development. Randy said everyone he has talked to has been fine with that. The commissioners discussed requiring written assurance from the developer that if the school sold the property, the PUD 25% open space requirement would go forward to the new buyer.
- 27. Sean Roylance said part of the problem is we have not had good experience passing things forward in the past with contingencies. It hasn't been a good mode of operation. Sean asked if Randy's motivation for selling to the school would still be there in a few weeks, if we waited until all the ducks were in order.
- 28. Sean said the school in the city is a big enough issue that he personally would be willing to send it forward. Russ stated the two contingencies would be that the open space requirement has to be met and second, if the city buys the property he has to try again on the round-about. Scot Bell stated the open space demonstration could have been done prior to this meeting. Randy said he showed the figures, just not the details.
- 29. Russ stated there are comments from both planners that need to be dealt with plus two contingencies.

**KELLY LIDDIARD MADE A MOTION THAT WAS SECONDED BY SEAN ROYLANCE TO RECOMMEND APPROVAL OF THE ELK RIDGE MEADOWS PUD, PHASE 3, PRELIMINARY PLAT, WITH THE SCHOOL ADDED, WITH THE FOLLOWING CONTINGENCIES:**

- 1 DEMONSTRATION THAT THERE IS 25% OPEN SPACE.**
- 2 WHEN THE CITY PURCHASES THE JIM BROWN PROPERTY, THE COUNCIL COMES**

	<p><b>TO AGREEMENT WITH RANDY ON THE ROUND-ABOUT AND WHAT HAPPENS THERE.</b></p> <p><b>3 THE COMMENTS OF THE TWO PLANNERS (KEN YOUNG AND SHAWN ELIOT) BE ADDRESSED AND DEALT WITH.</b></p> <p><b>VOTE: YES-ALL (6), NO-NONE (0), ABSENT (1) KEVIN HANSBROW.</b></p>
<p><b>4. ELK HAVEN SUBDIVISION, PLAT E – PRELIMINARY PLAT</b></p>	<p>Shawn Eliot mentioned there are three items in the packet for discussion of Elk Haven Subdivision, Plat E: the memo, a plat map and some driveway details for some of the lots. The following discussion ensued:</p> <ol style="list-style-type: none"> <li>1. Ken Young's memo mistakenly had "Public Hearing" in the header. This was a mistake, something not removed from the template memo. Tonight is not a public hearing on this item</li> <li>2. Shawn Eliot reviewed as follows: Plat E is the last plat in the Elk Haven Development. It came before us months ago. There were three major concerns and it was tabled at that time.             <ol style="list-style-type: none"> <li>a) The cuts and fills required for the road to go through the 30% slope area. It was suggested at that time that the applicant talk to the neighboring property owner to the south to see if he would participate in the road.</li> <li>b) There is a cul-de-sac (Choke Cherry Circle) with third-acre lots. The concern was that since it bordered half-acre lot development, maybe the lots were too small.</li> <li>c) The proposed drainage basin was frowned upon, especially by some citizens who live in that area and are experiencing water problems.</li> </ol> </li> <li>3. The applicant has not gone to the neighbor regarding the road. To get to that area (the neighbor) it would require the road slope to be over 10%. What the applicant has done, is employed a rock retaining terraced engineered wall system. Instead of having a 50' cut they have a 15' rock wall on each side, which is considerably less evasive. The trail system is set below the road along side.</li> <li>4. For the drainage issue, the developer has made a proposal which our city engineer is OK with. Developer, Craig Peay, explained the proposal. The proposal is to have a sump system which drains into kind of a French drain system. The water goes into catch basins all the way through the road, and then underneath the road, which consists of a bed of 2 feet of crushed rock under the road which will retain and dissipate the water underneath the road itself, so the whole entire road is a sump. Shawn Eliot stated that the soils in that area would not work with the standard city sump design.</li> <li>5. The lots around Choke Cherry Circle have been increased to closer to half an acre in size.</li> <li>6. The staff report lists the following issues:             <ol style="list-style-type: none"> <li>a) Approval of a 56' ROW, including elimination of the 9' easement areas in certain locations where the grade is steep and the cuts and fills will be the most evasive.</li> <li>b) Approval of 10' paved trails on one side of all roads in lieu of sidewalks.</li> <li>c) Buildable areas to be on flattest part of lot.</li> <li>d) Driveways may not exceed 12% slope.</li> <li>e) Re-vegetation plan is to be submitted for all plats as well as each individual lot (prior to building).</li> <li>f) All roads must be completed before issuance of building permits.</li> <li>g) Add the following notes to each plat:                 <ol style="list-style-type: none"> <li>1. <i>After the homes have been built and the removal of required vegetation for the protection of the inhabitants, according to the fire code, 75% of the existing hardwood vegetation shall remain through the ownership of the property.</i></li> <li>2. <i>To protect wildlife corridors and natural drainage, slopes of 20% or greater outside of the building envelope shall not be fenced.</i></li> </ol> </li> </ol> </li> <li>7. Issues listed for Plat E on planner's memo and brought up by commissioners were as follows:             <ol style="list-style-type: none"> <li>1. Total acres: 39.87</li> <li>2. Total lots: 44 (15,000 sq. ft. min. based on provision of 20% open space)</li> <li>3. Shawn Eliot asked about the average slope on Lots 25 and 26? Barry thought they were under 20%. Lots 20-26 are the smallest lots, close to 15,000 sq. ft. These are the ones required to be 20% or less average slope.</li> <li>4. Kelly Liddiard pointed out that Lot 24 was 20-30% average slope. Shawn stated that since this lot was over an acre in size they did not have to meet the 20% or under requirement as it is not a third-acre lot. These are the only third-acre lots in the development.</li> <li>5. Shawn Eliot mentioned for the most part, it is only Lots 43 and 44 that have the steep slope issues. Scot Bell stated the code says only an incidental amount of 30% slope can be included in a parcel.</li> </ol> </li> </ol>



6. Shawn stated the code was originally written to say that you could do one-acre lots on any slope as long as you had a building footprint that was under 30%, or you could do half-acre lots on an average of 15% slope. The base density of the zone is one acre. Then it said "or you could do a cluster development" in return for 20% open space. The cluster development was third-acre lots on an average slope of 20% or less. The confusion here is they have been mixed together in this development. In all the prior meetings this has been OK.
7. Craig Peay, owner, said that the three items that were presented to him were addressed, now the commission is bringing up new items. He feels like every time he comes, he addresses the issues, then the commission comes up with new things. (The three issues were the water issue, the small lots, and the retaining walls on the road).
8. Dayna Hughes questioned the visual impact of a 15' retaining wall. Shawn mentioned the rock wall preserves a whole lot more of the virgin terrain and it is only 15' instead of larger. It is an engineered wall and Mr. Peay said the re-vegetation is much less intrusive with this wall. The 2' of rock under the roadway is hugely expensive, but it is the only way the proper drainage can be achieved, so Mr. Peay said they are willing to step up and do it.
9. Kelly Liddiard pointed out that the actual visual effect will be a 30' rock wall (as there is a 15' rock wall on each side of the street).
10. Chairman Adamson stated the original proposed code allowed roads to go through short stretches up to 100 feet of 30% slope. He was hoping Mr. Peay would do something with the adjacent property owner to keep the road off of so much of the 30% slope. Barry Prettyman (developer's engineer) stated you would have to work with 4 or 5 property owners to make that work. He said two of those owners (at least) were approached by Dee Thatcher and were not interested in doing anything with their property yet. The original plan showed the road going up higher, yet some of this property was not in the city at that time, though it is now. The mayor is the one who suggested the road alignment as they have it now. He suggested this because the other way did not work.
11. Scot Bell stated that the road goes thru 30% or greater slopes, some as high as 50%. Though this is an improvement over the last plat, you are still going to have big cuts and fills.
12. Barry stated this alignment was approved by both the city council and the planning commission. Dayna Hughes mentioned she was hoping they would find an alternative to cutting through this hillside.
13. Barry stated they came through with a road design without lots before going to the effort of putting lots in and having to re-do them because of the road alignment. They approved the road alignment before adding lots.
14. Shawn Eliot stated that the reason the plat was tabled earlier is once the detail on the cuts on the road was shown on the landscaping plan, they realized the effect, and they then did come back with another (this one) plan.
15. Russ Adamson asked whether the rock wall is 15' all the way along the road. Craig Peay stated that it varies – sometimes less.
16. Shawn Eliot stated that the code states that the planning commission, engineer, and city council must review road designs going through 30% slope, and confirm they do not create adverse visual, or safety issues. The length this road goes through is about 600 feet. The original code proposed a short stretch being 100 feet, this was removed however.
17. Barry stated that the only thing that has changed on the alignment, is the city council wanted the developer to leave an access to the (?? Jones) property on the west of the development, so they changed that one part, but that alignment was approved before they started laying out the lots.
18. Sean Royslance stated that once the lots were layed out, a relook is necessary to make sure it is safe and visually acceptable. Scot Bell mentioned that until the lots went in, the cut and fill was not easily understood.
19. Craig Peay said the only discussion he recalls about adjoining property was when the turn-around was planned on the adjoining property.
20. Russ Adamson asked that the visual and safety aspect be addressed and talked about. He asked how the developer was going to demonstrate that a 50' drop-off is safe. Barry Prettyman, engineer, stated they have an engineering plan submitted from Earthtec. There will be a guard rail at the top of the higher road. When asked about the snow plow throwing



- snow on the trail, he stated that that is why the trail is offset from the road and not immediately at the bottom of the rock wall.
21. Kelly Liddiard asked if the guard rail would protect a school bus so it could go up there. Barry stated the guard rail will go in according to standards.
  22. Russ stated surprise that the developers did not approach the neighbors so they could do a simpler, less expensive and less intrusive road. Barry Prettyman stated they were approached originally (with developer Dee Thatcher), but did not want to get involved (Stahlie etc.).
  23. Scot Bell felt the rock wall would be taller than 15 feet. Barry stated that he did not think it would, but if it did, it would have to be stepped.
  24. Dayna Hughes did not feel the commission was questioning the safety of the wall, but was questioned whether it would really only be 15 feet tall. Barry stated he was not sure whether it would be 15 or 16 feet but it will not be 32 feet.
  25. Kelly Liddiard asked the developer to do an artist rendering showing what the rock wall will look like. Craig Peay said they would get an architect's rendering to show the commissioners.
  26. Russ Adamson questioned the 17 foot rock wall by Lots 27 and 28. He felt this was unsafe for the residents on those lots. Barry said these were two different walls, one for the fill and one for the cut. 10 feet on the cut and 15 feet on the fill. Two different walls. Russ understood a 15 foot cut on the back of the lot going down to the road. He felt this was a public safety issue. He wants to see demonstrated how the people are going to be protected from a 15 foot drop, whether it be a fence or whatever. Craig Peay stated this will be dealt with at the building permit level, not now. It was recommended that he cut these two lots back to smaller lots.
  27. Kelly Liddiard again questioned the safety of the trail below the road. He thought the sidewalk should be on the other side or the street, up above the road. He felt it was a safety hazard to have people on the trail down below the cars.
  28. Kelly Liddiard also questioned having all the proposed drainage under the road. Would they lose the road due to all the water – will it freeze and expand and destroy the road? He asked if this type drain was done anywhere else. Barry mentioned that it is the same thing as when you put in a regular sump only it is concentrated in certain areas. This spreads it out. Kelly stated that he doesn't want to have to replace the road 10 years down the way.
  29. Kelly asked if the drainage field was also under the 600 foot stretch of steep slope. Barry said that was something that our engineer was going to look at.
  30. Scot Bell mentioned our engineer wanted to see roads going thru 45% to have cuts only. It is challenging to fill a 45% grade and get good compaction. He mentioned a road in Draper that they are having to re-do because it is all built on fill. Barry indicated our city engineer reviewed the system and did not see a problem with it.
  31. Shawn Eliot asked that if we are going to go back and do a drawing of the wall, that the engineer also look at the rock system, depth and see if he thinks it could be a problem re: freezing. Barry stated, in response to a question as to the hardpan soil and the problems it has caused, that when you dig through the hard pan and put in a sewer line, the water drops into the trench and it alleviates a lot of the problem you used to have.
  32. Russ again mentioned the concern of having 30% slopes coming down out of your back yard on Lots 24-26. How is the drainage on those lots going to work? Drainage appears to come down (also Lots 27-32) to the road from those 5 or 6 homes. Barry stated this would have to be dealt with on the site plan for each individual home. Chairman Adamson stated that the frustration we as a planning commission have, is that we wanted 30% slopes only to be cut through by roads for 100 feet. That is what we sent to the city council, who rejected that and said they could determine what a "short distance" through 30% slopes was; and, they only restricted to "short distances" rather than "100 feet" in the code. Now here we are trying to look at this road going through 600 feet of 30% slope and not being very comfortable with it. We have been told that this is the only alternative. I am concerned about it looking bad, and we have the responsibility to review visual and safety impact. What will this 600 foot cut through the mountain look like?
  33. Craig Peay said we should have crossed that bridge when the council approved the road

alignment. Sean Roylance stated that we had not seen the visual impact of the cuts and fills. Barry said the map was in place, with the slope colors on it, and the road was on it. Sean stated that thus, the developers satisfied part of the requirement, but not all of it by not showing us the visual impact, and this is what we are asking. Barry disagreed. Russ stated that when this is said and done, we are going to be much more liberal than Park City, who only allows cutting through 100 feet of 30% slope.

- 34. Russ Adamson stated that we have bent over backwards to let this development happen. Craig said he bent over backwards when he gave an acre of his property to the city for a water tank. We have been good people in your town.... When we bought it, it was not CE-1. When you put your tank in and you ran that line down, you cut a great big road which you did not re-vegetate in any way shape or form. You ran this right down the middle of our property with no cost. I don't feel like you are doing me a favor. I have been coming here re: this issue for two years. You are being more protective than any other city I have dealt with. The feeling of anti-development is very strong in this city. Kelly Liddiard stated that is because that is what the citizens want. Craig Peay mentioned this will be a beautiful place to live and they are not here to ruin it. Every plat in the subdivision ahead of them has been approved for final at planning commission and cannot go forward until Plat E is also approved.
- 35. Peays don't owe any money on this property. They don't have to do this. The Moneys, and Shulers came to us and said they wanted to develop their property and the only way the city would let them do this is if you put a full connecting road all the way through this. For two years we have been trying to put this together. We have never stepped up to Elk Ridge and said we want to shove something down your throat.
- 36. Kelly Liddiard stated that he and Sean Roylance are relatively new to the community. They are being told the road was approved but wondered why we are at preliminary plat. Craig stated that only the road was approved. Shawn Eliot stated that only the concept of the road has been approved. Craig's understanding was that the council said they would be allowed to put a 56' road through this exact location on this alignment. Kelly Liddiard stated that we need to research the minutes and see what was approved. If it was approved we will not go back on it. *(Shawn Eliot, in review of these minutes, this item impartial, stated that our attorney, David Church, said that the details of the road are worked out at preliminary plat, and if findings indicate problems, it can be changed.)*
- 37. Scot Bell brought up the option of putting the road on pillars on a suspended bridge. Gayle Evans, developer on Plats C and D said the first time they brought the road concept in it went up and around and on Stahlie's property and it was declined. They were told to do the current alignment. Craig did what he was asked to do. The first version was a little steeper. They did what they were asked to do.
- 38. Kelly Liddiard said they are not being asked to stop, they just need to re-group, go back and make sure they have all the information they need. All I want to do is hold off a little bit longer, and have Margaret dig up the old minutes on the road decision, then we will get you back on the agenda and make an educated decision.
- 39. Barry Prettyman stated that the property to the east, which would be needed to make the road going back around that way, was not in the city, thus could not be used. We came up to the south and went thru the saddle on Stahlie's property. It was too steep (from where we are now to the top).
- 40. Shawn Eliot stated that after the road concept was approved, the lawyers with the developers and the planning commission. Our lawyer said the concept is approved for the road, but when the subdivision comes in, there will be room to move things around as we will have the full picture regarding safety and that kind of thing.
- 41. Russ Adamson asked if our code would allow for a 15 foot rock wall. Shawn Eliot said that it does. Russ stated we need to make our decision based on the code, which does not limit the distance through 30% slopes to 100 feet, it only says short distances. We need to be concerned about safety. We need to ask the commission if the 15 foot wall is acceptable. The code does allow it. Sean Roylance said we can't say no unless it is a safety and visual issue.
- 42. Craig's partner, Rob Dean, felt that the rock wall is a great solution. It will be far more

expensive than the cut and fill option.

43. Shawn Eliot read from the code regarding roads crossing slopes greater than 30% - Section 10-9B-10-C:

*1. Roads that cross slopes greater than thirty percent (30%) must be reviewed by the planning commission and the city engineer; they must conclude that such streets or roads will not have significant adverse visual, environmental, or safety impacts.*

This would be a good question to ask the engineer...did he take this code into account? Most likely he was just looking at the engineering aspect when he signed off on this. Kelly again mentioned the visual will be a 30 foot wall.

Sean read from the code regarding the cutting and filling (from the same section, No. 3)

*3. Cutting and filling is minimized and must be stabilized and revegetated to a natural state within the first year of the two (2) year durability time period. A stabilization and revegetation plan must be approved by the planning commission and city engineer.*

44. Kelly Liddiard stated that if it is re-planted and there are trees growing among the rocks, and it is pleasant looking, like a natural piece of the mountain – then that would be different. Craig Peay stated that the department of agriculture and US Forest Service has made recommendations as to what they should be planting back. They do intend on making the hill look as least intruded as they can. He said he has no problem working with the city on these things.
45. Russ Adamson asked Karl Shuler if he thought this was going to look OK. Karl said that the rock, as opposed to the large cuts and fills will look OK. It will be additional cost on his part, but he has tentatively agreed to do the same treatment on the road through his Plat (Plat A). It will be shorter but will reduce the cuts and fills and make things look better from down in the city.
46. Shawn Eliot, planner, mentioned 2 things to consider in tonight's action. The developer has agreed to give us a visual as to what the road will look like. He suggested driving up to the top of Woodland Hills where a similar treatment has been done. This is in Thousand Oaks. The rock walls are probably close to 15 feet tall. Another item is that when the re-vegetation plan was approved, it was only grasses. There were no trees. Craig said they were actually told not to plant scrub oak. Shawn stated that in RL's development, they did require some scrub oak. Paul Squires, on the commission, does this type thing as part of his job and would be good at helping figure out how to camouflage the wall into a more natural look. Russ suggested maybe having pockets in the wall with plantings.
47. Russ felt a 15 foot plain rock wall would be an adverse visual effect. Craig suggested maybe a planter strip. Scot said that would cause even more of a cut and a higher rock wall as the end result.
48. Russ asked Shawn Eliot what he recommended. He stated seeing a visual rendering of what the project will look like would be helpful. Russ stated that the visual impact is the main concern about feeling comfortable in sending the plat forward. There is also concern about the drainage on the Lots 24, 25 and 26. There is 30% slope coming into the back yards. Russ said they will maybe have to do some French drains. Clarks have to have a sump pump to keep the water out of their basement.
49. Kelly and Craig Peay discussed some of the things to be done before we meet with them again: Bring in a visual of what the road will look like; shorten the lots off the side of the mountain (about 12 feet), bring engineer's explanation as to how the drain field will not be a freezing problem – maybe bring the engineer. Kelly said the road as we see on the plan presented tonight is probably the only way that road can go through there, but we just want to make sure it is the right thing.
50. Scot Bell thought the sidewalk might be better on the uphill side of the street. Only it then drains to the street. Developer, Rob Dean, state that the worst thing for retaining walls is water, so maybe this is not a good idea.
51. Developer, Craig Peay, said they just want to make sure they understand what the commissioners want so when they come back there won't be more issues.

52. Scot Bell said he needs to demonstrate all the lots are 20% or less and you can get driveways into them that meet the slope requirement. Craig stated that the driveways have already been shown.
53. Shawn Eliot mentioned that access to lots 2 and 3 is through a sub-basement garage. That is one scenario. Lots 18 and 19 have that as a feature also. A loop, or shared driveway has also been discussed. This, in conjunction with a rock system, due to the road cut. There is nothing in the code that allows for it, but nothing that prohibits it.
54. Kevin and Shea Clark questioned whether the developer was still considering a retention pond. The developer said "no" and explained the sump system they are proposing which consists of 2' of crushed rock under the road. This system that will handle the drainage instead of the pond. Craig said they depend on their professionals to work out this system and trust that it will work. Barry Prettyman said they did take higher elevation and higher precipitation amounts into consideration when they did the design of the drainage system.
55. There are possibly two reverse sloped driveways.
56. Russ questioned why Lots 44 and 43 were so large. One was three acres. Barry Prettyman did not think they were limited on the upward size of the lot, as long as the average slope was 20% or less.

**A MOTION WAS MADE BY KELLY LIDDIARD AND SECONDED BY SEAN ROYLANCE TO TABLE THE PRELIMINARY PLAT APPROVAL OF ELK HAVEN SUBDIVISION, PLAT E UNTIL THE FOLLOWING IS DONE:**

- A. THE DEVELOPER PROVIDES AN ARTIST RENDERING SHOWING THE VISUAL IMPACT OF THE PROPOSED ROCK WALL.**
  - B. MOVE THE TRAIL SYSTEM FURTHER FROM THE ROAD.**
  - C. GET INFORMATION FROM THE ENGINEER REGARDING THE DRAINAGE SYSTEM FREEZING ISSUE.**
  - D. GET MORE INFORMATION ON LOTS 24-26 ALONG THE RIDGE LINE.**
  - E. REDUCE SIZE OF LOTS 27-29 SO THEY ARE NOT HANGING OFF THE MOUNTAIN.**
  - F. SHOW THAT ALL LOTS DO NOT EXCEED OVERALL 20%.**
  - G. SHOW PROPOSED CIRCULAR DRIVEWAY ON LOTS 18 AND 19 (SHOWING ON PLAT THIS IS AN EASEMENT FOR BOTH LOTS).**
  - H. DEMONSTRATE THAT THE ROCK WALL WILL NOT BE HIGHER THAN 15 FEET.**
- VOTE: YES-ALL (6), NO-NONE(0), ABSENT (1) KEVIN HANSBROW.**

#### **5. FAIRWAY HEIGHTS, PLAT C – CONCEPT**

Shawn Eliot, City Planner, explained the background on the Fairway Heights, Plat C project. Developer, Brian Ewell, approached him and asked what they need to do to get the project moving forward. The concept in front of you (passed out at tonight's meeting and included in the office file) is a proposal that seems to fit the balance of the code. The following discussion ensued:

1. Shawn showed the rendering. The past renderings have showed Fairway drive continuing to the edge of the property (Salem Hills Drive). The Petersons, whose property is on the southwest corner, are not interested in participating in the development at this point.
2. Shawn proposed breaking the development into two phases. One with the clustered lots down below and two with the larger lots above.
3. The smaller lots on the flatter terrain would have to demonstrate they meet the 20% or less average lot slope requirement. They return open space in the form of the ravine area (a heavily forested area with drainage running through it, and 30% slopes on the hillside).
4. The second phase would make one-acre plus lots on the top of the hill. This is what the code allows for these slopes. There are steep slopes on this hill.
5. The cul-de-sac has been moved back from the 30% slopes. The lots must be one-acre and meet the 20% requirement. They must be 40,000 square feet. If they are on 15% or less slope they can be half-acre.
6. The other issue is the road behind the home on Hillside Drive looks down on them. With the lots being so large there are some things that can be done to minimize the impact. Lot 7, for instance, instead of having the 10 foot cut, you could cut the lot down to the road then slope the lot backwards and berm it in the back so a natural slope would come up to the back of the lot. RL said if the driveway was moved you could probably accomplish the same thing. Paul Squires commented that one of the problems he saw with building a berm was removing the brush. Shawn stated this would be an exception to disturbing the



- natural terrain.
7. Shawn stated this does fit the extent of the code, however all of the lots has a small portion of under 20% code but there is a bit of larger. You cannot go over 30% in the building envelope and the 20-30% slopes have to be approved by the engineer and the planning commission.
  8. The one thing this does require is allowing a larger cul-de-sac than our code allows. What is now allowed is 450 foot long cul-de-sacs with a 150 foot turn-around at the end – a total of about 600 feet. This proposed cul-de-sac is about 1,000 feet long.
  9. Our code also says you can only have 10 homes on an access without having another access. Shawn did some research to see what other cities do. This is already in the CE-1 code re-write. It was found it is beneficial to allow a longer cul-de-sac and preserve sensitive land features. Other cities – average cul-de-sac allowed in the county is 550 feet. Many of the hillside communities allow up to 1,000 feet if it is illustrated that it will be less impactful to the environment than having a straight-through type of street.
  10. The old design had the street going through some pretty steep slopes. The new road is pretty flat.
  11. RL suggested making a permanent turnaround back off the Peterson's property, forget about continuing through to Salem Hills Drive, retain the natural drainage area, not cut through oak brush and put in 20" storm drain but use the natural drainage and put some sumps in so the area can drain naturally down to where he has his 20" storm drain.
  12. The city engineer went over the drainage issues on this new concept and said they are all workable.
  13. Chairman Adamson mentioned you lose the circulation of being able to go through to Salem Hills.
  14. The shortened cul-de-sac, as RL proposed, would be closer to 800 feet long. Shawn Eliot mentioned there are some cul-de-sacs in the city about that length.
  15. Shawn said the engineer suggested continuing the gutters all the way through the property but since they are mountable curbs, put your turn-around asphalt on each side of the curb and then if the road goes through you tear out that extra asphalt and the curb and gutter remains.
  16. Chairman Adamson questioned the advantage of having a permanent cul-de-sac. Shawn responded that the only reason would be that we could not work with the Peterson's. RL added that it also helps preserve the oak brush. Peterson can now front Salem Hills Drive without facing our road. Shawn mentioned that if the road goes through Peterson's property, when they develop they can only do one-acre lots. They cannot do smaller lots because you have to have over 10 acres for a PUD.
  17. Shawn mentioned that the downside is the circulation not continuing from Hillside Drive to Salem Hills Drive. The connection is shown on the circulation map.
  18. There was a question as to how much of Salem Hills Drive will be improved. The only portion that will not be improved is the piece fronting Peterson's property.
  19. Shawn Eliot mentioned a trail required along the road, the problem is that it is in the trail plan, but that has not always gone as planned. There are also trails planned in the open space a 30' trail easement is shown off of Fairway Drive so the city can access the water tank. There is a trail easement on Cove Drive. With the possible Hole 7 purchase, which would be made into a park, the thought was to continue the trail into that area. This purchase is up in the air right now (purchase of hole from Salem). The city code says all cul-de-sacs must have pedestrian access to the adjoining open space or subdivision. If you had some trail system through down to the ravine open space and connecting up to Salem Hills Drive, that would continue the pedestrian connection. RL suggested going into the ravine off of Lot 8. Shawn mentioned a lot of people walk in this area now, so the trail system would be a nice addition to the area.
  20. Chairman Adamson said one of the big things, then, is whether they do the cul-de-sac or not; and Shawn added, whether we would allow for a longer cul-de-sac.
  21. Shawn Eliot mentioned that right now we are in a moratorium for the CE-1 zone, but RL is vested in this project. The possibility of adding code to make this work better and whether it would apply to RL's project was discussed. The city attorney said that if the new code would allow him to do what he wants to do and the city council agrees that this code is acceptable, then you can allow him to do this.
  22. Russ asked the commissioners how they felt about the longer cul-de-sac being allowed. They were favorable as it would reduce impact on the natural environment. The hindrance to emergency vehicles was discussed and the possibility was mentioned of adding a bulb part way into the cul-de-sac to help in that situation.
  23. Shawn Eliot mentioned that we put in the code, last year, based on what Payson allows, there will only be 10 units allowed on a cul-de-sac. Some cities are 20 units per access and some cities do not even have a clause stipulating the number of units. Based on what other cities allow, 20 is reasonable. Corner lots don't count as they border another street.



24. Paul Squires asked if there would a preservation agreement required on the larger lots. Shawn stated that any 30% slopes have to be kept and hatched on the plat as private open space that has to be left in that original state with no fence. No fencing is allowed on 20% either. The code says any 20% plus slopes outside the attendant yard area have to stay in their natural state.
25. Paul also asked if on Lot 8, Brockbanks have encroached on that lot. They have but that can be resolved.
26. Shawn stated that when the roads are built the developer is to put up vinyl fencing around areas approved for grading and cuts for the road and utilities. This is new since the last rendition.
27. Prior to now the developers have come forth with concepts only. They now want to go draw up a preliminary if the commissioners are happy with this concept. They wanted some approval before they spent the money having the preliminary drawn up.
28. Derek Johnson, one of the residents on Hillside, said they have enjoyed working with Brian Ewell, and overall they are very happy with what he has come up with. They have realized that it was a misunderstanding on their part that homes could not be built up on the hill. Maybe on Lot 7 they will limit the home to a one-story (this is the lot behind Derek). Brian will not limit all the homes on the hill to single story. Shawn Eliot stated that it was more important on Lots 4 and 5, with a walk-out basement, first and second story and a rock wall to hold it there, it becomes quite tall. Shawn stated we can require that. Brian reiterated that the residents are happy about this plan.
29. Shawn Eliot mentioned that the two lots that were behind Brockbanks house are not so intrusive. They are larger and moved back. There will not be a walking trail up on top of the hill.
30. Shawn did state that if the cul-de-sac below ends up being a stub that will eventually go through,
31. The issue of whether Fairway ends in a cul-de-sac or a stub also needs to be determined. If it ends in a stub, Peterson's will be required to take it through to Salem Hills Drive. The cul-de-sac on the hill is an OK length. (Shawn Eliot).
32. Shawn reiterated we will need a re-vegetation plan showing what will be re-vegetated, where the cuts and fills will be, etc. In this type development the developer does what grading he needs for his improvements then the individual owners grade their land after getting a grading permit. There is a possibility that the developers could grade the one lot (Lot 7) on the top of the hill.
33. Chairman Adamson asked for feedback on whether the commissioners wanted longer cul-de-sacs. Shawn mentioned the two cul-de-sacs in the city that are over 700 feet. Other than that, most of our cul-de-sacs are quite short. The general consensus was the longer cul-de-sac was acceptable if that was what was needed to preserve the hillside and not cut across the ravine. The developer has forfeited 6 lots in order to do so, they are trying to meet our intent and code. Kelly Liddiard did say he would like to see the connection. Lari Fitzgerald brought up the problem with that is that the Peterson's do not want to participate. She is also in favor of the cul-de-sac as it slows down traffic past her home.
34. Shawn Eliot mentioned that the Mayor and other members of the city council do want the road to go through to Salem Hills. He recommended that we provide one other option to show what would be the impact of a temporary cul-de-sac (stub) into the Peterson's land. If Petersons can do lots with an average slope of 15% or under, they can do half-acre lots which will allow them a few more lots, and allow some room for the road to go through.
35. Brian Ewell asked if the commissioners wanted both phases to go through the approval process together and was told "yes", take them through together. He also asked if he can go forward with a higher level of confidence of approval and have his engineer draw up this concept in detail. He was told "yes."  
A straw pole vote was taken and there were no negatives from the commissioners. The drainage issue does need to be detailed.

**A MOTION WAS MADE BY RUSS ADAMSON, CHAIRMAN, AND SECONDED BY KELLY LIDDIARD, TO TABLE THE REST OF THE AGENDA ITEMS UNTIL THE NEXT PLANNING COMMISSION MEETING. VOTE: YES-ALL (6), NO-NONE(0), ABSENT (1) KEVIN HANSBROW.**

The remainder of the agenda items were tabled until the next meeting in the interest of time. Those items included:

- Item 2. Report on the American Association of Planners Seminar
- Report on the last City Council Meetings, Nov. 13<sup>th</sup> and 27<sup>th</sup>
- Approval of Minutes of Previous Meetings – Nov. 1<sup>st</sup> and 15<sup>th</sup>

# ADJOURNMENT

Chairman, Russ Adamson, adjourned the meeting at 11:00 p.m.

*Margaret Leckie*

## NOTICE OF PUBLIC MEETING – AMENDED AGENDA

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled **Planning Commission Meeting on Thursday, December 6, 2007, beginning at 7:00 p.m.** The meeting will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT, at which time consideration will be given to the following:

- 7:00 P.M.**      **Opening Remarks & Pledge of Allegiance**  
**Roll Call**  
**Approval of Agenda**
- 1. Fire Sprinkler Standards for Development and Construction Standards**  
     – Review and Discussion – Corbett Stephens
  - 2. CE-1 Code Re-write**  
     – Review and Discussion – Shawn Eliot
  - 3. Amendment to Elk Ridge City Code re: Snow Removal C, Section 6-1-4**  
     – Review and Discussion, set public hearing – Shawn Eliot
  - 4. Report on the American Association of Planners Seminar**  
     – Review and Discussion – Shawn Eliot
  - 5. Report on the last City Council Meetings – November 19<sup>th</sup> 13<sup>th</sup> and 27<sup>th</sup>, 2007**  
     – Review and Discussion
  - 6. Approval of Minutes of Previous Meetings – November 1<sup>st</sup> and 15<sup>th</sup>, 2007**
  - 7. Planning Commission Business**  
     – Decide on meeting night for 2008 meetings  
     – Recommend new commissioners
  - 8. Follow-up Assignments / Misc. Discussion**  
     – Agenda Items for first Planning Commission Meeting in January 2008  
     – Reminder, joint meeting with City Council January 22, 2008  
         discuss Senior Housing Overlay, CE-1 Re-write direction

### ADJOURNMENT

\*Handicap Access Upon Request. (48 hours notice)

Dated this 30th day of November, 2007.

  
 \_\_\_\_\_  
 Planning Commission Coordinator

### BY ORDER OF THE ELK RIDGE PLANNING COMMISSION

#### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge, hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah and delivered to each member of the Planning Commission on the 30th day of November, 2007.

  
 \_\_\_\_\_  
 Planning Commission Coordinator





**ELK RIDGE PLANNING COMMISSION MEETING**  
**December 6, 2007**

<b>TIME AND PLACE OF PLANNING COMMISSION MEETING</b>	A regular meeting of the Elk Ridge Planning Commission was held on Thursday, December 6, 2007, 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah.
<b>ROLL CALL</b>	<p><i>Commissioners:</i> Dayna Hughes, Sean Roylance, Scot Bell, Kelly Liddiard, Russ Adamson</p> <p><i>Absent:</i> Paul Squires, Kevin Hansbrow</p> <p><i>Others:</i> Shawn Eliot, City Planner  Margaret Leckie, Planning Commission Coordinator  Corbett Stephens, City Building Inspector  Ronald Rydman (Utah Valley Home Builders Assoc.), Steve Petersen (Alpine Homes)</p> <p>As the chairman arrived late, co-chairman, Dayna Hughes, conducted until Russ Adamson arrived.</p>
<b>APPROVAL OF AGENDA</b>	The agenda order and content were reviewed. There were no corrections or changes.
<b>OPENING REMARKS &amp; PLEDGE OF ALLEGIANCE</b>	Co-chairman, Dayna Hughes, welcomed the commissioners and guests and opened the meeting at 7:00 p.m.. Opening remarks were given by Sean Roylance, followed by the Pledge of Allegiance.
<b>1. FIRE SPRINKLER STANDARDS FOR DEVELOPMENT AND CONSTRUCTION STANDARDS</b>	<p>Corbett Stephens, building inspector, explained that once the city adopted code requiring fire sprinklers, as far as having development and construction standards, he was not sure that was necessary because installations must follow the international building code, and this code references the international fire code, which references the NFPA (National Fire Protection Association). Article 13 is the fire sprinkler article. This article is broken down into 13R-Residential and Multiple Family Units, 13-Commercial, and 13D-One-two Family Detached.</p> <p>The following discussion ensued:</p> <ol style="list-style-type: none"> <li>1. Corbett stated that by adoption the city has adopted all the necessary standards for installation of a sprinkler system. Regarding who can install sprinklers, the State Department of Occupational and Professional Licensing, under rule 156-55-A (Utah Construction Trades Licensing Act Rules), Rule 156-55A-301: License Classifications and Scope of Practice, lists the construction trades and specialty contractor classifications determined to impact the public health, safety and welfare. The contractor classification, which is not listed, is exempt from licensing.</li> <li>2. This is a regulated profession and to install, you must be a licensed fire suppression systems contractor. The state regulates those who installs sprinkler systems. If you install fire sprinklers you have to install them the way the state tells you. You have to be licensed by the state and do it according to the standard adopted by the state. I don't know if we need to go any further.</li> <li>3. Dayna Hughes asked Shawn Eliot what his recommendation was regarding the city code on this matter. He did not recommend changing the code but felt we needed to address how to guide homeowners as to how to proceed with getting a system installed.</li> <li>4. Corbett stated that in the building permit packets (which everyone building a house in Elk Ridge gets) would be a copy of the city code which adopted the fire sprinkling systems and a reference to the NFPA 13D (multi-family units) or 13R (one and two-family detached homes), whichever applies. The state requires multi-family homes to have fire sprinkler systems, so even before adoption of this code, any multi-family home built in Elk Ridge would have been required to have a fire sprinkler system. Elk Ridge has amended our code to include in that requirement all homes and disallow the state exemption one and two-family detached homes. The city code which adopts this is Section 10-12-38. As soon as you start installing fire sprinklers you do it the way the state tells you too.</li> <li>5. Our state allows a homeowner to be a general contractor on his own home, but anyone installing sprinkler systems, owner or not, has to be certified by the state fire marshal's office.</li> <li>6. Dayna Hughes asked how much trouble a homeowner would have finding someone qualified to</li> </ol>

install these systems. Corbett said it is not extremely difficult and there are getting to be more and more licensed people available. Everything in the state is going in the direction of requiring one and two family homes to install indoor fire sprinkler systems.

7. Shawn Eliot stated that our code states that *"The fire sprinkler system shall comply with the Fire Code and related regulations and standards adopted by the City"* (Section 10-12-38). A reference to the book with these regulations and standards put out by the National Fire Protection Association will go in the building permit packets.
8. Corbett Stephens stated that in 2003 the city formally adopted the International Building Code as part of the city requirements (and all subsequent versions forward).
9. Dayna Hughes asked Corbett if he felt that the verbiage in the code as it is now leaves no ambiguity regarding fire sprinkler system requirements. He was not sure. As a building inspector he would rather see the code directly reference NFPA 13D specifically to one and two family detached homes. The commissioners agreed. This would be a more direct reference.
10. Dayna Hughes felt we should add this to the code. Shawn expressed concern about opening up the code again. Sean Roylance asked if there was another way to reference this standard without having to modify the code specifically. Shawn said the city council can adopt the reference (NFPA 13D) as a standard, not a code. Shawn, however, does agree that it should be in the code.
11. Shawn Eliot asked whether we wanted to include the requirement that the system be inspected each year. Corbett said this is also a state fire marshal requirement.
12. Dayna asked if adding the following words would help: *"The fire sprinkler system shall comply with the fire code and related regulations as listed by the NFPA (National Fire Protection Agency), Article 13, and standards adopted by the city."* Corbett felt this was better. Dayna felt that mentioning the NFPA in the code was crucial.
13. Shawn Eliot mentioned we would not be able to have a public hearing on this until the second week in January.
14. Mr. Ron Rydeman from the Utah Homebuilder's Association stated that he appreciated what we are trying to do, but from his perspective, this is an added cost for the homes being built in this area, anywhere from \$4,000 to \$6,000. To have the system tested every year will also be an additional cost. When you get into Article 13D there are a lot of technical items that the lay person has a hard time understanding. A homeowner, contractor or builder will need to spend extra amounts of money figuring out what the code says and mean. Hiring someone who knows exactly how and where to put the sprinkler in and what kind of heads and pipes to use will also be a challenge. He stated that he would like to go on record that the Homebuilder's Association does have some basic concerns about this program.

**DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KELLY LIDDIARD TO SET A PUBLIC HEARING FOR JANUARY 10, 2007 TO AMEND ELK RIDGE CITY CODE RE: FIRE SPRINKLING SYSTEMS, SECTION 10-12-38 TO ADD THE VERBIAGE AFTER "COMPLY WITH THE FIRE CODE AND RELATED REGULATIONS": "AS LISTED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, ARTICLE 13 AND STANDARDS ADOPTED BY THE CITY." VOTE: YES-ALL(5), NO-NONE(0), ABSENT (2) PAUL SQUIRES, KEVIN HANSBROW.**

7:20 Cochairman, Dayna Hughes, turned conducting the meeting over to chairman, Russ Adamson, who arrived late.

## 2. CE-1 CODE RE-WRITE

Shawn Eliot mentioned a subgroup met a week or so ago to review what the planning commission has done so far on the CE-1 Code re-write. The code has been broken into two separate zones. The HR-1 Zone, which is one-acre lots; and a Hillside Cluster Overlay Zone which allows for clustering on half-acre lots in return for open space.

The following discussion ensued:

1. A few things were added but the main focus was to make things more orderly. The HR-1 code starts with legislative intent, then goes into uses, subdivision design and environmental constraints. As you work your way through the code, it tells you what you do and in what order. It tells you your constraints regarding drainages, slopes, ravines and that type of thing. Before you start designing your subdivision you must take those things into account.
2. In Section 10-9-220, Cuts and Fills, something was added. *"Benching or terracing to provide*



*larger building sites is prohibited*". This is from the Park City code. The code encourages going with the natural terrain.

3. On page 5, 10-9-340: Building Envelope, the actual setbacks were added and a table to make it easier to figure out.
4. There are some changes. The frontage requirement has changed to 150 feet. This is based on the Woodland Hills one-acre lot requirement. The front setback has changed from 30 feet to 50 feet. This is more suitable for large deep lots. There is still the exception that the planning commission can approve up to only 20' setback if it preserves the natural environment.
5. On page 7 Concept has been broken out. It was under Preliminary Plat before. We are saying we need these items mentioned in Concept before Preliminary (includes sensitive area plan and slope analysis plan). These are needed before preliminary. Our application forms need to be changed to reflect this.
6. The cluster overlay zone is patterned after the senior overlay zone that the commission just proposed for a recent submittal. It basically states you have to comply with the Hillside Residential Zone requirements but you can do an overlay that allows clustering of homes. You have to have 20 acres or over in your development. The lot size can go down to half an acre and can be no larger than an acre. This encourages open space.
7. Regarding open space requirement, the committee did put back in a forty (40%) percent requirement. The concern was that If a developer did all .999 acre lots on 20 acres, you would only get about 2 acres of open space. We wanted to make sure they were encouraged to cluster.
8. The bonus density portion of the proposed code was patterned after the Woodland Hills code. Woodland Hills code states that when you cluster, you still have to keep the base density requirement of one acre. Our code has been missing this base-density requirement. Woodland Hills allows up to 30% more density if the developer will do certain things (provide certain amenities). The planning commission decides how much bonus density to allot for these amenities. Some of these amenities might be: flatter open space, trail system, park space, a development theme (including upgraded signage, special curbing, trails, sidewalk treatments, entrance monument, etc.). On a 20-acre parcel with 30% density, this would allow six (6) more lots.
9. The council must approve the overlay zone use. If they are not happy the way it turns out, they can have the developer go back to the basic HR-1 code requirements.
10. The planning commission does have some digression in these matters. State law allows the city council to designate a land-use authority (planning commission). In some cities it is the planning commission that approves subdivisions.
11. What we need to do is work with the city council during a work session (now set up for January 29, 2008). The planning commission sub-group will continue to work on this code. They will put together a bullet point sheet to be reviewed at our next planning commission meeting. The group consists of Shawn Eliot, Sean Roylance, Dayna Hughes and Kevin Hansbrow.
12. We will probably have a public hearing on the proposed code (once suggestions from city council have been incorporated) the first week in February. We have until mid-March so we are on track. Hopefully we can get it to the council again the last week in February.
13. Chairman Adamson asked if we have had any new proposals for development in the CE-1 zone. Shawn responded that we have not.
14. Dayna asked what would happen if the city council tabled action on this and the moratorium time period expired and someone applied for development in the CE-1 area. Shawn stated that they would only have to meet the requirements of the old code. We do need to keep moving on this.
15. Shawn stated that when we attempted to change the CE-1 code a year ago and it got killed at city council, most of that was because of the development community. This could happen again. It is important that it is presented right and that we understand it well enough that we can respond to questions accurately.
16. The end date for the moratorium is March 11, 2008.
17. Sean Roylance suggested getting this on the agenda in some form for the first city council

meeting in January, not to go through a big presentation, but to introduce it, get it in the council member's packets, and encourage them to read it before their next meeting, where we will have our joint work session. Maybe touch on a few things so when come they are well prepared.

**3. AMENDMENT TO  
ELK RIDGE CITY  
CODE RE: SNOW  
REMOVAL – SECTION  
6-1-4**

Shawn Elliot reviewed this action. The Mayor asked Shawn to rewrite our code, which now states that you cannot park on city streets from December 1<sup>st</sup> to March 1<sup>st</sup>. He had had a complaint from a resident that their neighbor was parking in the street (November 3<sup>rd</sup>). It was 80 degrees outside.

There was a recent short on TV re: the Salt Lake City code. It simply states that when there is snow in the street, you cannot park in the street. The following discussion ensued:

1. Shawn researched other city's codes. They varied. In Mapleton you cannot park on the street between certain dates in the year from 11 p.m. to 6 a.m. for more than two hours.
2. Shawn's proposal to the Mayor was changing the code to state that you cannot park in the street when there is snow present, or snow is present in the travel lanes of the road way. Reading from the code (Section 6-1-4: Snow Removal): You can't park on the street under the following conditions:
  1. *Snow is falling; or*
  2. *Snow is present in the travel lanes of the roadway.*

*C. Exceptions: Exceptions to these requirements include the following:*

  1. *The temporary parking of vehicles for a reasonable short period of time, not to exceed 6 hours, to accommodate loading or unloading or the performance of service.*
  2. *Construction, contracting or earth moving equipment that is otherwise classified as commercial vehicles may be temporarily parked on streets, provided the vehicles are actively being used for construction activities on the specific property where the vehicles are being parked.*
  3. *Emergency vehicles.*
3. Under the penalty portion, rather than saying each day you do this, you will be penalized, and you appear before the city council and they will give you a penalty; the Mayor felt we should state there is a penalty, and say in addition that any vehicle that is parked in violation of this section may be removed immediately by the city at the owner's expense. Thus, if the snow plow driver is out and cannot get around a parked car, he can have it towed rather than wait for a penalty by the city council.
4. These are the proposed changes. Tonight, if you are in agreement, we need to set a public hearing.
5. Kelly Liddiard felt we were making a simple thing too complicated. He felt it would be fine if we just stated the dates and left it at that. He did feel the exceptions were appropriate. Even if there is no snow on the street, you cannot park there. He has run across conditions where a person left town and while gone, it snowed and their car was in the street and in the way of the plow.
6. Scot Bell mentioned our streets are so steep some people park on the side of the street when they can't get up the street. Dayna Hughes felt if you were stuck in the shoulder, they should not tow your car. She did feel that it was the responsibility of the owner of the stuck car to call a neighbor to help or have his car towed out of the way.
7. Shawn Elliot mentioned a contradiction between the dates the entrance sign gives (November) and the city ordinance (December). November to March is proposed. Russ felt the penalty should only be applied if it is snowing.
8. Kelly Liddiard said he would add to the code that the snow plow driver has the authority to make the call as to whether a car gets towed or not.
9. Dayna questioned whether the penalty of having a car towed was enough and we didn't need another penalty to be given by the city council. Scot Bell stated the goal is not to punish, but to service the road. Getting the car off the road should be punishment enough. Scot mentioned that if it is not interfering with the ability to service the road, they should be able to leave their car there.
10. Scot Bell mentioned you can ride a 4-wheeler in the streets if you are providing humanitarian

service.

11. Kelly Liddiard suggested putting in the code that your vehicle is subject to towing if it is parked on the streets during this timeframe. This implied that it might not be towed.
12. Dayna Hughes recited possible code to read: *If your vehicle is interfering with public facilities maintenance of the road, then it is subject to being towed.*
13. Scot Bell stated that if it snows in June, people should still be required to get their car off the road.
14. Sean Roylance stated he would like to allow more reasons for exceptions (Bunco groups, social occasions, etc.)
15. Dayna Hughes suggested removing *B:1 – Snow is falling....* and only have the B:2 requirement: *Snow is present in the travel lanes of the roadway.*
16. Sean Roylance likes the ability of having the option to tow, but only under extreme circumstances. Kelly Liddiard said if the plows are out and functioning, and there is a car on the road, it is subject to being towed.
17. Again, Scot Bell felt the dates could be skipped altogether and the code should just read: *towing of vehicles is subject to providing proper service. You can be towed any time snow removal services are being provided.* Get your car off the road if it snows, period.
18. Shawn will re-write and simplify the code. Kelly stated the more you put in there, the more you limit yourself. Shawn said he would simplify it and put the new code in the next packet. He asked if the commissioners still wanted to schedule the public hearing before they saw the new code. They wanted the public hearing. It still can be changed after that.
19. In Provo you can stay parked on the street until there is 6 inches of snow and the Mayor declares a state of emergency for snow removal. They go door to door and tell people to remove their cars.

#### 4. REPORT ON THE AMERICAN ASSOCIATION OF PLANNERS SEMINAR

Shawn Eliot passed out a sheet summarizing things he had learned of value at a recent seminar put on by the American Association of Planners. It was held at the Murray City Hall. It was a webinar, held over the internet. They discussed avoiding planning commission pitfalls and staying out of court. Shawn brought up the following points:

1. The biggest issue facing planning commissions across the country is proper findings, actually putting findings in your motions, also records management, adequate notice, and having staff reports available for public review.
2. The mentioned that when you have a public hearing where there are people in the audience, and the commission is looking at maps and reports, it is a concern that the audience cannot see them. It was mentioned that it is a good thing to have these same visuals available to the public. Spanish Fork has their packets prepared two weeks in advance and available for viewing on the web. We don't have the equipment to do that, but that would be nice. Having an agenda for attendees at the door would be a minimum.
3. Conflict of interest was discussed. Any perceived conflict affects credibility in the decision-making process. Utah law requires the conflict be stated, but you can still participate in the debate. In the legislature laws (they are talking about changing them this year), you have to participate, even if you have a conflict. Ethically a conflict is major if there is financial gain, a relative is involved, the decision directly effects your property. If this is the case, you should leave the room, so you are not influencing anyone in any way. If, as in RLs case, you live next door, it is OK to participate as it is not your property.
4. Laws are different throughout the country. Oregon law requires you to disclose if you read an article in the paper about the project. Exparte Contact: is when you talk to an applicant or someone closely associated with the project. You don't step down but you do mention in the meeting that you talked with the person and explain what your conversation was.
5. Legal Advice: they suggested having a working session with the city attorney at least once or twice a year to review new laws, and to educate the commissioners. It was also suggested inviting him to attend and critique one of our meetings once a year.
6. On motions involving big decisions they suggested tabling the motion and spending some time working out and formulating the motion. Let staff put together some findings from the code or

get some legal advice. Shawn stated that some cities hold a public hearing (i.e. for plats or code amendments) and if it is a large issue, they wait two weeks before they make the motion on the item. Chairman Adamson asked if developers have a legal right to expect a decision that night and Shawn said “no”. Scot Bell mentioned the public hearing on the address changes, and suggested that motion could have been made at a later meeting. Dayna Hughes felt our last city planner kind of moved us in the direction of making the motion the same night as the public hearing. Shawn stated that once the hearing is over, the commissioners do take time to discuss the hearing and plan what they want in their motion.

7. Shawn Eliot mentioned the letter from the Clarks included in tonight’s packet. He stated that if they presented information that needed research, you could should not make a motion without doing that research. This does not have to be the format every time, but on big issues it is appropriate.
8. Dayna Hughes mentioned that sometimes, though she agrees with the points brought out by the public, if it is not supported by code, she cannot act on it. Shawn stated that some cities simply have work session on a particular plat, it is not on the agenda for any action other, just discussion.
9. Chairman Adamson suggested we take this advice and on big issues, where there is concern, table the motion. The Randy Young, Elk Ridge Meadows Phase 3 was used as an example of a plat that the commissioners felt pressure to push through the process before having adequate review time. Dayna suggested on the agenda, change “motion on public hearing” to “possible motion on public hearing”, or just leave that off.
10. Margaret mentioned the Mayor told her to get the schedule for approval to the developers so they better understand the process and possible timeframe. Shawn stated that we need to enforce the timetable.
11. Shawn stated that staff or commissioner can draft a motion. Shawn will try and put in the memo the points that should be included in the motion (things that came up in TRC etc.). At his “day job” meetings, they actually put in a draft motion for the mayors.
12. The commission should work among themselves what is to be included in the motion prior to the motion being made.
13. Shawn read examples of what findings are; it is basically backup from the code. Example, when Elk Haven, Plat E, was discussed the commissioners pulled from the code statements re: safety and welfare that might apply to the decision.

**5. REPORT ON THE  
LAST CITY COUNCIL  
MEETINGS – NOV. 13  
AND 27, 2007**

Sean Roylance stated that he did not go to the short meeting on the 27<sup>th</sup>.

He attended the meeting on December 11<sup>th</sup>. The following points were brought up.

1. They talked about the Elk Ridge Meadows, Phase 3, which now includes the school. (Developer, Randy Young). Randy was talking to the Mayor about including the roads in their open space calculation. None of the commissioners or council members felt this was right. There was some misinterpretation on Randy’s part, of the code.
2. The council felt the school should be it’s own private deal and not included in his open space calculation. The Mayor did have some follow-up meetings with Randy.
3. In the meeting prior to that (Nov. 26<sup>th</sup>) several decisions were made. Sean mentioned that the council does listen to the advice of the commission and does not usually re-discuss things we have already dealt with. During this meeting the fire sprinkler code was discussed. Alvin said we don’t want to dot every “I” and cross every “T”. Mary mentioned that if we legislate when to put your yard in, it is definitely okay to legislate on a safety issue, such as fire sprinklers. In the end, Nelson Abbot made a motion to approve it and it was approved (3 to 2 vote).
4. The building height code was discussed. They did not want the commissioners to revisit this. There were a few council members who were in favor of readdressing this issue.
5. Shawn mentioned the meeting with Randy Young and the attorneys regarding Elk Ridge Meadows Phase 3. It was decided that he could use the school fields in his open space calculation.
6. The school did not want to be held to the open space agreement if they sold the property and did not build a school there. That was not agreeable to the city staff.
7. Shawn stated that the last rendition he saw did include the fenced fields and some of the parking



area. Scot stated that if we only have access to the fields 3 hours a day, and not on weekends, we are getting all this open space for very few hours a day. Shawn stated the Mayor was going to work with Randy on this issue.

8. Shawn stated he brought up the round-about issue. They are pushing to get Plat 3 through though Randy does not want final for about a year. Shawn told him the round-about issue needed to be resolved first. Shawn stated that Randy was not happy.
9. Shawn Eliot stated that the school district was going to buy two more lots from Randy for the school. He also mentioned that the code does not allow counting as open space any land within 30' of a structure.
10. Dayna Hughes asked if the commissioners were going to have another look at the final plat and Shawn replied "no" as we did pass our approval on to the council when Randy was her last.
11. Sean Roylance mentioned he would be at the city council meeting this coming Tuesday He will not be reporting back so the commissioners need to find someone to replace him as rep to the council meetings from the commission. As Shawn Eliot will attend the meetings, the commissioners did not feel having another rep was necessary.
12. A poll of the council indicated they wanted the round-about. The commissioners discussed whether they liked round-about. There were mixed expressions. Kelly Liddiard mentioned the ones at UVSC do not always work well. Traffic backs up. Shawn Eliot mentioned that when round-about are retrofits on regular intersections, and not in the original design, they are often problems.
13. Scot Bell mentioned that on snowy hills they might cause some problems.
14. In miscellaneous discussion re: Elk Ridge Meadows, Phase 3, Shawn Eliot stated that the trail was supposed to go behind the homes on the south side, and the school does not want it to go through their property, they were going to give just a 10' easement between the home fences and the school fence. There would be a narrow corridor with a 10' fence. The mayor and and Shawn felt the homes should be moved back 10' and let the trail go in front of the homes (only two homes now). Then it would cross Elk Ridge Drive at a crosswalk and go across the street to a park. By the school, the trail will follow the road instead of going through open area.

**6. APPROVAL OF  
MINUTES OF  
PREVIOUS  
MEETINGS – NOV. 1  
AND 15, 2007**

Review of minutes from November 1, 2007 Planning Commission Meeting.

Dayna Hughes:

p2, Item 3c, line 2: change "ion" to "on"

Dayna questioned whether Randy had reported back as to whether he had spoken with Dave Milheim about making the park in Elk Ridge Meadows, Phase 2, accessible to all Elk Ridge Residents and not just those living in that subdivision. She suggested we follow up on that. Randy stated that it was never his intention for that to be a private park. Kelly Liddiard stated as an HOA owner he would not allow the city to occupy his park. Shawn Eliot said in Eagle Mountain an HOA owned a park, maintained it, then after 5 years turned it over to the city. Our Mayor was interested in that approach. Shawn said they will bring that up to the city council.

p3, Item p, put a "." after "school"

Russ Adamson:

p13, in the motion at the bottom of the page remove "SET"

Dayna questions what the commissioner's assignments were re: the different parts of the General Plan. Shawn Eliot stated that Bob Allen is still looking for direction from the city council as to how they want to approach it. He would like to have a workshop with the planning commission and city council so the earlier assignments may not be appropriate. Involving some citizen committees may be implemented. Chairman Adamson stated we will hit this hard again in January.

**RUSS ADAMSON MADE A MOTION THAT WAS SECONDED BY KELLY LIDDIARD TO APPROVE THE MINUTES OF THE NOVEMBER 1, 2007 PLANNING COMMISSION MEETING WITH THE ABOVE MENTIONED CHANGES. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (2) PAUL SQUIRES, KEVIN HANSBROW.**



Review of minutes from November 15, 2007 Planning Commission Meeting.

p1, Item 2 add space between “theybe”

p2, Item 2, no.2, add “to” after “According” at first of sentence

p2, Item 7, last sentence, add “,” after “next step”

p3, Item 2, add “Shawn stated that” prior to “this is what Alpine does”

p5, Item 12, last sentence, change “artillery” to “arterial”

p5, after item 26, Russ Adamson suggested we add something to indicate that the commissioners discussed requiring something in writing from the developer assuring that if the school sold the property, the PUD 25% open space requirement goes forward to the new buyer.

p12 Shawn Eliot stated that Condition F should read “SHOW THAT ALL LOTS DO NOT EXCEED OVERALL 20% SLOPE”

THE REVIEW OF THE REMAINDER OF THE MINUTES WAS TABLED UNTIL THE NEXT MEETING (From Item 4 –ELK HAVEN SUBDIVISION, PLAT E – PRELIMINARY, page 7 of minutes).

**7. PLANNING  
COMMISSION  
BUSINESS**

The following planning commission business items were discussed:

1. Meeting night:

It was decided planning commission meetings be held the second and forth Thursdays rather than the first and third Thursdays of each month. This schedule worked better for planner, Shawn Eliot and none of the commissioners had problems with this.

2. Technical Review Committee meetings:

City planner, Shawn Eliot, requested that technical review committee meetings be changed from Thursdays to Wednesdays. This was agreeable to all.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY SCOT BELL TO CHANGE THE MEETING NIGHTS FOR PLANNING COMMISSION FROM THE FIRST AND THIRD THURSDAYS OF THE MONTH TO THE SECOND AND FORTH THURSDAYS. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (2) PAUL SQUIRES, KEVIN HANSBROW.**

3. Possible replacement planning commission members:

Shawn Eliot mentioned he has spoken with Tamera and Garren Holman and they have expressed interest. Shawn also spoke with Kyle Houghton and Jim Spencer, and both are interested. Spencer’s house is for sale. Shawn encouraged the commissioners to talk to these people. Dayna Hughes spoke with Michelle Knutson, who would be very good, as would her husband, who is a former realtor. She will continue talking to them. Sean Roylance felt we should approach AJ Christensen and Matt Cahoon, as well as Lance Pape. Lance has some good potential training in geology that could prove useful for our town. Dayna mentioned that Papes may be leaving on a mission. Shawn Eliot stated that Chad Christensen might be interested in coming back

Shawn Eliot mentioned that the Mayor has already spoken to John Hoschouer, who if approved by city council this week, will take Shawn’s place. We will need someone to replace Sean Roylance (now on the city council), and Scot Bell, if he does not re-up in February.

## 8. FOLLOW-UP ASSIGNMENTS, MISC. DISCUSSION

The following items were discussed:

### 1. Elk Haven, Plat E – backup documentation – history

Shawn Eliot stated that staff had been asked to produce backup minutes/history re: Elk Haven Plat E, in particular the decisions regarding the road. On the first page of his handout, Shawn summarized the meetings and decisions re: Plat E – as follows:

- 1) 5 Oct. 2006 – 10% road grade, High Sierra connection discussed, tabled decision
- 2) 18 May 2006 – Conceptual street plan approved by PC, more stringent be seen at Preliminary
- 3) 2 Nov 2006 – PC approved new Concept – all roads under 10%, no new development beyond 100 acres be approved without another road connection to area
- 4) 28 Nov 2006 – CC approved Concept, asked how cuts & fills will be addressed as each plat brought forward
- 5) 8 May 2007 – Joint work session with city council and attorneys. Vesting and road grade discussed. Our Attorney, David Church, said courts would be interested in what was the intent of what was approved. Council discussion of approval had centered on road grades. High Sierra was the other discussion. David Church said now we need to look at what cuts and fills, and retaining walls would be caused by the road as we proceed into Preliminary and Final. He stated that the issue of the retention plan and re-vegetation would be added to future approvals. David Church, attorney, stated that at preliminary plat, when more of the pieces are present, the road width recommendations were appropriate. Shawn Eliot stated that things can change once we know exact cuts and fills.

**STAFF CONCLUSIONS:** Shawn Eliot stated that one of the mistakes we have been making is making motions on Concept. Many approvals were given over time but as new issues came about, plans were changed. Discussion about environmental issues came into play at a later date, once road grade issues were settled.

Regarding the road grade issues: As more detailed information on the road design is presented by the developer, questions regarding the road design and alignment have been raised by the commissioners. Their following code brought up some concern:

#### 10-9A-6

1. *Roads that cross slopes greater than thirty percent (30%) must be reviewed by the planning commission and the city engineer; they must conclude that such streets or roads will not have significant adverse visual, environmental, or safety impacts.*
2. *Streets and roads proposed to cross slopes greater than ten percent (10%) are allowed, subject to the following:*
  - a) *Proof that such street and/or road will be built with minimum environmental damage (see subsection F of this section) and within acceptable public safety parameters.*
  - b) *Such street and road design follows contour lines to preserve the natural character of the land, and are screened with trees or vegetation.*
3. *Cutting and filling is minimized and must be stabilized and re-vegetated to a natural state within the first year of the two (2) year durability time period. A stabilization and re-vegetation plan must be approved by the planning commission and city engineer.*

Shawn Eliot, city planner, felt the commission should weight these issues, possibly have the city engineer come and talk about them, and wait for the next submittal by the applicant. As we have had this development for some time, we need, after the next road submittal, to move it forward to the city council with either a recommendation for approval or denial, along with stating our findings. (code which backs up their decisions).

The developers are upset at how long the process has taken. David Church stated that the commission needs to go through their process, make sure we have our findings in place, and get it to the council and let the “people’s voice” be heard. Shawn stated that it has been two (2) years that this has been going through us.

Shawn mentioned that a memo was sent to the developers and engineer of Elk Haven, Plat E yesterday which gave the points from our last motion and recommended that they talk to the property owner to the south regarding a different road alignment. This owner is Stahlie, who used to be interested in joining the development, but decided not to be involved at this time.

Shawn encouraged the commissioners to read the minutes regarding this development that were enclosed in tonight's packet.

LETTER FROM KEVIN AND SHAY CLARK. The second part of the Elk Haven Plat E packet was a letter from the Clarks with a picture of the area of the proposed development taken from their back yard. The letter expressed some of their concerns about the development.

2. Elk Haven, Plat E – cut and fill analysis done by Scot Bell

- a) Scot passed out a copy of some cut and fill drawings to show what he felt the impact of the proposed design would be. Shawn Eliot stated that maybe it would be best to go over this information in detail when the engineer and developer of Plat E were present. They have not yet come back and requested to be on the agenda.
- b) Scot presented his findings in a nutshell. He showed the topo map from Aqua. Scot drew six 100' concentric circles simulating the proposed road, counting the contour lines, he felt the slope was between 37% and 52%.
- c) Showing the center line of road to the edge, he discussed the cuts and fills. Barry Prettyman had said there would be a 15 foot cut on one side of the road and a 15 foot fill on the other side of the road.. Scot felt the retention wall would be much more than 15'. He felt it would be at least 24' high. Leaving a 2' shoulder for snow placement, and room for a guard rail, there could be a 73' wall with a very steep angle next to the road. (1/2 to 1 angle).
- d) He felt the sumps to collect water off these walls would be very challenged. The non-penetrable surface of the wall would also cause stress to the sumps. They would be required to handle considerably more than they were designed to handle.
- e) Scot Bell stated the developers had talked about a 15' engineered wall.
- f) Scot felt sumps at road level could cause considerable pressure on the lower retaining wall, and stated that lower sumps would be difficult to service with our current equipment, possibly requiring an additional service road.
- g) Russ Adamson asked what the timeframe was on the approvals. Shawn Eliot, city planner, responded that you have a year to go through until you get Final (after receiving Preliminary), if you don't get Final you can get an extension). Once you get Final you have 5 months to record your plat with the county. They can give you an extension.
- h) The developer's engineer was not interested in seeing Scot's information.
- i) Scot felt that when you take all 600' of over 30% slope, the average slope would be almost 47%.
- j) Scot Bell did not have a solution. He did speak with Karl Shuler (owner of Elk Haven, Plat A) about his concerns for about 45 minutes. He stated that they may get a new land owner involved in the project.
- k) The problems with Suncrest Road in Draper were brought up. The sub-base was substandard and there are real problems.
- l) Chairman Adamson thanked Scot for his input.

**ADJOURNMENT**

Russ Adamson adjourned the meeting at 9:40 p.m..

  
 Planning Commission Coordinator