

NOTICE OF PUBLIC MEETING – AGENDA

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

- 1) 7:00 – Code Amendment to Section 6-1-14 regarding Snow Removal
- 2) 7:10 – Code Amendment to Section 10-11A regarding the Public Facilities Zone, Amendment to Zoning Map and Amendment to Future Land Use Map in General Plan
- 3) 7:10 – Code Amendment to Section 10-12-38 regarding Fire Sprinkler Systems
- 4) 7:15 – Preliminary Plat for Fairway Heights, Plat C

These hearings will be held on **Thursday, January 10, 2008, beginning at 7:00 p.m.** during the first part of the regularly scheduled **Planning Commission Meeting on Thursday, Thursday, January 10, 2008, 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. Opening Remarks & Pledge of Allegiance**
Roll Call
Approval of Agenda
- 7:00 P.M. 1. Public Hearing to consider Code Amendment to Section 6-1-14 regarding**
Snow Removal
 – Review, Discussion and Action
- 7:05 P.M. 2. Public Hearing to consider Code Amendment to Section 10-11A regarding the Public Facilities**
Zone, an Amendment to the Zoning Map and General Plan Amendment to Future Land Use Map
 – Review, Discussion and Action
- 7:10 P.M. 3. Public Hearing to consider Code Amendment to Section 10-12-38 regarding**
Fire Sprinkler Requirement
 – Review, Discussion and Action
- 7:15 P.M. 4. Public Hearing to consider Preliminary Plat for Fairway Heights, Plat C**
 – Review and Discussion
- 5. Introduction New Planning Commission Member – John Hoschouer**
- 6. Elk Ridge City Code Discussion – Accessory Buildings**
 – Review and Discussion – Shawn Eliot
- 7. Fairway Heights, Plat C – Preliminary Plat**
 – Review and Discussion – Shawn Eliot
- 8. Elk Ridge Meadows PUD – Phase 3.3 – Final Plat**
 – Review and Discussion – Shawn Eliot
- 9. CE-1 Code Rewrite – Joint Work Session with City Council January 22, 2008**
 – Review and Discussion - Shawn Eliot
- 10. Approval of Minutes of Previous Meeting – December 6, 2007**
- 11. Planning Commission Business**
 – Discussion of Joint Work Session with City Council re: General Plan Workshop
 – Review of Planning Commission Meeting Schedule for 2008
 – Review of New Planning Commission Members
 – Upcoming Planning Commission Training Seminar
 – Misc. Items
- 12. Follow-up Assignments / Misc. Discussion**
 Agenda Items for January 24, 2008 Planning Commission Meeting

ADJOURNMENT

*Handicap Access Upon Request. (48 hours notice)

Dated this 2nd day of January, 2008.



 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 4th day of January, 2008.



 Planning Commission Coordinator

ELK RIDGE PLANNING COMMISSION MEETING AND PUBLIC HEARINGS
January 10, 2008

<p>TIME AND PLACE OF PLANNING COMMISSION MEETING AND PUBLIC HEARINGS</p>	<p><u>A regular meeting of the Elk Ridge Planning Commission</u> was held on Thursday, January 10, 2008, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah. The Planning Commission Meeting was preceded by four scheduled public hearings: <u>the first public hearing, at 7:00 p.m.</u> was to consider adoption of an amendment to Section 6-1-14 of the Elk Ridge City Code regarding Snow Removal; <u>the second public hearing at 7:05 p.m.</u> was to consider adoption of an amendment to Section 10-11A of the Elk Ridge City Code regarding the Public Facilities Zone and an amendment to the Elk Ridge City Zoning Map and General Plan Amendment to the Elk Ridge City Future Land Use Map, <u>the third public hearing at 7:10 p.m.</u> was to consider adoption of an amendment to Section 10-12-38 of the Elk Ridge City Code regarding a Fire Sprinkler Requirement, and <u>the fourth public hearing at 7:15 p.m.</u> was to consider Preliminary Plat for Fairway Heights, Plats C and D.</p>
<p>ROLL CALL</p>	<p><i>Commissioners:</i> Dayna Hughes, Russ Adamson, Kevin Hansbrow, Kelly Liddiard, Paul Squires, John Hoschouer and Scot Bell</p> <p><i>Absent:</i> None</p> <p><i>Others:</i> Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator Nelson Abbot, City Council member Todd Trane, RL Yergensen, Ron Rydman, Lynn Peeterson, Debbie Currie, Tiffani Currie, Ken Lutes, ? Haskell, Brian Ewell, Garen Holman, Chad Brown, Justin Earl, Steve Petersen, Reed Mauchley, Scot Hawler, Fred Gowers, Catherine Fillerup, Steve Fillerup, Weston Youd, Stephanie Pozernick, Blake Jumper (ERM Ph3), Derrek Johnson, Sherrie Dalton, David Nixon, Eric Allen, John Calcote, Michelle Calcote, Leslie Whitlock, Allen Nielsen, Mike Brockbank, Margo Brockbank, Lari Fitzgerald</p>
<p>OPENING REMARKS & PLEDGE OF ALLEGIANCE</p>	<p>Chairman, Russ Adamson, 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.</p>
<p>INTRODUCTION OF NEW PLANNING COMMISSION MEMBER, JOHN HOSCHOUER</p>	<p>Chairman Adamson invited the new planning commission member, John Hoschouer, to introduce himself. John grew up in Elk Ridge. He lived on Ocampo Lane until he got married five years ago. He took a brief stint away, and now he is back. He is glad to be here. He ran for city council but was not elected. He is glad to be able to serve the city. He is also serving as the Assistant Fire Chief.</p> <p>Chairman Adamson explained that Paul Squires is now a full voting member and no longer an alternate.</p>
<p>APPROVAL OF AGENDA</p>	<p>The agenda order and content were reviewed. There were no changes to the agenda other than the introduction of John Hoschouer was done first so all other items will follow (Item 5)</p> <p>A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW TO APPROVE TONIGHT'S AGENDA WITH THE ONE CHANGE, MOVING ITEM 5 – INTRODUCTION OF NEW PLANNING COMMISSIONER, TO THE BEGINNING OF THE MEETING. VOTE: YES-ALL (7), NO-NONE.</p>
<p>1. PUBLIC HEARING TO CONSIDER AMENDING SECTION 6-1-14 OF THE ELK RIDGE CITY CODE REGARDING SNOW REMOVAL</p>	<p>Chairman Adamson read from tonight's staff memo the following:</p> <p><i>BACKGROUND: The mayor requested that the planning commission amend the Snow Removal code regarding when cars can be parked on city streets. The current code states that from 1 Dec. to 1 Mar. it is unlawful to park any vehicles on city streets. The mayor wanted our code to match what the sign at the entrance to the city states "1 Nov. to 1 Mar". In review of other city codes, it was noted that many, instead of giving a time-frame when all parking would be illegal on the street, give the conditions that are present that require removing parked vehicles.</i></p> <p><i>PROPOSAL: It is proposed that the code be changed to remove the time-frame when no parking is allowed, to stating the conditions that when snow is falling or is present in the travel lanes of the road, that parking is prohibited. Also listed, is language that allows vehicles to be towed immediately by the city, if needed, at the owner's expense.</i></p> <p>The amended code is included in tonight's packet on file at the city office. It was read by Chairman Adamson.</p> <p>Chairman Adamson invited public comment on the proposed changes. The following discussion ensued.</p>

1. Reed Mauchley: asked if that included areas that are not now plowed. He complained that he has an area in front of his home that has not been plowed for the two years he has lived here. Chairman Adamson explained that the way the code is now written, it is technically not allowed to park on the street between the dates noted in the code. He stated we are trying to make it more reasonable for the citizens by stating parking along the streets is illegal only if snow is falling and is in the travel lanes. Mr Mauchley lives at 93 S. Fremont Way.

Reed stated that his neighbor had to buy a snow plow, as the plow passes by him 20-30 feet into the street and he had to buy the plow to get out of the snow. Chairman Adamson concurred this is one of the hazards of living in a high-snow area.
 2. Shawn Eliot explained the city plows are only to plow the travel lanes. He explained one of the reasons the Mayor asked the code be changed is a citizen complained about a car parked in the street during these dates, but there was no snow on the ground, and it did not seem reasonable that he not be allowed to park in the street when snow conditions were not present. Shawn took Mr. Mauchley's phone number and said he would call him if he found out anything.
 3. Lynn Petersen: He lives down in the canyon. He stated that realizing people do like access to their places during the winter, the snow plow making a one-and-a-half run in the street going up to the cabins, pushing snow into his son's driveway is not adequate. You can't get by with that. It is an imposition to try and get out. It is not wide enough to park there. Russ asked for comment in terms of the proposed code. Mr. Peterson said they called the police on some of the people who park in front of his son's house as they block the way. Russ stated they would put some new signs up there when the new code is passed.
 4. Mr. Petersen stated that when the snow melts after the parked cars leave, there is trash all over. Russ stated that is more of a law enforcement issue. Shawn stated there are signs prohibiting that. Mr. Petersen said the sherrif said there are not enough signs in the canyon to warrant action on these people. Kelly Liddiard stated the city ordinance does not have to be posted on the roadway to make it valid and enforceable.
 5. Debbie Currie: works during the day. She leaves in the morning at 7 a.m. If it snows after she has left and she has a car in the street, she wondered at what point it would be towed. Russ stated that if it is in the way, and the owner cannot be reached, it can be towed so snow plow service can proceed. If it is snowy season you should not park on the street.
 6. She stated her son has a small car that could not get up the driveway. The snow plow would bury that car if it were stuck at the bottom of the driveway. She asked what they suggested. Russ stated that they were responsible for getting the car out of the way.
- Chairman Adamson closed the public hearing at 7:15 and asked for commissioners comments. The following discussion ensued:
7. Kevin Hansbrow liked the new code. The snow plow drivers are concerned for public safety. This code fits.
 8. Kelly Liddiard thinks the new code is too lenient and would like the dates to remain, between which no cars are allowed to park on the streets. He felt the old code was easier to enforce. Paul Squires agreed. He felt the dates might be changed.
 9. John Hoschouer likes the new code, where cars can park on the street if there is no snow.
 10. Scot Bell felt that the dates limited people. He did feel the snow plow driver should have the discretion to call a tow truck. He stated these problems are part of the situation that arises from living in a mountain community. He did feel that maybe there should be a couple of hours given to the owner of a stuck car to get his car out.
 11. Dayna Hughes liked the proposed code the way it is written. She does not see the snow plow drivers as vindictive. They are going to try doing all they can to keep us safe. She likes the new code.
 12. Paul Squires likes the dates. Otherwise it allows people to park on the street and possibly get towed. The snow plow drivers, again, are not vindictive.
 13. Chairman Adamson made note that many of the commissioners still want the dates left in.

A MOTION WAS MADE BY KEVEN HANSBROW AND SECONDED BY DAYNA HUGHES TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE PROPOSED CODE AMENDMENT TO SECTION 6-1-4 REGARDING SNOW REMOVAL AS STATED IN THE STAFF MEMO. VOTE: YES (5), NO (2) KELLY LIDDIARD AND PAUL SQUIRES.

<p>2. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO ELK RIDGE CITY CODE, SECTION 10-11A REGARDING THE PUBLIC FACILITIES ZONE, AN AMENDMENT TO THE ZONING MAP AND GENERAL PLAN AMENDMENT TO FUTURE LAND USE MAP</p>	<p>Chairman Adamson opened the public hearing at 7:15 p.m.. City planner, Shawn Eliot, summarized this item: Shawn passed out a map with slight changes to the one in tonight’s packet. Some of his comments included:</p> <ol style="list-style-type: none"> 1. Most cities have a zone similar to our public facilities zone. Things (such as parks, golf courses, churches), which are public or quasi public, are included in these zones. We already have reference to such a zone in our code. The city was just not utilizing this. The request from the city council was that we put open space in this zone so that it will be better protected. 2. This proposal is that all in red on the map be put in the Public Facilities Zone. The only properties that are there, are either open space, parks, owned by the City of Elk Ridge, Payson or the LDS Church. There are no private properties on the map shown to be proposed for the new zone, except they do show the open space areas in the PUD on the north end of town. 3. The code in the zone states that if a piece of land, park or open space, that is in this zone has the restriction that no construction can occur on that property other than what is used by that property (i.e. bathroom in park, etc.). <p>Chairman Adamson stated that we are basically utilizing part of our code that already existed for better protection. He invited public comment on the proposed zoning change.</p> <ol style="list-style-type: none"> 4. Garren Holman asked about the property near the 7th hole of the golf course that the city water tank is being built on. He asked what that is currently zoned. He thought it was open space. Shawn Eliot stated it is Critical Environment now, but is proposed to be in the new Public Facilities Zone. 5. Weston Youd asked if an area is zoned Public Facilities, are there limits as to what the city can do with it. He asked this because where Park Drive meets Loafer Canyon, the city is storing fill, road waste, and asphalt. Could the city still do this? Shawn said “yes” because it is not zoned open space. Weston said “you could then have it trashy right in my back yard”. Shawn said he would take this back to the city to see if they could fix this a little. 6. Steve Fillerup: What is happening with the 7th hole of the golf course. Nelson Abbot, city councilman, stated that the city made an offer to Payson to purchase this property. Their offer is still being negotiated. We are waiting for their new city councilmen to come in as they will be the negotiators. He could not go into detail regarding the offer as it is not public information. Our city wants to turn it into park space. 7. Shawn Eliot stated that the nice thing about a property being in this zone, is there is a list of uses that you can do – civic buildings, schools, parks, open space, etc. but once in the zone the only way to change the use, is rezone it, which requires noticing all neighbors around the property. This makes it better protected. Elected officials have to approve the change 8. Chairman Adamson closed the public hearing at 7:30 p.m. and invited comment from the planning commissioners. 9. Scot Bell asked if all neighbors were notified and was told they were – all people within 300 ft. of the proposed properties. Shawn Eliot stated we used tax records for the addresses. There may be some discrepancies, but this is the best we can do. 10. Someone complained about the water tank visually and was told that if he has complaints that should be taken up with the Mayor and the city council at the public forum portion of the city council meeting. Also, the visual problem Weston Youd has should be taken up at that time. Weston felt he would be better off if there were a nice home on this lot, rather than city storage. <p>A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE PROPOSED CHANGES TO THE PUBLIC FACILITIES ZONE. THE COMMISSION FINDS THE PROPOSED CHANGES ARE CLEARER TO UNDERSTAND, BETTER REPRESENT GOVERNMENT AND QUASI-GOVERNMENTAL USES, AND SHALL PROTECT THE ENVIRONMENTALLY SENSITIVE AREAS OF THE CITY. VOTE: YES-ALL (7), NO-NONE (0).</p> <p>A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HASBROW TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE PROPOSED ZONING MAP AND GENERAL PLAN FUTURE LAND USE MAP. THE COMMISSION FINDS THAT THE PROPOSED CHANGES TO EACH MAP ARE APPROPRIATE IN IMPLEMENTING THE INTENT OF THE PUBLIC FACILITIES ZONE. VOTE: YES-ALL (7), NO-NONE (0).</p>
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<p>3. PUBLIC HEARING TO CONSIDER AMENDMENT TO SECTION 10-12-38 OF ELK RIDGE CITY CODE REGRADING FIRE SPRINKLERS</p>	<p>Chairman Adamson introduced this topic. He read from the staff memo:</p> <p><i>BACKGROUND: The city council approved the new fire sprinkler code in November 2007. The planning commission was concerned the portion of the code that stated that "the fire sprinkler system comply with the fire code and related regulations and standards adopted by the city". The building inspector clarified that developers would be referred to the requirements of the National Fire Protection Association, Article 13. The planning commission requested that this verbiage be added to the code.</i></p> <p><i>PROPOSAL: The code be amended to add language directing an applicant to the National Fire Protection Association, Article 13.</i></p> <p>The following discussion ensued:</p> <ol style="list-style-type: none"> 1. Chairman Adamson summarized by stating that the amendment will add the verbiage to the code that Article 13D of the NFPA be the standard. 2. Shawn Eliot added that a little over a year ago there was proposed development in the hillside area and the fire chief approached the planning commission and said that as a fire department they did not have the manpower during the daytime to be servicing these hillside areas as adequately as they would like. There are basically two people on call during the day and if they were to have a fire, they would have to wait for backup from the Payson Fire Department. <p>At that time he asked the commission to look into a fire sprinkler requirement. We looked at Woodland Hills and Alpine. We learned (from our building inspector, Corbett Stephens) that the cost is approximately 1% of the cost of the home. He also stated that if fire sprinklers are required there are other parts of the building code that can be relaxed. He mentioned specifically, double sheet-rocking the garages. This, he said, would help negate the cost.</p> <p>This is the main reason we added this requirement. The reason we are adding this verbiage is to better define the standards in the code. It probably should be in the Development and Construction Standards, but can be in both.</p> <ol style="list-style-type: none"> 3. Chairman Adamson was reminded that the actual code has already passed, this just further defines it. <p>Chairman Adamson opened the floor for public comment:</p> <ol style="list-style-type: none"> 4. Ron Rydeman: From the Utah Home Builder's Association, registered their feelings that Section 13D of the NFPA is a very detailed and technical section in the code. It will provide an extreme hardship on local builders and be very expensive to implement. This expense will be passed on the actual homeowners. They (Utah Home Builder's Association) do not agree with the implementation of this ordinance. He introduced Mr. Scot Harker, who is with one of our local builders, to further express these feelings. 5. Scot Harker: expressed his concerns. He stated that typically fire sprinklers go in homes in heavily wooded areas. That makes a lot of sense. Or, if the fire responders time is significantly effected. He felt that for a fire sprinkler system to be mandated across the board was extreme. He registered his concern. They are building 30 plus homes in the next year or so in Elk Ridge Meadows, which is very close to a fire station. There are no heavily wooded areas. He stated we are placing an unnecessary burdon on single-family homes. He does have a system in his home and it is problematic. <p>The system has to be inspected by professional fire people – the antifreeze and so forth has to be just right. This doesn't happen. Three or four years down the road these systems start bursting. It is problematic and costly. It is a home-owner's and builder's nightmare because people don't maintain the systems like they should.</p> <p>He wants to go on record (though it has already passed) that this is an extreme measure, especially with the current problems in the real estate market. The cost would be \$6,000 to \$8,000 a house... very expensive. 6. Allen Nielson: Owns some property at the bottom of the hill. He is a professional engineer in the states of Utah, Nevada and a few other states. He stated that it is pretty naïve thinking that the savings from double sheet-rocking a garage will pay for a sprinkling system. He has been in the business for 45 years. The cost of these systems is very high. He feels this is outrageous that an ordinance is passed to require sprinkling systems. It is very expensive. He does buildings all the time and has done a lot of systems. 7. Kevin Hansbrow: commissioner, restated that the reason is that our fire department has low staff and </p>
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is mandated not to go into burning homes with just two people and would have to wait for Payson to arrive.

8. Scot Harker: stated he understands, but there is a typical response time that when measured, if cannot be met, a fire sprinkler system is advisable. He said he has measured the distance to the fire stations that would back us up, and it is well below that dangerous response time. He restated that this is extreme.
9. Ron Rydeman: actually called the Payson City and Salem fire departments and spoke with them. They already respond to about half of the fires here. The drive time in the northern part of the community is only 7-10 minutes response time. This is from the time they get the phone call to onsite. Kevin Hansbrow stated that that may not be right from the time the fire breaks out. Ron stated there are communities that have been without these systems for some time.
10. Chairman Adamson stated that the commission understands their position and concerns and asked if there were any other comments.
11. Debbie Currie: said she looked into putting sprinklers in their home and due to expense they did not do it. When that fire broke out on the Salem Hills Drive they were very scared and it was close and she wished they had put them in.
12. Fred Gowers: asked regarding the concern of putting such a standard in the code that is controlled by someone else, how much chance is there of that standard being changed? Russ Adamson stated that this is always the risk, you do the best you can with whatever code is out there. You address changes as they occur. We use the best resources we can for our code. Typically, if the reference code changes, we adopt those changes. We don't specify which revision we adopt. It is open-ended.
13. Dayna Hughes suggested tabling a motion on the ordinance until all the commissioners had read the standard. Shawn stated it was the building inspector who read it. Russ stated that Woodland Hills and Park City have both adopted this standard, there is a precedence in using this.
14. Ron Rydeman left some information from the Utah Home Builder's Association with the commissioners to review. It is their recommendation to table the issue.
15. Reed Mauchley: an Elk Ridge City resident, stated that this should be the individual home-owner's responsibility and choice.

Chairman Adamson closed the Fire Sprinkler code amendment discussion at 7:50 p.m.

A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY DAYNA HUGHES TO TABLE A DECISION ON THE PROPOSED AMENDMENT TO THE FIRE SPRINKLER CODE, SECTION 10-12-38 OF THE ELK RIDGE CITY CODE, PENDING FURTHER REVIEW OF THE STANDARD BEING ADOPTED. VOTE: YES-ALL (7), NO-NONE (0).

Dayna Hughes asked if it were feasible she would like to get a copy of Article 13D of the NFPA. She was told it is in a book in Corbett's office.

4. PUBLIC HEARING TO CONSIDER PRELIMINARY PLAT OF FAIRWAY HEIGHTS, PLAT C

Chairman Adamson opened the public hearing at 7:55 p.m.

Shawn Eliot explained the project. Some of his major points were as follows:

1. Shawn stated we will have the public hearing first. The planning commission will then discuss the plat and then the motion will occur.
2. BACKGROUND: This plat has been before us for the last year. The plans have changed significantly since then. Before, significant earthwork was proposed on the mountain above Hillside Drive and there were many more mountain top lots. There were double the lots proposed for the Hillside. The ravine to the west of the hillside had proposed lots.
3. What is being proposed tonight is much different. Shawn pointed out the proposed open space with the trail going through it from Fairway Drive. A trail system is being looked at from Cove Drive into the golf course so people can get between the areas.
4. The lots on Fairway Drive are being proposed to be a minimum of 15,000 sq. ft. which most of the lots in that area are. The top lots are all one-acre plus, except three which are half-acre. The darker lines show where grading work is proposed. Also on the map the silt fenced area is shown. The code now states you must show the area you will disturb during construction. You may disturb the development to do road systems and infrastructure but not until people buy a lot and turn in a permit and grading plan, can they disturb actual lots. This protects the natural environment.

5. Shawn read from the staff findings as follows:
1. *Generally the preliminary plat adheres to the intent and regulations of the code.* (Shawn explained there are two areas, the open space and the Hillside to be considered in the code. The applicant has included both in the project.)
 2. *Lot 24 does not adhere to the development standard that states that you can only grade 50% of a buildable area on 20 to 29% slopes.* (Shawn explained Lot 24 does not conform to the development standards, in slopes that are 20-30% you can only grade half of the buildable area. Lot 24's building envelope does not contain an area big enough to fit this standard. Tonight we need to recommend to city council whether they can have an exception and build on this lot.)
 3. *The actual location of the trail through the open space area will be determined using aerial photos to help minimize the amount of trees removed. This can be done prior to final plat.* (Shawn stated the location of the trails is still to be determined)
 4. *A trail connection between lots 12 and 13 connecting to the golf course and Cove DR needs further engineering work to make sure it can be constructed. This can be done prior to final plat.*
 5. *Debris/soil storage areas need to be identified on plat map.*
 6. *Fire hydrant on lot 7 needs to be relocated between lots 5 and 6.*
 7. *The road improvements past the circle of Fairway DR stubbing to the Peterson property need to be shown as installed.* (Our public works director has said there is a right-of-way there and wants this road to go through. The property owner does not want this to happen now. Our public works director is thus requiring we end the improvement right there – at the end of the cul-de-sac – or have money put in escrow to do later. Once the road goes through we would have the currently designed turn-around as a bulb in the road. If the road never goes through you would just have a turn-around.)
 8. *Existing 10" water line in Salem Hills DR needs to be shown. Lots 17 through 24 need to connect to this line.*
 9. *8" water line proposed in Salem Hills DR needs to connect to new city water tank west of Fairway DR. The city will need to negotiate an easement through the Peterson property.*
 10. *Lots 5 and 6 should be shorter to allow trail to be part of open space area.* (The trail is shown as an easement on private property on these two lots. We would like these in open space)
 11. *Drainage issues at Fairway DR/Hillside DR intersection are to be engineered prior to final plat.* (There may need to be a drain installed under the street. There are existing drainage issues that need to be resolved.)
 12. *To minimize cuts the turn-around circle on Ewell's Landing is smaller than code allows (100' vs 120'). The turn-around was also set back from the steeper slopes to the east.* (The bulb is mainly for snow removal and since there are only 2 lots accessing it, staff felt it was appropriate to reduce the size.)
 13. *Grading on top of hill was proposed for lot 21 to help minimize the visual impact of a home over the homes on Hillside DR.* (Since we are trying to minimize the visual effect of these hilltop homes it is suggested that we grade this lot closer to the grade of the road it is on. This needs to be discussed tonight.)

Public and developer comments were invited. The following discussions ensued:

1. Brian Ewell reiterated they have been before the commission for about a year now. Some of their original renditions had more lots. They have tried to work with residents and feel like they have come to more of an acceptable plan with less lots and less disturbance of the hillside.
2. Allen Nielson asked how much was proposed in cutting down Lot 21. Tony Trane, developer's engineer, responded that about 9 feet will be cut off. Mr. Nielsen has a lot below. Tony explained that when they come back at final the amounts will be cemented. Brian Ewell stated they had been trying not to disturb the land and it was actually the city that proposed they cut this top of hillside off on this lot. Shawn Eliot explained that this will minimize the effect on the homes below. It was discussed whether this should be done on the adjoining lots – there will be mounds left on those now.
3. Derrek Johnson stated that at previous meetings Brian Ewell agreed to make the house on Lot 21 be required to be a rambler. Brian does not want to require this of the owner. He said he would look at the possibility but did not promise. Derrek was upset because he felt Brian promised this to get the neighbors to approve and was now taking that back.
4. Brian stated he had no problem doing a rambler but he is not the only property owner and needs to discuss this with the other owners. This would be covered in the CC and Rs.
5. Garren Holman, a resident on Cove Drive, below the proposed development on the west side, expressed concern about the drainage of Lots 9-12. When he built his home he had to have an engineered drainage plan approved. All this drainage channels to his house on the cul-de-sac. He built a drainage system to address this. The trees slow down this drainage now, but when the hill is bare during development – this could be a problem. He wants to make sure this issue is addressed.
6. Shawn Eliot stated he spoke with the engineer today and the slope will be fairly low. He will require all water on the hilltop lots to be collected and handled onsite so there should be no run-off on the

lower lots. This could be brought up with the engineer for the lots above Garren's home to be required to contain their water also. (Lots 9-12). Some houses require all gutters go into French drains so they don't go out of the yard.

7. Debbie Currie asked why the lots on Fairway Drive were so small? Shawn Eliot explained that this was because they gave open space and the small lots were the bonus for giving open space. This helps preserve larger areas of natural open space. The code does allow for this.
8. Debbie also expressed concern for traffic. All the cul-de-sac cars would come down her street. Chairman Adamson explained that the circulation plan does show that street being continued anyway, so the traffic for her would increase eventually.
9. Lari Fitzgerald questioned re: the lot next to Gunnerson's which is not being developed? This lot belongs to the Petersons and they will have to address their drainage. She also asked what the lot sizes were going up Hillside Drive. Shawn Eliot stated they are close to 15,000 – close to what the proposed lots on Fairway are.
10. Michelle Calcote had some questions re: Lots 20, 21 and 22 on top of the hillside. She stated that even if 21 is a Rambler, you will see those houses from miles and they will be an eyesore. When they bought the lots below, the city promised them that because of the shape of the land and steepness of the hill, this land would never be developed. The planning commission now has the opportunity to decide whether that commitment means anything, or not.
11. Kevin Hansbrow stated developers and land-owners have rights, and if they meet code, the commission cannot stop them from developing. The commission is bound by code.
12. Michelle stated that any reasonable person who comes in and sees a property on a map labeled "Critical Environment" is going to think that means something more than just housing. Derrek said they were all told that. Michelle said the commission can choose to what degree the hill can be built on.
13. Mike Brockbank asked what is to stop people from taking out shrubbery. Shawn said during construction phase of road the area not to be disturbed is marked out and the inspector will check that and stop them. Once the lots are purchased the full-time building inspector will check on things.
14. Kelly Liddiard explained that in the Critical Environment Zone, you cannot disturb vegetation out of the building footprint. This will be determined at the grading permit time.
15. Garren Holman asked if there was a proposal to change the zone on this property to something other than Critical Environment. Shawn Eliot said "NO", there is actually a proposal to make this area have stricter requirements. Shawn stated that if a property owner starts to violate code regarding disturbing vegetation on his property, it is appropriate for a neighbor to call in and report him to the city, who will then take action. Grading plans must be submitted for each lot showing the buildable envelope. They will be required to put up a silt fence to protect the other area. There are not fines if they violate this. This can be discussed.
16. Shawn Eliot stated that the proposed code requires more open space and more vegetation be kept on the lot. It does not allow third-acre lots. The largest would be half-acre and acre lots.
17. Weston Youd questioned the building envelope on Lot 23. Lot 24, it was mentioned, is out of code, due to an excessive amount of the lot being over 20%. Shawn Eliot said that if they were to re-arrange building envelope on Lot 23 they would probably be within the letter of the law. A building envelope does not mean they will grade the entire area, it is just the area they are allowed to grade within. The development standards say you can only grade 50% of the building area, so basically you have to have a building area with 50% under 20% slopes.
18. Allen Nielson stated he was not here when cutting the hillside was discussed. If you are cutting the road 9 feet and the hillside 16 feet, why do you have to flatten it out. Tony Trane mentioned the neighbors did not want houses so high on the hill above them. As now planned the backside of the homes will have a berm which lessens the impact on the neighbors below on Hillside Drive. This will kind of hide the construction.
19. Dayna Hughes asked for order. She asked if there were comments from anyone who has not yet commented.
20. Nelson Abbot mentioned the code is there. It is the commissioner's job to enforce it. The current code states you cannot have more than 10 homes in a cul-de-sac, nor can a cul-de-sac be more than 450 feet long. Shawn Eliot mentioned they had the road going through the ravine and allowing a longer cul-de-sac and relocating the road is actually less evasive to the environment. In the new proposed code, after researching what other cities allow as far as length and number of homes

- allowed on a cul-de-sac, we are very low and propose changing to allow 20 homes on a cul-de-sac (we have streets now that have 20) and many cities in hillsides average 500 ft in length and many cities say that if having a through-route is more destructive to the environment than having a cul-de-sac, they allow up to 900-1,000 feet. The longest true cul-de-sacs in our city now are 700-800 feet.
21. Nelson asked what the slopes in the ravine are. Shawn mentioned about 30%, the road would have been about 10% slope through that area. It was felt with the drainage, and vegetation in that area, that it was more beneficial to have a temporary road that might be punched through later.
 22. Nelson Abott asked, if that was the plan, what is the minimum width for a cul-de-sac and does this proposed road meet that standard. Will the frontages meet the standard requirements on Lots 7 and 10 if the road gets punched through? The bulb turn-around in the middle of the road, if it gets punched through, seems a little crazy to me. Shawn said they will be fine. The frontage requirement is less on a cul-de-sac. Shawn stated that money to pay for curb and gutter in the future for this road could be put in escrow. The problem is if it does not come online for 10-20 years will this money be enough. The curb and gutter is needed for drainage issues.
 23. Lance Pape, who lives to the east below the steep hill, asked if slope stability studies were done or soil percolation tests. The hill is grassy in large areas and the reason you have grassy slopes is it won't support trees, which indicated instability on the slope. Shawn Eliot stated geotech studies have been done, but at final plat, more complete studies will be done. Our engineer does require these reports. A preliminary report has been turned in and this report will be finalized. They will go dig holes and take sample. Lance asked if this should precede any decision-making as to what we advise. Shawn Eliot stated that our engineer said it would be OK to wait until after preliminary approval. If it comes in and is not workable they will have to change it. RL Yergensen said the trees won't grow on those slopes because it has caliche under it (*from dictionary: Caliche is a hardened deposit of calcium carbonate. This calcium carbonate cements together other materials, including gravel, sand, clay, and silt. It is found in aridisol and mollisol soil orders.*). It is like concrete and is very stable.
 24. Lari Fitzgerald asked if the CC&Rs control what goes in in a development. Can you put in CC&Rs re-vegetation requirements. Shawn Eliot explained that the code actually requires re-vegetation and the time-frame is within a year after they grade.
 25. Debbie Currie asked if there was code to check what type rocks were used on rock walls, as she has seen some of these rocks disintegrate. Russ stated the city engineer reviews this. Shawn asked RL if the engineer has requested any particular rock. He said his rocks are limestone.
 26. Margo Brockbank, Michael Brockbanks daughter, said they should respect the kids too. This looks like crap and it doesn't look like we care about animals.
 27. Leslie Whitlock on Hillside Drive said this area was shown as landslide area. It seems geotech studies should be finished when this could be a problem. Shawn Eliot said at preliminary plat they normally give preliminary findings, between preliminary and final they put the money into the technical design, including the geotech studies. If preliminary is not passed they do not want to have spent all this money for the final studies, so they wait.
 28. Russ asked Shawn if he was aware that this hill was shown as landslide hazard? Scot Bell said he is not so sure it is as much landslide, as it is an alluvial fan. Everyone in Elk Ridge lives on this.
 29. Derrek Johnson wants to understand right, this has been OK'd due to the new reformed code. Ken Lutes asked why we are not doing code first, why are we in such a rush? Derrek said if we are doing this then the ridgeline would not have passed. Why use some of the new code and not all of it? Shawn Eliot stated the developer is vested in the current code. The current code allows him to do something more damaging than the new code – i.e. tearing out the ravine, disturbing the drainage, we as a planning commission allowed him to use the new code which would allow him to do something less damaging. To appease the neighbors to the back we are saying it is better to grade the one lot, Lot 21, now so it will be camouflaged.
 30. Allen Nielson said there is no place more restrictive than California, and every time they get substantial rains, the hills come down. Being below these hills scares him. Shawn stated that one of the tough things we have here is Utah is a property rights state. The only rights we have are in relation to hazard mitigation, and even those are not that strict. There has been a lot of talk in the state about landslide mitigation. A state law was proposed that said cities could not regulate hillsides at all. If the developer's engineer said it was buildable, you had to let them build it. Luckily, this did not pass. There are two sides to the issue. Utah is more aimed towards developers than not.
 31. RL Yergensen stated that for our peace of mind. The road was originally on the east side of the hill. Now it has been moved to the other side getting it away from the people. After the road is in there

	<p>will be no more water running down the hill than is now. The lots will drain towards the road rather than down the hill. What is shaded on the hillside to the east of the roads will never be touched.</p> <p>32. Todd Trane stated that the owners of Lots 22 and 23 will have to provide an engineered site drainage plan for approval. They can't be sloped towards the road, but will have to contain their drainage.</p> <p>33. Russ Adamson said typically at a public hearing, they limit one comment per attendee and limit the time of that comment. Knowing that everyone here has strong feelings, I have let this public hearing be very open, a lot of discussion. At the end of the day the planning commission does not have a ton of say, other than what the code allows. We have to work within the code and balance all the issues. If the developer is within the code he is subject to, we cannot deny him. We will look at your comments, take them into consideration, we have a lot of work to do before we move this forward. I am going to wrap things up unless someone is anxious to say one more thing.</p> <p>34. Debbie Currie asked how often the code changes. Do we need to keep coming to the meetings to make sure we are on the same page? Russ mentioned codes do change. Once a developer makes his application and pays his fees, he is vested under the code that is in operation at that moment. If code changes are in works, the developer can opt to go with the proposed changes.</p> <p>35. Chairman Adamson stated the code changes being proposed are to help make the code more in line with what the community wants. We negotiate with developers when we know the code does not work. Now we are in a compromise situation to make sure it works for both sides.</p> <p>36. Shawn Eliot stated that we are changing the code now. With the prior code we never had a development in the CE-1 Zone. We had a few individual lots but not a whole development. Now that we have had a few developments, we are seeing portions of the code that did not work. We are required by law to let them use that code. Looking at what this development proposed a year ago, the new proposal is much better.</p> <p>37. Shawn stated that the commission will be meeting with the city council in two weeks in a workshop to go over the new code. There will be a public hearing on the new code the first week in February. Chairman Adamson invited the audience to come to that public hearing. The code is what we have to go by. If you have input on the code, that would be the place to give it. A lot of the concerns I am hearing tonight, we have no ability to do anything, as we must follow the code. That is important for you to understand.</p> <p>Chairman Adamson closed the public hearing at 8:55 p.m. The motion is on tonight's agenda under a separate item.</p>
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<p>5. DISCUSSION ON ELK RIDGE CITY CODE RE: ACCESSORY BUILDINGS</p>	<p>Shawn Eliot introduced this discussion. A resident, Mrs. Fillerup, has requested that the planning commission review our accessory structure code. The following points were made:</p> <ol style="list-style-type: none"> 1. Shawn stated that right now we allow accessory structures to be built within five feet of the property line and as long as they are not connected to the main building. There is also a requirement as to how far they can be from the main building. 2. Mrs. Fillerup explained that next to their home there was an indoor swimming pool built five feet from the property line with a whole row of windows looking into her back yard and house. What she approached the city with, knowing there is nothing she can do to change her situation, is that for the future, is there anything that can be done to restrict this. 3. Shawn went through other city codes. He found one that said buildings within that five foot property line cannot have windows along that property line. I think the original code is more for storage sheds. This building is more like a family room. Some cities allow you to have accessory structures as high as your house. Our code is similar to other cities, which allow a structure 20 feet tall. 4. Mrs. Fillerup showed pictures of the structure and stated that the privacy of her back yard is very much invaded. They have an open back yard. Throwing a football which might hit the window is not an issue also. She is more opposed to the windows, than the building. 5. Tonight's staff memo included our code and the Mapleton City code, which states that the accessory building contains no openings on the side or sides adjacent to the rear and/or side lot line. . 6. Shawn mentioned we have never allowed a normal living area to be just five feet from the property line. It is also against fire code. 7. Chairman Adamson felt we should set a public hearing and consider changing our code. <p>RUSS ADAMSON MADE A MOTION THAT WAS SECONDED BY KEVIN HASBROW TO SET A PUBLIC HEARING FOR THE FIRST OR SECOND MEETING IN FEBRUARY TO</p>
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	<p>CONSIDER AMENDING THE ELK RIDGE CITY CODE REGARDING ACCESSORY BUILDINGS SO AS NOT TO ALLOW WINDOWS ON THE SIDE ABUTTING THE NEIGHBOR’S PROPERTY. VOTE: YES-ALL (7), NO-NONE (0).</p>
<p>6. FAIRWAY HEIGHTS, PLAT C, PRELIMINARY DISCUSSION AND MOTION</p>	<p>The commissioners discussed this as follows as they reviewed the questions Shawn Eliot, planner, posed on the memo for tonight’s meeting regarding Fairway Heights. (Item from memo is italicized, planning commission discussion on that item follows and is not italicized.):</p> <p><i>The planning commission should decide:</i></p> <ol style="list-style-type: none"> 1. <i>If the preliminary plat fits the intent and regulations of the code.</i> <p>Dayna Hughes felt “yes” and “no”. She said the cul-de-sac does not fit the code. Kevin Hansbrow stated this is the worst of two evils. They could come back with their original version which had more evasive cuts and fills. Shawn Eliot stated that he spoke with our attorney (David Church) and he said if you are in the process of changing the code and this is what you are proposing to change it to, you just state in your motion this is what you are doing and this is fine. Again, there is only one other city in the county that limits homes on a cul-de-sac to 10. Most of the cities allow 20. Kevin Hansbrow also reminded the commissioners that this road should eventually extend. Shawn stated our engineer suggested doing straight curb and gutter, and since it is mountable, just do asphalt on the outsides, which could be torn out, for the rest of the bulb. Our snow plow drivers did not like that idea because of hardship to the snowplow operators. It is back to: do you want a temporary turn-around and put in escrow money for the improvement of the gutter when the road goes through, or do you want to do this and have the turn-around.</p> <p>Russ suggested not allowing Lots 8 and 9 to go in immediately, and using them for the turn-around. Shawn said you could even do a temporary turn-around on Lots 8 and 9 AND allow them to be built. There are situations like that in the city. The engineer would require the sub base and road be built to city specs, but all you would have to do is cut out the sides of the temporary and put the curb and gutter in later. You would not have curb and gutter in front of Lots 8 and 9 if you were to do this temporary.</p> <p>Todd Trane said they had a discussion with the Mayor about this exact issue. What was brought up was that everyone wants to see the Peterson property developed but we don’t know when this will happen. The current temporary turn-arounds in the city are not well maintained, they fall apart. The Mayor and we would like to see something that is more permanent and looks nice and is maintained. If the Peterson property does not develop for 10 years, you will have an eyesore there that long. With this proposal, the road is dedicated through, the potential is there, they would just tear out and do some curb and gutter. The bulb can be taken out or left there. The commissioners moved on to the next item.</p> <p>(This discussion includes Plats C and D).</p> 2. <i>If the balance between development and preservation is being met.</i> <ol style="list-style-type: none"> a. Kevin Hansbrow felt this rendition does that a lot better than earlier ones. Kelly Liddiard brought up the issue that Lot 24 does not meet code. Shawn stated that what is being proposed tonight would require an exception on Lot 24 from city council. Todd Trane asked if the code referred to the existing ground itself, or the buildable area after it was graded? Shawn Eliot read from the code. Todd said they will make it to code if indeed he did misunderstand. There will be a bit of grading to do on Lots 23 and 24 by the homeowner to meet code. They will readjust things. b. Shawn Eliot read from the code 02.32.030 –C-2 <p><i>Any area within a subdivision which has a percent slope between 20 and 29 percent may be graded, provided, however, that the grading area shall be less than one half of the area of such slope.</i></p> c. Todd said that it does not say that this lot is unbuildable now but in the future it may be. Shawn stated that the problem arises if the city approves this as a buildable lot, then they go to build it and there is not an area where they can get to for a buildable lot, the city has created an illegal lot and are liable. Todd Trane (developer’s engineer) stated that on the original plan he brought in, he graded four pads up on top of the hill to show how a grading plan would work on those four lots. He can make the code work with

grading. The code does not read as existing ground.

- d. Kelly Liddiard felt that the slope determination was to be prior to grading, Todd felt it was after grading.
- e. This is in the Development and Construction Standards, which is adopted by the code. Todd did state he will come in with a grading plan on Lot 24 that meets this code. Russ stated he can only grade half of that building envelope. Shawn looked at the map provided and a 4,000 foot envelope does not fit anywhere on this slope map on the lot that would allow this to happen. If this footprint is all on 20% slopes, you can only grade 2000 feet of the envelope. The commission needs to see a grading plan showing this can be done on that lot. Todd said the building envelope can be as large as he wants as long as it stays off 30% slope.
- f. Shawn mentioned that the code does allow for a 20 ft. setback exception to be approved rather than the 30 ft. setback. Todd said this would help them. He said it would make a substantial difference on Lots 23 and 24 and would minimize the cut.
- g. Chairman Adamson did not see any compelling argument to say that Lot 24 is not buildable. There is no maximum size in our code for a building envelope, just a minimum of 4,000 sq. ft. as long as it is not in 30% slopes. Todd stated the only lots with 30% slope in them are Lots 20, 21 and 22. They kept the buildable area outside of those slopes and labeled them as non-buildable.
- h. Shawn read from the code: 10-9A-5, 4A

In all cases the building lot location on the lot shall conform to the natural terrain and remain within the areas of least slope while allowing for a minimum building area in accordance with the provisions of this section 10-9A-8 of this article. The area of the design envelope could be considerably smaller than the lot to accomplish this requirement.

The front and back and rear setback requirements must still be met. No design envelope can be located within areas of 30% slope in accordance with provisions of 10-12- 34 of this title. Any 30% or over slopes shall be shown on the plat map as unbuildable.

- i. Dayna Hughes asked about the berming effect mentioned for the back yard. Todd Trane stated that at TRC they were told that if they bermed the lots at the back, it would help minimize the visual impact on the neighbors on Hillside Drive so they agreed to do this.
 - j. Todd Trane explained that they will take the cul-de-sac down about 3 feet. The worst place is right by Lot 21. The hillside by Lots 20 and 21 will have to be cut down the most. They were trying to keep the west side of the road level with Lots 22 and 23 so as to minimize the fill. There will be no fill dropping off the hill. They will cut into the hillside.
 - k. There have been discussions about cutting down Lot 21 to minimize visual impact of the home. There have been discussions about a rambler home on that lot. From an engineering standpoint this is the design that will minimize the impact on the natural terrain.
 - l. When Todd first submitted to TRC he showed a 3:1 cut which followed code. It created a pyramid on Lot 21. None of the TRC liked this. They said to run the contours up on Lot 21 to create a slope to the road. Technically, he can make it look terrible and be to code.
 - m. Brian Ewell said there is only Lot 21 that you have to worry about. A home on Lot 22 wouldn't be looking down to the homes on the east side. Kelly Liddiard said that house will have a 360 degree view. However, Kevin Hansbrow and Kelly Liddiard commended the developer for listening and designing accordingly, but stated this is a touchy situation and the commissioners want to make sure they do the right thing.
3. *Is there information from the public hearing that needs to be used incorporated into this development?*
Commissioners felt "yes".
4. *Are there safety concerns with lots above the rock-terraced wall in the Oak Hills Estates D development?*

5. *Is the commission comfortable with the amount of 20 to 30 percent slopes in the building envelopes on the lots on top of the hill and is lot 24 a buildable lot?*

Discussed in Item 2.

6. *Is a long cul-de-sac better at preserving the unique terrain features vs. the road connecting to Salem Hills DR through the ravine/drainage?*

Commissioners felt “yes”.

7. *Is allowing 19 lots on a cul-de-sac appropriate (Fairway DR)?*

Commissioners felt “yes”. Kevin Hansbrow state “yes” for two reasons. One, it may eventually go through; and two, this is a compromise to minimize impacting the natural terrain. It is a trade-off. Shawn Eliot stated we are proposing code which will allow longer cul-de-sacs, we need to approve this. It is less damaging to the environment.

8. *Is the grading on top of the hill on lots 20-22 appropriate?*

Shawn stated that when this discussion first came up, it was grading Lot 21 only. Now they are showing 22 and 23. Kelly Liddiard said the grading there will mainly reduce the mound. There will be no reason to berm it. Chairman Anderson asked what will be done with all the extra dirt coming off the top of the hill. Shawn Eliot explained this will be needed and used to help cover the water tank. RL has already talked to Corbett Stephens about this.

9. *Is the smaller turn-around circle on Ewell's Landing appropriate?*

Commissioners felt “yes”. It minimizes the effect of the cul-de-sac. Todd Trane stated that 90% of the cul-de-sacs in the city are this width. Shawn Eliot stated that if we are OK, we still should check with the fire chief and make sure he is OK with it.

10. *Should the open space area be deeded to the city or made part of a home owners association? Need recommendation to city council.*

The commissioners liked deeding it to the city so residents would not be prohibited use because they were not HOA members.

The following discussion ensued after Shawns staff memo items were discussed:

- a) Dayna Hughes commented that Margo Brockbank and Michelle Calcote were honest citizens who were told by someone at the city that this area could not be built on. Is there anything that can be done about this wrong impression. She gave the developers credit for bending over backwards to work with the residents. She wants it on record that she thinks there should be some way to rectify this bad information from the city. She asked if putting ramblers on these lots would decrease the developer's ability to sell the lots. Brian Ewell stated they have bent over backwards to work with the city and residents and he would like to be able to let whoever buys the lot that they can build their nice big home. He is not saying he will not require a Rambler on Lot 21. When he first purchased the lot Mayor Fritz told him it was developable. Shawn Eliot said that state law does not hold the city liable for misinformation given out by city employees. The code is to be adhered to regardless of misinformation.
- b) Scot Bell felt it would not make a difference whether these homes were one, two or three story. They would all be able to see down to the other homes. Brian Ewell mentioned that the neighbors on Hillside Drive look down into their neighbor's yards as they go down the hill on that street. Todd Trane mentioned that because we are in a hillside community, almost every home looks down on someone.
- c) Kevin Hansbrow felt, and others concurred, that on Ewells Landing the building envelopes should be moved forward. There was some mixed discussion as to whether the size of the buildable envelopes should be allowed to be increased.
- d) Chairman Adamson asked if all the easement, sidewalk and curb and gutter was incorporated into the 100 foot bulb on the cul-de-sac. Todd Trane said it was. The 100 ft. is to the property line. (100 feet from property line to property line). Todd Trane stated that the TRC asked the developers not to put sidewalks on the west side in order to limit the cut. Shawn Eliot stated he forgot to put that in his memo and they need to include that. He also stated that as the cul-de-sac is land-locked there is no access out of it on the end. There will be sidewalks only on the east side of Ewells Landing, but on both sides of Fairway. Curb and gutter will be on both sides.
- e) Chairman Adamson stated that he wanted included in the motion that all contingencies listed in tonight's motion must be completed and approved by staff before the project goes forward to city council. This has been a problem in the past. The City Planner (Shawn Eliot) must be happy with the

changes. The alternative is to table the motion, have the changes made and the plat come back to planning commission. That is not a popular option as it takes so much time.

A MOTION WAS MADE BY KELLY LIDDIARD AND SECONDED BY KEVIN HANSBROW TO SEND FORWARD TO THE CITY COUNCIL FOR APPROVAL, FAIRWAY HEIGHTS, PLATS C AND D, PRELIMINARY PLAT WITH THE LISTED CONTINGENCIES, WHICH MUST BE MET AND APPROVED BY CITY STAFF BEFORE GOING FORWARD TO THE CITY COUNCIL.

THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT CONFORMS TO THE INTENT AND REGULATIONS OF THE CE-1 ZONE AND THE GOAL OF THE GENERAL PLAN IN STRIKING A BALANCE BETWEEN DEVELOPMENT AND ENVIRONMENTAL PRESERVATION. THE CONTINGENCIES ARE:

1. THE DEVELOPER'S ENGINEER MUST DEMONSTRATE A BUILDABLE AREA ON LOT 24 THAT WILL MEET THE ELK RIDGE CITY CODE.
2. THE PLANNING COMMISSION RECOMMENDS APPROVAL OF A 20' FRONT SETBACK EXCEPTION FOR ALL LOTS ON EWELL'S LANDING EXCEPT THOSE LOTS WHICH FRONT SALEM HILLS DRIVE.
3. IN ORDER TO MINIMIZE CUTS, THERE WILL BE NO SIDEWALK REQUIRED ON THE WEST SIDE OF EWELL'S LANDING.
4. TO MINIMIZE CUTS, THE TURN-AROUND CIRCLE ON EWELL'S LANDING IS SMALLER THAN CODE ALLOWS (100' VERSE 120'). THE FIRE CHIEF MUST GIVE HIS APPROVAL ON THE SIZE OF THE CUL-DE-SAC BULB ON EWELL'S LANDING.
5. THE OPEN SPACE BE DEEDED TO THE CITY BECAUSE, IF IT BECOMES A PART OF A HOMEOWNER'S ASSOCIATION, ACCESS TO CITY RESIDENTS NOT MEMBERS OF THE ASSOCIATION MAY BE DENIED, AND IT IS FELT THE WHOLE COMMUNITY SHOULD HAVE ACCESS TO THIS OPEN SPACE AND TRAILS WITHIN.
6. THE ACTUAL LOCATION OF THE TRAIL THROUGH THE OPEN SPACE AREA WILL BE DETERMINED USING AERIAL PHOTOS TO HELP MINIMIZE THE AMOUNT OF TREES REMOVED. THIS CAN BE DONE PRIOR TO FINAL PLAT.
7. A TRAIL CONNECTION BETWEEN LOTS 12 AND 13 CONNECTING TO THE GOLF COURSE AND COVE DRIVE NEEDS FURTHER ENGINEERING WORK TO MAKE SURE IT CAN BE CONSTRUCTED. THIS CAN BE DONE PRIOR TO FINAL PLAT.
8. DEBRIS/SOIL STORAGE AREAS NEED TO BE IDENTIFIED ON THE PLAT MAP AND NOTATION BE ON THE MAP THAT THEY BE CORDONED OFF DURING CONSTRUCTION.
9. THE FIRE HYDRANT ON LOT 7 NEEDS TO BE RELOCATED BETWEEN LOTS 5 AND 6.
10. THE ROAD IMPROVEMENTS PAST THE CIRCLE OF FAIRWAY DRIVE STUBBING TO THE PETERSON PROPERTY NEED TO BE SHOWN AS INSTALLED.
11. THE EXISTING 10" WATER LINE IN SALEM HILLS DRIVE NEEDS TO BE SHOWN. LOTS 17 THROUGH 24 NEED TO CONNECT TO THIS LINE.
12. AN 8" WATER LINE PROPOSED IN SALEM HILLS DRIVE NEEDS TO CONNECT TO THE NEW CITY WATER TANK WEST OF FAIRWAY DRIVE. THE CITY WILL NEED TO NEGOTIATE AN EASEMENT THROUGH THE PETERSON PROPERTY.
13. LOTS 5 AND 6 SHOULD BE SHORTENED TO ALLOW THE TRAIL BEHIND THEM TO BE ALL PART OF THE OPEN SPACE.
14. DRAINAGE ISSUES AT FAIRWAY DRIVE/HILLSIDE DRIVE INTERSECTION ARE TO BE ENGINEERED PRIOR TO FINAL PLAT
15. GRADING ON TOP OF THE HILL WAS PROPOSED TO BE APPROVED FOR LOT 21 TO HELP MINIMIZE THE VISUAL IMPACT OF A HOME OVER THE HOMES ON HILLSIDE DRIVE.
16. A NOTE ON THE PLAT INDICATE THAT AT THE TIME OF BUILDING PERMIT, OWNERS OF ALL LOTS IN FAIRWAY HEIGHTS, PLATS C AND D, MUST

	<p style="text-align: center;">DEMONSTRATE A DESIGN SHOWING THAT ALL RUN-OFF CAN BE CONTAINED ON PROPERTY.</p> <p>VOTE: YES (4), NO (2) DAYNA HUGHES, PAUL SQUIRES, ABSTAIN (1) SCOT BELL.</p> <p>Dayna Hughes voted “NO” as she did not feel she had received sufficient findings that the hillside is safe to develop on. It was explained that this would be done by Final Plat. Scot recused himself on this project because he has spoken with the developers about different aspects of the project, and feels he needed to recuse himself to avoid a conflict of interest. Paul Squires voted “NO” as he still favors animal browsing areas on the east side not be destroyed. He felt the road should be shifted and there be no houses on the east side.</p>
<p>7. ELK RIDGE MEADOWS PUD, PHASE 3, FINAL PLAT (WAS PHASE 3.3 – IS SCHOOL PORTION ONLY)</p>	<p>Shawn Eliot stated that Elk Ridge Meadows 3.3 is basically the school property. The following discussion ensued:</p> <ol style="list-style-type: none"> a. The city council passed the preliminary plat of this the other night. The entire property is just under 12 acres and does not include any of the improvements being put in by the developer, other than on Sky Hawk Way where it is showing a half road. Randy said he would put the whole road in when he does his development. Shawn stated we will require the school have an agreement with the city that states this. b. The 5.5 acres of open space on school property is being used to count towards open space for the remainder of the development. This allowed for the additional 11 lots in the open space area across the street. The lots were reduced in size. c. The TRC has reviewed this and it is very cut and dry for approval. d. There was a typo, the city is asking that this be called Phase 3, the other two phases that were originally a part of the old Phase 3 will be Phase 5 and 6. Phase 4 is the condos. The other two phases (5 and 6) are being held back from preliminary approval until the following issues are worked out: 1)the round-about issue, 2) the grading on Elk Ridge Drive and 3) the connection to county properties on the north end (alignment). e. They are looking at putting the round-about on the property the city just purchased for a new city hall, or at the intersection just to the north. The round-about concept is still alive and well. It is looking like the location near the school would be the favored choice. f. If the round-about is put on city property some compensation would be required. g. The applicant is here tonight and Shawn invited him to comment. Blake Powers introduced himself. He stated they talked about all of this at city council and Shawn has presented it well and he had no additional comments. h. Eric Allen (representing the school district) said the school actually voted and approved the purchase of this property last night. i. Mr. Powers said none of the 5.5 acres being credited for open space is parking lot or asphalt. He also stated that there is an agreement with the city that if for some unforeseen reason, the school sells the property and does not build, the 5.5 acres will remain as open space. j. Kelly Liddiard asked about fences and access to open space. Mr. Powers stated there will be no access to the school property from Elk Ridge Drive, the access will be from Cotton Tail Lane. Russ Adamson asked what type of setback will there will be along Elk Ridge Drive to the school. There will still be tree lined trails adjoining the property. There will be 20’ from the curb and gutter with trail and trees before the school fence. k. Shawn mentioned there used to be a trail going through the open space where the school is now proposed. Having the trail along the back of the lots with fences on both sides (school fence and home fences) created too much of a tunnel effect so the city decided to put the trail in this area in front of the homes instead. The school will continue the trail through their property, then it will go across the street into the park. He showed this path on the map to the commissioners. This might be put in the motion. l. A 10’ trail will be required on the west side of Cotton Tail Lane. Cotton Tail Lane will not be constructed (except for the four lots) until the school goes in. m. On the proposed motion, renumber the project to Phase 3, and add the agreement that the applicant

	<p>will enter into with the city that they will construct that portion of Sky Hawk Way abutting the school.</p> <p>n. In response to a question from Kevin Hansbrow as to whether the city could use the soccer fields, etc., Mr. Powers said “yes”, it will be a public facility. The school will still own it, but they work with cities a lot.</p> <p>o. Chairman Adamson asked for further comment and there were none.</p> <p>A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KELLY LIDDIARD TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF ELK RIDGE MEADOWS, PHASE 3, FINAL PLAT, WITH THE FOLLOWING CONTINGENCIES TO BE COMPLETED AND APPROVED BY STAFF BEFORE BEING SENT ON TO CITY COUNCIL:</p> <ol style="list-style-type: none"> 1. PHASE 3.3 IS RENUMBERED PHASE 3. 2. THE APPLICANT WILL ENTER INTO AN AGREEMENT WITH THE CITY THAT HE WILL CONSTRUCT A FULL-WIDTH ROAD ON THE PORTION OF SKY HAWK WAY ADJACENT TO THE PROPERTY. 3. A 10-FT. TRAIL WILL BE CONSTRUCTED ALONG ON THE WEST SIDE OF COTTON TAIL WAY ADJACENT TO THE PROPERTY IN LIEU OF SIDEWALKS. <p>VOTE: YES-ALL (7), NO-NONE.</p>
<p>8. CE-1 CODE REWRITE – JOINT WORK SESSION WITH CITY COUNCIL, JANUARY 22, 2008</p>	<p>Shawn Eliot stated that this will be a joint work session at 6:00 p.m. on Tuesday, January 22, to review the CE-1 Code Re-write and the Senior Overlay Zone.</p> <p>Shawn and the commissioners agreed to be responsible for presenting the various parts to the council as follows:</p> <ol style="list-style-type: none"> 1. The proposed code better sustains the goals of the general plan and the intent of the CE-1 with more defined regulations in the code. <ul style="list-style-type: none"> ▪ Setbacks from environmental features such as ravines, drainages, ridgelines, unstable soils, fault lines and steeper slopes are now defined ▪ A SENSITIVE AREAS PLAN is now required prior to preliminary plat. <p>Russ Adamson will review this item at city council meeting.</p> 2. Requirements are now quantified for better enforcement <ul style="list-style-type: none"> ▪ Cuts and fills heights are limited to 15 feet <i>(In response to a question by Scot Bell, Shawn explained they gave this requirement to the city engineer to see if this would work on 30% slopes, if it doesn't work maybe we should not go through 30% slopes. Not many cities allow roads on 30% slopes, this was added into the code to allow Elk Haven to develop.)</i> ▪ Roads on 30% slopes can only have runs up to 100 feet – must connect to flatter developable areas – can't be over 40% slopes ▪ Cul-de-sacs can be approved up to 1000 feet if the alternative of a through street is more damaging to the environment ▪ Secondary access is required for developments over 20 lots <p>Shawn Eliot will review this item at city council meeting.</p> 3. Base lot size is now one acre. <ul style="list-style-type: none"> ▪ Changed back to original density of the zone – one-acre lots. ▪ Half-acre lots are allowed with Hillside Cluster Overlay Zone <p>Dayna Hughes will review this item at city council meeting.</p> 4. Lot setbacks and frontages have been changed for greater spacing of homes. <ul style="list-style-type: none"> ▪ Lot frontage raised from 100' to 150' ▪ Front setback raised from 30' to 50' on front. (can approve 20 feet) ▪ Side setback raised from 12' to 30' ▪ Patterned after Woodland Hills requirements <p>Dayna Hughes will review this item at city council meeting.</p> 5. Created Hillside Cluster Overlay Zone for smaller lots/open space. <ul style="list-style-type: none"> ▪ Only approved by council – can be denied ▪ Allows half-acre lots clustered on flatter terrain – smaller setbacks

	<p><i>(under 20% slopes, not average of 20% slopes)</i></p> <ul style="list-style-type: none"> ▪ Required 40% open space ▪ Density bonus u to 30% can be awarded <p>Shawn Eliot will review this item at city council meeting.</p> <p>Shawn asked if this was what the commissioners wanted to talk about? More or less? And who wants to volunteer to review with the council.</p> <p>After discussion, the commissioners volunteered for various portions (see bold names after each item above).</p> <p>It was decided to discuss the HR-1 code prior to the discussion of the Senior Overlay Zone at the city council meeting.</p>
<p>7. APPROVAL OF MINUTES OF PREVIOUS MEETING – REMAINDER OF NOVEMBER 15, 2007 AND ALL OF DECEMBER 6, 2007 PLANNING COMMISSION MEETING MINUTES</p>	<p>Dayna Hughes requested some way to allocate approval of minutes so everyone does not have to read them all every time. Chairman Adamson felt everyone should read them. Dayna requested that we do not push approval to another meeting.</p> <p>The following corrections were made to the minutes of November 15, 2007, from Page 7 to the end:</p> <ol style="list-style-type: none"> 1. P8, Item 10, after “short stretches” add “up to 100 feet”, add “proposed” before “code” in first sentence. (Russ) 2. P9, Item 26, sentence 2, change “on” to “one” 3. Russ questioned regarding P10, Item 36, whether the developers really felt they would be allowed to put a 56’ road on this exact alignment. Shawn Eliot mentioned that David Church said the details would be worked out at preliminary. If findings indicate problems, it can be changed. 4. P14, Item 32, change “wanted the cul-de-sac” to “wanted longer cul-de-sacs” <p>The following corrections were made to the minutes of December 6, 2007:</p> <ol style="list-style-type: none"> 1. P1, Item 1-4: change “tohave” to “to have”. (Dayna) 2. P10, Item 2-b – Change second sentence to read “Scot drew six 100’ circles simulating the proposed road, counting the contour lines, he felt the slope was between 37% and 52%.” (Scot) 3. P10, Item 2-c, sentence 2, change “15% cut” to “15 foot cut on one side of the road and a 15 foot fill on the other side of the road.” 4. P10, Item 2-d, change “300% of what they were designed” to “considerably more than they were designed”. 5. P10, Item 2-f, Rewrite as “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.” <p>A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KELLY LIDDIARD TO APPROVE THE MINUTES OF THE NOVEMBER 15TH, 2007 AND DECEMBER 6TH, 2007 PLANNING COMMISSION MEETINGS WITH THE ABOVE NOTED CORRECTIONS. VOTE: YES (6), NO-NONE (0), ABSTAIN (1) KEVIN HANSBROW.</p> <p>Kevin Hansbrow abstained as he had not read the minutes.:</p>
<p>8. PLANNING COMMISSION BUSINESS</p>	<p>The following items of business were discussed:</p> <ol style="list-style-type: none"> 1. 6:00 p.m., January 24, 2008 prior to next planning commission meeting, Joint work session with the city council: City council will attend as well as Bob Allen, from Mountainland Association of Governments. The General Plan needs to get done soon. The council has agreed to come to us. They want to get it done and don’t want to wait until February. 2. PLANNING COMMISSION MEETING SCHEDULE – The commission decided to have a short meeting on February 14, 2008 – Valentine’s Day. The July 24th meeting will be moved to July 31st. The two meetings which will be cancelled are November 27th (for Thanksgiving) and December 25th (for Christmas). Other than those dates, the meetings will be held on the 2nd and 4th Thursdays of the month. 3. INTRODUCTION OF NEW PLANNING COMMISSION MEMBER (Still needs to be sworn in).

	<p>When Weston Youd is officially sworn in we will have him introduce himself</p> <p>4. REPRESENTATIVE TO CITY COUNCIL – Shawn stated that Sean Roylance’s city council assignments are the planning commission and the city website. He will be attending most of our meetings and be our representative from the council. If there are planning issues, Shawn Eliot will go to city council.</p> <p>Kevin Hansbrow volunteered to be our representative to the city council in February. He would like reminders. Shawn Eliot stated that February 26th will most likely be the date we take the HR-1 Zone to the city council for approval. We should all go to that meeting.</p> <p>5. Chairman Adamson questioned his term of office ending in February. Margaret explained that he took someone’s place whose term was up and so he does need to be reappointed as a commissioner by the city council.</p> <p>6. TRAINING SEMINAR – Those encouraged to attend as of now are the new commissioners, Weston Youd and John Hoshouer. Margaret needs to check and make sure there is space available. Julie Haskell from the city council is also going to attend. Kevin Hansbrow also wants to attend..</p> <p>7. REGARDING CONTINGENCIES: Shawn Eliot mentioned the way Chairman Adamson handled them tonight (they must be done and approved by staff before going forward) was great. On Elk Ridge Meadows, Phase 3, the city council felt they got the project with too many contingencies, so we need to require this also with future projects.</p>
<p>9. FOLLOW-UP ASSIGNMENTS / MISC. DISCUSSION</p>	<p>See assignments for reporting at Joint Work Session with city council regarding CE-1 code re-write above.</p>
<p>ADJOURNMENT</p>	<p>Chairman Adamson adjourned the meeting at 11:00 p.m.</p> <p style="text-align: center;">  <hr style="width: 30%; margin: auto;"/> Planning Commission Coordinator </p>

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 18th day of January, 2008.

Planning Commission Coordinator

ELK RIDGE PLANNING COMMISSION
JOINT WORK SESSION WITH CITY COUNCIL – GENERAL PLAN RE-WRITE
 January 24, 2008

TIME AND PLACE OF PLANNING COMMISSION / CITY COUNCIL JOINT WORK SESSION	A work session of the Elk Ridge Planning Commission was held on Thursday, January 24, 2008, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah.
ROLL CALL	<p><i>Commissioners and Council Members:</i> COMMISSIONERS: Russ Adamson, Dayna Hughes, Scot Bell, Kevin Hansbrow, John Hoschouer, Kelly Liddiard, Paul Squires COUNCIL MEMBERS: Ray Brown, Julie Haskell, Sean Roylance, Nelson Abbott, Derrek Johnson, Mayor Dennis Dunn</p> <p><i>Absent:</i> Weston Youd</p> <p><i>Others:</i> Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator Bob Allen, Mountainland Consultant for General Plan Review</p>
WORK SESSION 1. VISIONING EXERCISE FOR GENERAL PLAN	<p>As Chairman Adamson was late, Cochairman, Dayna Hughes, opened the work session at 7:05 p.m. Bob Allen, with Mountainland Association of Governments, conducted the work session. The following discussion and events took place:</p> <ol style="list-style-type: none"> 1. Bob mentioned that we have collected General Plan surveys from the Elk Ridge citizens. Tonight he would like to hear from the commissioners and council members as to what they would like for their community. To get that input, he conducted a simple visioning exercise. 2. He talked about what a general plan is: <ol style="list-style-type: none"> a. A general plan is a document that sets forth the vision of the community. It is a plan of what you want the community to be in the next 5-10 years. It is a compass, a way for you leaders, as they make your land use, public facilities, and other decisions to ask if they are moving towards these goals. It can give guidance on how we should vote. b. It is not a law or binding document. It is an advisory tool. c. It sets forth the vision. The ordinances and codes put this vision in force and push towards this vision. It is not a legal document but is a very important document. d. Successful communities have a good general plan and vision of what they want in the future. e. It is a beginning to take the steps to make your community what you want it to be in the future. f. There are elements (chapters) in the general plan. Each is a different topic. 3. Bob posted the elements of the general plan on papers on the board as follows: <ol style="list-style-type: none"> 1. Community Vision 2. Land Use 3. Circulation (Transportation) 4. Public Facilities 5. Economic 6. Environment 7. Housing 8. Annexation 9. Implementation 4. The only three elements required by law to be in the general plan are: Land Use, Transportation and Housing. Most communities have all of the same elements we do in their general plan. 5. He passed out markers and post-it notes and stickers representing \$5, \$20 and \$50. For each element, he had those present quickly jot down 2 or three notes with one-three word phrases describing things they would like in that element. Example: Open Space: write "more open

space”, “don’t want weeds” etc. Example 2: Community vision: What do you want more of, less of, etc.

6. After all the elements were addressed and post-it notes adhered on the wall next to the associated element, he asked those present to take their money stickers and put them on the items they felt most strongly about.
7. At the end of the session he collected the notes, along with the money stickers, indicating priorities. He will summarize them and get them back to us with this information to use in the rest of the planning process.
8. He mentioned that now it is time to write the actual plan. He passed out a handout showing the basic steps to write a general plan. They are:
 1. Identify Issues – this is what we have done tonight
 2. State Goals and Objectives
 3. Interpret Data
 4. Prepare Plans
 5. Evaluate Impact
 6. Public Involvement (i.e. open house) This can be done to whatever degree we desire. We can hold a public hearing, have an open house to review it, etc.
 7. Review and Adopt
9. He then gave options for writing the plan as follows:

Option 1:

 - Mountainland (Bob Allen) follows the process and writes the plan.
 - Follow-up meetings with city officials to make changes that better reflect the desires of the city.

Option 2:

 - The City creates a committee that consists of council members, commissioners, Bob and the city planner.
 - Committee follows the planning process for each element of the plan.
 - Bob writes the plan.
 - Follow-up meetings with city officials to make changes that better reflect the needs of the city.

Option 3:

 - An individual commissioner (more than one in some cases) is placed in charge of each element.
 - A smaller committee is created for each element consisting of council member, commissioners, Bob, city planner, citizens, etc.
 - Committee follows the planning process for each element of the plan
 - Bob writes the plan.
 - Follow-up meetings with city officials to make changes that better reflect the needs of the city.
10. Bob is currently writing the plan (Option 1, for the city of Goshen). The commissioners liked Option 2. There will be no charge from Mountainland. The Mayor also liked Option 2. He felt the planning commission should do the first step then pass it on to the city council.
11. Bob mentioned that the adoption process requires a public hearing, the planning commission then sends their recommendation to the city council. The city council is not required to have a public hearing. They have it as a resolution item. They can adopt it as is, change it, or send it back to the planning commission.
12. The general plan is typically good for five years. Once it is written, it can be amended at any time with a planning commission public hearing. Some cities adopt an ordinance that any land use decision has to conform with the general plan.
13. A sign-up sheet was passed around to get a few volunteers from each body to be on a committee for each element. He will meet with the committees as often as needed (once or twice a month) to develop each element. The committee members can pass the information on to the planning commission and city council.
14. The sheet was passed around and committee volunteer responses were as indicated in the minutes of the regular meeting below.

**2. RE-WRITE OF CE-1
(HR-1) ZONE**

City planner, Shawn Eliot, mentioned the following:

1. At the last work session, the handout was reviewed. He asked if any present (city council and planning commission) had any other points to add.
2. Nelson Abbott: Item 10.09.930 – Height of buildings. There had been some discussion of revisiting the decision made on this item. He would like to do this. He feels it is especially important to do in the Hillside Residential Zone. Since we have a new council now, we may want to look at revisiting this. Shawn asked if he was referring to houses city-wide or just in the new Hillside Residential Zone. Nelson responded that citywide, but it would especially have ramifications in the Hillside area on ridgelines.
3. Shawn mentioned he talked to our attorney re: senior housing and age requirements. He said that Alpine added the 18 and older clause which could leave them open for legal litigation as it is not according to state code. They went ahead and adopted it anyway. You are safest to stay with what the federal law states. Shawn said we are safest going with the federal law (62 and older) then adding a clause that you can have a care-giver 18 or over. This will be on the agenda in a couple of weeks.
4. Nelson Abbot had some comments on the cul-de-sac length in HR-1. He said that if we are going to have a minimum lot width of 150 feet, if you had 20 homes, the cul-de-sac would be way too long, so we need to adjust those figures. Maybe change the number of homes to 12 or 15.
5. Sean Roynance commented that open space and natural feel seem to be the desire for HR-1. He commended Shawn Eliot. He asked whether one-acre lots was the right base, or should we consider 1-1/2 or 2-acre lots? He has no strong opinion but felt it should be discussed. Shawn responded that Woodland Hills has large lots. They are struggling. Our saving grace is we have a mix of lot sizes in the city, including small lots. Shawn asked for comments. Dayna asked if large lots were bad for infrastructure. She is all for large lots but not sure how practical it is. She felt one-acre was a step in the right direction. Scot Bell mentioned that people want open space, which necessitates clustering to about an R-1-15,000 density. He said trying to keep up roads with a community full of large lots is very difficult. He felt we need direction from the city council as this is an economic decision. Mayor Dunn stated that if we do have large lots in this area, for economic purposes we need to balance that with higher density (PUD type) in another area similar to Elk Ridge Meadows PUD. He stated that Woodland Hills is struggling with low growth, the highest water rates in the county, and having to look at raising them again. The Mayor felt that one of the reasons they are suffering is because of their large lot sizes.
6. Shawn Eliot summarized that our city is all high density and maybe larger lots in this new zone would give a nice mix. Dayna Hughes felt we had discussed this thoroughly before suggesting the large lots. Shawn Eliot stated we needed to find just the right “carrot” to offer builders for going to clustering and dedicating more open space. He stated that if we allowed half-acre lots we would still have the same density unless they traded amenities as the bonus. Twenty acres would give 26 lots. Kevin Hansbrow felt if we went up a little in our density it would give more incentive to do the overlay zone. If they were going to get more lots it would give us less infrastructure and be easier to maintain.
7. Nelson Abbott stated that you would get an open feel with large deep lots. Kevin Hansbrow responded that this is unusable open space for the residents.
8. Nelson questioned the geotechnical report that was offered by the county. He and Shawn both agreed it was not very detailed.
9. Shawn Eliot queried the group as to whether we had hit the mark or were almost there with the code re-write. He got some positive comments. February 14th will be the date to have the public hearing on the HR-1 Code rewrite.

Chairman Russ Adamson closed the work session at 7:10 p.m.

ELK RIDGE PLANNING COMMISSION MEETING AND PUBLIC HEARINGS
January 24, 2008

TIME AND PLACE OF PLANNING COMMISSION MEETING AND PUBLIC HEARINGS	<u>A regular meeting of the Elk Ridge Planning Commission</u> was held on Thursday, January 24, 2008, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah. The Planning Commission Meeting was preceded by two scheduled public hearings: <u>the first public hearing, at 7:05 p.m.</u> was to consider Preliminary Plat for Haskell Commercial Subdivision, Plat A; <u>the second public hearing at 7:15 p.m.</u> was to consider Preliminary Plat for Ridge View Meadows, Plat B. The meetings were held at 80 East Park Drive, Elk Ridge, Utah.
ROLL CALL	<p><i>Commissioners:</i> Russ Adamson, Dayna Hughes, Scot Bell, Kevin Hansbrow, John Hoschouer, Kelly Liddiard, Paul Squires</p> <p><i>Absent:</i> Weston Youd</p> <p><i>Others:</i> Dennis Dunn, Mayor Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator Corbett Stephens: City Building Inspector Sean Roylance, Ray Brown, Julie Haskell, Derrek Johnson: City Council members Lee Haskell, Dean Ingram, Tom Ingram</p>
OPENING REMARKS & PLEDGE OF ALLEGIANCE	Chairman, Russ Adamson, welcomed the commissioners and guests and opened the meeting at 7:10 p.m. Opening remarks were given by Kevin Hansbrow, followed by the Pledge of Allegiance.
APPROVAL OF AGENDA	<p>The agenda order and content were reviewed. There were no changes to the agenda.</p> <p>A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW TO APPROVE TONIGHT'S AGENDA WITH NO CHANGES. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) WESTON YOUD.</p>
1. PUBLIC HEARING TO CONSIDER HASKELL COMMERCIAL SUBDIVISION, PLAT A, PRELIMINARY PLAT	<p>Chairman Adamson opened the public hearing for the preliminary plat approval of the Haskell Commercial Subdivision, Plat B at 7:15 p.m. The following discussion ensued:</p> <ol style="list-style-type: none"> 1. Shawn Eliot mentioned this is a very simple subdivision. It is on Elk Ridge Drive on the northeast side right at the Goosenest Drive corner. It is presently zoned as commercial. The developer is Lee Haskell. 2. Lee Haskell mentioned that there is no sewer along Olympic Road to Goosenest so right now they are proposing only developing these two lots (out of a possible five) as they have water and sewer. 3. Shawn Eliot mentioned one nice thing about this development is it will continue the improvements along Elk Ridge Drive on both sides of the street from Olympic Drive north. 4. The other part of the property is not being subdivided now. This is not a rezoning request. 5. Russ Adamson asked what types of commercial can be developed here. He was wondering what was anticipated on this property. Shawn mentioned that we do not know at this point. The code, he stated, encourages residential units on top of the buildings, similar to Riverwood, in Provo. 6. Dayna Hughes stated at her training that we don't need to state we don't want sexually oriented businesses, as long as it is not one of the stated uses allowed in our code. 7. Lee Haskell was not sure whether the city has adopted any specific uses. The ordinance just gives suggestions. Shawn Eliot mentioned that we will talk about those issues after the public hearing. <p>Chairman Adamson asked if there was any more public comment – there was none, so he closed the public hearing at 7:20 p.m.</p>
2. PUBLIC HEARING TO CONSIDER RIDGE VIEW MEADOWS, PLAT B, PRELIMINARY PLAT	<p>Chairman Adamson opened this public hearing at 7:20 p.m. He mentioned this public hearing was to consider an application to develop a three-lot sub-division with a flag lot. He turned the time over to Shawn Eliot to tell more about the proposed project. Shawn mentioned:</p> <ol style="list-style-type: none"> 1. The proposed subdivision is on Goosenest as you go towards the stake center. There is a parcel on the right with a white picket fence and a large garage up on the hill. The zoning is R-1 15,000. The applicant is asking for three lots, including a flag lot in the back. They all meet code. 2. The flag lot is over half-acre. The buildable area is directly behind Lot 3. Due to the setback requirements, the area behind Lot 2 is not buildable.

- 3. There is a city sewer line that goes through Lot 2 along the southwest side, through the flag lot portion. The stem is 135 feet long and 24 feet wide. Russ Adamson asked if the stem which is adjacent to Lot 1, if a fence was required between the stem and the adjacent lot. Shawn stated there is nothing in the code that requires that, but we can set conditions if we think it necessary.
- 4. Dean Ingram has landscaped this whole area very nicely with trees and a white fence.
Chairman Adamson opened the public hearing for comment, the following discussion ensued.
- 5. Anita Altz (realtor for adjacent property owner): asked where the driveway was. Shawn explained that it was right behind the two homes on Olympic Lane.
- 6. Dayna Hughes asked if there was an elevation change. Shawn Eliot explained there was and we did need to have a plat map that showed the contour lines.
- 7. Dean Ingram (developer): mentioned that he wanted to build a home for his parents on the flag lot. He has talked to all but one of the neighbors, above and around the flag lot. They are appreciative of the positive changes he has made on this property, compared to what it was. Also, they are agreeable to the development he is proposing. He also mentioned that developing as he is proposing, will help the city. There is a city sewer clean-out that would be hard to access if developed different than his proposal. The flag lot stem takes you straight back to the clean-out. Otherwise there would be no access to this. You cannot get to it from the top. Shawn mentioned that there has been discussion of getting a price quote to remove this clean-out box. It was open, but a piece of plywood has been nailed on the top of it. It was an eyesore and danger. The city would like to remove this. Dean Ingram mentioned there would still be a manhole there that would need to be accessed. If you follow the stem on the plat map, a public utility easement is shown.
- 8. Russ Adamson asked about the feeling of the neighbors who own the property adjacent to Lot 1 and Lot 2. Dean Ingram stated that it is owned by an out of state investor. His realtor was present tonight (Anita Altz). He spoke with the people near Lot 3. There is a fence (split rail) along the back of Lots 1 and 3. There are trees planted every 20 feet.
- 9. Nelson Abbott: brought up the fact that a nearby flag lot was recently denied by the city council. Dean Ingram stated that without the flag lot you would have two very deep lots. The back would probably not be landscaped, or the water bill would be very high. Dean lives on Oak Ridge Drive. His garage access is from Goosenest.
- 10. Anita Altz (realtor representing adjacent owner): likes what he has done and what he is proposing.
Chairman Adamson closed the public hearing at 7:30 as there was no one else who wanted to comment.

3. AMENDMENT TO SECTION 10-12-38 OF ELK RIDGE CITY CODE REGRADING FIRE SPRINKLERS

- Chairman Adamson turned the time over to building inspector, Corbett Stephens, to discuss the proposed fire sprinkler code amendment. Corbett introduced his comments by showing a video comparing the spreading of a fire in a home without sprinklers, with a similar fire in a home with sprinklers. The following discussion ensued after the movie (youtube, "The Residential Fire Sprinkler Test"):
- 1. The narrator on the video stated the fire in the room without the sprinklers destroyed the room in two minutes. In the room with sprinklers, it was a different story. As the fire moved up the walls it activated the sprinklers and the fire was suppressed in a short time. He stated there is no question fire sprinklers save lives, and that they work. Jim Shannon – President of National Fire Protection Association appeared on the video, The Orange County Fire Authority produced the video and one of their people narrated). The two buildings compared were fire loaded identically, the only difference being that one had fire sprinklers.
 - 2. Corbett stated that the cost of a system would be about 1% the cost of a home. He stated that Scottsdale AZ is about the most aggressive in the country with regards to requiring indoor fire sprinkler systems. They passed an ordinance in 1986 requiring all new construction to install systems. He read some of the case studies in which sprinklers were involved. These studies are published in the NFPA commentary. Corbett summarized by stating there is no question that fire sprinklers make a difference.
 - 3. Corbett would like to see us modify our code and require fire sprinklers in the garage also. He stated that in Woodland Hills 4 of the last 5 fires there started in the garage. The only one that didn't was suspected arson.
 - 4. Chairman Adamson asked if there are trained specialists available. Corbett said "yes". It is a regulated profession by the state of Utah (requires a license). It is no different than hiring a licensed plumber. It is just one more trade the general contractor keeps track of.

5. Paul Squires stated that it is an annual requirement to have the system inspected. He has had experience with this. He also stated that the license has to be questioned at the inspection point. Dayna Hughes stated that it must be working in Woodland Hills as she has not heard of any major problems with systems – such as flooding.
6. Paul Squires stated one problem with the systems is that once the fire is suppressed, the water does not automatically turn off. It was brought up that an alarm does go off so neighbors or fire fighters can turn off the water.
7. Commissioner John Hoschouer, assistant fire chief with the Elk Ridge Fire department, stated that if they go to a house on fire, they will wait until it burns down before they go inside, unless they know there is a viable victim inside. Kelly agreed with Dayna, saying that the systems don't work and cause problems, is a fallacy. They are working all over Utah Valley. There are multiple companies that install and maintain them.
8. Corbett said all installers he knows charge the system with antifreeze. Dayna Hughes stated that there is no doubt that fire sprinklers douse fires and allow safe entry for fire fighters. The added cost should not be a part of the argument. Kevin Hansbrow also mentioned the danger of fires spreading to neighbors homes is reduced with sprinkler systems.
9. Chairman Adamson asked if Woodland Hills code also referred to NFPA 13, and was told it did, as did most communities. Corbett said this is what all communities do. Kelly Liddiard added that all codes are subject to change. John Hoschouer stated this is the standard in the fire industry.
10. Shawn Eliot stated the whole reason this issue was brought up was that the commission wanted the code amended to put reference to this code in our code. He was not sure that we needed to do this as we already referenced the industry standard, which references this code: "...*The fire sprinkler system shall comply with the Fire Code and related regulations and standards adopted by the City.*" Corbett recommended that the only change we make is to include garages.
11. Chairman Adamson asked the commissioners if they were OK with not adding the direct reference to NFPA 13 and 13D. Our proposed code also states "*This requirement is for new construction of any heated structure or construction that constitutes more than 50% expansion of any dwelling unit.*" John Hoschouer felt we should make it perfectly clear – and also add the garage requirement.
12. Dean Montigue said there is a person in the community who works for Chemco. He said one of the reasons it is not always required in garages is the freezing factor. On some of his condo projects he said it is hard to get one company to touch another company's work, due to liability.
13. Chairman Adamson asked Shawn if he recommended leaving the code alone unless we want to add the garage requirement. Kelly Liddiard felt we should definitely add all attached garages. Russ asked for language from staff to add the garage to it. Shawn suggested calling around to find out if there is a reason cities don't require garages to have sprinklers. Russ asked for this report at the next meeting.
14. Ron Rydeman, from Utah Valley Home Builder's Association asked if he could comment. He said this is an emotional issue. Fires are deadly but he has seen dozens of these films that are used to increase staffing of the fire department. All the other homes in Elk Ridge do not have systems and we would not make this code retroactive. Maybe Elk Ridge needs to beef up their fire department so they can cover the city adequately. Sprinkling systems are not a small expense, they are over 1% of the cost. It is an undue burden, unnecessary and the cost should be shared equally by everyone, not just the new people moving into the community. Chairman Adamson thanked Mr. Rydeman for his comment.

4. HASKELL COMMERCIAL SUBDIVISION, PLAT A, PRELIMINARY PLAT

Shawn Elliot referred to code regarding the types of uses that are allowed in the commercial zone. From the code:

0-10A-2: PERMITTED AND CONDITIONAL USES: The following buildings, structures and uses of land shall be permitted or conditional uses in the C-1 commercial zone upon compliance with requirements as set forth in this title. P = permitted use, C = conditional use. (Ord. 02-5-28-10, 5-28-2002, eff. 6-12-2002; amd. 2003 Code)

<u>Land Use</u>	<u>Classification</u>
Automobile parts sales, new or rebuilt, inside storage and sales only	P
Bank or financial institution	P
Beauty culture school	P
Boarding house or lodging house	C

Boat sales and service	C
Building materials, sales or yard	C
Car wash	C
Church	C
Civic theaters and halls (public only)	C
Clinics and medical facilities	P
Dance hall	C
Eating establishments	P
Education facilities	P
Golf courses (public or private)	C
Government buildings or uses, noncorrectional	C
Health club	C
Hospitals	C
Hotel	C
Kennels	C
Laboratory, dental and medical	C
Library	P
Light manufacturing	C
Lodge or social hall	C
Museums	C
Office, business and professional	P
Park and playground	C
Pharmacy	P
Physician or surgeon	P
Post office	P
Private education institutions	C
Public utilities substation	C
Radio, television or FM broadcasting station	C
Reception center or wedding chapel	C
Recording and sound studios	C
Recreation center or facilities	C
Residential, second story only	P
Retail sales and services	P
Seasonal businesses	P
Service station, automobile, with or without rotating brush car wash as accessory use	C
Shooting range, indoor only	C
Supermarket	C
Taxidermist	C
Theater, outdoor or indoor	C
Trade or industrial school	P
University, college, junior college, professional school education	P
Utility transmission projects, minor	P
Wells, water storage tanks and similar facilities and structures (Ord. 04-7, 8-17-2004, eff. 9-17-2004)	C

When an applicant comes in, if they want to do any of these, they are permitted to. (those followed by a "P"). Those uses followed by a "C" are conditional uses and must be approved and the planning commission can set conditions on the development to make it better fit with the surrounding neighborhood. If the use is not on the list, it must be approved.

The following discussion ensued:

1. Mr. Haskell was asked if he had any idea as to what type of development would go into his proposed subdivision. He stated that he did not. He would like to do something personally but can't do that right now, so is uncertain as to what will happen with the property.
2. Shawn read from the staff findings what further needs to be done:
 - 1) The applicant needs to demonstrate to the city that the South Utah Valley Electric District has been contacted, forms completed and fees paid.
 - 2) Plat map needs to show there is an existing fire hydrant within 250 feet of Lot 1, if not then provide the applicant will need to provide one. It needs to be shown on the map. *John Hoschouer thought there was a hydrant there already.*
 - 3) Plat map needs to show public utility and drainage easements around the perimeter of each lot.
 - 4) Plat map needs to show how vertical datum was established for the benchmark reference. *(from our engineer, wants proof of how that was established)*
 - 5) Plat map needs to show owners names for surrounding properties.

- 6) Sump #1 existing sump #3 need to be labeled “with snout”.
 - 7) Existing sump #3 needs to have a curb box next to it.
 - 8) An additional sump with snout and curb box needs to be located at the north edge of Lot 2 on Star LN. *(Corner of Star Lane and Olympic Lane, need to be labeled “with snout”. Lee said you can't put a snout in a sump, you can put it in a catch basin that leads to a sump. Shawn will have Corbett explain to Lee what he meant by this. They want something to catch the water here so it doesn't drain into the field). Lee mentioned the curb and gutter goes all the way to Goosenest so it won't go into the field. Shawn mentioned they did not see this, so scratch no. 8)*
 - 9) ROW width needs to be shown for each road.
 - 10) Lot 2 needs to show length of frontage on Olympic LN.
 - 11) Type “B” curbing needs to be shown.
3. Shawn also mentioned that also under staff recommendations would be an item regarding the trails. The trails map shows a trail going along the east side of this road that will connect into Elk Ridge Meadows. There should have been a trail in the other Haskell Subdivision (Plat H) that just went in, but we ended up with just a 4' sidewalk. The question is: do we continue the 4' sidewalk down, or start the trail here and connect it into the Elk Ridge Meadows trail. After some discussion it was decided, and all were comfortable with the decision, that we would require a 5' sidewalk and 5' planter. The trail would have been 10' wide asphalt with a 3' planter. As many school children, with the new school going in, will be walking to school on the east side of the street, it was felt the trail system should stay on this side rather than moving it to the west side.
 4. Lee Haskell asked if curb and gutter needed to be put in front of Chad Brown's house on the west side of Elk Ridge Meadows across the street from the proposed development. Shawn Eliot responded that the city usually requires full width improvements be put in by the developer, who later gets off-site reimbursement as the adjoining property is developed. There is already asphalt and a planter box in front of Chad's home. As Chad's property is already developed, the reimbursement would be an issue (getting Lee paid back).

Shawn Eliot stated that the same situation occurred across Park Drive from Loafer Heights Subdivision. The city did not require curb and gutter there. This is different, as Russ Adamson stated this is the main entrance to our city. The city would like this done but Shawn was not sure we could require Lee to do this. Lee felt Chad would work with him on this. It would be an awkward transition if this was not done. Lee asked what the ordinance said and Shawn said he would get this to him.
 5. Scot Bell mentioned if you alter a road and change the crown, you need to bring the road back up to the engineered standard. Lee asked if he would be required to center the crown on this road.

RUSS ADAMSON MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBROW THAT WE RECOMMEND TO CITY COUNCIL APPROVAL OF THE PRELIMINARY PLAT OF HASKELL COMMERCIAL SUBDIVISION, PLAT A, WITH THE FOLLOWING CONTINGENCIES, TO BE MET AND APPROVED BY STAFF PRIOR TO BEING SUBMITTED TO THE CITY COUNCIL:

1. **THE APPLICANT NEEDS TO DEMONSTRATE TO THE CITY THAT THE SOUTH UTAH VALLEY ELECTRIC DISTRICT HAS BEEN CONTACTED, FORMS COMPLETED AND FEES PAID.**
2. **PLAT MAP NEEDS TO SHOW THERE IS AN EXISTING FIRE HYDRANT WITHIN 250 FEET OF LOT ONE, IF NOT THEN PROVIDE THE APPLICANT WILL NEED TO PROVIDE ONE.**
3. **PLAT MAP NEEDS TO SHOW PUBLIC UTILITY AND DRAINAGE EASEMENTS AROUND THE PERIMETER OF EACH LOT.**
4. **PLAT MAP NEEDS TO SHOW HOW VERTICAL DATUM ESTABLISHED FOR THE BENCHMARK REFERENCE.**
5. **PLAT MAP NEEDS TO SHOW OWNERS NAMES FOR SURROUNDING PROPERTIES.**
6. **SUMP # 1 EXISTING SUMP #3 NEED TO BE LABELED “WITH SNOUT”.**
7. **EXISTING SUMP #3 NEEDS TO HAVE A CURB BOX NEXT TO IT.**
8. **ROW WIDTH NEEDS TO BE SHOWN FOR EACH ROAD.**
9. **LOT 2 NEEDS TO SHOW LENGTH OF FRONTAGE ON OLYMPIC LN.**
10. **TYPE “B” CURBING NEEDS TO BE SHOWN.**
11. **RATHER THAN A TRAIL ALONG ELK RIDGE DRIVE, THE DEVELOPER WILL INSTALL A 5 FOOT SIDEWALK AND 5 FOOT PLANTER STRIP.**
12. **CURB AND GUTTER BE PROPOSED ON BOTH SIDES OF THE STREET IN FRONT**

	<p style="text-align: center;">OF CHAD BROWN’S PROPERTY.</p> <p>VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) WESTON YOUND.</p> <p>Shawn read the following from Elk Ridge City code regarding offsite reimbursements: (Section 10-15F-12)</p> <p style="padding-left: 40px;">10-15F-12: REIMBURSEMENT FOR OFF SITE IMPROVEMENTS; CONDITIONS AND LIMITATIONS:</p> <p style="padding-left: 40px;">A. Reimbursement shall be allowed for off site improvements which are required as a condition of approval of a subdivision. Whenever an extension of any required off site improvement benefits property contiguous to the extension, other than property owned by the subdivider, the city will enter on its records the amount of the actual cost of the extension across the benefited property. The owner of the benefited property shall reimburse the subdivider the charges assessed against such benefited property for a period of thirty (30) years from the date of completion and acceptance of the extension by the city. All reimbursable improvements under this section shall be constructed to the fullest extent of the improvement, including, but not limited to, full width and fully improved rights of way.</p>
<p>5. RIDGE VIEW MEADOWS, PLAT B, PRELIMINARY PLAT</p>	<p>The applicant is requesting a three-lot subdivision with a flag lot.</p> <p>The staff findings on tonight’s memo were as follows:</p> <ol style="list-style-type: none"> 1. The preliminary plat adheres to the intent and regulations of the code. 2. The flag lot is generally within code, but some aspects need to be addressed. 3. The city would like to participate in removing a sewer box located at the curve of the elbow due south of the flag lot, Lot 1. 4. Plat map needs to show property ownership of surrounding properties. 5. Plat map needs to show how the vertical datum was established for the benchmark. 6. Plat map needs to show existing ground corners. 7. A driveway needs to be shown and labeled with the requirements in 10-12-25D. <p>The following items were discussed concerning the preliminary plat approval of the Ridge View Meadows, Plat B, subdivision:</p> <p>a. Russ Adamson raised some questions regarding the proposed flag lot. Just recently the city council denied a proposed flag lot on Elk Ridge Drive near Nick Nelson’s property, which is not very far from this proposed flag lot. He wondered what the difference was. Shawn Eliot stated that some decisions were needed in this case regarding the flag lot which include:</p> <ul style="list-style-type: none"> - Is the lot developable under conventional development procedures and will the approval of a flag lot preclude the proper development of any residual parcel or the adjacent properties (Ord. 97-7-8-8, 7-8-1997) <i>Shawn felt the second part was met but the first portion – was it developable under conventional development procedures – needed to be addressed.</i> <p>The following discussion ensued:</p> <ol style="list-style-type: none"> 1) Dayna Hughes stated that the subdivision could be designed with just two deep lots. 2) Scot Bell questioned whether an emergency vehicle could service the flag lot. He felt that if we were to approve this possibly the stem portion go between the two lots. The developer mentioned that the topography was an issue. There is a large incline. 3) Chairman Adamson felt that one of the big differences is the city would benefit from this flag stem as it gives access to some city property (a utility easement) right at the end of the flag lot directly behind the stem. The developer, Dean Ingram, stated that his understanding of the ordinance was that you could not have the stem in the middle of the flag lot. 4) John Hoshouer stated that with the last flag lot, even with the redesign, the city council just did not want a flag lot there. 5) Developer, Dean Ingram, mentioned that in some cases, with flag lots, the stem would be intrusive to the adjoining property. This was a little bit different. The lots are isolated due to the hillside. The lots are pretty much above the others. 6) Shawn mentioned that flag lots were originally used as an infill tool to access property not accessible any other way. Our code does not state this. We should only deny it if it doesn’t fit in the neighborhood or if the lot is developable by other means. 7) Russ Adamson questions whether we need some sort of access to the city cleanout manhole and

	<p>box at the back. Dean Ingram stated no one else would leave a road for you to reach this city property, back 250 feet from the road. He stated if you have two deep lots, you may have the easement, but the landowner will probably put landscaping and fences up. Paul Squires did feel the stem needed to be where it is shown on the design. Dean Ingram mentioned that none of the adjoining property owners are opposed to his flag lot. The rest of the commissioners were pretty much in agreement.</p> <ol style="list-style-type: none"> 8) This area had been an eyesore before Dean Ingram developed it and landscaped. 9) Shawn Eliot could not find any code concerning flag lots that stated you could not have a stem that T'd into the property. Scot Bell felt this would be an easier situation for an emergency vehicle. He felt that the two people on each side would buy their lots knowing full well there was a flag lot in the middle. 10) Kevin Hansbrow did not see a problem keeping the stem on the side, as shown in the proposed plat. 11) Dean mentioned there is nothing developable in the back due to the slopes. 12) Shawn Eliot questioned if the turnaround in the back met the requirement in Section 10-15G-2 of our code regarding driveway access. Shawn felt it did, but that will need to be checked. <p>JOHN HOSCHOUER MADE A MOTION THAT WAS SECONDED BY PAUL SQUIRES TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR PRELIMINARY PLAT OF RIDGE VIEW MEADOWS, PLAT B AND THE CONDITIONAL USE OF A FLAG LOT WITHIN THE SUBDIVISION. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT CONFORMS TO THE INTENT AND REGULATIONS OF THE R-1-15,000 ZONE AND THE GOALS OF THE GENERAL PLAN IN ALLOWING ORDERLY DEVELOPMENT. THE COMMISSION ALSO FINDS THAT THE FLAG LOT CONFORMS TO THE CODE AND THAT THE AREA IS NOT PRACTICALLY DEVELOPABLE UNDER CONVENTIONAL DEVELOPMENT PROCEDURES.</p> <p>THE COMMISSION'S RECOMMENDED APPROVAL IS BASED ON THE FOLLOWING CONTINGENCIES BEING MET AND APPROVED BY STAFF PRIOR TO SUBMITTAL TO THE CITY COUNCIL:</p> <ol style="list-style-type: none"> 1) PLAT MAP NEEDS TO SHOW PROPERTY OWNERSHIP OF SURROUNDING PROPERTIES. 2) PLAT MAP NEEDS TO SHOW HOW THE VERTICAL DATUM WAS ESTABLISHED FOR THE BENCHMARK. 3) PLAT MAP NEEDS TO SHOW EXISTING GROUND CORNERS. 4) A DRIVEWAY NEEDS TO BE SHOWN AND LABELED WITH THE REQUIREMENTS IN 10-12-25D. <p>VOTE: YES (6), NO (1) DAYNA HUGHES, ABSENT (1) WESTON YOUD.</p> <p>Dayna Hughes voted "no" as she did not feel there were significant findings to demonstrate the need for the flag lot. Kevin Hansbrow voted yes because he felt the flag lot would give access to the city to an area the city would need to service, and since none of the neighbors came to the hearing to express negative sentiments, it warranted a positive vote.</p>
<p>6. GENERAL PLAN RE-WRITE DISCUSSION</p>	<p>The commissioners and council members signed up for the following subcommittees (list passed around by Bob Allen during work session) developed around each element (chapter) in the General Plan:</p> <p>Community VisionSean Roylance, Russ Adamson, Paul Squires</p> <p>Land UseNelson Abbott, Ray Brown, Sean Roylance, Derrek Johnson, Dana Hughes, Paul Squires</p> <p>Circulation.....Ray Brown, Sean Roylance, Kelly Liddiard</p> <p>Public FacilitiesMayor Dennis Dunn, Sean Roylance, Kelly Liddiard, John Hoschouer</p> <p>EconomicMayor Dennis Dunn, John Hoschouer</p> <p>Environment.....Sean Roylance, Derrek Johnson, Dayna Hughes, Paul Squires</p> <p>HousingMayor Dennis Dunn, Sean Roylance, John Hoschouer</p> <p>AnnexationMayor Dennis Dunn, John Hoschouer</p> <p>Implementation(none)</p>

	<p>Kelly Liddiard mentioned the dates will play a part in what committee meetings he can attend, as did Kevin Hansbrow.</p> <p>The following discussion ensued:</p> <ol style="list-style-type: none"> 1. Sean Roylance wanted Option 2 so we get several voices on the initial draft, with input from the city council and planning commission before Bob Allen begins to write the plan. 2. Shawn Eliot felt that doing it this way, with specific meetings set up should work well. He did question how we get citizens involved? 3. Chairman Adamson suggested putting an article in the newsletter. Kelly and Shawn like the idea of getting the rewrite up to a certain level, then inviting the public in for an open house. Scot Bell felt that if we had something presented and didn't push our agenda, listened and gave thought to their input. 4. After some discussion it was decided to announce in the newsletter that we are rewriting our general plan and are forming committees around each of the elements in the plan, invite them to participate on the committees and let them know we will be having an open house once the initial draft is done where we would like their input. Shawn suggested putting each element as we finish it in the newsletter and/or on the web site and inviting input.
<p>7. REPORT ON LAST CITY COUNCIL MEETING – JANUARY 22, WORK SESSION AND MEETING</p>	<p>Most of the commissioners attended the workshop prior to the city council meeting on January 22, 2008. The following comments ensued regarding the joint work session:</p> <ol style="list-style-type: none"> 1. Kevin mentioned that most were agreeable to the senior overlay zone as long as we have a lot of say as to the look of the twin-homes. Most felt the age limit should follow the federal option of 62 and over, hopefully adding in a caregiver over 18 year of age can live in the home also. 2. Shawn Elliot mentioned he will require from the developer that staff review the design elements, amenities proposed, etc. 3. Dayna Hughes mentioned that the review of the CE-1 rewrite seemed to go over very well. There will be little tweaks, but it felt good. Sean Roylance mentioned that the only issue here that he sees looming is that the city does not want open space deeded to the city. The mayor said there is a liability issue. Shawn mentioned Alpine used to have their open space in HOAs and that did not work out well. John Hoshouer mentioned that he thought open space should be left with HOAs unless they were going under, then the city should take it over. <p>Shawn Eliot mentioned there are three options for open space now:</p> <ol style="list-style-type: none"> a. Home Owner's Association owns and maintains open space – they can choose whether they let the public on or not. Scot Bell said this is confusing to residents. b. City owns and maintains open space c. Private property owner owns open space on his property <p>Scot Bell mentioned that if the city puts a water tank on open space, or sells as a buildable lot, the residents lose trust in having the city own the open space.</p> <ol style="list-style-type: none"> 4. Preliminary Plat of Fairway Heights was tabled. Two of the council members did not want a cul-de-sac, they wanted the developer to explore more the possibility of continuing the road through the Peterson property rather than having a cul-de-sac. Grading the hilltop was also an issue, as was whether Lot 24 was developable due to slope. Also, water rights need to be purchased by the developer. 5. Shawn Eliot mentioned they have up to a year to go for final, and they can get an extension. 6. Shawn Eliot mentioned that the council tabled the public facilities zone proposal. One of the reasons was there is a question with the golf course property with Salem that needs to be settled. 7. Shane Eliot mentioned the snow removal code was not acceptable to the council. They kept the dates in and added that you can't park on the road at any time of the year if snow is present. After we met Kent Haskell mentioned he doesn't mind temporary parking, but the council did not want to put this in. They just said there won't be as much enforcement of the no parking if there is no snow and after a warning. 8. Shawn Eliot queried the commissioners regarding the percent open space to require for density bonus. In the hillside cluster zone they want to go to 50% open space. Shawn felt the carrot was better there at 40%. Russ said Shawn or the engineer needs to run the numbers.

	<p>9. Shawn stated that some of the council wanted 25% density bonus for amenities rather than the 30% suggested. If you have a 20 acre development, you get 6 lots for 30%, you get 5 lots for 25%.</p> <p>Sean Roylance mentioned he has been assigned to oversee planning and zoning. He will attend the meetings but will try and not say much as he does not want to influence the commission based on the perspective of only one city council member. If he does say something it will be based on a discussion of the whole council. If he speaks for himself, he will state that. The biggest thing is that he wants to be able to represent to the city council what has been discussed at the planning commission meeting.</p> <p>10. Shawn Eliot mentioned that the whole thing about fault lines and unstable soils, the distance was discussed. Our engineer said we needed to say 100 feet or greater. Shawn will meet with the engineer on this and other issues.</p> <p>11. Regarding cul-de-sacs, Nelson Abbott said he would rather see the 1000 foot length portion put into the overlay zone. Shawn was OK with this.</p> <p>12. He needs to check and see if it is constitutional to require ramblers in certain locations such as on ridgelines. Brian Ewell has been asked to do a Rambler on the ridgeline above Derrek Johnson's home. He said he would, but when they came back for Preliminary, he was not so committed. The Mayor was not sure it is constitutional whether ramblers can be required.</p> <p>13. Shawn will re-do the code and on the 14th of February we will have a public hearing on this.</p>
<p>8. APPROVAL OF MINUTES OF PREVIOUS MEETING – JANUARY 10, 2008</p>	<p>The following corrections were suggested to the minutes of January 10, 2008:</p> <p>John Hoschouer P1 – Under Introduction of New...change “no” to “now” P2 – Item 3, add “in the street going up to the cabins” after “one and a half run” for clarification P2 – Item 11, change “the code” to “the proposed code” P2 – Item 12, change “drivers” to “snow plow drivers”</p> <p>Dayna Hughes P2 – Item 3, change “Glen Peterson” to “Lynn Peterson” P4 – Item 5, line 3, add “board” after “across the” P5- in the motion change “RUS” to “RUSS” P9 – Item 5-2, change “nest” to “next” P10 – Item 6-2-c, change “does not say the” to “does not say that”</p> <p>(As an aside Sean Roylance said the planning commission can initiate changes in the code)</p> <p>A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KELLY LIDDIARD TO APPROVE THE MINUTES OF THE JANUARY 10, 2008 PLANNING COMMISSION MEETING WITH THE ABOVE MENTIONED CHANGES. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) WESTON YOUND.</p>
<p>9. PLANNING COMMISSION BUSINESS</p>	<p>We will keep the agenda clean, having only the two public hearings, on February 14th, 2008 as it is Valentine's Day. The public hearings are on the CE-1 Code Re-write and the second one is on a code amendment regarding accessory buildings.</p>
<p>ADJOURNMENT</p>	<p>Chairman Adamson adjourned the meeting at 9:45 p.m.</p> <p> _____ Planning Commission Coordinator</p>

NOTICE OF PUBLIC MEETING

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

- 1) 7:05 – Amendment to the Elk Ridge City Code, Section 10-12-5, regarding Accessory Structures
- 2) 7:10 – Rewrite of the Elk Ridge City Code, Title 10, Chapter 9, Article A – Critical Environment 1 Zone, and Removal of Title 10, Chapter 14.2 and 14.A - Planned Residential Development Code

These hearings will be held on **Thursday, February 14, 2008, beginning at 7:00 p.m.** prior to the regularly scheduled **Planning Commission Meeting on February 14, 2008, beginning at 7:10 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. Opening Remarks & Pledge of Allegiance**
Roll Call
Approval of Agenda
- 7:05 P.M. 1. Public Hearing for Amendment to Elk Ridge City Code, Section 10-12-5, regarding**
Accessory Structures
 - Review and Discussion – Shawn Eliot
 - Motion on Public Hearing
- 7:10 P.M. 2. Public Hearing for Rewrite of the Elk Ridge City Code, Title 10, Chapter 9, Article A –**
Critical Environment 1 Zone, Removal of Title 10, Chapter 14.2 and 14.A - Planned
Residential Development Code
 - Review and Discussion – Shawn Eliot
 - Motion on Public Hearing
- 3. Approval of Minutes of Previous Meetings – January 24, 2008**
- 4. Planning Commission Business**
- 5. Follow-up Assignments / Misc. Discussion**
 - Agenda Items for February 24, 2008

ADJOURNMENT

*Handicap Access Upon Request. (48 hours notice)

Dated this 8th Day of February, 2008.



 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 8th Day of February, 2008.



 Planning Commission Coordinator

ELK RIDGE PLANNING COMMISSION MEETING AND PUBLIC HEARINGS
February 14, 2008

TIME AND PLACE OF PLANNING COMMISSION MEETING AND PUBLIC HEARINGS	A regular meeting of the Elk Ridge Planning Commission was held on Thursday, February 14, 2008, 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 7:05 p.m. was to consider an amendment to Section 10-12-5 of the Elk Ridge City Code regarding accessory buildings; the second public hearing at 7:15 p.m. was to consider a rewrite of Title 10, Chapter 9, Article A of the Elk Ridge City code regarding the Critical Environment Zone and removal of the PRD code found in the Elk Ridge City Code in Title 10, Chapter 14-2 and Chapter 14, Article A of the Elk Ridge City code regarding Planned Residential Development code.
ROLL CALL	<i>Commissioners:</i> Russ Adamson, Scot Bell, John Hoschouer, Kelly Liddiard, Paul Squires <i>Absent:</i> Weston Youd, Dayna Hughes, Kevin Hansbrow <i>Others:</i> Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator Sean Roylance, City Council Member Judy Guertler, Lee Pope, Karl Shuler, Catherine Fillerup, David Guertler, Kevin Clark, Shae Clark, Jed Shuler
OPENING REMARKS & PLEDGE OF ALLEGIANCE	Chairman, Russ Adamson, welcomed the commissioners and guests and opened the meeting at 7:00 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. A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KELLY LIDDIARD TO APPROVE TONIGHT'S AGENDA WITH NO CHANGES. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) WESTON YOUD, DAYNA HUGHES, KEVIN HANSBROW.
1. PUBLIC HEARING TO CONSIDER AMENDMENT TO ELK RIDGE CITY CODE SECTION 10-12-5 REGARDING ACCESSORY STRUCTURES	Chairman Adamson opened the public hearing to consider amending the Elk Ridge City Code regarding accessory structures. He invited planner, Shawn Eliot, to introduce the topic. Shawn explained that a resident (Catherine Fillerup) had come into the city and complained about a structure that had been built 5 feet from her back yard fence with a row of windows looking into her back yard. She suggested that it was a bit intrusive and we might want to look at changing our code so this could not happen again. Shawn did look at other cities' code to see if such restrictions were out there. The following discussion ensued. <ol style="list-style-type: none"> 1. A letter was read from the designer of the Guertler pool house, who could not be present. He stated he has been designing similar structures since the 70's. He said that because the building housed a pool it needed the windows for cross ventilation. He also felt a wall without windows was less aesthetically pleasing than a wall with windows. He felt that this was no less intrusive than many homes in the area with sloped lots that look into neighbor's yards. He felt maybe a compromise as to the height of the windows and/or the square footage would be better than totally restricting windows. He mentioned there are a lot of accessory buildings around town that would not be legal if the new code were in effect. Shawn Eliot mentioned the new code would only apply to new buildings. 2. Shawn mentioned when you think of an accessory structure you usually think of a garage or shed and not one that is inhabited so often. He thought cross ventilation could be established with vents. 3. He read the current code for accessory buildings which included a 5' setback from interior lot lines. The new code adds "<i>the accessory building shall contain no openings on the side or sides adjacent to the rear and/or side lot line</i>". This is taken from the Mapleton code. Russ Adamson asked if this was only if they were on the 5' mark. Shawn said "no", now it applies to any structure but could be changed to say if it were 12' back it would not apply. The hearing was opened for public comment. <ol style="list-style-type: none"> 4. Catherine Fillerup stated that one window would be acceptable but the whole wall of windows was overwhelming. She encouraged the commission to pass the code on as it is, with a square footage provision that would provide for one or two windows. 5. Judy Guertler spoke. She is the owner of the pool house. The pool house was not built for entertainment or recreation. She has some severe health problems and the only exercise she can do is

	<p>swimming. She uses it year round, every morning. She opens it up to others in her ward with disabilities for exercising. It is not there for parties. The windows were put in for cross ventilation. Vents would have not have been sufficient for cross-ventilation. The windows also provide light. She is sorry it is causing problems but would hope we would not eliminate the possibility of windows for such structures.</p> <ol style="list-style-type: none"> 6. David Guertler, Judy’s husband, spoke. If this side were a south facing side the new code would prevent people from doing solar heating in such a structure. 7. Sean Royslance thought it might be reasonable to have a square footage restriction and maybe with consent of the adjoining property owner, the restrictions be lifted. <p>Chairman Adamson closed the public hearing at 7:15 p.m. The commissioners expressed the following:</p> <ol style="list-style-type: none"> 8. Russ Adamson felt if the building were 12 feet from the lot line there should be no restriction. He felt there should be a square footage restriction if it were on the 5’ setback. 9. Kelly Liddiard stated that since most communities had no restrictions, we probably didn’t need any. He said there are many houses in the neighborhood with panoramic windows overlooking neighbors yards. Also a greenhouse would be an accessory building and should not have those restrictions. 10. Paul Squires mentioned there could be a height restriction, but changes his mind when he heard of the greenhouse idea. 11. Scot Bell felt a neighbor should be allowed to have passive solar. Maybe plants or shrubs or fences could block the view. He felt we should not be so restrictive by amending the code. <p>A MOTION WAS MADE BY SCOT BELL AND SECONDED BY KELLY LIDDIARD TO RECOMMEND TO THE CITY COUNCIL THAT THEY NOT AMEND THE CODE, SECTION 10-12-5, REGARDING ACCESSORY BUILDINGS AND THE PROPOSED WINDOW RESTRICTION ON THE SIDE ADJACENT TO THE REAR AND/OR SIDE LOTLINE. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) WESTON YOUD, DAYNA HUGHES, KEVIN HANSBROW.</p>
<p>2. PUBLIC HEARING TO CONSIDER REWRITE OF ELK RIDGE CITY CODE SECTION 10-9-1 AND PORTIONS OF</p>	<p>City Planner, Shawn Eliot, passed out the handout given to the City Council which explained the highlights of the proposed Hillside Residential Zone Code (rewrite of the Critical Environment Zone Code). The commission has been working on this since August of this year. They went to the city council for a joint work session about a month ago. When the commission proposed a moratorium on the Critical Environment Zone code, the basic changes needed were the ones completed and summarized in this handout. Due to city council’s and city engineer’s comments there have been some further changes.</p> <p>He reviewed the handout as follows:</p> <ol style="list-style-type: none"> 1. The proposed code better sustains the goals of the general plan and intent of CE-1 code with better defined regulations. <ol style="list-style-type: none"> a. Setbacks from natural features (ravines and drainages) have been defined, short stretches of road have been defined, heights of cuts and fills have been defined (as there used to be just vague statements) (10.09.150-200) b. A SENSITIVE AREAS PLAN is now required prior to preliminary plat. (10.09.140) 2. The requirements are now quantified for better enforcement. <ol style="list-style-type: none"> a. Cut and fill heights have been limited. <i>A change recently proposed by our engineer will be discussed later.</i> (10.09.480 and 860) b. Roads on 30% can have runs of 100’ and must connect to flatter developable areas, can’t cross terrain with over 40% slopes (10.01.460). <i>Our engineer has changed this a little also – to be explained later.</i> c. Cul-de-sacs can be approved up to 1000 feet if the alternative of a through street is more damaging to the environment (10.09.500) d. Secondary access is required for developments over 20 lots (10.09.520). <i>Some tweeking has been done to this also.</i> e. Building envelopes can only have 50% of the area on 20 to 29% slopes. (10.09.340) <i>This is</i>

hybrid of what is already in our standards.

3. **The base lot size is now an acre.**
 - a. It has always really been an acre but we had added in if you had 15% or less you could do smaller lots. We have taken this out to remove the multiple sizes in a zone, which was awkward. (10.09.320)
 - b. Have added a Hillside Cluster Overlay Zone which allows for half-acre lots in exchange for open space. (10.11C.080) *Similar to what was in code previously for third-acre lots.*
4. **Lot setbacks and frontages have been changed for greater spacing of homes.**
 - a. Lot frontage raised from 100 feet to 150 feet. (10.09.360) *Old code allowed homes to be 24' apart – this is a little close on ridgelines. Harris Estates is example of closeness.*
 - b. Front setback raised from 30 to 50. (10.09.370)
 - c. Side setback raised from 12 to 30. (10.09.390)
 - d. Patterned after Woodland Hills
5. **Created Hillside Cluster Overlay Zone.**
 - a. Has to be approved by council – can be denied. (10.11C.040)
 - b. Half-acre lots clustered in flatter areas – reduced setbacks. (10.11C.080-160)
 - c. Requires 40% open space. (10.11C.170) *There was some talk at council about raising this to 50% and dropping the density bonus to 25%. If you did that you would not be able to get any more lots because the 50% open space does not allow for enough extra room for the extra lots, so it was not changed.*
 - d. Density bonus up to 30% can be awarded for amenities. (10.11C.180-210)

Shawn reviewed the following changes to the revisions since our last meeting.

1. P.3: 10.09.160 – Ridgelines – (*Changed after discussion with our engineer*) A ridge is defined as an elongated crest or series of crests of a hill and a ridgeline is defined as the highest elevation of a ridge running parallel with the long axis of the ridge. Any ridge or ridgeline, or portion of a ridge or ridgeline with slopes greater than 20% shall be designated as open space.
2. P.4: 10.09.170 – Faultlines – (added italicized) No building envelope shall be located within a minimum of 100 feet of a fault line as shown on the hazard map of the general plan, *unless greater distances are required as established by a certified professional. (This was suggested by the engineer)*
3. P.4: 10.09.190 – Unstable soils – (*same phrase suggested by engineer: " unless greater distances are required as established by a certified professional. "*)
4. P.4: 10.09.200 – Slopes 20% or greater – *rather than using word "minimal," stated must adhere to cuts and fills requirements in 10.09.870 and other requirement in this code.*
5. P.8: 10.09.450 – Traversing 10% Slopes – ...road design must follow contour of the land...*used to just say contour lines.*
6. P.8:10.09.460 – 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 *meet the regulations regarding cuts and fills and that such cuts and fills along with the placement of the road will not have adverse visual or safety impacts. Screening of cuts and fills with vegetation or other means can be required by the planning commission to minimize visual scaring. (Engineer wanted this extra detail added). This is the portion of the code where we defined short stretches as 100 feet.*
7. p.9: 10.09.480 – Cuts and Fills. *added: The maximum combined cuts or fill allowed at any point of a road section shall be limited to 30 feet with the maximum of 20 feet in height on one side of the roadway. Retaining walls can only be 15 feet for a cut and 15 feet for a fill at any place in the road cross-section. (The engineer said they like to do more cuts than fills so by allowing a total of 30 feet – which could give 20 on one side and 10 on the other, instead of 15 and 15,would give a little more flexibility.)*
8. P.10: 10.09.500 – Cul-de-sacs. ...*No cul-de-sac shall have more than 16 building lots. Previously there were 20 allowed. This was to allow for the additional length but with the 120 foot frontage you could only fit 16 lots.*

9. P.10: 10.09.520 – Secondary Access – *same reasoning – changed to 16 lots instead of 20.*
10. P.12: 10.09.690 – Preliminary Geotechnical Report – *this has been an issue. When a project comes in for preliminary our application requires a geotechnical report, which is very expensive. Our engineer has been telling developers to do a cursory geotech and the full blown report can come between preliminary and final. If at that point there are major issues, they will have to rework the project anyhow. The developer hesitates putting up the money prior to preliminary and then not getting approved. The engineer is comfortable with this.*
11. P.14: 10.09.780 – Final Geotechnical Report (*added per engineer's comments*) *All projects require a final geotechnical report....etc. (code now requires for geotechnical report prior to preliminary, but it is now required at final)*
12. P.18: 10.09.1000 – Driveway Grade – *When looking at Elk Haven subdivisions, one of the concerns was that since the roads were being kept to a 10% grade it made it harder to have 12% driveways coming off these roads. The engineer said we could allow 15% but require any driveways over 10 (or 12) be heated. The commissioners felt it should be 12% since that is where the code now accepts for slopes on driveways throughout the city.. Shawn added the term "at any point" when referring to 12% driveways.*

HILLSIDE CLUSTER OVERLAY ZONE

The Hillside Cluster Overlay Zone was discussed next. Shawn Eliot passed out a handout with this new proposed zone code. He discussed the following:

1. Basically with an overlay zone you have to adhere to the regulations of the underlying zone, which would be the HR-1 Zone, unless stated in the overlay zone that you can do something different.
2. In this code he mentioned a few changes he had made:
 - a. He used "subdivision design" rather than "lot design" (10.11C.070)
 - b. When referring to the cul-de-sacs, he allowed up to 20 lots.

PUBLIC COMMENT

Chairman Adamson invited public comment at 7:40 p.m. The following discussion ensued:

1. KEVIN CLARK: Regarding clustering and open space. Was wondering if you could use unbuildable open space to meet the clustering requirement. Shawn answered that you can, but we are now requiring 40% instead of 20% and now you still have to keep an one-acre-lot density. Using these two requirements, with 20 acres you can still only do 20 lots but can cluster them together in half-acre lots on the flatter land, helping with infrastructure and making it easier to develop. You can get a density bonus but still have to keep the one-acre lot density.
2. SHAE CLARK: Why is the overlay zone even being proposed? What are the advantage to the area. Most of the citizens wanted acre lots. Now we are clustering. Why? SHAWN: because the general plan says we want to encourage clustering in these areas, but by keeping acre lot densities we are preserving the area as a whole in a fashion that the residents can access. Shae still did not like the smaller lots. RUSS: The citizens do want open space, there is a trade-off, it still must be approved. The original code did allow for clustering but was not worded well. This is not a brand new concept.
3. KARL SHULER: expressed some general concerns. He has been involved with the CE-1 zone issues for several years. This is the fourth CE-Zone change since they started looking. He realizes the city has been burned on some occasions, but feels the pendulum is swinging too far the other way. The city is making it so restrictive that it is virtually impossible to develop this area with the new code. He is glad some things have been clarified and tightened up, but feels most things are too restrictive. He was vested two codes ago and was having a hard time making it work then.

With this new code, two of the nicer streets in town, High Sierra Drive, and Hillside Drive, would not be able to be developed. They are on ridgelines as defined by the new code. It is not just one thing, but the combination of everything that makes the new code difficult.
4. KARL: Some of the changes are counterproductive as far as maintaining the environment and the lay of the land; for example; the road intersection being required to be 4% in all directions from an intersection. You are forced to dig into the hillside and radically change the lay of the land because you have to go 200 feet at 4%. This requires a lot of cuts and fills. His research shows we are one of the most restrictive of cities in this area.
5. RUSS ADAMSON: Karl, let me make sure we understand your areas of concern:
 - a. **Intersection Slope:**
 - b. **Ridgelines and Ravines:** Karl mentioned we need further definition. That is what this area is,

ridges and ravines. If you restrict such that you can't build on top of a ridge, or in a ravine, there is not much left. This depends on the interpretation. Karl stated in one of the areas we defined as a ravine, there has been no evidence in past 300-500 years of any flows of water in that area.

- c. JED SHULER asked if a blue line on a county map constituted a ravine. Shawn said that is what they have identified as drainage areas and there are only two or three in the whole city.

Shawn Eliot gave an example of a problem where Gunnersons and Steeles houses are in a ravine and there are water problems because of that below on Cove Drive. They probably should not have built in the bottom of a ravine. Allowing the homes to be built in that area made it so they had to bring in a lot of dirt. We do not want these huge rock walls with homes on top.

KARL: High Sierra would also be on a ridgeline and most people don't feel this is a damaged area. Shawn stated this would only be on one side of the street. Elk Haven Plat E's proposed lots were third acre lots right on the drop-off.

- d. **Density:** Karl did not feel the density before was a problem. He is not sure why we are changing to one-acre lots.

Shawn passed around a map of the areas showing that most of the 30% slopes are in the Elk Haven areas. Once you are up above there are a lot of 20% or less slopes. With RL's development (Fairway Heights) we are trying to stay off the ridgelines. Karl is correct, Haley's lookout is a ridgeline and would be difficult to fit into the new code.

- e. **Frontages:** Karl felt it was excessive to jump from 100 feet frontage to 150. He also felt limiting crossing 30% slopes to 100 feet was also excessive. The 8% roads (with 10 on approval) is also difficult. Again, most things were just a little excessive, but when all-totaled, make it virtually impossible to develop. As a land owner he is stuck with property the city won't let him develop.

6. SHAWN ELIOT: We have only done one major revision of the CE-1 code, that was in June of 2006. We tried to do another one but it was turned down. There were some small changes, such as the road slopes.

7. LEE POPE: He is also a landowner. He can't talk about the engineering specifics but wanted to make some general comments. He has lived here for 35 years. When he came here he felt Elk Ridge was his. There were no other homes. He could ride his horses, hunt, etc. The first homes were condominiums and he felt they were very intrusive. He has served as Chairman of the Board of Adjustments here in Elk Ridge before some of you were born. I have seen every wave of people come into this community. It never fails, every group in wants to stop any more from coming. He has seen this over and over.

He came to the city council meeting Tuesday and felt it very evident that at least one member had a very personal agenda against any further development. He couldn't believe how blatant and obvious it was. He realized long ago the only way to stop development was either to buy up all the property in the area, or get on the city council or planning commission and use your position to exercise your personal agenda.

He expressed that being on either of these bodies is a lot of work and appreciates the work done, but is concerned that the collective effect of all the changes make it the most restrictive code in the county and make it impossible to develop the land from a cost perspective. By placing enough restrictions out there, you kill the development, and this is what it feels like is happening. This is a gorgeous place and we want the southern development to be as beautiful as it can be. We have to allow reasonable development to take place.

8. LEE POPE: I would like to ask a question. Individuals have talked to me about city officials being part of conversations with other city officials or residents whose primary intent is to limit or stop development. Has that taken place – would you commissioners respond to that?
9. RUSS ADAMSON: There are a lot of residents who would like to see slower growth. People always talk about things like this. As a commission all we can do is look at code and make sure development is within code. We look at changing the code if it is not right and is not meeting the vision of the community. We or others can suggest code changes. When we did our survey there were a lot of people that indicated they did not want to see high density development up in the hillside area. They like the look of Woodland Hills.
10. LEE POPE: no one likes high density. RUSS: People who want no growth are naïve. Developers have rights. LEE: At first, I did not understand, I did not want any growth. I am just wondering if there is anyone here with that kind of agenda. If there isn't, I apologize

RUSS: I only speak for myself, but when working with Karl, I personally, feel like we tried to find a way to make it work for their development. I could have taken a harder stand. We tried to make it meet the law of the code, as well as the vision of the community. I don't have a personal agenda.

KELLY LIDDIARD: I am not against the development. We just want to make sure it is done right and in the best interest of the city. I do not, and do not feel any of us do, have a personal agenda in this position.

11. SHAE CLARK: mentioned other areas in Utah having problems with homes sliding off hillsides. She appreciated the efforts of the commissioners to prevent things like that from happening. She appreciates us dealing with the safety and aesthetic issues and is not against development if done properly. There are many things to look at. The code changed and all around them has now developed in smaller lots. She is not happy with that. She realizes it is hard to meet the new code, but it is necessary for safety and environmental issues. LEE POPE: I agree, but if there are personal agendas trying to make things so difficult that no one can develop, then you have gone way beyond the mark. This is his concern.
12. RUSS ADAMSON: At this point, Karl and group are already vested and can see what they are getting. We feel, however, that the present code allows too high a density. Third acre lots are too dense. I think under the new code Karl would probably get about 95% of what he did get. I don't think it is that restrictive.
13. SHAWN ELIOT: Two things. I was on the planning commission. It is not that we want to make changes to stop development.. Under the new code with the 100 foot crossing 30% slope requirement, you could not have gotten through, but you are vested in the old code. There are not a lot of areas left with these same slope issues. Jed Shuler mentioned that an entrance from Loafer Canyon would be an issue. Karl Shuler mentioned that in Park City there are a lot of areas crossing such slopes. Shawn said we can talk about crossing through a longer area if it needs to be longer. He said if Karl was to do the half-acre lots you could get have gotten 13 lots with just one-acre lots. With the half-acre lots I am showing that you could get 19-20 lots with the slopes up there, now you have 22 lots. Karl, there are 23 acres and we ended up with 22 lots. Even with the smaller lots we are close to the base density.
14. KARL: In general, I would like to compliment the planning commission. There have been some rough times, but in general, you have been good to work with in making the development safe, look good, environmental friendly, but taking strict interpretation, you could take some of our areas and define them as ravines and ridgelines which are non-developable under the new code.
15. Margaret Leckie reminded Karl that in order to keep his vesting, if he does not soon go for final, he may have to apply for an extension on his project (preliminary approval [vesting] valid for one year after granted preliminary by city council or until city council grants final). City code as follows:

10-15A-3: PROCEDURE FOR APPROVAL OF A SUBDIVISION:

B. Planning Commission And City Council Approval Of Preliminary Plan:

1. Approval of the preliminary plan shall remain valid for a period of one year from the date of approval by the city council or until final plat approval by the city council, whichever time period is less. The approval may be extended or reaffirmed by the city council, for a period not to exceed one year, following receipt of a written request from the owner, submitted in accordance with the rules of operation of the city council and upon a finding that the conditions applicable to the project and the vicinity are substantially the same as at the time of initial approval.
16. JED SHULER: I want this to be reasonable and look nice as I am going to live here for a long time also. I have looked at several other city's ordinances. Most have between 100 and 130 foot frontages. The driveway ordinance should only require heating above 12%. Especially with the larger frontages setback, the driveway will have to go further back. The cost of heated driveways is very high. In a home by Russ's house the owner in winter months pays up to \$400 a month to keep that driveway heated.
17. SEAN ROYLANCE: Concerning the intersection slope. The only reason we are suggesting it is for safety. In cities such as Seattle, with steep intersections, when it snows the city is shut down. This is a real issue. If you get several cars at one intersection backed up there can be problems in heavy snow.
18. Jed mentioned there are not usually that many cars backed up. Kelly Liddiard mentioned, on the other hand, when he goes to work at 5 a.m. there are 3 cars stacked at the intersection. Kelly stated that when you come up from Clowards every 100 feet you go up adds to the depth of the snow. Look at the area where these homes are going in. There will be much more snow up there.

19. KARL SHULER stated it was hard to do the intersection in Plat E and then get the road back to 10 percent. It required a lot of cut and fill.
20. SHAWN ELIOT stated that we can ask our engineer which intersection option (4% for 100' or 3% for 50 feet is best for our city.
21. RUSS ADAMSON: Regarding the open space. Most people think of open space as not private property, but area that can be accessed by the public.
22. SHAWN ELIOT: We have gotten a lot of feedback that we want the homes far apart, but also that residents want property up there where they can go hiking. When we get into the flatter areas and do require 40% open space, we will be getting some accessible, usable areas as open space. This is not the case in Plat E.
23. KARL SHULER: when talking about the natural vegetation, you are now stipulating that hardwood trees have to be replanted. Dense oak is not the natural vegetation. It was browse and grasses, intermingled with spots of cedars and oaks. A range scientist, or someone from the Bureau of Land Management, will tell you natural state is no longer there as we have stopped the natural fires, etc. He felt the old code was appropriate. You should be able to remove some of the oak brush. The oak brush has invaded the area and makes more fire hazards. We probably don't want as much oak as is now up there.
24. JED SHULER: Most of the cities I checked only require 25% to 30% open space. I think you have gotten a little excessive with 40%.

RUSS AGAIN TRIED TO SUMMARIZE KARLS CONCERNS

1. Definitions of ravines and ridgelines and restrictions on them are too restrictive.
2. 100 feet on crossing 30% slopes may be too small. 600 feet may be too long but maybe somewhere between 200 and 400 feet.
3. Intersection slope too restrictive – 100 feet for safety is 5 car lengths. Most of Payson's intersections don't comply with that. There needs to be something. Maybe 3% at 50'. Jed found some cities that are 4% for 60'.
4. Setbacks: Most people will want a 50-60' setback. Shawn Eliot stated that we wanted to allow for enough land to keep some vegetation between the lots and the house and street.

Chairman Adamson closed the public hearing at 8:40 p.m.

CHAIRMAN ADAMSON REVIEWED THE TIMELINE ON THE CE-1 CODE REWRITE.

- Shawn Eliot stated we want to go to city council with the new draft on the 26th of February.
- The moratorium ends on March 10th, the day before their next meeting. As of now there is no one who will be submitting an application and getting it approved prior to then in the CE-1 zone. We are not at risk. The only issue might be the Nebo Heights Subdivision. Once the moratorium is over, we cannot issue another one.
- Margaret Leckie mentioned there will be a meeting Tuesday with our attorney where he may possibly bring up some further issues in the proposed code.

CHAIRMAN ADAMSON SUGGESTED WE LOOK AT THE FOLLOWING ISSUES:

1. NATURAL VEGETATION (10.09.210)

P.4. Shawn Eliot mentioned that when we looked at RL's development, we only considered natural grasses. We added in scrub oak on the development on Mahogany Way. Maybe we change to say that the planning commission can require it. Kelly Liddiard asked if we were looking at natural vegetation as it is now or as it was 100 years ago. Russ asked if we just say revegetation is required and leave off the indigenous hardwood would that be less restrictive. Shawn said that is something some people still want there. Kelly Liddiard said people up here like the look of the developments up here with the oak, he likes the trees. Russ suggested saying revegetation of indigenous hardwood trees and let them select what they want. After some discussion Shawn suggested that the code might say regarding what revegetation be required: "may be required by the planning commission as

suggested by a professional landscaper” when referring to revegetation. Paul Squires mentioned that in order to get a professional revegetation plan you can go to NRCS (Natural Resource Conservation Service).

2. 100 FEET CROSSING SLOPES OF 30% (10.9.460)

The Elk Haven Plat E was crossing 50% grades for 600-700 feet. We felt that was excessive. . We have changed the code so you can't cross 40% grades. Russ suggested we say 100 feet you can do and up to 300 feet with planning commission approval if there is a demonstrated need (and maybe even approval of more than 300 feet with demonstrated need). Russ felt that we needed to give a little more leeway since we already have developments crossing these steep slopes. Scot Bell mentioned convenience and expense are not the guiding factors, just if there are no other alternatives. Kelly Liddiard said if the road falls apart then we will be responsible so we should not let development take place even if the only option is to exceed the requirements in the code. We should not allow unsafe development. Shawn mentioned the fire chief was OK with 700 feet at 12%.

3. FRONTAGE (10.09.360)

The commissioners felt that 150 feet with the option to cluster with 110 foot frontages was reasonable (this is what the PUD code in Woodland Hills is). The residents don't like the 100 feet in Harris Estates. Our half acre zone is at 120 feet.

4. SETBACKS (10.09.370, 380, 390, 400 – front, side and rear)

The Elk Haven developers felt the 50 foot front setback was excessive. Shawn explained the reasoning was that if there was a steeper slope from the road to the house, 30 or 20 feet would require more cutting and grading to get the driveway to the house. Fifty feet gives a longer area to get the driveway to the house. Scot Bell mentioned that it is already in our code that the driveway with the 12% slope has to be demonstrated. The goal is to minimize cuts and fills. Shawn said we still allow the 20 foot exception. He stated this allows the road to go down to a flatter area. The commissioners decided to leave this as is.

5. RIDGELINE AND RAVINE DEFINITIONS (10.09.160)

Chairman Adamson mentioned this is the topic the Mayor has issues with. Shawn mentioned the mayor does not like the idea of restricting homes on ridgelines to be ramblers. Russ Adamson stated we will not have the visual of house right next to house along the ridge if we have 150 foot frontages. Shawn Eliot mentioned that in Plat C the houses will be right at the crest. The new code says the back yard should be 100 feet away from 20% or greater slopes so the back yard does not just drop off. Russ Adamson stated that since there are so many homes in the community that would not fit this code, maybe we need less restrictions.

Scot Bell felt that the flattest parts are in the ravines and on the ridgelines. Shawn explained that when you get to the crest of the 20% slopes, you have to go back 100 feet. Open space refers to non-buildable area on your lot, not public open space. There are not very many ridgelines left in town. This was tough code to figure out. Shawn mentioned a lot of cities are looking a ridgeline codes now. It has not been done much in Utah. It was suggested by Chairman Adamson that we send it forward as is and see what comments we get.

6. RAVINE DEFINITION (10.9.150)

Chairman Adamson asked if the commissioners were satisfied with this definition. The developers tonight had expressed they thought it restrictive. *A ravine is considered a continual low point on topography that slopes down a hillside. A drainage is similar to a ravine but is shown on the general soils map as a low point that could carry water. The area 30 feet from each side of 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. The planning commission can require a larger setback if the drainage is wide in nature.*

Russ stated the developers argued they could not put their road in the one area. Shawn said you can

cross it, but can't just run right along it. Shawn stated the issue is if you have a fire that burns off all the foliage then a big rain, it could cause a mud flow. Scot Bell stated drainages should be shown on a hydrological map. Shawn said it is from a county hydrological map. He felt you could find a lot of areas in mountainous terrain that would fall into that definition of a ravine. Do they also fall into 5 – 10 – 100 year storm problem areas? Scot felt that as a city we will have a hard time defending what a drainage is unless we have something with a little more teeth to it, i.e. a hydrological report. Russ stated maybe we make it a requirement that when they turn in their sensitive area report that it be approved by a hydrological engineer. Scot felt this would take the judgment away from this group. Kelly Liddiard suggested we require our city engineer, a hydrologic engineer and geotechnical engineer look at these issues. Shawn suggested saying it be looked at by the city engineer and others as required by staff.

7. INTERSECTION SLOPE

The proposed code is 4% slope for 100 feet on both sides of an intersection. Russ asked if we are truly the most restrictive. Shawn did not feel this was the case. Scot Bell said Ogden was 25 feet at 3%. He felt this was too liberal, but our code will require a lot of cut and fill. Kelly asked where the 100 feet began and Scot said from the extended parallel corner. Russ agreed that there would be a trade-off between cuts and fills and how long you want a flat intersection. Russ felt that 3% at 50 feet would be reasonable. Scot said sometimes the 4% for 100 feet is advantageous. It was decided to leave them both in.

8. RAMBLERS ON RIDGELINES (10.9.910)

Near ridgelines and other prominent natural features, the planning commission can require that only rambler type dwelling be allowed. Shawn mentioned that Park City does this. We can wait and see what the attorney says, or take it out. The commissioners concurred that they would like this portion of the code removed.

John Hoschouer suggested requiring diagrams from developers showing the ridgelines and ravines. Shawn Eliot concurred.

Shawn Eliot posed a question regarding the Fitzgerald lots in the Fairway Heights, Plat C Subdivision. Their lots are on the west side of RL's CE-1 development now in progress:

Fitzgeralds do not want to develop their property now but Brian Ewell does want to go ahead. Shawn told Fitzgeralds that they would be vested in the code for about a year. In Fitzgerald's case, one-acre lots would not be good. Do we want to take off the requirement of 20 acres for this type of clustering development? The commissioners felt it should be left in.

A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KELLY LIDDIARD THAT WE RECOMMEND THE CITY COUNCIL APPROVE THE HILLSIDE RESIDENTIAL 1 ZONE CODE AND THE HILLSIDE CLUSTER OVERLAY ZONE, BOTH OF WHICH ARE A RE-WRITE OF THE CRITICAL ENVIRONMENT 1 ZONE CODE (SECTION 10.09.A) THE COMMISSION FINDS THAT THIS CHANGE TO THE CODE IS IN LINE WITH THE GOALS OF THE GENERAL PLAN FOR THE HILLSIDE AREAS, THAT IT SUPPORTS MANY OF THE FINDINGS OF THE GENERAL PLAN SURVEY RESULTS, AND THAT BY HAVING A WELL OUTLINED, DEFINED, AND CLEAR CODE THESE NEW CODES WILL BETTER AID DEVELOPERS AND THE CITY IN THE DEVELOPMENT PROCESS.

THE CHANGES PROPOSED TO THE DRAFT INCLUDE:

- 10.9.150 RAVINES AND DRAINAGES – ADD THE WORDS “AS DETERMINED BY CITY STAFF AND ENGINEER WITH INPUT FROM OTHER FIRMS AS REQUIRED”**
- 10.9.210 REMOVAL OF NATURAL VEGETATION FOR A DEVELOPMENT – ADD THE WORDS “REVEGETATION OF INDIGENOUS HARDWOOD TREES MAY BE REQUIRED BY THE PLANNING COMMISSION AFTER INPUT FROM OTHER PROFESSIONALS”**
- 10.9.460 TRAVERSING 30% SLOPES – ADD THE WORDS “THE PLANNING COMMISSION CAN ALLOW AN EXCEPTION UP TO 300 FEET IF IT IS DEMONSTRATED**

	<p>THERE ARE NO OTHER ALTERNATIVES.”</p> <p>10.9.150 RAVINES AND DRAINAGES – ADD THE WORDS “AS DETERMINED BY CITY STAFF AND ENGINEER WITH INPUT FROM OTHER FIRMS AS REQUIRED”</p> <p>10.9.470 INTERSECTION GRADES – ADD BACK IN THE OPTION OF 3% FOR 50 FEET.</p> <p>10.9.910 RAMBLER DWELLINGS – REMOVE LAST SENTENCE “NEAR RIDGELINES AND OTHER PROMINENT NATURAL FEATURES, THE PLANNING COMMISSION CAN REQUIRE THAT ONLY RAMBLER TYPE DWELLINGS BE ALLOWED.”</p> <p>10.9.1000 DRIVEWAY GRADE – CHANGE “10%” TO “12%”.</p> <p>VOTE: YES (4), NO (1) SCOT BELL, ABSENT (3) WESTON YOUND, DAYNA HUGHES, KEVIN HANSBROW.</p> <p>Scot Bell voted “NO” as he did not feel the code met the objective of clustering. He felt that by requiring greater setbacks it would increase cuts and fills. He did feel, however, that there were many changes made that were needed but there are some things in here that he feels are not beneficial. By and large it is great, but he cannot agree with it all.</p> <p>A MOTION WAS MADE BY JOHN HOSCHOUER AND SECONDED BY KELLY LIDDIARD TO RECOMMEND APPROVAL TO THE CITY COUNCIL REMOVAL OF THE ELK RIDGE CITY CODE, SECTION 10.114.2, PLANNED RESIDENTIAL DEVELOPMENTS AND SECTION 10-14.A – PLANNED RESIDENTIAL DEVELOPMENTS. THE PLANNING COMMISSION FINDS THAT THESE PORTIONS OF THE CODE WERE REPLACED IN JUNE 2006 WITH THE CHANGES TO THE CE-1 ZONE AT THAT TIME. THESE SECTIONS OF CODE SHOULD HAVE BEEN REMOVED THEN. THE COMMISSION ALSO FINDS THAT WITH THE HILLSIDE RESIDENTIAL 1 ZONE AND THE HILLSIDE CLUSTER OVERLAY ZONE, THE PRD CODE IS COMPLETELY OBSOLETE. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (3) WESTON YOUND, DAYNA HUGHES, KEVIN HANSBROW.</p>
<p>8. APPROVAL OF MINUTES OF PREVIOUS MEETING – JANUARY 24, 2008</p>	<p>The review of the minutes was postponed until the next planning commission meeting.</p>
<p>9. PLANNING COMMISSION BUSINESS</p>	<p>The memo from Jan Davis to the city council regarding staying on track during meetings was passed out and it was suggested the commissioners read this on their own time as it applies to our meetings also. A copy will be put in the office files for tonight’s meeting.</p>
<p>ADJOURNMENT</p>	<p>Chairman Adamson adjourned the meeting at 9:45 p.m.</p> <p style="text-align: center;">  _____ Planning Commission Coordinator </p>

NOTICE OF PUBLIC MEETING – AGENDA

Notice is hereby given that the Elk Ridge Planning Commission will hold a regular **Planning Commission Meeting on Thursday, February 28, 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. General Plan Rewrite**
- Review and Discussion – Bob Allen (MAG)
- 2. Approval of Minutes of Previous Meetings – January 24 and February 14, 2008**
- 3. Report on City Council Meetings – Feb. 12 and Feb. 26, 2008**
- 4. Planning Commission Business**
- 5. Follow-up Assignments / Misc. Discussion**
- Agenda Items for March 13, 2008 Planning Commission Meeting

ADJOURNMENT

*Handicap Access Upon Request. (48 hours notice)

Dated this 21st Day of February, 2008.



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 21st Day of February, 2008.



Planning Commission Coordinator

ELK RIDGE PLANNING COMMISSION MEETING AND PUBLIC HEARINGS
February 28, 2008

TIME AND PLACE OF PLANNING COMMISSION MEETING	<u>A regular meeting of the Elk Ridge Planning Commission</u> was held on Thursday, February 28, 2008, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah.
ROLL CALL	<i>Commissioners:</i> Kevin Hansbrow, Dayna Hughes, Weston Youd, Russ Adamson <i>Absent:</i> Paul Squires, Scot Bell, John Hoschouer, Kelly Liddiard <i>Others:</i> Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator Sean Roylance, City Council Member Bob Allen
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.
1. GENERAL PLAN REWRITE	Dayna Hughes turned the time over to Bob Allen, from Mountainland Association of Governments, to talk about the General Plan Rewrite. The following discussion ensued: Bob: <ol style="list-style-type: none"> 1. Bob passed out a handout showing the results of the visioning exercise we did last month at a joint meeting with the city council. He took all comments and wrote them down. (numbers at side indicate no. of comments re: this item, \$ amount indicates priority given by those doing the exercise). (summary on file in office). 2. Regarding the desire for a "city center" he suggested we look at what "city center" means. There were a lot of comments and "money" applied to this during the visioning exercise. As a planner, city center also implies a location, not just a building. Do we want some commercial there? Do we want a sense of place? The new city building would be a cornerstone to this "place". Maybe some commercial with architecture that matches indicating when you get there, that you have "arrived" at Elk Ridge. This is something to think about. Dayna Hughes mentioned that she learned at her planner training the importance of having a "gathering place". Shawn Eliot mentioned that Lehi is a good example. Their civic center is their rec center, library, etc. 3. Bob mentioned that though this plan is for the next 5 years, we should be thinking 10-20 years down the road. Now is the time for us to include in the plan a city center as we envision it way down the road. When we talk about public facilities and roads we should consider that while we are now a population of about 2500 now, build-out population is possibly 7500 people so we need to think about what sizes the roads need to be to handle this population. i.e. High Sierra maybe needs to be widened to handle the future population. 4. Shawn Eliot mentioned that once we get a threshold population, the city should be getting enough funds to do some things. When the north end of town takes off, that will provide the city with a lot of income to implement some of our goals. 5. Dayna Hughes asked if something were unrealistic, do you still include it in your plan. Bob said "yes", it is better to shoot too high than not have it in the plan. Example, the city center, if you created the environment for it, people will be willing to put forth expenditures to make things nice. If there is a nice city center, more people might be willing to build up to this architecture and setting to make things look nice. Park City is a good example of this. 6. The most telling feature on the visioning exercises was dollar amount. This is where people put their money where their mouth is. Some of the most recurring items were: <ul style="list-style-type: none"> - Important to keep wildlife, trees, plants and views - Additional parks and recreation - etc. 7. Bob left the handout for the commissioners to review and expressed hope that as we write the plan, we refer back to this exercise and the survey.

8. REGARDING THE COMMITTEES:

Bob stated that we decided to having 10 separate committees and finding meetings times was a bit too much so the following was decided:

- a. Community Vision would be a good element to work on together.
 - b. Housing, Annexation and Implementation – are ones that Bob can write and just bring to us to review. There are not many changes
 - c. The big ones that need our attention are: Land Use, Circulation, Public Facilities, and Economic Development
9. Bob stated having each of these groups meet once a month would work well, giving him and Shawn time to prepare. Good times to meet would be from 6-7 p.m. prior and planning commission or city council meeting.
10. The Economic person at Mountainland is willing to be on the Economic Development committee (not many signed up for that one). The Mayor and John Hoshouer have already signed up to be on this committee. A time needs to be worked out for them.
11. Bob passed around a signup sheet for the various elements. He will send emails prior to the meeting to help people prepare. He hoped at least 2 people from the planning commission would volunteer for each committee.
12. After considering schedules, the following times were decided for the meetings. Bob thought that these meetings needed to be noticed publicly as they were about the general plan.

Circulation Element: Tuesday, 11 March – Sean Roylance, Ray Brown, Kelly Liddiard

Public Facilities Element: Thursday, 13 March – Kevin Hansbrow, Weston Youd, Sean Roylance, Dennis Dunn, John Hoschouer, Kelly Liddiard

Environment Element: Tuesday, 25 March – Dayna Hughes, Sean Roylance, Derrek Johnson, Paul Squires

Land Use: Thursday, 27 March – Dayna Hughes, Kevin Hansbrow, Russ Adamson, Sean Roylance, Nelson Abbott, Ray Brown, Derrek Johnson, Paul Squires

Economic Element: (Will be sometime other than before a commission/council meet, TBA) – Russ Adamson, Weston Youd, Sean Roylance, Dennis Dunn, John Hoschouer

Bob asked that the couple of days prior to the meetings that the commissioners read the current general plan element that will be addressed at that meeting. Ask yourself what should not be in there any more, what you like and what you might want to add or change. He will send out a reminder via email reminding committee members to read the element and come prepared to talk about it. Read and bring the survey and visioning exercise results. The survey and general plan are both online on the city web site.

(This schedule will be mirrored the following months as needed)

13. Bob Allen commented that most elements have three basic pieces:
- A Vision Statement – telling how you feel things should be
 - Background Information
 - Goals and Policies
14. The format of the General Plan makes it more interesting and readable. Bob asked what we could do with format to make our General Plan more “user friendly”. Suggestions that came in were more pictures, bullets. Margaret mentioned that Ken Young did a suggested format change. Bob stated we don’t need to decide this tonight but we should be thinking about it. Bob suggested tables, charts, pictures, short bullet point information, putting it together with tabs.
15. Shawn Eliot stated that the committee meetings will be easier to notice as they can be noticed with the planning commission or city council meeting that they precede.
16. A discussion ensued regarding legal issues between developers and the city. Bob Allen stated we want to be as clear as possible in our code but there are often decisions and interpretations that have to be made.
17. Copies of the community vision portion of the General Plan were passed it out and discussed it with the following comments:

	<p>Reading from the general plan re: community vision:</p> <p><i>A Community Vision Element. This is the most important element or chapter of the Elk Ridge General Plan. The Community Vision sets the tone for the Plan by establishing what the community sees for the future of Elk Ridge. The community's strengths and opportunities are spelled out in this element.</i></p> <p>Bob stated that this element is where we are communicating to people what we want Elk Ridge to be: He suggested adding here a narrative or description, a vision of what we would like Elk Ridge to be. This will be a chance to sell Elk Ridge vision – maybe include trails, parks, a city center – all those prominent points mentioned in the visioning exercise. Schematics and pictures can be included.</p> <p>18. Dayna asked if the public will be invited. Bob stated that his approach is to get a “done draft”, then have an open house, have charts and maps on the wall, let the public draw on the wall charts and maps, adding comments and input. Then the planning commission should meet, discuss the comments, incorporate what they can, and come up with a final draft. Shawn Eliot suggested putting the community vision draft in the newsletter and maybe up on the web site.</p> <p>19. Bob Allen suggested having a booth at the annual city carnival where people could give input, write on the maps, etc.</p> <p>20. Bob Allen suggested getting specific when we talk about open space. Talk about parks, etc.</p> <p>21. Bob questioned regarding “rural atmosphere”. We need to decide how we define “rural”. Some people say towards West Mountain is rural. Is “rural” preserving agricultural lands around the city? He felt this “ship had already sailed” and we probably can’t do this. Is having large animal rights part of “rural”? Is this part of the future for Elk Ridge? Shawn felt one-acre lots on the mountainside would be “rural”. Bob Allen mentioned that PUDs are one way to keep other parts of the city “rural”. He suggested hitting this hard in this plan. Think about what rural is. He would rather we take “rural” out and just define what we think “rural” means and put that in.</p> <p>22. Bob suggested we have a TRD (transfer of development rights). This allows moving development off the areas where you don’t want it to areas where it would be more appropriate. (<i>Transfer of Development Rights ("TDR"). Provisions in a zoning law that allow for the purchase of the right to develop land located in a sending area and the transfer of these rights to land located in a receiving area.</i>) This would allow homes in an area where there is higher density and stops development in the area the rights are transferred from (hillsides, etc.). Shawn Eliot stated we do have a TDR ordinance. Bob said the city would act as a broker in the process. You would be selling the right to build homes, not the actual property. Something like this might work for Fitzgerald’s but they would need to find a receiver of rights. Bob stated that PUDs should have to earn density by buying development rights from someone else. He said we could get rid of the PUD ordinance and make people who want more density have to buy development rights from somewhere else in the city, which would protect some of that area where we did not want to see development.</p> <p>23. Bob stated that preservation of agricultural land may not be a realistic goal. This refers to land inside the city and bordering the city. Some of the interlocal agreements with Payson were discussed. Shawn mentioned the 1-acre Goosenest area. He questioned whether people will come in and want to rezone this area to a higher density? Russ Adamson mentioned that when we get into the Land Use Element of the General Plan, we will address this detail.</p> <p>24. Regarding large animal rights – there are grazing rights in the hillside areas. The commissioners thought that grazing would allow 2 large animals per acre to graze.</p> <p>25. The Harris Annexation was discussed. It was turned down by the County as it created some peninsulas. There is still some land that can be annexed into Elk Ridge for TRD situations and used as receiving zones.</p> <p>26. Bob closed by saying he will be in contact with us, know the schedule and read the General Plan, especially the sections you will be working on.</p>
<p>2. APPROVAL OF MINUTES OF JANUARY 24, AND FEBRUARY 14, 2008 MEETINGS</p>	<p>Corrections for minutes from January 24, 2008: WORK SESSION P1-Item 1.5 – change % to \$. P2-Item 6 - change “all” to “wall” P2-Item 11 – add “to” before “the city council”</p>

	<p>P3-Item 2-8 – change “question” to “questioned” MEETING P2-Item 9 – change “lived” to “lives” P6-Item 3-1 – change “suppressed” to “suppressed” P6-Item 5 – numbering 6-12 should be 1-7</p> <p>A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY RUSS ADAMSON TO APPROVE THE MINUTES OF THE JANUARY 24, 2008 PLANNING COMMISSION MEETING WITH THE ABOVE CORRECTIONS. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) KELLY LIDDIARD, PAUL SQUIRES, SCOT BELL, JOHN HOSCHOUER.</p> <p>Corrections for minutes from February 14, 2008: P1-Roll call – change “Duertler” to “Guertler” P8-Item 5 – change “allow exceptions” to “need less restrictions”</p> <p>A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY DAYNA HUGHES TO APPROVE THE MINUTES OF THE FEBRUARY 14, 2008 PLANNING COMMISSION MEETING WITH THE ABOVE CORRECTIONS. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) KELLY LIDDIARD, PAUL SQUIRES, SCOT BELL, JOHN HOSCHOUER.</p>
<p>3. REPORT ON CITY COUNCIL MEETINGS – FEBRUARY 12 AND FEBRUARY 26, 2008</p>	<p>There was no report on the meeting of the 12th. The following comments ensued regarding the February 26, 2008 city council meeting: Sean Roylance:</p> <ol style="list-style-type: none"> 1. The HR-1 Code rewrite was reviewed at this meeting. It went very smoothly. Sean thanked commissioner, Dayna Hughes, for her helpful comments at this meeting. She explained that we have been working on this a long time, it is not perfect, and we cannot perceive every situation that will come up but encouraged the council to approve the rewrite as the moratorium was now up. 2. Because of the preparation that had gone into the rewrite, everyone knew the changes and what they were about so there were very few questions from the city council. There were a few clarifications, such as “what type of engineer” when an engineer was specified, etc. The setbacks on the ridgelines were left at 100 feet. Shawn felt 50 feet would have been acceptable. 3. They were going to remove the agricultural use but kept it in. Shawn Eliot said this was because the developer must have some rights and agricultural use is considered a minimal right. 4. The only other thing that was a bit of a concession was that an acre was defined as 40,000 sq. ft. This is a little less than a true acre. Shawn Eliot stated this allows the developer to dedicate roads and still only use up a true acre. Half-acre is considered 20,000 sq. ft. <p>Dayna Hughes:</p> <ol style="list-style-type: none"> 5. Ray Brown did an excellent job of handling the meeting in the Mayor’s absence. He kept everything on task and did a good job of balancing comments. He stated that we can always lighten up but we cannot make things tougher, so this is a good start. He stated that this does not mean an exception to the 100 ft. from ridgeline distance cannot be made. <p>Shawn Eliot:</p> <ol style="list-style-type: none"> 6. Shawn asked the council: Now that we are done with this, a lot of the parts of the new HR-1 code are actually things that should be in other parts of the city code, i.e. Roads, Approval Process, etc.. The rest of our Title 10 code is a mess. It is hard to find specific items in the code. Can we now start reformatting the rest of the code, making it user-friendly? Kevin Hansbrow stated that we also need to look at the portion of the code that talks about Commercial Uses. Margaret mentioned that the Mayor had stated that the Economic Committee from a couple of years back has developed a new list. Chairman Adamson stated that we need to get feedback from the Mayor before we start on something like this. Russ asked Shawn to bring this up at the next city council meeting. 7. Scot Bell was reappointed to the planning commission with a 3 to 2 vote.
<p>4. PLANNING COMMISSION BUSINESS</p>	<p>Sean Roylance:</p> <ol style="list-style-type: none"> 1. Sean mentioned he would be happy to bring any of these questions (in Item 3) back to the city council. He asked that we put a list together of things to take back. He spent about an hour with the Mayor a week or so ago and he agreed that it is the role of the planning commission to initiate this

process. Sean and the Mayor are going to put together a letter that empowers the planning commission to initiate action.

Shawn Eliot:

2. Regarding the flag lot approval for the Ridgeview Meadows Plat B proposed subdivision (Ingram); the council went on a field trip. On the trip there was a lot of negative feedback. Our code stated that when you subdivide, if there is a city utility that needs to be accessed, the city can require a utility access (road). Dean Ingram does not like this, so this needs to be worked out. Dayna Hughes mentioned that removing the flag lot option should be number one on our list of "TO DOs".
3. Shawn mentioned that our attorney is a good lawyer and knows a lot about land use issues. His article "Duties of a Planning Commission, One Lawyers Opinion", as it implies, is an opinion. Shawn took the following statement from "The Utah Citizen's Guide to Land Use Regulations", by Craig Call (A ULCT attorney):

Every time the land use ordinance is applied, someone has to decide what it means and how it should control proposed application or use. It would be impossible for the local council or planning commission to anticipate every issue that may come up or to even attempt to regulate every change that people may wish to make on their property.....

Call quoted later in this article that discrepancies usually go towards the land owner's rights.

Shawn stated that if there is a difference of opinion on interpretation of the code, this causes difficulty.

4. Our code is now more restrictive than most other communities. Kevin Hansbrow stated that we can give more allowances, but Shawn said it is actually harder to give more allowances.
5. Shawn stated that our code should adhere to the general plan.
6. He mentioned that our code states that if the planning commission sends something to the city council, and they change it significantly, it should go back to the planning commission. State Law does not say this, but our code does. (by 5 or more lots, or encroach on land the commission was trying to keep the development off of, or requires more engineering analysis). An example...

10-15A-3: PROCEDURE FOR APPROVAL OF A SUBDIVISION: C. City Council Takes Action On Final Plat; Duration Of Approval:

1. Upon receipt of the final plat, bearing all required signatures, and also submission of evidence of ability to satisfy the performance guarantee requirements, the city council shall consider the plat, final engineering drawings, construction agreement and performance guarantee and shall act to approve or disapprove the plat or approve it with modification. If disapproved, the city council shall state its reasons therefore to the subdivider. If significant modifications are required, such modifications must first be referred to the planning commission for its further review and recommendation, if such modifications have not been previously addressed by the commission. If approved, the plat shall be signed by the city council and authorized for recording.

Russ Adamson:

7. Why is building height still an item to be concerned with? Shawn Eliot stated that the planning commission recommendation never got to the city council. In October Shawn asked the council if we should look at it, they said "no", however, the new council members feel it should be reviewed.

NEBO HEIGHTS LETTER

8. Dayna Hughes asked planner, Shawn Eliot, to comment on the attorney's letter regarding Nebo Heights. (mostly 30% and 20% sloped CE-1 proposed development just north of Elk Haven Subdivisions). They put their application in about November of 2006. This was a concept application that went to staff. It sat for a long time as they did not get back to us.

Come June, they went to put in preliminary plat. Shawn stopped everything as a concept had not yet been approved. A field trip was held. Their concept fee of \$400 was refunded. They never did pay for preliminary.

Our lawyer seemed to think we are in the right. We sent our attorney about 50 pages of minutes and file items relevant to the project to review. There were inconsistencies in their letter.

We kept their concept money for a year then returned it. The one item that their letter did not address was that we changed our code to say a developer is not vested until preliminary plat. The planning commission had started work on this in Sept. or Oct. of 2006 and passed it in January 2007. The

	<p>work on this code was started a month or so before their project came in.</p> <p>9. Margaret Leckie mentioned that Nebo Heights has had a name change, and it is now called “Whispering Oaks”.</p> <p>10. Vesting is no longer valid if you have not received final one year after receiving preliminary, yet this does not apply in this case as they never received preliminary approval.</p> <p>LETTER FROM KARL SHULER RE: SCRUB OAK</p> <p>11. Shawn stated that basically, Karl stated that he did not feel that the planning commission believed him when he said that too much scrub oak is a bad thing. He sent an email to a fellow from the Fish and Wildlife Service, who responded that gamble oak is a native plant but it has expanded its range such that it is a fire hazard and if it gets too thick, animals won’t go around it. Basically it is better in island-type clumps with wild grasses around it. Dayna agreed.</p> <p>12. Shawn stated that it is not that we don’t believe him; it is that a lot of residents like the oak.</p> <p>POSSIBLE NEW DEVELOPMENTS/ANNEXATIONS</p> <p>13. Shawn Eliot mentioned that Anderson Development, a large outfit that owns the Geneva Steel land, brought litigation suits against Bluffdale re: Moderate Income Housing, etc., are looking at annexing some property below Karl Shuler’s land (Elk Haven). It is 60-90 acres, owned by a Mr. Clark. It would have to be annexed into Elk Ridge. They would have to have access through Karl’s property.</p> <p>14. Horizon View Farms (Elk Ridge Meadows, PUD, Phase 4 condo development) are coming back to go through the whole development process again with a larger footprint for the units. We are doing preliminary and final together. They did not feel the market supports 2,000 sq. foot condos, so they are increasing the unit size to 3,000 sq. ft. condos. This will mean less open space in the overall development.</p> <p>15. Russ Adamson asked if there were any other hot topics of discussion besides building heights, flag lots... redoing Title 10. Shawn mentioned that he needs to take Sprinkling System code back to the council.</p> <p>16. Shawn mentioned re: the senior overlay cluster code, in relation to Eric Allen’s two proposed projects, is still in the mill. Things are a little slow coming in from the developer. The proposed corner development, Park View Estates, still has a minor list of things to be done. There is a potential this will come forward the second week in March along with the Senior Cluster Overlay code.</p> <p>The second development of Eric’s, Gladstan View, has some serious slope issues with 12% roads and driveways, not good for a senior development.</p>
<p>5. FOLLOWUP ASSIGNMENTS</p>	<p>GENERAL PLAN REWRITE</p> <p>Chairman Adamson mentioned we have plenty to do with the general plan rewrite.</p>
<p>ADJOURNMENT</p>	<p>Chairman Adamson adjourned the meeting at 9:45 p.m.</p> <p> _____ Planning Commission Coordinator</p>

NOTICE OF PUBLIC MEETING – AGENDA

Notice is hereby given that the Elk Ridge Planning Commission will hold a regular **Planning Commission Meeting on Thursday, March 13, 2007 beginning at 7:15 p.m.**, the Planning Commission Meeting will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT.

The Planning Commission meeting will be preceded by a Committee Meeting on the General Plan Rewrite: Public Facilities Element. (This meeting will take place at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT), **and a Sensitive Area Field Trip in Hillside Area.**

During the evening time consideration will be given to the following:

6:00-6:45 P.M. General Plan Rewrite Sub-committee Meeting: Public Facilities Element

6:45-7:15 P.M. Field Trip to Sensitive Area in Hillside Area

**7:15 P.M. Opening Remarks & Pledge of Allegiance
Roll Call
Approval of Agenda**

- 1. Sensitive Area Discussion**
– Review and Discussion – Shawn Eliot
- 2. Elk Ridge City Code Amendment to Section 10-12-38 re: Fire Sprinklers**
– Review and Discussion – Shawn Eliot
- 3. Elk Ridge City Code Amendment to Section 10-12-25 re: Flag Lots**
– Review and Discussion – Shawn Eliot
- 4. Elk Ridge City Code Amendment to Subdivision Code re: Building Heights**
– Review and Discussion – Shawn Eliot
- 5. Planning Commission Business**
- 6. Approval of Minutes of February 28, 2007 Meeting**
- 7. Follow-up Assignments / Misc. Discussion**
– Agenda Items for March 27th

ADJOURNMENT

*Handicap Access Upon Request. (48 hours notice)

Dated this 13th day of March,, 2008.



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 13TH day of March, 2008.



Planning Commission Coordinator

ELK RIDGE PLANNING COMMISSION WORK SESSION
March 13, 2008

TIME AND PLACE OF PLANNING COMMISSION SENSITIVE AREAS MAP FIELD TRIP	<p>A field trip of the Elk Ridge Planning Commission was held on Thursday, March 13, 2008, beginning at 7:00 p.m. The planning commissioners met at 80 East Park Drive, Elk Ridge, Utah. The commissioners took a field trip to the site of the proposed Elk Haven Plat A development to look at the proposed designated ridge line to be delineated as such on the Elk Ridge Sensitive Areas Map.</p> <p>Shawn Eliot passed out a proposed sensitive areas map which designated the ridge lines. The purpose of the trip was to view one of the ridge lines in Elk Haven Plat A and discuss whether the commissioners felt it should be a designated ridge line.</p> <p>Shawn mentioned that when we were finalizing the HR-1 code our lawyer suggested coming up with a reference map of where we wanted the designated ridge lines in Elk Ridge to be. Shawn created the map using GIS, air photos, etc. On the map (file in office) the 20% slopes are designated in blue and the 30% slopes in red. The cream-colored lines designated the ridge lines. The 30% and 20% show areas where drainage occurs and must not be built on. They are not subjective as the ridge lines are.</p> <p>Shawn had concerns about one of the ridgeline portions in this area (Elk Haven A) where a portion of the ridgeline was questionable. He wanted the commissioner's opinion as to whether it should be designated as a ridge line. Shawn did mention that if this ordinance had been in place, half of the homes on Haley's Lookout would not have been built. The field trip only lasted about 10 minutes and the discussion did not take place until the actual planning commission Meeting. The commissioners did not leave the street side as there was snow on the ground and the weather was bad.</p>
ROLL CALL	<p><i>Commissioners:</i> Scot Bell, Russ Adamson, Dayna Hughes, Weston Youd, Kevin Hansbrow, John Hoschouer, Paul Squires</p> <p><i>Absent:</i> Kelly Liddiard</p> <p><i>Others:</i> Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator</p>

ELK RIDGE PLANNING COMMISSION MEETING
March 13, 2008

TIME AND PLACE OF PLANNING COMMISSION MEETING	<p>A regular meeting of the Elk Ridge Planning Commission was held on Thursday, March 13, 2008, 7:15 p.m., at 80 East Park Drive, Elk Ridge, Utah.</p>
ROLL CALL	<p><i>Commissioners:</i> Scot Bell, Russ Adamson, Dayna Hughes, Weston Youd, Kevin Hansbrow, John Hoschouer, Paul Squires</p> <p><i>Absent:</i> Kelly Liddiard</p> <p><i>Others:</i> Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator</p>
OPENING REMARKS & PLEDGE OF ALLEGIANCE	<p>Chairman, Russ Adamson, welcomed the commissioners and guests and opened the meeting at 7:15 p.m. Opening remarks were given by Dayna Hughes, followed by the Pledge of Allegiance.</p>
APPROVAL OF AGENDA	<p>The agenda order and content were reviewed. There were no changes to the agenda.</p>
1. SENSITIVE AREAS MAP	<p>Shawn Eliot, city planner, mentioned that our HR-1 code will refer to a map showing different features that will need setbacks from. Tonight we will discuss this map. Our attorney suggested that to better allow developers/landowners to identify what sensitive land features the city wanted to preserve through the code, that the code reference a sensitive areas map on file with the city. A public hearing will need to be held on the map before it can be approved. The following discussion ensued.</p> <p>a. Tonight during our field trip we looked at the area above the high point of High Sierra to see if it qualified as a ridgeline. He also asked whether there were any other points along the ridgeline that</p>

- the commissioners have questions about.
- b. RL’s hill (in Fairway Heights) is shown as a ridgeline, though Fairway Heights is now vested. Any development on the top of the hill would not have taken place under the new code.
 - c. With the drainages pre-defined, the developers will know where they can and cannot develop. This is the nice thing about having this map in place.
 - d. Shawn Eliot mentioned that once you get over the original ridgeline, the land is pretty flat. Over the last year and a half we have worked on most of the hardest places in the city to develop.
 - e. Park City identifies ridgelines and keeps certain ridge views clear so you cannot see homes from down below. By setting homes back far enough they don’t have to grade the land and build it up with large rock walls hanging down the mountains. This is a selling point in moving the homes back, along with the fact that they can’t be as easily seen.
 - f. Chairman Adamson asked what our job tonight was. Shawn said it was to look at the map, determine if it was appropriate in preserving sensitive features in the HR-1 zone, see if the ridgeline designation needs adjusting, and set a public hearing.
 - g. Chairman Adamson felt it the map looked good. Dayna Hughes felt the one ridgeline portion above Hillside Drive might not need to be a designated ridgeline (on Shuler’s property). Shawn did say that we can break up the ridge lines.
 - h. Though some of the defined ridgelines are in developments that are already vested, it was decided to leave them on the sensitive areas map. If their approvals expire (i.e. preliminaries sit too long before going for final – then expire). If this happens, they will fall under the new code.
 - i. The areas we looked at were flatter behind the ridge. Most of the ridgelines flatten off on one side and are steeper on the other side. Dayna felt that if there was prime developable land on a hillside that was not super-steep and would not necessarily be seen from the freeway, we probably should allow development.
 - j. Shawn stated that most everything on the south side of that ridge line (in the hillside area) is flat and developable. Shawn was OK taking some of the ridge line designation off.
 - k. Russ stated that this topic can be debated further at the public hearing. He added that some maps or pictures to be displayed of the area at the hearing would be helpful. Shawn said he had an aerial photo that he will bring.
 - l. Shawn Eliot mentioned that the attorney said some of the designation could be based on visual aesthetics.
 - m. Paul Squires asked if we could do this for the entire city. Shawn mentioned we could, but it is only required for the HR-1 area.

KEVIN HASBROW MADE A MOTION THAT WAS SECONDED BY DAYNA HUGHES TO SET A PUBLIC HEARING FOR APRIL 10, 2008, TO CONSIDER THE PROPOSED ELK RIDGE SENSITIVE AREAS MAP. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) KELLY LIDDIARD.

2. ELK RIDGE CODE AMENDMENT RE: FIRE SPRINKLERS, SECTION 10-12-38

Chairman Adamson explained that Shawn had been asked to clarify the fire sprinkler code. It is proposed that the code be amended to add language directing an applicant to the National Fire Protection Association, Article 13D and to add language to clarify that garages are required to have sprinklers. The following discussion ensued:

- a. The code would add to the section that says that builders have to meet the standards and regulations adopted by the city, “the National Fire Protection Association, Article 13D are a part of these regulations”, and that a garage is a part of this requirements.
- b. Corbett Stephens, city building inspector, told Shawn that the sprinkler lines do not have water in them until there is a fire and the system is activated. The water is then sent to that zone. There is some sort or antifreeze in the lines prior to that so there is no chance of the lines freezing in a garage. The lines are flushed and the antifreeze replaced after the sprinkler has been activated.
- c. Dayna Hughes mentioned that Corbett had stated that most fires start in the kitchen or the garage.

JOHN HOSCHOUER MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBROW TO RECOMMEND APPROVAL BY THE CITY COUNCIL OF THE PROPOSED AMENDMENT TO THE DEVELOPMENT CODE, TITLE 10, CHAPTER 12, SECTION 38:

	<p>FIRE SPRINKLER SYSTEMS REQUIREMENTS, ADDING LANGUAGE TO DIRECT DEVELOPERS TO THE NATIONAL FIRE PROTECTION ASSOCIATION, ARTICLE 13D AND CLARIFYING THAT ATTACHED GARAGES SHALL HAVE SPRINKLERS. THE PLANNING COMMISSION FINDS THAT THESE AMENDMENTS TO THE CODE ARE BETTER SUITED TO INFORM APPLICANTS WHAT IS REQUIRED FOR FIRE SPRINKLER SYSTEMS. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) KELLY LIDDIARD.</p>
<p>3. ELK RIDGE CODE AMENDMENT RE: FLAG LOTS, SECTION 10-12-25</p>	<p>Chairman Adamson mentioned that the city council denied the Ridge View Meadows, Plat B (Dean Ingram-developer) flag lot that we had recommended for approval. We felt that it provided a good access to a city owned utility.</p> <p>Shawn Eliot passed around a handout showing the current code modified to remove flag lots. The following discussion ensued:</p> <ol style="list-style-type: none"> a. The developer (Dean Ingram) had mentioned that all cities allow flag lots. Shawn researched what other cities do allow. A lot of cities do not have flag lot ordinances. Alpine, Lindon and Salem do not have flag lots. Pleasant Grove, Spanish Fork and Payson all have flag lots. Most of these are for in-fill developments which can not otherwise be developed. b. Mayor Dunn asked whether there are areas in our town (in-fill) that might need to be developed as a flag lot. Shawn looked through the map and most of the green-space areas have been developed. His question to the commissioners was do we want to get rid of flag lots? ...are there still areas of town that might need that in the code to develop? c. A concern of the council members was allowing a flag lot behind another lot of the same size which makes things feel clustered. Maybe making the flag lot larger would work better. d. Chairman Adamson felt we should get rid of the flag lot code. Shawn Eliot stated that if the code were removed, maybe a developer could develop that lot as a non-conforming lot. e. Weston Youd mentioned the lot the city owns on Loafer Canyon Road near his home which is odd-shaped. Shawn Eliot mentioned the code that allows 80% requirement frontage if certain conditions are met. He mentioned the possible lot split on Fremont where most of the original lots were 13,000 sq. ft. and the requirement is now 15,000 sq. ft. This might be such a situation where he might be allowed two 13,000 sq. ft. lots as most of the lots on that street are that size. f. A public hearing is needed to change the code. <p>KEVIN HANSBROW MADE A MOTION THAT WAS SECONDED BY WESTON YOUND TO SET A PUBLIC HEARING FOR APRIL 10, 2008, TO CONSIDER THE REMOVAL OF THE FLAG LOT OPTION FROM THE ELK RIDGE CITY CODE. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) KELLY LIDDIARD.</p>
<p>4. ELK RIDGE CODE AMENDMENT RE: BUILDING HEIGHTS</p>	<p>Shawn Eliot stated that city council member, Nelson Abbott, requested that the planning commission revisit the subject of the building height requirement in the Elk Ridge City code. The following discussion ensued.</p> <ol style="list-style-type: none"> a. Shawn Eliot gave some background information. He explained that the commission approached the city council regarding building heights back in October 2007, because we felt the height requirement was too high. At that time we were told not to look at it further. b. Nelson Abbott recently told Shawn that since we have a new council, we may want to revisit this item. (It has been about two years). c. When the topic came to the commission a few years ago the mayor, who was on the planning commission at that time, presented some information to the commission. The fire chief was also there that evening. There was discussion as to what height the ladders would safely reach, etc. What was being proposed was too high so the commissioners came back with something different. The code that was passed in the commission and on which the public hearing was held, never made it to the council. They passed the higher code. It was a communication issue. That is why this planning commission wants it looked at again. d. Shawn passed out an illustrated handout (on file in the city office) demonstrating how other neighboring cities specify building height. e. Shawn explained that the biggest issue is that the current code states that the way you measure the

height is 36 feet from the highest point of the slope to the top of the roof. This would mean if a house slopes steeply down from the front, you could have a very tall walk-out back. The highest fire department ladder is 28 feet. On the back side there would be a real problem reaching windows.

- f. Reviewing the code from the other cities researched Shawn mentioned there were trends:
- American Fork and Alpine have the same code. They take the average elevation of the finished grade of each corner of the home. It ties it more down to the average slope of the land the home is built on. In Alpine they allow a conditional use permit in the case of significant loss of light, air or views from surrounding property or by reason of topography one side of the dwelling may exceed thirty-four (34) feet. (They are saying if you are on a hill you can do a walk-out basement).
 - Most all do to the top of the roof, not the mid-point. He did not go through each one.
 - Woodland Hills is 35' from the natural terrain lowest point to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip or gambrel roofs.
 - Provo does something similar. They look at each side of the unit and encourage you to terrace your home down the mountain rather than build it way up. They give diagrams of how to do that.
- g. The reason we looked at the code a couple of years ago is our 30 foot requirement seemed too low. There are two other cities, Springville and Spanish Fork that do 30 feet.
- h. Kevin Hansbrow mentioned that with the passage of the new fire sprinkler code, it is a lot less of a safety issue. He does not see the ladders being a main issue if all the new homes have fire sprinkling systems.
- i. Chairman Adamson asked what we don't like about the current 36 feet from the highest point. Shawn responded that most cities do the median or mid point from the average slope of the lot. Some take an average of the four corners. Russ felt that where there were issues are where there is a sloped lot and all 3 stories are seen from the back side. This is an aesthetic issue. John Hoshouer said taking the average helps with this. Shawn stated that allowing an exception on one side for a walk-out basement helps the builder out. He likes Provo's code which allows 30 feet for the front of the house; the back can be 35 or something. You must take it from a grade that allows for proper drainage. If you build the house up for a view, you still must take your height measurement from the natural grade and not the built-up grade. A good example would be Preston Clark's home on Oak Lane, which was built up to capture a view. The neighbors mentioned a concern.
- j. Chairman Adamson asked Shawn for his recommendation. Shawn stated that from Nelson Abbott's perspective it is more of an aesthetic issue and homes should not be built up as well as being tall. Shawn recommended at least requiring an average slope, so it is not the highest point of the slope where the measurement begins. When he spoke to the Mayor, he agreed, we were the highest in the whole valley.
- k. Shawn mentioned he also likes Alpines, who takes an average of all four corners but allows a conditional use on one side for a walk-out basement. This lets the city take another look before they allow the builder to do a very tall walk-out. He also likes the portion of Provo's code where you begin your measurement from the terrain that allows proper drainage for the home.
- l. Russ stated that the Alpine/American Fork code goes 34 feet from the midpoint.
- m. Lindon measures from finished grade and Provo does natural grade (which can be built up for proper drainage).
- n. Chairman Adamson asked if Shawn would get 90% of what he wanted if we require an average of the four corners, from natural terrain. Shawn said "yes", but the Provo code is probably a little fairer, allowing some buildup for proper drainage. Dayna Hughes did not like the arbitrary portion regarding air and people's views.
- o. Shawn mentioned that building taller homes is a heated issue in many communities. Alpine's code requires a public hearing and has the public give input for the steeper homes (within the code).
- p. Kevin Hansbrow likes the midpoint, because you can have a home with a steep pitch.
- q. Chairman Adamson felt the Alpine/American Fork code would give what he wanted. He wondered if Shawn had asked them how that code is working for them.
- r. Scot Bell mentioned our fire marshal recommended going for the midway point on the slope for

	<p>the beginning measurement point.</p> <ul style="list-style-type: none"> s. Russ felt Alpine is a nice community with homes like we would like here. If their code works with the average of the 4 corners as a starting point, to midway on the roof, then maybe we adopt something close to them. t. It was asked if we regulate the height of accessory buildings. Shawn said they can be 20 feet high. We would measure grade around the outbuilding also. u. Alpine’s code says you start from average finished grade. We may want to use the Provo code for the language regulating where the measurement begins. v. Shawn said he will write up a sample code then bring it to the public hearing for discussion. w. Shawn questioned the midpoint, vs. the high point, and the height. Alpine’s code says 34 feet to the midpoint. We are currently 36 feet to the height so with their code you could almost come up with a higher home depending on the average of the gable area depending on the pitch of the roof. x. Russ said worse case scenario would be to be on a flat grade with a steep roof, and then you could get a pretty tall home. Kevin did not see this as a problem on flat terrain. y. Scot Bell felt that we should be concerned with livable space and if livable space is in this pitched roof, we should be concerned with that. Kevin Hansbrow again mentioned that the health, safety and welfare are not as much issues in this case due to the fire sprinkler requirement. z. Shawn mentioned the Provo code allows additional height if you set your house back on the lot. aa. Shawn will pattern the code after the Alpine code but put the Provo section in about alterations due to drainage. Shawn read from the Provo code regarding how they measure: <ul style="list-style-type: none"> <i>Building Height – the vertical distance measured from the average elevation of the finished lot grade at each face of the building minus any artificial terracing or earth berming placed by the owner or developer that goes beyond that required for backfill or foundation drainage, to the highest point of the coping of a flat roof or the deck line of a mansard roof or to a point halfway between the lowest part of the eaves or cornice and the highest point of a pitched or hipped roof.</i> bb. It was discussed whether we needed a conditional use permit for walkout basements. Russ asked Shawn to check with Alpine and after discussing this with them decide whether we did want this conditional use in the code. Shawn stated that if you do have them a conditional use you are saying this is a visual decision and allowing public input does open things up a bit and make things less subjective. <p>KEVIN HANSBROW MADE A MOTION THAT WAS SECONDED BY JOHN HOSCHOUER TO SET A PUBLIC HEARING FOR APRIL 10, 2008, TO CONSIDER THE AMENDING THE ELK RIDGE CITY CODE REGARDING BUILDING HEIGHTS ALLOWABLE. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) KELLY LIDDIARD.</p>
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<p>5. PLANNING COMMISSION BUSINESS</p>	<p>The following discussions took place regarding planning commission business.</p> <ul style="list-style-type: none"> a. Dayna Hughes asked to be removed from the Land Use committee (General Plan Rewrite subcommittee) as she is on several others and time is a problem. b. Russ asked if there were any other questions regarding when committees met. Kevin Hansbrow asked if a time had been decided for the meeting of the Economic committee as he may come to that too. A time has not been set. The Open Space and Parks and Trails have not been set. c. Margaret will make reminder calls and emails prior to the meetings. d. Shawn passed around the new Hillside Cluster Zone code for the commissioners books. e. Russ asked if there is an online up to date code book. Margaret mentioned that it does take Sterling Codifiers a little time to bring the book up to date, so it is slightly behind. f. Shawn mentioned that the PRD code needs to be removed (or crossed out for now). g. Margaret gave Weston Youd, Ken Young’s old code book. It does need some updating. h. Shawn mentioned it would be nice to get a whole new code book as some have not been updated. It was mentioned taking an updated one to Kinkos and copying it for everyone. Russ suggested
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having everyone bring their books one evening and we go through them next time.

SEAN ROYLANCE UPDATE ON COUNCIL

1. Sean mentioned none of the commissioners were at the last city council meeting. He said maybe it is not necessary unless there are pertinent planning commission issues being discussed. Otherwise, he can just report to the commissioners as he is here for planning commission meetings and at city council meetings. Shawn Eliot is also at the city council meetings. The commissioners agreed this would work. Russ stated that maybe part of our business each week should be discussing what is on the city council agenda for the next meeting. Shawn mentioned that we don't usually know as it is almost two weeks after and the agenda is not set yet. Margaret can email the agenda to the commissioners when it comes out.
 2. Sean mentioned that Brian Ewell (Fairway Heights, Plat C) and their group were in to the city council for discussion. They are really close to having an acceptable final project. There will probably be four lots on top of the hill and some other lots along Salem Hills Drive. He is at Preliminary right now. Sean is hung up on one lot, but is alone in this at this point after getting some feedback from others. The back edge of the building envelope on this lot has been moved onto a flatter part of the lot and care will be taken with grading. They are no longer talking about taking off the top of the hill on Lot 21. They want the developers to build with the natural terrain.
 3. Sean stated as an FYI, relating to sewage, in about 10 years they are trying to build a large treatment plant near Lakeshore. They want money from the surrounding cities. It may start costing us money now but it is a good idea to spread the cost over ten years. It may increase our sewage bills by a couple of dollars a month. In about five years they will start the infrastructure. In another five years they will start actually building the plant.
 4. Dayna Hughes asked for an update on the water tank. Sean mentioned that one of the things that were overlooked in the initial bid was the cost of the dirt to cover the tank. They are calculating that it will take about 80,000 cubic yards of dirt for this job. It does need to be covered as the structure is protected by covering it. It needs to be covered within a year. They are looking for cheap dirt, but it comes in small increments of 100 cubic yard here and there. The other thing not accounted for in the original bid is landscaping. Once the dirt is placed it needs to be landscaped. This will be a hot issue in the next 12 months.
 5. Sean mentioned that the city council report was sent out with the utility bills in the newsletter. If we have key issues we want reported in the newsletter, we can let Sean know. He seems to be spearheading this effort and would be glad to include planning commission items as well.
 6. He will start working on the new city website soon also. This web site will allow as many people as we want to have access to posting articles on it. If we want to write about issues we are dealing with Sean would love that participation.
- i. Russ Adamson mentioned Salem got a big grant to do their pressurized irrigation from the government. Paul Squires mentioned we have the same option. The city has the option of using potted water for outside use or a pressurized irrigation system. There is so much money allotted for federal grants. Al Harward has done a lot of work as far as attending meetings on this. Sean Roylance mentioned he will take this back to the city council.
 - j. Russ suggested Sean mention to the city council that Salem is doing this. Do we want to and should we also apply for similar funds? Paul thought we have applied but might be wrong. He thinks we have asked for potable water.
 - k. Scot Bell mentioned that the former mayor of Salem, Randy Brailisford, was the head of the CUP project which would to bring this water into our area. He was invited to come speak to the planning commission regarding CUP. There were those who felt this would not happen in our lifetime and were not enthused. Paul Squires felt it will happen in our lifetime, so does Scot. We have come quite a ways from that point in time. The key thing that Randy did say was that we don't have pressurized irrigation in our city but some day it will come. Every dollar that we put into our infrastructure, the feds will match; therefore, every developer coming into our city will lay pressurized irrigation in the ground, capped until utilized. When we required Randy Young to put pressurized irrigation in the PUD, it was a benefit to our community. We need to make it a policy, like Salem did, that development is required to put in pressurized irrigation though it may lay dormant for a number of years. Both Salem and Payson require pressurized irrigation.

	<p>l. The question was raised whether pressurized irrigation should be required in Elk Haven. Scot Bell mentioned that Randy Brailsford had said the day will come when the Elk Ridge Office will use pressurized irrigation without one pump being installed. The question is, are we going to be like West Jordan, who is not interested in running pumps 24/7. They have pressurized irrigation for certain parts of the city that turn on for only a few hours. Can we turn pumps on and utilize pressurized irrigation up the hill. Right now it may not seem feasible, but in 10 years from now it may be feasible. If we don't plan for it we will fall behind the eight ball.</p> <p>m. Russ suggested making this a topic of discussion. Shawn Eliot mentioned maybe we discuss this in a joint work session with the city council. Kevin Hansbrow mentioned that during the General Plan sub-committee meeting on Public Facilities, grey water will be discussed, so pressurized irrigation will be discussed then.</p> <p>n. Paul Squires recommended having someone from the CUP Completion Act Office come, (the Dept. of the Interior, CUP Completion Act Office) come speak with us. Shawn Eliot felt we should start by having Nelson Abbot come during the next meeting to discuss this first.</p> <p>o. Paul had someone in his office explain the whole grant process. You must first pay into the original grant to get matching funds.</p> <p>p. Shawn said it was discussed putting pressurized irrigation in Elk Haven but he does not recall how that ended up. <i>(Mayor Dunn said they were not required to put in PI lines)</i></p> <p>q. Russ mentioned a survey done in the Salem paper asking for input on whether curb and gutter should be required on infill lots. We may want to watch for their results.</p>
<p>6. APPROVAL OF MINUTES OF FEBRUARY 28, 2008 PLANNING COMMISSION MEETING</p>	<p>Corrections to minutes for February 28, 2008: Dayna Hughes: P.5, Item 2, change "no." to "number"</p> <p>DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBROW TO APPROVE THE MINUTES OF THE FEBRUARY 28, 2008 PLANNING COMMISSION MEETING WITH THE ABOVE-NOTED CORRECTION. VOTE: YES (5), NO-NONE (0), ABSENT (1) KELLY LIDDIARD, ABSTAIN (1) PAUL SQUIRES.</p> <p>Paul Squires abstained from the vote as he was not present at the February 28, 2008 planning commission meeting.</p>
<p>7. FOLLOW-UP ASSIGNMENTS / MISC. DISCUSSION</p>	<p>Russ reminded those involved in General Plan Committee meetings to remember to prepare and attend. Margaret will make reminder calls.</p> <p>Shawn Eliot mentioned there are no review items for the next meeting. It was suggested we cancel the meeting. All were in favor.</p>
<p>ADJOURNMENT</p>	<p>Chairman Russ Adamson, adjourned the meeting at 8:30 p.m.</p> <p> _____ Planning Commission Coordinator</p>

NOTICE OF PUBLIC MEETINGS

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

- 1) 7:05 – Amendment to the Elk Ridge City Code, Sections 10-7A-8-C, 10-7B-8-C, 10-7C-8C, 10-7D-8-C and 10-8A-8-C, regarding Building Heights
- 2) 7:15 – Amendment to the Elk Ridge City Code regarding Flag Lots
- 3) 7:25 – Amendment to the Elk Ridge General Plan, Sensitive Areas Map for Elk Ridge

These hearings will be held on **Thursday, April 10, 2008, beginning at 7:05 p.m.** as a part of the regularly scheduled **Planning Commission Meeting on April 10, 2008, 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:

The meeting will be preceded by a Joint Planning Commission – City Council Work Session at 6:00 p.m. for the Land Use Element Committee (General Plan Rewrite)

- 6:00 P.M. Work Session: General Plan Rewrite Committee Meeting – Land Use Element**
- 7:00 P.M. Opening Remarks & Pledge of Allegiance
Roll Call
Approval of Agenda**
- 7:05 P.M. 1. Public Hearing for Amendment to the Elk Ridge City Code, Sections 10-7A-8-C, 10-7B-8-C, 10-7C-8C, 10-7D-8-C and 10-8A-8-C, regarding Building Heights**
- Review and Discussion – Shawn Eliot
- Motion on Public Hearing
- 7:15 P.M. 2. Public Hearing for Amendment to the Elk Ridge City Code regarding Flag Lots**
- Review and Discussion – Shawn Eliot
- Motion on Public Hearing
- 7:25 P.M. 3. Public Hearing for Amendment to the Elk Ridge General Plan, Sensitive Areas Map for Elk Ridge**
- Review and Discussion – Shawn Eliot
- Motion on Public Hearing
- 4. General Plan Land Use Discussion – (continuation of work session)**
- 5. Approval of Minutes of Previous Meetings – March 13, 2008**
- 6. Planning Commission Business**
- Review Planning Commission Binders - updates
- 7. Follow-up Assignments / Misc. Discussion**
- General Plan Committees

ADJOURNMENT

*Handicap Access Upon Request. (48 hours notice)
Dated this 31st Day of March, 2008.



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 31st Day of March, 2008.



Planning Commission Coordinator

ELK RIDGE PLANNING COMMISSION MEETING AND PUBLIC HEARINGS
April 10, 2008

TIME AND PLACE OF PLANNING COMMISSION MEETING AND PUBLIC HEARINGS	<u>A regular meeting of the Elk Ridge Planning Commission</u> was held on Thursday, April 10, 2008, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah. The Planning Commission Meeting was preceded by three scheduled public hearings: the first public hearing, at 7:05 p.m. was to consider an Elk Ridge City Code Amendment regarding Building Heights, Sections 10-7A-8-C, 10-7B-8-C, 10-7C-8-C, 10-7D-8-C, and 10-8A-8-C; the second public hearing at 7:15 p.m. was to consider an Elk Ridge City Code Amendment regarding Flag Lots; the third public hearing at 7:25 p.m. was to consider a Sensitive Area Map for Elk Ridge City. The meetings were held at 80 East Park Drive, Elk Ridge, Utah.
ROLL CALL	<i>Commissioners:</i> Dayna Hughes, John Hoschouer, Kelly Liddiard, Weston Youd <i>Absent:</i> Russ Adamson, Scot Bell, Kevin Hansbrow, Paul Squires <i>Others:</i> Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator Sean Roylance, City Councilman Karl Shuler, June Christensen, Doug Lindsay, Tom Ingram, Reeta Staheli, Melissa Shuler, Brad Shuler, Jamie Towse, Jed Shuler
OPENING REMARKS & PLEDGE OF ALLEGIANCE	As chairman, Russ Adamson, was absent, co-chairman, Dayna Hughes, welcomed the commissioners and guests and opened the meeting at 7:00 p.m. Opening remarks were given by John Hoschouer, followed by the Pledge of Allegiance.
APPROVAL OF AGENDA	The agenda order and content were reviewed. A MOTION WAS MADE BY WESTON YOUD AND SECONDED BY JOHN HOSCHOUER TO APPROVE TONIGHT'S AGENDA WITH THE FOLLOWING CHANGES: REMOVE ITEM 4: GENERAL PLAN LAND USE DISCUSSION; AND REMOVE SUB-ITEM UNDER ITEM 6: REVIEW PLANNING COMMISSION BINDERS. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) RUSS ADAMSON, SCOT BELL, KEVIN HANSBROW, PAUL SQUIRES. As there were several commissioners and council members who could not attend the Land Use Element work session at 6 p.m. this evening, the Land Use Discussion (Item 4) was cancelled. As half of the commissioners were not in attendance, updating the code binders did not take place so that item was deleted (sub-item under Item 6).
1. PUBLIC HEARING TO CONSIDER BUILDING HEIGHTS (SECTIONS 10-7A-8-C, 10-7B-8-C, 10-7C-8C, 10-7D-8-C AND 10-8A-8-C)	Co-chairman, Dayna Hughes, invited Shawn Eliot, city planner, to give a synopsis of this agenda item prior to taking comments from the public. Shawn discussed the following: <ol style="list-style-type: none"> 1. Basically it has been over two years since the building height ordinance was changes. He recalled that the present code allows for a height of 30 feet from the midpoint of the front to (he was not sure where the endpoint was). It was quite low so the planning commission was asked to change it. 2. The fire chief had some concerns with the proposal sent to the planning commission, so the planning commission proposed something different to the city council. That was sent to the city council and they never got the new recommendation, they only got the original proposal. Four or five months later the planning commission found this out and asked if they could look at it again and were told not to. Since then we have again been asked to look at it. 3. Shawn researched what other cities do in relation to where we are. Last time the commission met Shawn passed out a comparison handout of what each of the cities' building height code was. 4. There are different ways to do this: <ol style="list-style-type: none"> a. Right now the Elk Ridge City code takes the highest point of the finished grade of the front yard as the starting point. Basically you can bring in fill and build up as high as you want and where that fill is, is where you start measuring. You take that to the top of the ridgeline – 36 feet. We have the second highest allowance compared to other cities in the county for building heights. b. Payson has the highest. Theirs starts at the lowest point of the house (not finished grade) to the bottom of the eve 35'. That limits you on hillsides, but on flat terrain you could have a very tall house. c. Nine cities in the county take the average of all four corners of the home and two take the lowest (Payson and Woodland Hills). Eight cities take the finished grade and two take the natural grade. Six go to the top of the house and five go to the midpoint (between the eve and the top of the

gable), one (Payson) goes to the eve.

- d. At the last meeting the commissioners liked parts of Provo’s code and parts of Alpine’s code. Alpine takes an average of the four corners and allows 34’ to the midpoint of the roof. This is an average of all the cities. The Provo code uses the natural terrain except allowing for buildup to take care of natural drainage around the house. Shawn asked our engineer what that amount should be for proper drainage and was told a 2 percent slope 10 feet from the house would be plenty.
- e. Provo says if you have a slope down from a street, you continue that slope and then 10 feet from the house you can start your 2 percent grade.
- f. The planning commission requested that we base our re-written code on (Provo and Alpine. This is what Shawn based the code he presented tonight on.
- g. He was also asked to call the city of Alpine and ask them how their code is working for them. He did so and was told by the city manager that the only thing he would change was: instead of going to the midpoint of the roof, he would go to the high point of the roof.
- h. Shawn also mentioned that Alpine allows a conditional use permit to allow one side of the house to be taller in case you have a special situation. They have never had that requested as the midpoint allows for a pretty tall home.
- i. Shawn said in the rewritten code he would change item I by removing “midway point between the highest part of the”. In item H he would add “for a maximum distance of 10 feet”. Thus, Items H and I would read as follows:

H. Building Height

The maximum building height shall be 34 feet. Building height shall be the vertical distance from the average elevation of the natural grade of the structure to the roof line of the structure. The average elevation shall be the natural grade of each major corner of the structure, divided by the number of corners. The natural grade can include that which is required for backfill or foundation drainage. Generally this would average 2% slope away from the building for a maximum distance of 10 feet, a distance required for proper drainage.

I. Determining Roof Line

The roof line of the structure shall be as follows:

Flat roof the highest of a flat roof or top of any adjacent parapet wall, whichever is higher.

Mansard roof..... the deck line.

Gable, hip or gambrel roof..... the elevation measured at the highest part of the roof ridge line and the lowest elevation of the eaves, or cornice of the main roof structure (not including independent, incidental roof structures over porches, garages and similar add-on portions of the structure).

- j. Kelly Liddiard asked what the purpose was in going from the base to the midpoint was, he wondered why they did not just go to the high point. Shawn mentioned our engineer also felt this was confusing and mentioned this type code (to the midpoint) was in the minority. Weston Youd felt that the reason for going to the high point may be that there are occupied rooms (bonus rooms) in this space.
- k. Shawn mentioned that the main reason for the concern was: when this was brought up two years ago the fire chief was concerned with using the highest finished point when you have a sloped front yard. You might have a two-story home on one side and a three-story home on the other side and the ladders would not reach as high as they needed. We have a 24-foot ladder which would barely get you to the window, but not up to the eave.

Cochairman, Dayna Hughes, invited public comment The following discussion ensued:

- l. Karl Shuler commented that we are lowering the allowed height with this new code from 5 to 8 feet. He felt that this was quite a bit. Shawn responded that most cities are 34 feet and we have not had, to his knowledge, any proposed homes hitting the limit of this code. We are again, on the extreme end of height.

	<p>There were no further public comments, so cochairman Dayna Hughes closed the public hearing at 7:20 p.m., and stated that the commissioners take some time to discuss the motion. The following comments ensued:</p> <ul style="list-style-type: none"> m. Weston Youd mentioned that if we are currently going from the highest point, we need to adjust the building height qualification. Shawn stated that our engineer’s comment was that we were already pretty tall. <p>A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY WESTON YOUTD TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE PROPOSED RESCINDING AND AMENDMENTS TO THE CODE REGARDING BUILDING HEIGHTS IN SECTIONS 10-7A-8-C; 10-7B-8-C; 10-7C-8-C; 10-7D-8-C, 10-8A-8-C; 10-8B-8-C; 10-9B-8-C- 10-12-5 AND 10-12-37. THE COMMISSION FINDS THE PROPOSED CHANGES ARE BETTER SUITED FOR THE PROTECTION OF CITIZENS AND FOR BUILDING WITH VARYING SLOPES. THE USE OF THE CONDITIONAL USE PERMIT FOR AN EXTRA HEIGHT EXCEPTION IS APPROPRIATED IN THAT THERE ARE CRITERIA FOR APPROVING EXTRA HEIGHT AND A CONDITIONAL USE PERMIT REQUIRES A PUBLIC HEARING.</p> <p>THE FOLLOWING CHANGES TO THE PROPOSED CODE WERE RECOMMENDED:</p> <p>ON ITEM 2-H IN THE LAST SENTENCE, A CHANGE IS PROPOSED AND THAT WILL NOW READ: “GENERALLY THIS WOULD AVERAGE 2% SLOPE AWAY FROM THE BUILDING FOR A MAXIMUM DISTANCE OF 10 FEET REQUIRED FOR PROPER DRAINAGE”</p> <p>ON ITEM 2-I IN LINE 4, A CHANGE IS PROPOSED AND THAT WILL NOW READ: “GABLE, HIP OR GAMBREL ROOF – THE ELEVATION MEASURED AT THE HIGH POINT OF THE ROOF LINE (NOT INCLUDING INDEPENDENT....)”</p> <p>VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) RUSS ADAMSON, SCOT BELL, KEVIN HANSBROW, PAUL SQUIRES.</p>
<p>2. PUBLIC HEARING TO CONSIDER FLAG LOTS.</p>	<p>Cochairman, Dayna Hughes, opened the public hearing at 7:25 p.m., and asked for a summary on this item from city planner, Shawn Eliot. Shawn discussed the following:</p> <ol style="list-style-type: none"> 1. This was requested by the city council. The city has had a lot of ups and downs with flag lots. The council has asked that we rescind this option from our code completely. Flag lots, historically, have been for infill development. Towns used to be laid out with the homes along the road and large portions of the lots behind to farm. The flag lot option was to develop these farming portions once they were not used for that purpose. Looking over our city map we do not have that situation. We have subdivided as a more modern city. There were portions of the town that were once designed to be green belt areas. For the most part these have been deeded or sold to the residents next to them. 2. Looking at other cities. There are many cities that don’t allow flag lots. Salem just rescinded the option 2 years ago. 3. On the other hand, it does allow a property owner to maximize the amount of land he can develop. <p>Cochairman, Dayna Hughes, invited public comment The following discussion ensued:</p> <ol style="list-style-type: none"> 4. Tom Ingram stated he saw no reason to rescind the option, as the city council has the option of voting it down if proposed. 5. June Christensen, an Elk Ridge resident who recently moved here from Spanish Fork, stated Spanish Fork does have a flag lot ordinance. They use it mostly for duplex, triplexes, etc. at the back of a lot. She thinks we do not want that kind of development in our community and is in favor of rescinding the ordinance. 6. Shawn Roylance, city councilman, agreed with the point made that the council can turn them down, but felt that if they did turn them down all the time, why waste time by even discussing each individual flag lot proposal. 7. Jed Shuler asked if this meant any private drive is out of the question. Shawn Eliot stated not if there is enough property frontage on the road. 8. Tom Ingram asked why even have a planning commission or city council. The property owner goes to considerable expense to have things drawn up to suit the planning commission’s requests, and then once things get to the city council, they have an agenda of their own. Nelson Abbott and Ray Brown

are strictly against flag lots. It is allowed in the city code, why would they turn it down after we went to the expense. We are not building condos. This is a small home for my wife and I.

Shawn Eliot explained that a planning commission is only a recommending body. Everything must be approved by the city council. In the flag lot under discussion, the issue came down to the part in the code that asked if the lot could be developed as a normal lot. The council felt that it could. Other cities are more specific. The vote the other night at the city council meeting was three to two. Dayna Hughes mentioned that there is value in having a body made up of volunteer citizens. It is a hard job and takes a lot of time. The city council has a lot of issues to consider besides land use issues (i.e. budget, sewer, water tanks, parks and recreation), that we don't even touch. I see our role as useful in that we educate ourselves on complicated land use. The system does work, though it is frustrating for some. That is the way we work it and so far it has been effective.

9. Jed Shuler stated he sees a lot of cities that do allow flag lots, and not just for infill areas. Where we are messed up in our code (as I see it) is that we don't describe what a flag lot is, what is allowed, and does not address safety issues. If we could come up with a flag lot ordinance that worked for this city, rather than getting rid of it, this would be a better option that would not take away property rights.
10. Shawn Eliot stated we only have one or two flag lots built on in the city (Money's is one of them). If we did not take it out of the code, are we allowing more density than we want?. In Orem there are some bad examples of flag lots. The Money flag lot is well done. Maybe we could re-write the code more descriptively as to the size of the flag portion size, etc.
11. Sean Roylance said the prevailing opinion of those who voted against the Ingram flag lot on the council was a safety concern, locating and accessing by safety personnel. Maybe there are extenuating circumstances that say a flag lot should be acceptable. This is why he voted in favor. The only reason he can see keeping the flag lot option in the code is a similar situation to the Ingram lot.

Cochairman, Dayna Hughes, closed the public hearing at 8:35 and asked for comments from the commissioners. The following discussion ensued:

12. Weston Youd is concerned there is nowhere in the code where a flag lot is defined in terms of easements, etc. Shawn Eliot read the proposed code as follows:

Flag lot development may be approved by the city council subject to receipt of the recommendation by the planning commission and compliance with the following findings and standards:

- *The access requirements of the zone permit flag lot development,*
- *In the opinion of city council, the proposed building site is not practically developable under conventional development procedures.*
- *The approval of the lot will not preclude the proper development of any residual parcel or adjacent properties.*
- *The flagpole portion of the lot, i.e. portion connecting to the building site area with the abutting city street shall be at least 24 feet in width and not more than 150 feet in length.*
- *The flagpole portion shall be owned in fee as part of the lot.*
- *A driveway connecting the building site with the abutting city street shall be located within the flagpole portion of the lot and shall have.....*

13. Weston Youd asked concerning easement applicable frontage. Shawn said it must be 24' for the flagpole portion of the lot, but there is nothing in the code that says that a normal lot has to have frontage that is accessible. In the case of Elk Haven, one lot had 30% slope in front, but it did have frontage, so it wasn't a flag lot.
14. Kelly Liddiard asked if there was any stipulation in the code as to how big the flag lot has to be. Shawn replied "yes". It says it has to be what the underlying zone allows, including setbacks. When you allow the same size as the underlying zone for the flag portion, the lots can get quite close to each other. Kelly's concern is if you are in a 15,000 sq. ft. zone, the lots will be 60' apart, increasing the density. With the high density PUD receiving such negative comment, he is not sure we want this.
15. John Hoschouer, commissioner, leans towards keeping the flag lot option in the code, but making it so the flag lot has to be larger than the specified lots in the underlying zone, and adding more specific conditions for flag lot approval.

	<p>A MOTION WAS MADE BY KELLY LIDDIARD AND SECONDED BY JOHN HOSCHOUER TO TABLE THE DECISION ON THE FLAG LOT ORDINANCE AND HAVE THE CITY PLANNER COME UP WITH A NEW FLAG LOT ORDINANCE THAT MIGHT BE MORE DESCRIPTIVE AND ACCEPTABLE, INCLUDING INCREASING THE SIZE REQUIREMENT. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) RUSS ADAMSON, SCOT BELL, KEVIN HANSBROW, PAUL SQUIRES.</p>
<p>3. PUBLIC HEARING TO CONSIDER AN ELK RIDGE SENSITIVE AREAS MAP</p>	<p>Cochairman, Dayna Hughes, explained that the Sensitive Areas Map will be important to both land owners and the city council so disputes don't arise every time a piece of property is developed involving ridgelines, ravines and other sensitive areas. This makes it so developers don't spend time and money on trying to develop in sensitive areas which can not be approved. Our goal is to make a motion on an approved sensitive areas map</p> <p>City Planner, Shawn Eliot, explained the following:</p> <ol style="list-style-type: none"> 1. When we rewrote the CE-1 Zone, now the HR-1 Zone (Hillside Residential Zone), we met with our attorney and he suggested putting together a visual map showing where drainage areas and ridgelines and other sensitive areas are. We have put this map together as a guide to developers. The map is for reference only and the engineering work by the developer will further define these areas. 2. Shawn passed out a Google map showing the ridgelines and drainage areas. 3. At our last planning commission meeting we went on a field trip and looked at some of these areas. 4. The one area in question was at the end of High Sierra Drive. This one area might not be considered a ridgeline. <p>Cochairman Hughes invited the public to comment, the following comments ensued:</p> <ol style="list-style-type: none"> 5. Melissa Shuler commented that Park City's ordinance addresses the desires of a high-end, ski resort town. People come and build high-end homes and want to be far away from everyone. The code is written so they don't have to see anyone. Our housing situation is quite different in Elk Ridge. <p>Karl Shuler</p> <ol style="list-style-type: none"> 6. Karl Shuler addressed the Park City code written specifically for aesthetics and tourism. He read from that code "<i>the development should be sited in such a manner as not to create a silhouette against the skyline or mountain backdrop as viewed from designated vantage points</i>". Those vantage points are historic downtown and the ski resorts. This was written to protect the lifeblood of the community – tourism and ski resorts. It was not done for safety, ecology or the environment. He really questioned why we include this ridgeline code. We have slope requirements for lots, roads and are now adding a very cumbersome code. 7. He likes predesignating the ridgelines, but thinks our proposed code is unworkable. Coming back 100 feet from a 20% grade is unreasonable. Park City reads 50 feet from a 40% slope. This is very different. We say 20% can be part of a building lot but treat it as very steep in this new proposed code. This code says 100 feet to where you can hit the back of a building envelope. You are extending the front of the lot 120, 160 feet from the 20% slope which is unreasonable. To me, you are creating a monster in these ridgelines. 50 feet from a 40% slope does sound reasonable, but you have gone way beyond that. 8. He brought some maps of his proposed development area which he had flown (at a cost of \$9,000) that show 2' contours.. Based on this map, the code would restrict building in some areas that we may not have meant to restrict building in. He felt one way to fix this is to really scrutinize where these ridgelines are designated. He feels things have almost gotten to the point where we are infringing on property rights. He would be OK with the ridgelines if it were more reasonable numbers, similar to what Park City has (50 feet from a 40% slope, or even 50 feet from a 30% slope). With 100 feet, you are clear up on flat ground, way away from any ridgeline. 9. Jed Shuler did not feel there should be any ridgelines on the Shuler property under the current code. 10. June Christensen, a new member of the community, stated her son is a landscape architect from Calgary, Canada. He couldn't understand why we allowed such pillage and rape of our ground (the rock wall). She is for anything that will protect us from having anything like that fiasco again. Dayna Hughes explained we have since redone our code to prevent this from happening again. She is OK with the water tank but regarding the rock wall area, does not think she will see adequate

revegetation of that area in her lifetime. Dayna mentioned that there will be revegetation in that area.

11. Karl asked if we were familiar with that area. The road that goes from Elk Ridge Drive to where Doyle Moss put in the gate, If you walk that road and go thru a saddle to the west, there is a knoll with a flat-topped open area about 200 feet on top. There is almost 0% grade. This area could not be utilized because it is on the edge of the ridgeline. You would have to go back 100 feet to the back of a building lot so you could not fit a road to this buildable area with the current code. It is actually bigger, flatter and has more space than Haley's Lookout – a developed road in this area
12. Sean Roylance, city council member, commented that he could see Karl's point. He does not know about 40%, but there is a stretch of the ridgeline that goes into their property between the red sections where there is not much of a ridge. He is hoping that the ridgeline designation might be removed from that area.
13. Karl Shuler asked if anyone wanted a copy of the flyover map showing contours at 2-foot intervals. It is more accurate than the map that Shawn had. He showed the ridgeline being discussed. It is very flat until you get clear on the end. When Dayna asked what he would suggest, he suggested ending the ridgeline before you get to this "hilltop". He felt this was more of a hilltop than a ridge. This ridgeline comes around in a circle and when you come in 100 feet, there is no space for a building envelope. Most of this area is behind High Sierra and cannot be seen from the city looking up.
14. Shawn Eliot stated that when we took this to the city council, this was one of the recommendations he made to them – instead of 100 feet, go with 50 feet from the ridgelines. They denied that. Karl Shuler felt they probably did not understand. Shawn mentioned that during the field trip it was questioned whether the area that paralleled High Sierra Drive should be a designated ridgeline.
15. Shawn felt that the portion of that area that overlooked the golf course should be designated as ridgeline. He did not feel as strongly that the other area parallel to High Sierra should.
16. Brad Shuler mentioned the apex of a land area is a ridgeline that would not be right. You could have almost 1 or 2% grade only.
17. Shawn felt that the area above Elk Haven would be a definite ridgeline. The main reason the code was written with the 20% is this commission has had a hard time with 20%-30% slopes. Our engineer said most cities don't let you build on slopes over 25%. Our code allows, in some circumstances, building on 20-30% slopes. We have had a hard time with that. We are a hillside community.
18. Jed Shuler said under this current code High Sierra Drive would not have been able to develop as it did, but would we say High Sierra Drive is a mistake? He did not think so. He did think that Haley's Lookout would be considered a mistake. There was some discussion as to whether that was the case regarding High Sierra. Karl felt that the prominent ridgeline was right along High Sierra. The area in question is less of a ridgeline than portions of Hillside Drive.
19. Karl passed out a letter from Lee Pope to read. He was not trying to make anyone mad but had some things he wanted to get off his chest. Dayna read the letter into the record as follows:

A few thoughts on the city council, the planning commission and land development. For almost 30 years I have watched, listened, and sometimes voiced my opinion in relation to the saga of city planning and land development in Elk Ridge. I will hold my remarks to current affairs in relation to land development by mentioning a few items that I believe may be easily verified and/or demonstrated.

1. *The currently proposed Elk Haven Development of approximately 100 acres along with several hundred acres in the wings is situated in one of the most potentially beautiful and desirable residential areas in all of Utah County.*
2. *The topography, various slopes and general layout of the land present relatively few engineering difficulties, providing, however, that some new ordinances are not purposely designed to be unreasonably restrictive.*
3. *The zoning ordinance of Elk Ridge prior to additional changes approved in March, 2008 was collectively more restrictive than any other comparable area in Utah County.*
4. *The recently approved changes to our zoning ordinance in March 2008 further restrict the rights of the property owners and appear to be intended to discourage reasonable development in south Elk Ridge.*
5. *It is not difficult to overemphasize positive words like "health, safety, welfare, environment, or intent" as reasons for placing unreasonable, perhaps even impossible requirements on*

developers. In reality those who purchased property in areas like Elk Haven know that snow removal may take a little longer, that the hospital is a little farther away, or that fire may be more of a risk than it is in the valley, etc. etc. Yet Elk Ridge will remain high on the list of most desirable places to live.

6. *Admittedly some serious mistakes in land development have been made in the past. This is unfortunate and something the great majority of developers deplore. I have never heard one developer suggest, or even intimidate that he or she wants anything but a beautiful, well-designed, low-density residential community for south Elk Ridge, an idea consistent with what Elk Ridge citizens want.*

7. *Certain individuals on the city council and planning commission may have made inappropriate statements to other members of the council or commission in relation to land development, have made personal legal threats to a land-owner, or have been part of an organized citizen's group all with the intent of discouraging any development south and east of the golf course. Plain and simple, this is unethical conduct and totally out of line for anyone sitting on the council or commission. Any improper action resulting in the loss of another's livelihood, or disregard for constitutionally protected property rights is serious stuff. You should all be reminded from time to time that one of the most important rights all citizens of the United States enjoy is the right of land ownership and the right to sell, purchase, develop and use one's property in a reasonable way. According to the state of Utah Department of Commerce, Office of Property Rights "you property owners have the right to be free from economically onerous regulations which create extraordinary burdens on the use of property which result in the loss of all economically viable use of property".*

Although this particular scenario does not happen often, Elk Ridge may have passed the threshold in creating the very conditions quoted above. Farming is not a viable, economic option. Industrial and business opportunities are not options, nor have they been proposed. This leaves residential housing as the only viable option for land owners. Currently and mainly because of the existing ordinance requirement, we may have already passed the level of economic feasibility of future development. If this is the intent of the council and commission they you may already be there.

All that we ask is simply that you be fair. Recognize the constitutional rights of property owners, deposit any personal agendas in the round file and work with us to build a beautiful community that satisfies the requirements of reasonable development.

*Best Regards,
Lee Pope*

20. Dayna Hughes asked developer, Karl Shuler, if he had considered using his property in a TDR situation (transfer of development rights). Karl mentioned he read about this in the Park City code but did not think it was in our code. Shawn Eliot stated that it is in our code. He explained that in this situation you have a sending zone and a receiving zone. There would be a designated area in town that you wanted to preserve that you would send from. You would allow another area of town to have a higher density and it would be a receiving zone. It takes coordination between other land owners. We have it in our code but have never used it. Right now Mapleton has been using it. They are in a law suit with a developer on the hillside because he does not want to use it.
21. Dayna stated the reason she brought this up is that in Mr. Pope's letter he mentioned that agricultural land use is no longer feasible. She stated that by transferring rights of development to a flatter area in town and giving the developer of that receiving property a higher density, this might work. Mr. Shuler would still maintain all the property rights (water, mineral, etc. except development rights) associated with the land so could continued to use the property, but just could not develop it. He could farm the land, etc. It seems like this would be a win-win situation. Mr. Shuler would get the money from the receiving party for the development rights, and the hillside would stay in the natural state. Karl said we would be willing to look at this.
22. Karl did state, however, that walking and knowing the area all his life, there are some beautiful building sites that would have little impact on the environment and be beautiful.

Cochairman Hughes closed the public hearing at 8:22 p.m. and invited Shawn Eliot, city planner to respond to any of the issues brought up in Mr. Pope's letter, then invited the commission to discuss the proposed sensitive area map.

23. Shawn stated that we are not trying to take away all development rights; we are just trying to bolster the intent of the general plan, in keeping this area more natural. He did not feel any of the planning commissioners have had personal agendas or have been trying to stop development. There have been some things said, but for the most part, at least from the planning commission side, we wanted to make this area developed better than what we have been seeing. As far as being a snap reaction to the rock wall, he didn't know if that was the case. Our lawyer did point out that as long as we know this is a living code and when we come to points that need to be adjusted, will do so, then we are doing well. For example, after tonight, we will probably adjust the ridgeline code a little but. The ridgeline has been approved in our code as has the 100 foot distance from the ridgeline. Maybe we need to change this to 50 feet. We were just trying to add one more protection to the 20% and 30% slopes, especially right on the edge. Elk Haven E is a good example of what brought up the need for this ridgeline code. There were several of the lots right on the edge of 30% slopes. The back yards have 20% slopes and the walk out basements will open up to these steep slopes.

Shawn did state that the developers have brought up valid points this evening. Looking at their map he would suggest taking off a portion of the ridgeline portion on the Shuler property. Karl left one of his maps with Shawn. The area overlooking the golf course still seems appropriate for ridgeline but some of the area going east and west might not. Maybe removing the portion from Elk Haven C (behind Russ Adamson's home to the city limit) would be appropriate.

Planning Commissioner's comments:

24. Kelly Liddiard agreed with Shawn's assessment. The rest of the areas up against 30% slopes should be considered ridgelines.
25. Weston Youd felt the reference map is important, but as this discussion has proven, we need to further refine and identify where we define the ridgeline.
26. Shawn Eliot stated that our code does define what a ridgeline is, but in researching definitions, it is quite complicated and this is why our attorney said to draw it on a map. We will leave the definition in the code, but do need the map.
27. John Hoschouer also agreed with Shawn and Kelly in being mainly concerned with properties against 30% slopes. He also expressed a concern in looking at the hillside code we just passed and changing the 100 foot setback to something less extreme. Kelly felt something between 50 and 100 feet. John felt the line would be wherever prevents the large cuts and fills and rock walls. He thought 50 feet might be enough. One-hundred feet is definitely extreme and may be infringing on rights of property owners.
28. Kelly asked about building lots at the bottom of the slopes. What about houses built below rock walls? Shawn Eliot stated that if the land goes from 30% to flat and continues flat, the normal 30' setback should apply. If it goes to 20% slope, you can only have 50% of 20% slope in your building envelope. Only where we have a sheer cliff then flat (like Loafer Canyon road going down from Bigler's home) is there a problem.
29. Shawn suggested that when we take the map to the council we express that the 100 foot setback is a concern and needs to be re-examined. Weston asked if we have considered a graduated setback requirement based on the slope (maybe if flat to the ridgeline, the setback requirement could be less than if it was 30% to ridgeline). Shawn felt that if we refine as discussed tonight, most of the ridgeline left is off of 30% slopes. The developer can ask for reassessment of his situation based on tighter contours (as Karl has done this evening).
30. Dayna took issue with a statement in Mr. Pope's letter in item 6: "*I have never heard one developer suggest, or even intimidate that he or she wants anything but a beautiful, well-designed, low-density residential community for south Elk Ridge*". She feels this happens all the time (present company excluded). We get lots of pressure so developers living in other places can get lots of money. All they want to do is cut and pillage our hillsides, then leave.
31. Cochairman Hughes summarized that she does not feel comfortable sending the map forward to the city council yet. She felt the planning commission needs to look at it again after Shawn removes some of the ridgelines that do not abut 30% slopes, looks at the negative impact of the 100 foot setback requirement. Karl offered a copy of his map to Shawn in the evaluating process. Shawn will bring to the first meeting in June.

A MOTION WAS MADE BY JOHN HOSCHOUER AND SECONDED BY DAYNA HUGHES TO TABLE THE DECISION ON THE SENSITIVE AREA MAP UNTIL IT HAS BEEN REFINED.

	VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) RUSS ADAMSON, SCOT BELL, KEVIN HANSBROW, PAUL SQUIRES.
4. APPROVAL OF MINUTES OF PREVIOUS MEETING – MARCH 13, 2008	A MOTION WAS MADE BY JOHN HOSCHOUER AND SECONDED BY DAYNA HUGHES TO APPROVE THE MINUTES OF THE MARCH 13, 2008 PLANNING COMMISSION MEETING WITH NO CHANGES. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) RUSS ADAMSON, SCOT BELL, KEVIN HANSBROW, PAUL SQUIRES.
5. PLANNING COMMISSION BUSINESS AND FOLLOWUP ASSIGNMENTS	<p>The following items were discussed.</p> <ol style="list-style-type: none"> 1. City Council Report – Shawn Eliot <ol style="list-style-type: none"> a. Fairway Heights, Plats C and D – Fitzgeralds got back on board with Brian Ewell. The council members went on a field trip on site. Their main concerns were Lots 21 and 24. Lot 24, on the west side of the mountain, is mostly 20% slopes and is quite steep. Lot 21 is the one on the hill overlooking Derrek Johnson’s home. It was quite flat on top but went straight down in the back. At the meeting the discussion lasted a good hour and 20 minutes. In the end they passed it with the only change being that on the road with the cuts, one cut being 20 feet tall, they asked that they go back and use rock walls to cut down on the required cuts. They did adjust some of the building envelopes. The project has now passed preliminary plat. b. Pressurized Irrigation – Nelson Abbott will come to our first meeting in June. They did discuss it a little. Basically anything south of the city hall will not get pressurized irrigation. Anything south of it can. It will be CUP water piped down the Highline Canal from Strawberry. They could get it on the north side but that would have to be pumped so will not. c. Fire Sprinkler code was passed with no changes. d. The Public Facilities Zone was discussed. There were a few changes. Right on Elk Ridge Drive at the 3-way stop next to the road, there is a property owned by one person. The golf course comes down the middle; they built the golf course on private property. We left this off as this issue has not been resolved. e. Water Rights – one of the issues is the large amount of 30% open space on the Elk Haven lot. The question was should you include this space in water right calculations. They discussed having Tony Fuller come and explain the criteria for calculating water rights. f. Regional Sewer Plant – is being discussed for all the cities in south Utah County except Springville and Santaquin. We are going to buy into this. The issue is what ends up going into Utah Lake. This has to be treated. Payson will become a pre-treatment plant. 2. Shawn Eliot will be at a planning conference and Margaret Leckie will be out of town, and as there are not a lot of agenda items coming up, the planning commission will not meet April 24th, 2008. The main items coming up are the senior housing and Horizon View Farms – condos. Horizon View Farms has redone the whole project. They are going from 2000 sq. ft. units to 300 0 sq. ft. units. These items will be held off until May 8th, 2008. 3. John Hoschouer announced he will be moving to CT for four months in a couple of weeks until September. He has spoken to the mayor who suggested he step down from the commission. Kelly Liddiard mentioned that he also will be having a job schedule change for the upcoming four months and will not be able to attend the planning commission meetings. Shawn Eliot stated possibly keeping one of these two as an alternate member. Kelly Liddiard will talk to the Mayor.
ADJOURNMENT	<p>Co-chairman, Dayna Hughes, adjourned the meeting at 8:55 p.m.</p> <p style="text-align: center;"> _____ Planning Commission Coordinator</p>

NOTICE OF PUBLIC MEETING AND AGENDA - AMENDED

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

- 1) 7:05 – Amendment to the Elk Ridge City Code regarding creation of a Senior Housing Overlay Zone
- 2) 7:15 – Preliminary Plat Approval of Park View Corner – Senior Housing Subdivision
- 3) 7:25 – Preliminary Plat Approval of Horizon View Farms – Town Home Project (Elk Ridge Meadows PUD, Phase 4)

These hearings will be held on **Thursday, May 8, 2008, beginning at 7:05 p.m.** as a part of the regularly scheduled **Planning Commission Meeting on May 8, 2008, 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:

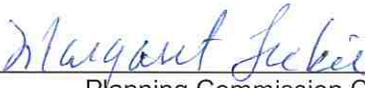
The Planning Commission meeting will be preceded by a field trip to Gladstan View – a proposed senior citizen development at 6:30 p.m.. (Commissioners will meet at the Elk Ridge City Hall, 80 E. Park Dr., Elk Ridge, UT).

- 6:30 P.M. Field Trip to site of proposed Gladstan View Development**
- 7:00 P.M. Opening Remarks & Pledge of Allegiance
Roll Call
Approval of Agenda**
- 7:05 P.M. 1. Code Amendment - Creation of Senior Housing Overlay Zone**
 - Presentation – Planner / Applicant
 - Public Hearing
 - Commission Discussion and Action
- 7:15 P.M. 2. Park View Corner Senior Housing Subdivision - Preliminary Plat**
 - Presentation – Planner / Applicant
 - Public Hearing
 - Commission Discussion and Action
- 7:25 P.M. 3. Horizon View Farms – Town Home Project - Preliminary and Final Plat**
 - Presentation – Planner / Applicant
 - Public Hearing
 - Commission Discussion and Action
- 4. Gladstan View - Concept Plan**
 - Presentation – Planner / Applicant
 - Commission Input
- 5. Approval of Minutes of Previous Meeting – April 10, 2008**
- 6. Planning Commission Business**
- 7. Follow-up Assignments / Misc. Discussion**
 - General Plan Re-write

ADJOURNMENT

*Handicap Access Upon Request. (48 hours notice)

Dated this 7th day of May, 2008.



 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 7th Day of May, 2008.



 Planning Commission Coordinator

ELK RIDGE PLANNING COMMISSION FIELD TRIP TO GLADSTAN VIEW
May 8, 2008

**TIME AND PLACE OF
 PLANNING
 COMMISSION
 GLADSTAN VIEW
 FIELD TRIP**

A field trip of the Elk Ridge Planning Commission was held on Thursday, May 8, 2008, beginning at 6:30 p.m. The planning commissioners met at 80 East Park Drive, Elk Ridge, Utah. The commissioners took a field trip to the site of the proposed Gladstan View Plat A development to look at the site of the proposed senior citizen twin-home development, Gladstan View, being developed by Eric Allen. Those in attendance at the field trip were: Dayna Hughes, Scot Bell, Weston Youd, Russ Adamson, Shawn Eliot, Eric Allen and Margaret Leckie.

City Planner, Shawn Eliot, wanted the commissioners to get a feel for the lay of the land, the access to the cul-de-sac, as well as the access with the temporary turn-around. The two access road locations were viewed. Shawn showed the area of the access that would require being filled in. Developer, Eric Allen, explained that a standard size ROW (34 foot) on the cul-de-sac would have required a large rock wall, so they are proposing a 24 foot ROW. Shawn mentioned the private drive, which will be plowed by the home-owner's association and not the city. Ron Ririe owns the property where the other road terminates. Shawn mentioned that the Payson future plan would have that second road looping around and connecting to Gladstan Drive. They have gone through about 10 different concept plans. Shawn expressed concern over the proposed road and driveway slopes being too steep for a senior development. The slopes will be discussed in planning commission meeting tonight.

Eric Allen stated that they have not yet done the cut and fill analysis on this plan. Scot Bell felt they were taking the through road into the steepest part of the slope. Shawn mentioned that even our engineer felt this was the best spot and if the contours were followed, this is the best option.

Off-street parking was discussed. Shawn Eliot said it does meet city standard; but requiring more off-street parking in the cluster-overlay zone could still be discussed.

The commissioners returned to the city office at 6:50.

ROLL CALL

Commissioners: Scot Bell, Russ Adamson, Dayna Hughes, Weston Youd,

Absent: Kelly Liddiard, Kevin Hansbrow, Paul Squires

Others: Shawn Eliot, City Planner

Margaret Leckie, Planning Commission Coordinator

Don Hooks, Rosalie Hooks, James Mayfield, Sean Roylance (City Councilman),

Eric Allen, Rick Salisbury, Julie Salisbury, David Van Valkenburgh, Ty Currie,

Cory Pierce, Joanne Bigler

**ELK RIDGE PLANNING COMMISSION MEETING
May 8, 2008**

- TIME AND PLACE OF PLANNING COMMISSION MEETING** A regular meeting of the Elk Ridge Planning Commission was held on Thursday, May 8, 2008, 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah.
- ROLL CALL**
- Commissioners:* Scot Bell, Russ Adamson, Dayna Hughes, Weston Youd,
Absent: Kelly Liddiard, Paul Squires, Kevin Hansbrow
Others: Shawn Eliot, City Planner
 Margaret Leckie, Planning Commission Coordinator
- OPENING REMARKS & PLEDGE OF ALLEGIANCE** Chairman, Russ Adamson, welcomed the commissioners and guests and opened the meeting at 7:00 p.m. Opening remarks were given by Weston Youd, followed by the Pledge of Allegiance.
- VOTE TO MAKE ALTERNATE VOTING MEMBER** **A MOTION WAS MADE BY SCOT BELL AND SECONDED BY RUSS ADAMSON TO MAKE ALTERNATE MEMBER, WESTON YOUD, A FULL VOTING MEMBER FOR TONIGHT'S MEETING. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD**
- APPROVAL OF AGENDA** The agenda order and content were reviewed. There were no changes to the agenda.
- A MOTION WAS MADE BY SCOT BELL AND SECONDED BY WESTON YOUD TO APPROVE THE AGENDA ORDER AND CONTENT FOR TONIGHT'S MEETING. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD**
- 1. CODE AMENDMENT – ADDITION OF SENIOR HOUSING OVERLAY ZONE** Shawn Eliot, city planner suggested he and the applicant present the project, then open the public hearing. After the hearing the commissioners can discuss questions and concerns.
- Shawn's' comments were as follows:
- a. The Senior Housing Overlay Zone has been a long time coming. The applicant, Eric Allen, has been working on developing Park View Corner in the form of twin-homes and single resident housing with a flag lot, which were both turned down.
 - b. He then looked at what options the city felt would work on that corner. Our current PUD code requires 15 acres of land and we don't want to change that. When the city sent the survey to the residents, they were asked what their feelings were about density, apartments, twin homes, senior housing, etc. Most opinions expressed were against increased density in the city. The senior housing was the only option that was about 50-50% in favor. The city council asked us to look as whether it is this appropriate to have higher density type housing for seniors in our community to fill a niche for that segment of our population.
 - c. This began a search of other city's codes. We found Alpine's city code was one we liked. We adjusted it a little bit, allowing 4 units per acre and up to 20 units, so it cannot be a large project. The proposed code only allows these developments in the R-1 15,000 zone or the R-1 12,000 PUD zone. They have to be on major collectors or arterials (the main roads in town). One thing has been added since the last meeting with the city council. After working with the applicant on the Gladstan View – we realized there was nothing in the code regarding slopes. We had 12% on roads and driveways, which we did not feel was appropriate in a senior development.
 - d. On page 3 of the proposed code (in tonight's handout) – Section 10-11C-7-K it reads as follows:
K. Development Grades: Since the development is for senior living, road, driveway, and usable open space areas shall be designed with gradual slope. No road, driveway, sidewalk, or trail shall have a grade over 6%.
 - e. The reason this was added to the code is that we have 8% grades in town and they are pretty steep. To accommodate a senior neighborhood, they should be able to walk to their neighbor's house. This is something I added for you commissioners to consider. It would require the developers of Gladstan View to relook at the one 8% grade road (this is the temporary turn-around road).

- f. We need to ask ourselves in light of Park View Corner and Gladstan View (which would follow the senior cluster overlay code) if the densities, setbacks, etc. are appropriate.
- g. On page 2 of tonight's memo, the things that need to be asked are:
 1. Is this new zone desired in the city? There have been people asking for just such a development. There appears to be a need and desire for this type community.
 2. What are the positive and/or negative ramifications of allowing the new zone?
 3. Is the density allowed in this code appropriate? Should it be higher or lower?
 4. Are the setbacks appropriate?
 5. Is the control of the city over allowing this development and building materials appropriate? Unlike other zones you must get the city's approval on these things.
 6. Are the allowed locations appropriate? (Major roads in the R-1 15,000 and R-1 12,000 zones)
 7. Is the age restriction for residents and caregivers appropriate? (62 years and older and 18 and older for care-givers)
 8. Are the landscaping and amenity requirements appropriate?
 9. Are the locations proposed by the applicant appropriate for this type of use? This is the big concern. One of the opinions from the survey is that we want this type of development, but in the north end of town.
 10. Is the grade requirement for roads, driveways, trails, and sidewalks too steep?

Eric Allen, developer, was invited to discuss his developments in light of the proposed code. His discussion included the following questions and statements:

11. When did you add this slope requirement as I have never seen it? Shawn mentioned it was two weeks ago.
12. The genesis for these developments was a meeting I had with the Mayor where I asked him about the needs of the city. He said he would love to see some senior housing. I mentioned that such a development had been brought forward before on Park View Corner (twin homes) and it was rejected. It was not designated as senior housing so as we worked through this with the last planner and with Shawn, we have come forward with these different ideas and proposals.
13. We have come forward with several concept plans on Park View Corner and Gladstan View and run them through the technical review committee several times. This particular concept has worked well in Provo and in the River Bottoms and by the temple. We felt it would work well here as a designated senior project.
14. You would have main-floor living with basements, and two-car garages. There would be room in the basement for a rec room and bedrooms for visiting grandkids. Another advantage is you would immediately have a nicely landscaped project that would be professionally maintained by the homeowner's association. Any private driveways or roads would also be maintained by the homeowner's association.
15. Since we have proposed this project we have had quite a bit of interest in the community; particularly on the golf course piece. On Park View Corner people who live near there have expressed an interest in moving into that project. Senior housing is an area where there is interest. This project could provide revenue to the city through the form of water, development fees, and impact fees; where some of the other projects might not get developed as quickly. This is an added bonus to the city.

Chairman Adamson opened the public hearing for public comment at 7:17 p.m. The following discussion ensued:

16. Shawn Eliot mentioned the difficult thing is that we are here to talk about the code and most people are here to talk about the plats. He added one more thing, on the Park View Corner plat, looking at the layout, the main reason there is a park on the corner, rather than a unit, was a unit would barely fit. Also, there would have to be 2 driveways onto that corner. We were trying to eliminate the large number of driveways going directly onto the corner.
17. The other thing that had been proposed was turning Units 7 and 8 sideways and moving them back where the gazebo is. They did not fit. Maybe a smaller unit would fit.

18. Margaret pulled out an earlier rendition (it might have been the old twin-home prior to the senior home twin-home proposal). The placement of the units might make some of the neighbors happier. We have a letter in the packet from some neighbors who feel the density is too high – their major concern is the wall of buildings right behind their house. The only problem with this old rendition is the end units, where the gazebo now is, are sideways and according to this probably would not fit.
19. Eric abandoned this concept when they decided to go with the new roads concept. He said they would have to go back and determine if they could develop this version under the senior overlay zone code.
20. Eric also mentioned with the new concept, there is a much nicer and larger park area.
21. Russ Adamson spoke about the density being proposed for the overlay zone. The original zone would allow 3 units per acre. Shawn mentioned under our current code the developer could get four units on this property (without the flag lot). We are now going to 8 units under this twin-home concept. You have doubled the number of units. Shawn mentioned that you are still only getting 4 buildings, which would be about the size of the homes that might have gone in. Eric mentioned the units are a 4,000 sq. ft. footprint.
22. Russ asked if, when we create an overlay zone, the city will have some say in the CC&Rs? Shawn said “not in the CC&Rs, but the planning commission has a say in design elements and materials”. You can also have them do a theme.
23. Shawn Eliot mentioned that we can take public comment in consideration as we are creating code, once it is code, then public comment is less relevant if the developer adheres to code.
24. Russ felt the amount of asphalt seems large. He felt you will see blacktop as you drive up Elk Ridge Drive for most of the property. Eric Allen, developer, did not feel this was the case. There is a landscaped entrance monument, the front is landscaped and it is also landscaped around the corner. The idea is to hide the driveways. This plan came off a recommendation from Shawn. It creates the look of 4 single-family homes and only has 2 driveways onto Elk Ridge Drive.
25. Dayna Hughes thought the landscaping to hide these driveways would be a 10-15 year deal. Shawn Eliot mentioned there are 2 retention basins there that could be bermed. This would immediately hide some of the blacktop. There is a short railed fence proposed in front and a vinyl fence in back. The fence will be behind the trail in the front.
26. Shawn said this is another issue we will need to settle. The Lee Haskell commercial property, on the adjoining north side has proposed a wide 5' sidewalk with planter strip instead of a trail.
27. Chairman Adamson asked what “injurious” as mentioned in the new proposed code, section 10-11C-4-B to be considered by the planning commission and city council:
 - B. Whether or not the application of the overlay zone may be injurious to potential or existing development within the vicinity.*

Shawn Eliot responded that this means is will this harm the neighbors; in particular, with regards to property values. Margaret looked up the word and found the following definition: *harmful, hurtful or detrimental, doing or causing injury or wrong.*
28. Russ also asked why we wanted the development on the main roads? Shawn felt by limiting the overlay to main roads, it limits the location and thus the number of this type developments that could be created in the city. We are not talking huge density, but increased density is better on major roads.
29. Russ asked if there was a demonstrated need. Shawn responded that most cities have a need for this type housing for people who want to downsize and don't want to leave the area. There was a discussion of need vs. desire.
30. Russ read where it will be at the city council's discretion whether this overlay zone be applied. He asked where the planning commission would come in. Shawn responded that the recommendation for approval would come from the planning commission. The reason that is there, is that it allows more scrutiny. The developer does not have an automatic right to apply this zone. It can only be done under the approval of the city council.

Before opening up to the public, Russ went over the questions to be answered by the planning commission. These questions and resulting comments were:

a. Is this new zone desired in the city?

31. Russ stated the Mayor felt we needed such a development. Dayna stated that there are 3 couples moving into new homes on her block 60 years of age and older. We don't need a senior community. The argument that it works in Provo is not a plus. People don't want a "Provo" in Elk Ridge. People moved here to get away from that feel. They don't mind the remoteness, they like the open space. Even though the footprint of 4 homes is the same, it is twice the traffic, twice the density. Having an HOA is asking for all types of problems. We all know HOAs are notoriously poorly managed, and chances are that the HOA will dissolve and go bankrupt. We will then have no control over this high density area.

Chairman Adamson summarized prior to inviting public comment, that the Mayor liked the idea, the city council saw a need for senior housing and asked us to come up with a code that worked. The survey showed a lot of people did not want multi-dwelling units. The north side of town is more of a PUD area. We will open it up to comment. Is a senior overlay zone needed? The following discussion took place.

32. **Don Hooks** agreed with Dayna. He moved from Orem with the intent of an open view, country type living, etc. When they moved here they were required to buy a certain sized lot, and put a certain square footage home on it. He feels we should stay with 3 units per acre. Putting that many units on that property would cause traffic problems. He agreed with Dayna that down the road the HOA would probably be a problem. He saw it with his father, who moved into a senior community in Orem that went downhill. It was good for only about 8 years.
33. **David Van Valkenburg** is somewhat concerned about the arbitrary nature of being able to declare a place within our R-1 15,000 as high density along a major road. This is the situation where he lives and would not like to see such a development take place across the street from him when they never anticipated such a thing.
34. **James Mayfield** stated that we should keep in mind that on the survey, 54% said no (regarding this type development), but 14% were uncertain, so only about 30% supported it. On twin-homes, only 13% said yes, so there is a mix. He is glad to see it is proposed on major roads. He also felt that in the winter there might be a safety issue by increasing the traffic with high density housing on these roads. He posed a question to Eric asking what the advantage of twin homes over single homes was? Was it economic? Eric said it stemmed from the meeting he had with the Mayor where he asked what the needs were in the city and the Mayor responded with Senior Housing. He had always felt Elk Ridge would be a great location for such a development and would do well. There has been a great deal of interest in this product. There are no other development like this now in the community. If this is not developed, Elk Ridge will lose some of their older long-time residents who enjoy this environment. On the Park View piece it creates a bit of a higher density, but on the GladsanView piece it is not over 3 units per acre.

The product is high quality and has sold well. It will replicate the high quality amenity done in the River Bottoms in Provo. The piece on the corner will be break-even financially for me, whether I do the twin homes or single-family homes. I just felt it was an amenity the city could use.

James mentioned he is not opposed to the development but feels it is more appropriate in the north part of town. He is against multi-property zoning in the southern part of town.

35. **Rosalie Hooks** asked what the space was between units 6 and 7. Eric thought it was about 20 feet. She said these units were right behind her house and the units being so close together would be like having a solid wall behind her house, she was unhappy about this. Eric stated it would be very similar if single family homes went in there. Eric showed a rendering of the twin homes. He stated they could be moved over but it would decrease the area of the park. Rosalie was not against senior housing but felt 6 units would be enough (as opposed to the proposed 8 units). Eric said in that case, he would just do 4 regular homes. Russ Adamson pointed out that in that case the city would lose the park area on the end.

Russ pointed out some of the positive aspects of the projects. Given some people in the community would like senior housing, you could have the same footprints as single homes, you would have 2 driveways instead of 4 onto Elk Ridge Drive, you would get more professional landscaping.

36. **Sean Roylance** stated that he has spoken with a number of people about this issue and the consensus was that if we are going to have a senior housing zone it would be better in the R-1 12,000 zone. Also they would rather have it off of the major roads so it is not what people see as they drive into town.

37. **Joanne Bigler** asked what constitutes senior housing. Shawn stated the Federal law gave two definitions. One: 80% of residents are 55 and older, and two: 62 and older for everyone. We have chosen the 62 and older for this development with a clause allowing a caregiver over the age of 18.
38. **Shawn Eliot** did add that when we first started working on this code the setbacks were further apart. In the R-1 15,000 they are 24 feet apart. This zone is now 20 feet apart (with side setbacks). In reviewing the code the setbacks can be adjusted. If the overlay zone were to occur in the R-1 12,000 zone the density would remain about the same for the overlay as it is in the actual zone.
39. **Rosalie Hooks** asked where guests would park. Eric responded there are 2 spaces in the garage and 2 in the driveway and one extra space per unit in the parking stalls. Shawn added that this project would widen Elk Ridge Drive to the 66 foot ROW with 42 feet of pavement and curb & gutter on both sides. It would straighten up Elk Ridge Drive and Park Drive where it has that strange bend. It would fix that intersection. This street would be wide enough to park on also. The proposed code says any additional parking requirements (other than 2 in the garage and 2 in the driveway) are at the planning commission's discretion. Eric also added that the driveway configuration did allow people to turn around inside the development and enter the street frontwise. Dayna mentioned that hammerheads or circular driveways would be required anyway. Rosalie asked if there will be homes on the other side of Elk Ridge Drive eventually. Shawn responded that it is zoned R-1 15,000 and we have not heard of any future developments. Rosalie closed her comments with the statement she thinks this area is busy enough now and the density should not be increased.
40. **Ty Currie** agreed with most of the comments but felt that allowing these townhomes would set precedence for allowing higher density developments in the city along Elk Ridge Drive.

Chairman Adamson closed the public hearing at 8:00 p.m. The following discussion ensued among the commissioners. The questions were discussed as follows:

a. Is this new zone desired in the city?

41. **Dayna Hughes** stated she is starting her 4th year as a planning commissioner. She has heard a lot of public comment and does not recall any member of the public coming to the planning commission wanting senior housing or higher density housing. We have a PUD in the lower part of town and it seems to be falling apart. Now they are putting siding instead of bricks, they want to sell the park because they are going bankrupt. She thinks this is a bad idea.
42. **Russ** asked if we felt there should be senior housing overlay zone somewhere. Dayna said "no". Weston Youd stated he is not sure how you define "need", there is a desire. Russ asked if we have 20% of the community who would like to see it, do we have an obligation to provide it? Scot Bell felt we do provide this in the PUD down below. A PUD is a PUD. There is space in the PUD zone in the north part of town where this type project could be developed now and land designated as PUD where it could be developed in the future. Shawn Eliot mentioned we have a PUD code which states if you have 15 acres you can create a PUD anywhere in the city. There is a PUD 12,000 zone also. Scot felt if we expand beyond this designated PUD zone we are exceeding what the city wants for PUD percentage in the city. Russ asked Scot if he felt it was valuable to have an overlay zone so there could be a designated senior community PUD. He said yes, but it should only be in the present PUD zone. Shawn mentioned that in the end, the proposed senior overlay zone has been created for this property.

b. What are the positive and/or negative ramifications of allowing the new zone?

This had already been discussed, there were no further comments.

c. Is the density allowed in this code appropriate? Should it be higher or lower?

43. **Weston Youd** stated that this code opens the window for twin homes in the city; and in view of the fact that only 14% of the citizens wanted this, this is his concern. The vast majority of citizens did not want this. Because of this he felt the density is not appropriate.
44. **Scot Bell** felt that we could have a potential of 24 cars in this 2 acres of land whereas if you had only the 4 residential units you would only have 8. This would be three times as many cars. He would not want to see this many cars in an area that is in full view of the main city street. You are doubling the width of the asphalt and tripling the number of cars per acre. Shawn Eliot added that he did not notice that the property was actually 1.93 acres and technically with this proposed code Park View Corner could only have 7 units instead of 8. This is a difficult piece of land due to its

configuration.

d. Are the setbacks appropriate? (20 ft. vs. 24 ft. on the sides)

45. **Scot Bell** stated that if we want the single family dwelling look then we should keep the original setbacks of the single family dwellings.

e. Is the control of the city over allowing this development and over building materials appropriate? Unlike other zones you must get the city's approval on these things.

46. **Russ Adamson** mentioned we have control of where we allow it and control over the look. **Shawn Eliot** mentioned that because we have more control over the look, the units could look very much like single-family dwelling. He mentioned some nice-looking large twin units in not Mapleton that are very nice.

f. Are the allowed locations appropriate? (Major roads in the R-1 15,000 and R-1 12,000 zones)

47. **Scot Bell** felt that when we had the public hearing for the PUD in the North part of town, it was almost unanimous that they wanted them tucked away and not on the major artery into town. They wanted their presence, but not their high visibility. He felt it was injurious to the neighbors. He felt the million-dollar home that people on Gladstan Drive are trying to sell would have problems selling with this development next door. Margaret Leckie mentioned they did hear from the neighbors who own the home next door to this home, the Donegans. They actually would like to have one of the units, if the project goes in, for their parents. There have been one or two other calls of residents who would like units.

48. **Dayna Hughes** felt that the problems in keeping an HOA as proposed in the code, are so overreaching (no one to police, etc.) that the senior overlay zone should not occur. She mentioned the problem in Sandy with the HOA in Pepperwood, a very nice community.

49. **Weston Youd** felt the R-1 12,000 PUD zone is a better fit for this overlay. He, however, did feel that being on a major arterial is beneficial and safer for handling the excess traffic.

50. **Shawn Eliot** mentioned that since the only reason this code is being proposed is for these developments (Park View Corner and Gladstan View), if we feel it should be moved below, maybe we should not even pass the code since no one is requesting it for that location.

g. Is the age restriction for caregivers appropriate? (62 years and older and 18 and older for care-givers)

51. **Dayna Hughes** felt the age restrictions were appropriate but unenforceable.

52. **Scot Bell** felt the age restriction might cause some animosity.

53. **Russ Adamson** posed the thought that it appears the planning commission does not want the code. We have a developer who has spoken with the Mayor who says we need this. The developer has spent time and money pursuing making this work. If the planning commission says we don't want it, the city council may say we do want it so go back and look at it. What do we do. Shawn said that this is the process. Russ said he realizes that checks and balances take a long time. He asked Sean Roylance if he felt the city council was in favor of this? If we are going to be looking at this again if we turn it down. If this is the case, maybe we should take a harder look and figure it out. Sean was unsure how the final vote might go. Russ does not want to be unfair to the developer. Shawn felt that if the city council wanted it, they would pass it and put on or take off whatever restrictions they wanted or did not want.

54. **Russ Adamson** felt that if there were to be a senior overlay zone it should be in the R-1 12,000 PUD zone. This does not help Eric. Eric felt if the planning commission did not approve the zone, he still would like to go to city council and get their opinion. If they are not in favor, he is ready to move on. He asked the planning commission to just recommend whatever they feel then he will go to city council.

55. **Shawn Eliot** mentioned if we do not pass the code for the senior overlay zone, the other two agenda items (Park View Corner and Gladstan View) are null.

56. **Scot Bell** felt the lower road in Gladstan View has about 12 feet of fall. With the setback approach to the intersection the first driveway will be very steep and does not feel the first unit will work. The cuts and fills on the cul-de-sac-bulb will also be rather large. The PUD on the north end of town approached the planning commission about putting in smaller roads and the city would not let them, because if they turned them back over to the city, the city did not want sub-standard roads to maintain. He wonders why the private road should be allowed to be narrower. The code

requires a 4% or 3% approach to an intersection. Park Drive is already steep, he is not sure how they can achieve the required approach. He had some strong reservations as to whether this development could work out these issues.

57. **Chairman Adamson**, in an effort to wrap up this item discussed the options: 1) make recommendations for the code for the overlay zone for senior housing, with recommendations to what zones it can be overlaid on (R-1, 12000); 2) make a motion to recommend denial.

DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY WESTON YOUD THAT THE PLANNING COMMISSION RECOMMEND DENYING APPROVAL OF THE SENIOR-HOUSING OVERLAY ZONE. THE COMMISSION FINDS THAT THE NEED FOR RETIRED CITIZENS IN THE AREA CAN BE MET BY OTHER PUD AREAS IN THE CITY. THE COMMISSION FINDS THAT ARBITRARILY ALLOWING THIS ZONE IN OTHER AREAS OF THE CITY COULD BE INJURIOUS. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD.

WESTON YOUD MADE A MOTION THAT WAS SECONDED BY SCOT BELL TO DEFER AGENDA ITEM 2 (PARK VIEW CORNER SENIOR HOUSING SUBDIVISION – PRELIMINARY PLAT, PUBLIC HEARING AND ACTION) AND ITEM 4 (GLADSTAN VIEW SENIOR HOUSING SUBDIVISION – CONCEPT), UNTIL THE DETERMINATION OF THE SENIOR OVERLAY ZONE IS COMPLETED BY THE CITY COUNCIL. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD.

**2. PARK VIEW
CORNER SENIOR
HOUSING
SUBDIVISION –
PRELIMINARY PLAT**

This Agenda Item was deferred until the city council decides on the senior housing overlay zone. See second motion in Agenda Item 1.

**3. HORIZON VIEW
FARMS –
PRELIMINARY AND
FINAL PLAT**

Chairman Adamson turned the time over to city planner, Shawn Eliot, and Rick Salisbury, designer of townhomes in Horizon View Farms. The following discussion ensued:

- a. Shawn introduced the designer, Rick Salisbury, and LEI engineer, Cory Pierce, and gave a brief history of the project. Horizon View Farms is a part of the PUD we have been talking about this evening on the north end of town. This development was approved last August. Since then, the developers have re-approached the city and requested to change the plan. They are introducing larger units (3,000 sq. ft. instead of 2,000 sq. ft.). They feel these will sell better in today's market. This changes the whole layout. There will be less open space; however, the open space still is within the required 25%. We do have to go back and go through the preliminary and final approvals. Since there are no major changes we are allowing them to go through preliminary and final approvals concurrently.
- b. Tonight's handout included the proposed plat and the landscaping plan. They are proposing doing the project in two phases, Phase A and Phase B. The two accesses will be completed in Phase A. The earlier plat did not have units along the west side of Horizon View Loop (now units 20-23 and 48-55 are there). The new development has 42% open space (25% is required). The units vary as to front-loading and rear-loading units. The new elevations are nicer, the elevations and roof lines are broken up and the look is not so boxy.
- c. Cory Pierce, engineer from LEI, mentioned that these units look more like single-family homes. There will not be a straight line across the front. The roofline changes and the orientation of units changes so you will not have the same building. Also, you will not have living space against living space. The hallways and entries will abut the garages.

The developer was invited to present and the following comments ensued:

- d. Cory mentioned Jason Smith is not here. They wanted the actual developer, Rick Salisbury, to come explain the project. Also, in the past the engineer stated that when information was brought to him, he sometimes got mixed signals. When sitting down with the staff he heard different input. It is easier for him to understand the issues by becoming involved himself. Things are mostly the same, except some of the units have moved across the street as mentioned above. Rick feels these newer units are good for today's market. They are priced well, and there is versatility and variety in the units.

- e. In tonight's packet was a sample elevation. Rick explained there are 3 different elevations married into each of the fourplex units. He feels three will be enough. He redesigned the front façade to look more like a single-family home and took away the tunnel- type entrance.
- f. Dayna Hughes asked Rick to address the change in building materials. Mr. Salisbury stated he wanted to do more of a craftsman style, which does not compliment stucco. He is going for a more shingle/shake look with molding around the windows. More definition of line instead of the flat wall. They are predesigned and not up to the discretion of the owner. The exterior colors will also be defined by the builder.
- g. Chairman Adamson asked about the materials. Mr. Salisbury stated the outside is a wood shake, or masonite shake, or a cement shake. Other portions are vinyl batten board siding. On the siding, there is a rib about every 12 inches to break it up. This takes away from a flat wall look. It has a wood grain to it and simulates wood. There is bead siding and brick. The windows will be boarded with a 1x4 material that boards them and pops the windows out. The old version was all stucco and stone. Weston Youd mentioned that Jed Shuler's home has the hardiplank siding with the 12" rib and it looks nice.
- h. Mr. Salisbury felt more depth could be created on the building by breaking up the roofline and elevation; and staggering the buildings back and forth. It gives more road appeal. The siding can be vinyl, masonite or cement. He is proposing vinyl for this project.
- i. Russ Adamson asked about the materials – he asked if there was a way to make even more designs, maybe add some stucco. Mr. Salisbury mentioned there are four different materials now instead of the original two, so he feels there is enough variety. Mr. Salisbury feels these will sell better and people will stay in them longer.
- j. Shawn mentioned there had been a concern about vinyl siding, and if there was a way to keep it more of a solid surface, it would be more in tune with what was wanted. Weston Youd mentioned he has seen similar type developments in Las Vegas and they are nice.
- k. Russ mentioned there is some stigma attached to siding. Scot Bell felt that the units should have the same percentage and types of materials as you would see if you drove through our community today. He felt the fronts should equate to this project – stucco, brick, siding, etc. Dayna mentioned most of the new homes are not siding, they are brick and rock. She felt the siding look may not go with the overall look of the city as it is progressing. Mr. Salisbury said he is doing siding to accomplish the look he is after.
- l. Shawn mentioned that the CC&Rs for the new homes in the PUD require stone, stucco or hard surfaces. They do allow for siding but it is the harder kind, the hardiplank, etc. which is more resilient. Over time vinyl siding tends to sag. Mr. Salisbury said the sides are all siding with maybe some brick. He said the price is about the same for the vinyl vs. composite siding. He chose the vinyl because it accomplished the look he wanted. Shawn mentioned he had some pictures of Mr. Salisbury's similar development in Saratoga Springs that used the hardiplank and it looks very nice.
- m. The maximum they were looking at stepping the buildings (Cory- LEI) is 2-3 feet. The slopes on the roads were discussed. They appear to meet the current city requirement.

Chairman Adamson opened the public hearing at 7:55 p.m. and invited public comment. There was none. The following discussion ensued among the commissioners:

- n. Russ read the following staff findings.
 - 1. The new proposal fits the intent of the PUD code in allowing a mix of housing types and open space.
 - 2. The amenities proposed have not changed from the previous plan.
 - 3. The elevations of the units are more varied and offer more appealing housing.
 - 4. The applicant is proposing two-slat vinyl fencing around the perimeter of the property.
 - 5. The original development used only hard surfaces for exterior materials (stucco, stone, brick, hardiplank, etc.). The applicant is now proposing vinyl siding for the units. As a part of the concept for the overall Elk Ridge Meadows PUD (which this is a part of) exterior types are listed in the CC&Rs as only hard surfaces being allowed. They are also a part of the CC&Rs for the currently approved Horizon View Farms.
- o. Chairman Adamson asked if all of the surfaces were considered siding. He said yes. Shawn

mentioned there are hard surfaces as opposed to soft surfaces. Mr. Salisbury stated they are also horizontal vs. vertical.

- p. Chairman Adamson read the from the memo the staff recommendation:
1. The additional size to the units and varying elevations will make the development more attractive and be a better product for the community.
 2. Recommend that fencing along west property be taller with three slats of vinyl fencing.
 3. Recommend that hard surfaces (stucco, stone, brick, hardiplank, etc.) be used.
 4. Need to know what is proposed as part of the barbeque area amenity.
The response was there will benches and barbeque stands. Charcoal can be used in the barbeques. The HOA will maintain them.
 5. Staff recommends approval of Horizon View Farms preliminary and final plats.
- q. Chairman Adamson read from the checklist and it was discussed as follows:
1. Are the larger units coupled with less open space an appropriate fit for this development?
All agreed "yes".
 2. Are there any other amenities needed?
Russ stated the amenities include the sports court, tot lot, open space, trail connections, lights, tables, barbeques and benches. Weston Youd drew in location where the commission would like about 3 other benches added. There were 5 in their plan shown tonight.
 3. Is the landscaping plan acceptable?
The engineer mentioned that between the driveways the areas will be filled with rock, bark, trees and bushes to break up the grass. Shawn stated there is a good mix of trees. There will be two entry monument signs. Scot Bell mentioned the retention basin. He stated that anything over 6' deep should be fenced off. It is only 2 feet deep with sumps in the bottom. The holding water will be 2' deep. It is piped directly into the ground, this is a plus. The water will never surface during small storms. Working with Corbett and the engineer, it is designed with six sumps and in between those sumps is perforated pipe going into gravel so most of the storage is underground and never seen. In the larger storms it will bubble up and drain in about 12 hours. The detention basin is landscaped with sod. Shawn mentioned that Corbett and the our city engineer did a lot of work on this detention basin. It is quite an elaborate setup.
 4. Are the housing styles and original materials what the commission envisioned for this development?
Dayna felt it is better than we envisioned or approved. There is more detail and interest. Weston likes the attention to line and variation in materials. Shawn mentioned he was concerned with soft surfaces vs. hard surface. He likes the look but prefers hard surfaces. The developer, Mr. Salisbury, said they both have a lifetime guarantee.
Scot Bell again mentioned the exterior should represent the percentage present in the community so it would not look like an isolated community. Others were OK with the proposal. The developer said this community is based on a craftsman design and he would not use stucco in this community, it would not work in the craftsman design. This is a planned unit development where the community look is planned ahead of time.
Russ asked if we have any say once the buildings start. Shawn said once the committee approves the plans that is what they will go with.

WESTON YOUND MADE A MOTION THAT WAS SECONDED BY DAYNA HUGHES THAT THE PLANNING COMMISSION RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE HORIZON VIEW FARMS LANDSCAPING AND PRELIMINARY AND FINAL PLATS. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT FOLLOWS THE INTENT AND REGULATIONS OF THE R-1 12,000 PUD ZONE AND CONFORMS TO THE APPROVED ELK RIDGE MEADOWS CONCEPT PLAN. THE COMMISSION FINDS THAT THE DEVELOPMENT STRIKES A BALANCE BETWEEN DEVELOPMENT AND AMENITIES AND THAT THE LARGER UNITS AND VARYING ELEVATIONS WILL BE A BETTER FIT FOR THE CITY. THE COMMISSION FINDS THAT THIS TYPE OF HOUSING IS NEEDED WITHIN THE CITY TO AID IN THE CITY'S RESPONSIBILITY TO PROVIDE AFFORDABLE HOUSING AND THAT THIS LOCATION IS APPROPRIATE FOR IT.

THE COMMISSION ALSO SUGGESTS THE FOLLOWING CONDITIONS BE MET:

1. **THE COMMISSION SUGGESTS THAT ADDITIONAL BENCHES BE PLACED NEAR THE TOT LOT AS INDICATED ON THE ATTACHED DRAWING PROVIDED TO THE ENGINEER.**
2. **THE DEVELOPER PROVIDE A COLORED RENDERING OF THE UNITS ALONG WITH SAMPLES OF THE EXTERIOR MATERIALS TO STAFF FOR REVIEW PRIOR TO GOING FORWARD TO CITY COUNCIL.**
3. **WATER RIGHTS BE IN PLACE PRIOR TO APPROVAL.**

VOTE: YES-(3), NO- (1) SCOT BELL, ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD.

Scot Bell voted "No" as he did not feel that the exterior materials represented what the current exterior materials are in the community.

**4. GLADSTAN VIEW
– CONCEPT PLAN**

VOTE: YES-ALL (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD.

**5. APPROVAL OF
MINUTES OF APRIL
10, 2008 PLANNING
COMMISSION
MEETING**

Corrections to minutes for April 10, 2008:

Dayna Hughes:

P.3, Item 2-7, should read "asked *if*" instead of "asked *is*"

P.5, Item 3, line 3, should read "makes *it*" instead of "makes *is*"

P.9, Item 5-3, line 3 add word "*change*" following job schedule

DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY KEVIN HANSBROW TO APPROVE THE MINUTES OF THE APRIL 10, 2008 PLANNING COMMISSION MEETING WITH THE ABOVE-NOTED CORRECTIONS. VOTE: YES (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD.

**5. PLANNING
COMMISSION
BUSINESS**

The following items were discussed.

- a. We need to bring Dave Holman on as an alternate. Shawn said since we lost John Hoshouer, Weston Youd becomes a full-time member. Russ will discuss Kelly Liddiards position with the Mayor.
- b. In February we failed to vote for a new planning commission chairman and cochairman.

DAYNA HUGHES MADE A MOTION THAT WAS SECONDED BY WESTON YOUD THAT RUSS ADAMSON BE THE CHAIRMAN OF THE PLANNING COMMISSION FOR THE UPCOMING 2008 TERM. VOTE: YES (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD.

RUSS ADAMSON MADE A MOTION THAT WAS SECONDED BY WESTON YOUD THAT DAYNA HUGHES BE THE CO-CHAIRMAN OF THE PLANNING COMMISSION FOR THE UPCOMING 2008 TERM. VOTE: YES (4), NO-NONE (0), ABSENT (3) KEVIN HANSBROW, PAUL SQUIRES, KELLY LIDDIARD.

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

The General Plan re-write committees will meet on the 22nd and the 27th of this month as follows:
Thursday, May 22nd, 6:00 prior to PC Meeting – Land Use Element Committee Meeting
Tuesday, May 27th, 6:00 prior to CC Meeting – Environmental Element Committee Meeting

Sean Roylance reported the following regarding the city council:

1. The city council will be reviewing the budget at the upcoming city council meeting at 5:30 p.m., Tuesday, May 13th.
2. Jan is working on the strawman proposal for the upcoming year to be reviewed.
3. Sean mentioned that there is a proposal to raise monthly sewer rates in order to cover the actual city sewer costs.
4. There is money from the bond issued late last year that could have been used to purchase one the abandoned golf holes from Payson for a park. If they do that there will be no funds to purchase property next to the proposed city building, there would be no money for new

buildings, or there would be no money to purchase the PUD park. For these reasons the city council opted to not purchase the Payson golf hole property. Sean mentioned he would be interested to know the commissioner's opinions on what this money should purchase.

Russ felt the money should be used to tie up land for parks.

5. Sean would like to see the planning commission work towards changing the PUD code so it cannot be applied anywhere in the city. Sean said we did not need direction from the whole city council to initiate working on this code. He mentioned he had a clear conversation with the Mayor (2:36:07) in which he agreed that the commission should be able to initiate whatever code changes they feel are appropriate without prior direction from the city council or the mayor. This is according to the law as well. Russ suggested bringing this up at our next meeting. Sean said he will get a signed document recognizing we have this right and responsibility.

ADJOURNMENT

Chairman Russ Adamson, adjourned the meeting at 9:35 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, May 22, 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:

A meeting of the General Plan Rewrite Sub-committee on the Land Use Element will take place at the same location prior to the planning commission meeting at 6:00 p.m.

6:00 P.M. General Plan Rewrite: Land Use Element

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

- 1. Introduction New Alternate Planning Commissioner – Dave Holman**
- 2. Powers and Duties of Planning Commission**
- Review and Discussion – Shawn Eliot
- 3. Pressurized Irrigation**
- Review and Discussion – Nelson Abbott, city council
- 4. Sensitive Area Map**
- Review and Discussion – Shawn Eliot
- 5. Amendment to Elk Ridge City Code Regarding Flag Lots**
- Review and Discussion – Shawn Eliot
- 6. Approval of Minutes of Previous Meeting – May 8, 2008**
- 7. Report on City Council Meetings – May 13, 2008**
- Review and Discussion – Sean Roylance
- 8. Planning Commission Business**
- Upcoming General Plan Subcommittee Meetings
- 9. Follow-up Assignments / Misc. Discussion**
- Agenda Items for June 12, 2008 Meeting

ADJOURNMENT

*Handicap Access Upon Request. (48 hours notice)

Dated this 15th Day of May, 2008.



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 15th Day of May, 2008.



Planning Commission Coordinator

ELK RIDGE PLANNING COMMISSION MEETING
May 22, 2008

TIME AND PLACE OF PLANNING COMMISSION MEETING AND PUBLIC HEARINGS	<u>A regular meeting of the Elk Ridge Planning Commission</u> was held on Thursday, May 22, 2008, at 7:00 p.m., at 80 East Park Drive, Elk Ridge, Utah. The meeting was held at 80 East Park Drive, Elk Ridge, Utah.
ROLL CALL	<p><i>Commissioners:</i> Dayna Hughes, Russ Adamson, Kevin Hansbrow, Paul Squires <i>Absent:</i> Scott Bell, Dave Holman, Weston Youd, Kelly Liddiard (leave of absence) <i>Others:</i> Shawn Eliot, City Planner Margaret Leckie, Planning Commission Coordinator Sean Roylance, Nelson Abbot, Ray Brown, Derrek Johnson, City Councilmen,</p>
OPENING REMARKS & PLEDGE OF ALLEGIANCE	Chairman Russ Adamson 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	<p>The agenda order and content were reviewed. It was suggested by Chairman Adamson to move Item 7, (Report on City Council Meeting), to follow Item 3 (Pressurized Irrigation) so the City Council representative could leave. Our new commission member, Dave Holman, was absent so Item 1 (his introduction) will take place if and when he arrives.</p> <p>A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY KEVIN HANSBROW TO APPROVE TONIGHT'S AGENDA WITH THE ABOVE-MENTIONED CHANGE. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) WESTON YOUND, SCOT BELL, DAVE HOLMAN, KELLY LIDDIARD (ON LEAVE OF ABSENCE).</p>
1. INTRODUCTION NEW PLANNING COMMISSION MEMBER – DAVE HOLMAN	As Commissioner Holman was not present this item was postponed until his arrival (he never did make it to the meeting).
2. POWERS AND DUTIES OF THE PLANNING COMMISSION	<p>Prior to the arrival of Mayor Dunn, Planner, Shawn Eliot, suggested we take 15 minutes at our next meeting and discuss the booklet given to the commissioners in their packets for tonight's meeting. That booklet is entitled "Powers and Duties of the Planning Commission and Land Use Authority" and was purchased from Utah League of Cities and Towns. (Mayor Dunn mentioned most of this book is authored by our city attorney, David Church.)</p> <p>Mayor Dennis Dunn spoke to the commissioners. He mentioned he had called our city attorney, David Church, about what is written in our code concerning the Powers and Duties of Planning Commission. He said that that is correct, the planning commission can, on their own initiative, begin action on land use issues. Our code basically says that the planning commission can take direction from the following three situations: on it's own initiative, ...or a concerned resident can petition...or the city council shall give direction.</p> <p>City Attorney, David Church, stated that if the planning commission mavericks an idea, they take the risk of that idea getting to city council and having them say "We didn't ask for this and we are not going to pay attention to it". Our council has not done that. Mr. Church said the Mayor does have another option, he can actually pick and choose what goes on the agenda. Mayor Dunn said he is not comfortable doing that. Mr. Church said he would not suggest that tactic either, because it creates such a bad working relationship. In the Mayor's discussion with Dave Church, his direction was that there is a responsibility for what happens in the city. The planning commission is a recommending body, they recommend ideas, codes, and so forth, centered around land-use issues, to the city council. The city council is the legislative body that takes action on these issues and makes them become law. They are the only body that can do that. The Mayor mentioned that he takes the hit for that, and that has been the case in the past. The process, which is correct, is such that he gets phone calls all the time – on the stop signs, and different things.</p> <p>Our attorney said to make sure there is a good working relationship between the two bodies. The Mayor felt that the best way we can have that is that if the planning commission has some ideas, they bring them forward for discussion at the council meeting. This will allow additional information and comments to be</p>

	<p>gathered by the council which may include future financing, budget concerns or constraints. The council wants to be aware of these items the commission is considering so they can either get the council's support or additional direction.</p> <p>The Mayor closed by stating he appreciates the volunteer work the planning commission is doing. The Mayor asked if there were any comments. The following discussion ensued:</p> <p>1. Sean Roylance: I think what we are hoping to achieve; and since I am the one that generally covers the planning commission, communicating effectively from both bodies. It is not that the planning commission is going to create a lot of issues that the city council does not want. In general we want to communicate as much as possible where our schedules allow, in particular on big issues, it makes sense to have a work session or get some feedback going before much action is taken.</p> <p>There are smaller issues where it makes perfect sense to go ahead, if it doesn't take much time, and get that process started. There are also sometimes time-sensitive issues such as something discussed in a public setting where someone could take advantage of that, where it doesn't hurt to get something on the agenda.</p> <p>One of the things the Mayor mentioned a week-and-a-half ago was that we don't want the planning commission spending a lot of time on something that the city council has no idea about, only for it to be rejected. Given that you are volunteers, we don't want to waste your time. With that said, there still are times when you can go ahead and take action.</p>
<p>3. PRESSURIZED IRRIGATION</p>	<p>Councilman Nelson Abbot addressed the commissioners regarding water issues; in particular, pressurized irrigation. He discussed some of the following points:</p> <ol style="list-style-type: none"> a. It is my understanding that you want to know what direction the city is going with regards to pressurized irrigation. Chairman Adamson responded that he had read an article in the Salem paper where they talked about how they are instigating pressurized irrigation. They have a pond, etc. This made us think that maybe we should also be doing something in our city. b. Nelson responded that the way he understands it, for all parts of Elk Ridge that are north of the city center, there will be enough pressure from the water coming out of Spanish Fork Canyon to service, without having to pump water. Anything to the south we would have to put reservoirs, pumps, etc. in place, as well as tear up a lot of infrastructure in town. c. Our code requires that all new areas south of the city center be required to put in dry lines, anticipating that sometime in the future, they will then be ready to work into that secondary water system coming out of the canyon. Some of the existing lines in Salem have been sitting a long time. We will see what happens when they put water, and pressure into those lines. They have been sitting so long. This will be a good test for us. It will be a while before the water gets here. d. SUMWA (Southern Utah Municipal Water Association) has put together a letter to Senator Bennett telling him we would like to share the pipes and maintenance costs with federal efforts currently underway. e. Chairman Adamson asked where Salem's water was coming from. Nelson wasn't sure, he thought some was coming from the canal. Ray Brown said a lot of it is surface water and they also have springs. f. Nelson mentioned the Salem Canal Company. In areas where some of these people have been using irrigation water – some kind of arrangement has been worked out and they are on some kind of pressurized irrigation system. Water rights have been shifted and transferred throughout town, a lot like what Payson did. g. Russ Adamson asked if we have to wait for the CUP water to come here before we have secondary water, as we don't have the ability to do what Payson did. Nelson said yes, that is part of it. It is good that we have dry lines in the road, but we still don't have some of the other pieces of the puzzle. When asked if we were going to put in a pump station; he responded that it cost the same amount to pump clean water as it does secondary water. We already have water rights in place. We would have to build additional infrastructure to destroy that water. Economically it is a wash for us, so probably not. h. Nelson said most of the water expense comes in getting the water out of the ground and to the tanks. When asked what the drivers were to reduce the cost of water, he responded that we have to find ways to cut the cost. We have talked about the idea of drilling a well on the diagonal into the fault line where it would be a free-flowing well. During the summer we spend somewhere near \$10,000 a month just in electrical charges to get the water to the tanks, so it can, in turn, flow back to the homes.

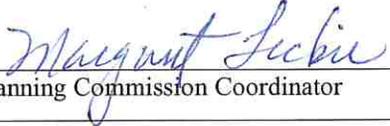
	<ul style="list-style-type: none"> i. Dayna Hughes asked if the whole city would share in the pressurized irrigation costs, or would those who live on the north end pay less for their water. Nelson said he would suspect that the water will be metered and people will pay based on their usage. j. Paul Squires said he meant to bring the “octopus plan” showing where the secondary water is coming from (the lines coming off of Spanish Fork Canyon). Right now the state wants the water to follow the freeway. Paul stated that the logical way will be for it to follow the canal. The federal government already has the rights next to the canal. k. Our city auditor and financier is always looking at our expenditures and seeing if there is any way we can cut costs. Last summer, so we can more efficiently manage our resources, we had some monitoring systems put in place and the majority of the water we used last summer came out of Loafer Canyon. All we have to do there is pump the water to the surface, then it is downhill from there. The Cloward well is uphill all the way. We are looking at more efficient ways of pumping the water. l. Councilman Abbott stated that the best thing for everyone to do is look at their uses and see where they can changed their habits, and put the system in place to alter that. m. We have put some tips on the city’s web site to give the residents additional information so perhaps they can cut their usage. n. Chairman Adamson expressed a concern. He stated the city revenue will grow as we add people. He said most realtors are discouraging people from this area because of water costs. We have a catch 22 situation, as we generate revenue by adding people. o. Sean Roylance added some insight. He stated that last year the city collected about \$400,000 in revenue through water charges to residents. About half of that covered the operating costs (well, etc.) to get the water out of the ground and to two people’s city salaries. About 20% of that was for administrative costs (sending out the bills, etc.), the other 25% is what we are saving for the future to replace water infrastructure. p. Councilman Roylance stated that the city council will be discussing the options in getting the water rates lowered. One is to get the operating costs down (there is only so much we can do). Another relates to the money being saved for the future. In the past the city bonded for these things, so we are kind of paying for two things at once. I think the bond is paid off, but we took other money to pay it off. The bottom line is we are in a transition period where we are paying for the bond and the future at the same time. If we decided to only do one of these, we could cut water cost by 25%. q. Ray Brown discussed the “purple lines”, the lines to bring in the secondary water. He talked to our inspector, Corbett. One of the things they worry about is will the unused lines work. We have thought about putting in two meters. One for the sprinkler system (secondary water), and one for culinary water and for now, using them both for culinary water. When we switch to CUP it is just a matter of turning a valve, this way the lines will have been used and they won’t deteriorate. The cost to the city to put in the lines at a later date would be prohibitive so the lines have to go in now. If they bring the water down the canal, it flows and has a natural drop. We may have enough pressure to irrigate the north part of town. h. Paul Squires: added that he knows there will be grant money available through the federal government for pumping, etc. He asked if someone from the city council was attending the meetings and tracking the development. i. Nelson said that “in reality” those who live on the north side of town are subsidizing those who live on the south side of town. j. Chairman Adamson thanked the council members for their reports.
<p>4. REPORT ON CITY COUNCIL MEETING, MAY 13, 2007</p>	<p>Sean Roylance reported the following:</p> <ul style="list-style-type: none"> a. The building height code amendment recommended by the planning commission was tabled for further discussion. It came out that there was a miscommunication between the Mayor and Sean in relation to what the planning commission should do regarding initiating code, such as this. The end result was that the Mayor was going to talk to the city attorney and get some clarification – which he explained this evening. My hope, in going forward, is that you all recognize your value and knowledge, as you are working on the code all the time. If you see things that need to be worked on, that you will feel empowered to do so. We need to communicate between the two bodies, but you don’t need to wait. Shawn Eliot mentioned that on the big things, there will be joint work sessions. b. Dayna Hughes asked what are the big things the city council works on? Sean mentioned budget

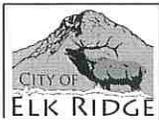
	<p>(which is very tight now), etc.</p> <ul style="list-style-type: none"> c. Russ Adamson asked if the city has already bought the property for the city building. Sean responded that they have. Ray Brown mentioned that it is a requirement of the loan which the city has taken out that we show some activity on that loan. We have to start building something or they can call back the loan. d. Chairman Adamson asked if there was any chance that if the economy stays bad, that we as a city will go broke? Ray Brown said “probably not, right now we are in pretty good shape, we do need to plan for the future”. We are in a deficit spending mode now. He said, regarding the tank, that the engineers failed to visualize some needs, so there is a cost coverage of what we anticipated the cost to be. He has \$246,000 worth of road repairs that should be done, but will only do \$178,000 because this is all the federal tax money he has been given for this and cannot overspend. He will spend class B and C funds only so there will be some roads that are marginal that won’t be touched this year. We haven’t had a tax increase in this city for 3-1/2 years. The county taxes are more than those of Elk Ridge. e. All costs went up – the cost of police, the cost of electricity, the cost of asphalt (petroleum based). The state has put a moratorium on well-drilling. The city is still planning on drilling one more well. Right now we are in good shape.
<p>5. SENSITIVE AREA MAP</p>	<p>Planner, Shawn Eliot, mentioned we talked about this about a month ago. He laid out a large map on the table to discuss with the commissioners. The following discussion points ensued:</p> <ul style="list-style-type: none"> a. Shawn incorporated Shuler’s 2-foot contour map into this map for greater detail. The ridgelines shown require a 100’ setback. The earthquake faults require 100’ setbacks. The drainages are 30’ setbacks. Those setbacks are shown with lines. Shuler has quite a bit of property to develop besides Elk Haven, Plat A. b. The reason for the ridgeline requirement is not view-oriented; it is intended to keep people off the 20% slopes. You have to set back 100’ from the crest of the 20% slope. This applies only in the HR-1 zone. Most of Shuler’s property is quite buildable. The code says a building envelope can only have half of its area on 20% slopes. With the past code, he could have built on 20-30% slopes with no limitations, but a part of his property cannot be built on now. c. The clustering gives him the opportunity to build on some of the flatter area if he dedicates the steeper area as open space. There is one piece that Karl Shuler, personally, wants to build on (he is on the edge of the 20% so he can). d. Our attorney has sent Jared Alvey (Nebo Heights/Whispering Oaks) a letter letting him know he is not vested – there are some slope issues on his property. (This was a side comment in regards to other steep properties in the southern area). e. Elk Haven Plat E is talking about re-routing the road away from the steep property through adjoining neighbor’s properties. f. There are some questionable ridgeline areas in Shuler’s property. He could build on this property if the setback was 50’ instead of 100’. When the HR-1 code was passed by the city council, they were asked if they wanted to change the 100’ setback to something different, they said “no, but the planning commission could look at it and suggest something different later”. Shawn suggested that if we do decide the ridgeline along this portion of the Shuler property is appropriate, that we drop the setback to 30’ or 50’. He will then be able to build in this area, if they are already off the 20% slopes, and are on safer ground, flatter, areas. g. The council has given an extension to their preliminary approval (Elk Haven A, B, C and D). h. With no ridgeline, they could have half their building envelope on 20% slopes. The 30 ft. setback would not allow them to build over the edge and eliminate the large rock walls. i. Shawn would like to go to the city council, before the planning commission makes their final recommendation, and let them know we have concerns with the 100’ setback. We were told to come forward with something different. Are you OK with changing it (to 30’ or 50’)? If they are OK with that we set a public hearing and approve the map at the same time. j. Dayna Hughes felt we should keep the ridgeline designation there and just reduce the setbacks to 50’. Most of the commissioners agreed. k. Chairman Adamson asked Shawn to do his best job putting the ridgelines in and then bring it back for review. There is one area on Shuler’s that he is not sure should have a ridgeline.

	<p>l. Shawn mentioned there are many cities with steep hillside roads that are only built on one side. Haley's Lookout probably should have been that way.</p> <p>m. It was decided Shawn will redraw the map, take it to city council, make sure they are OK with the proposed changes (since it was just passed), then bring it back to the planning commission for review. It was suggested we have a work session prior to the meeting where the map is discussed, and invite the Shuler's to attend.</p>
<p>6. FLAG LOT CODE AMENDMENT</p>	<p>Planner, Shawn Eliot, passed out a comparison of other city's flag lot code. Alpine, Eagle Mountain, Lindon, Woodland Hills, and Mapleton do not allow flag lots. Salem did but got rid of them in 2006. The rest of them are in the old parts of their towns. Orem allows several lots per stem. Pleasant Grove had a good code. They basically said it had to be behind homes and in the area that in the old days was farmed and it is not being farmed any more (that kind of thing). He is proposing something similar. The following discussion ensued:</p> <p>a. Shawn put in the proposed code that the flag lot has to be double in size to what the zone allows. This was done to simulate what the Money's have done on their flag lot near the Mayor's home. It is one acre in size and is double the size of the surrounding lots. He also doubled the setbacks. The setback requirement needs to be discussed further.</p> <p>b. There are not many infill areas in town where this would work. It cannot be done in new subdivisions. There are some open space areas but they are not large enough.</p> <p>c. The only current proposed flag lot is the Ingram Lot. The only possible area in Elk Ridge where flag lots might be appropriate is the Goosenest area. The RR-1 area allows half-acre lots and several are one-acre and larger. Another possibility would be putting a loop road behind these Goosenest lots and creating a subdivision. Most of the commissioners preferred flag lots.</p> <p>d. The handout passed out by Shawn was to give the commissioners a feel for what it would look like to require double setbacks and lot sizes twice the size of those in the zone. It was an aerial view of the Money flag lot.</p> <p>e. The proposed code which is included in tonight's packet was reviewed as were Shawn's findings.</p> <p>f. The criteria in the proposed code is as follows (10.12.25.30):</p> <ul style="list-style-type: none"> - <i>A flag lot shall be used to develop the interior of narrow, deep, or island parcels, not otherwise accessible using residential street standards.</i> - <i>The proposed flag lot shall not create an odd shaped lot just to maximize number of lots.</i> - <i>A flag lot is not allowed within a proposed new residential subdivision merely to maximize the number of lots within the subdivision.</i> - <i>The flag lot will not preclude the proper development of any residual parcel or the adjacent properties.</i> <p>g. A little more beef has been added to the conditional use permit. It states in 10.12.25.20:</p> <ul style="list-style-type: none"> - <i>A flag lot can be allowed with a conditional use permit. The criteria within the code must be met and the planning commission can set additional requirements, such as screening with fencing or vegetation, building envelope placement, etc. to mitigate potential impacts of the flag lot on neighboring properties. A conditional use permit can only be denied if the criteria for flag lots are not met. A conditional use permit for a flag lot shall be approved by the planning commission and the city council.</i> <p>h. Shawn mentioned that in the lot design requirements it says, regarding the length of the stem of the flag lot, – it can be no longer than 250 feet. Our old code said 150 feet in one place, then in the approval process portion of the code, it said 200 feet. If we are doubling the size of the lot, 150 feet is not long enough, so he brought it up to 200 feet in the proposed code.</p> <p>i. Reading from the proposed code, section 10.12.25.40 – LOT DESIGN REQUIREMENTS</p> <ul style="list-style-type: none"> • <i>The "flag pole" portion or stem of the lot shall be at least 24 feet wide and no longer than 200 feet.</i> • <i>The flag portion (excluding the stem) shall be at least double the minimum area requirement of the zone.</i> • <i>The setbacks from the boundaries of the building site shall be double those required within the zone. The front setback shall be made from the lot line of the flag portion of the flag lot most closely paralleling the abutting street. (this portion of the code may need some</i>

	<p>revisions)</p> <ul style="list-style-type: none"> j. The access requirements are the same as the old code so we won't review those. k. Kevin Hansbrow suggested encouraging large flag lots for the Goosenest area and having the code such that this can take place when the time comes that people don't want their large long lots in that area. l. Regarding the setbacks, Shawn asked for input on the setbacks. He suggested just making the setbacks a part of the conditions for the commission to look at case-by-case depending on the surrounding conditions. m. Chairman Adamson asked Shawn to take the discussion from this evening, rewrite the code, and come back before the planning commission again for review.
<p>7. APPROVAL OF MINUTES OF PREVIOUS MEETING – MAY 8, 2008</p>	<p>Suggested Corrections to May 8, 2008 minutes: Shawn Eliot</p> <ul style="list-style-type: none"> Field Trip -- pp2 – change “Ririe” to “Ron Ririe” Field trip -- pp3-change “taking the road” to “taking the through road” P1-Item 1-c – change “units for acre” to “units per acre”, change “large unit” to “large project” P1-Item 1-e – change “to look” to “to relook” P2-Item g-1 – add question mark to end of first sentence P3-Item 22 – change “Shawn said ‘yes’”, to “Shawn said not in the CC&R’s, but” and remove “.” P3-Item 23 – take out “not making sure” and put “once it is code, then public comment is less relevant if the developer adheres to the code.” P4-Item a – add “?” at the end of the sentence P5-Item 37 – put a “.” after “everyone”, remove remainder of that sentence, and change the last sentence to read “We have chosen the 62 and older for this development with a clause allowing a caregiver over the age of 18.” P5-Item 39 – line 7, change “council’s discretion” to “planning commission’s discretion” P5-Item 40 a – add “?” at end of first sentence. P5-Item 44 – second to last line, change “you should” to “with this proposed code Park View Corner could”. P6-Item 50 – second line after “developments” add “(Park View Corner and Gladstan View)”, and at the end of the sentence after “code” add “since no one is requesting it for that location”. P6-Item 54 – remove “personally” P6-Item 57 – 4th sentence after “town”, add “(Horizon View Farms)” P7-Item 3a – change “4,000” and “8,000” to “3,000” and “2,000” P7-Item 3b – remove middle sentence beginning with “This” and ending with “weeds” P8-Item g – last sentence, change “vinyl” to “composite (hardiplank)” P8-Item l – 3rd line, remove “He had heard that” and in last line, change “Soda Springs” to “Saratoga Springs”, and add at end of that sentence “that used the hardiplank”. <p>A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY DAYNA HUGHES TO APPROVE THE MINUTES OF THE MAY 8, 2008 PLANNING COMMISSION MEETING WITH THE ABOVE MENTIONED CHANGES. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) WESTON YOUD, SCOT BELL, DAVE HOLMAN, KELLY LIDDIARD (ON LEAVE OF ABSENCE).</p>
<p>8. REPORT ON CITY COUNCIL MEETING</p>	<p>Report on City Council Meeting:</p> <ul style="list-style-type: none"> 1. Sean Roylance mentioned the city council had discussed reviewing the PUD code and were amendable to the planning commission doing that. In particular they want it taken out of the code that the PUD zone can occur anywhere in the city 2. Sean reported that at the last city council meeting the Mayor explained that the city council had not officially asked the planning commission to review the building height code. Sean read the code to the Mayor that was mentioned above. In order to further understand this code, the Mayor decided to check with our city attorney, David Church. After doing so, the Mayor called Sean Roylance and stated that the code does imply that the planning commission can bring forward changes. 3. Sean Roylance also stated that if two city council members want something on the agenda, they can put it on the agenda.

<p>9. PLANNING COMMISSION BUSINESS AND FOLLOWUP ASSIGNMENTS</p>	<p>The following items of planning commission business were discussed:</p> <p>A. Land Use Element of General Plan – Workshop meeting –</p> <p>2. Chairman Adamson reported a few items from that meeting. (p.39 from Booklet - <i>Powers and Duties of the Planning Commission</i>) Shawn Eliot read:</p> <p style="padding-left: 40px;"><i>The Land Use Authority is charged with the development of the General Plan, formulation and administration of the zoning map and ordinance, and the review of any other land use matters designated by the Mayor and city council as an advisory board.</i></p> <p>3. Shawn also read from page 14:</p> <p style="padding-left: 40px;"><i>..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 as an advisory body, but when the commission is acting as a land use authority in granting regulating permits and approvals</i></p> <p>4. Shawn mentioned that we have been going through the opposite. It is because of recommendation that we have been having problems. The code that the Mayor referred to in his discussion was in Section 2-1-6b:</p> <p style="padding-left: 40px;"><i>E. Prepare And Recommend Amendments To Zoning Regulations:</i></p> <p style="padding-left: 80px;"><i>1. The planning commission through its own initiative, may, or upon receipt of a petition from an affected property owner, or by order of the city council, shall make and certify to the city council recommendations for the amendment of the zoning regulations and map.</i></p> <p style="padding-left: 80px;"><i>2. No amendment to the text or map may be adopted by the city council unless the planning commission has reviewed and made recommendations to the council regarding the amendment. The planning commission shall have thirty (30) days from the date the request is made to the chairperson to respond to any request from the city council for recommendation.</i></p> <p>5. Shawn felt that the significance here was that if someone recommends something to the planning commission regarding changing code, and they do not want to do it, they don't have to. There is some power implied there.</p> <p>6. The state law does allow delegation of land use powers. In Elk Ridge conditional uses have been delegated by the city council to the planning commission as have grading permits. These are the two powers, basically, that are delegated to the planning commission. Other cities delegate preliminary plat approval and it does not even go to the city council. The city council in these cases becomes the appellate authority. There are instances in other cities where building permits have to go to the planning commission. This allows the commission to make sure their code is being adhered to in the building process. This could work well in the HR-1 zone – just to allow an extra look.</p> <p>7. The whole land use authority is a big thing and we are going to discuss it over the next few months as our current code needs a look.</p> <p>8. Chairman Adamson asked what happens if a developer is unhappy with the planning commission's decision, is it within our code for them to go to city council and get their opinion and then if it is different, be allowed to go forward. Shawn stated that right now, it is. Since we did give a recommendation, it automatically goes forward and the city council has the right to accept or deny that recommendation.</p> <p>9. Shawn explained that in Eagle Mountain, the city council passes the laws, the planning commission follows the laws when they approve a subdivision, and then the developer can appeal to the city council if they feel the laws were not applied correctly; rather than it going to court for the next step. Mapleton and Spanish Fork also follow this procedure. Our code has a whole section under appeal authority. The council can appoint an appeal authority. We will review all of this in the next few months. The planning commission is over zoning and subdivision ordinances and we need to learn what this encompasses.</p> <p>B. Planning Commissioner Positions: Kelly Liddiard talked to the Mayor and is going to remain on the planning commission. When he gets back, he will resume his responsibilities. Dave Holman, the new commissioner, got caught in traffic on his way home from Salt Lake and was unable to attend. He plans on attending the upcoming meeting.</p>
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	<p>C. General Plan Land Use Element Meeting: This Tuesday at 6:00. Those commissioners on this committee were reminded to attend.</p> <p>D. Dayna Hughes asked that the rezoning of the Goosenest area to one-acre lots but put on the next agenda.</p> <p>E. Planning Commissioners Getting Up to Speed on Code:</p> <ol style="list-style-type: none">1. Chairman Adamson asked if there was any particular portion of the code the commissioners should be especially diligent about brushing up on at this time. Shawn Eliot replied that our code really needs some work in organizing, taking out ambiguities and putting things in the right place so that it is more easily understood. We are over the development code and should be able to use it more effectively. He asked the council if he could go through it, simplify it, re-order it, so that it can be more easily used and does not contradict itself.2. Chairman Adamson stated that maybe once we are through with the general plan we should start going through the code, taking it a section at a time. Shawn mentioned he had emailed Sterling Codifies, the people who update our code books and code web page, and asked for an electronic copy. He needs to touch base with them again. <p>F. Shawn mentioned in his discussion with the Mayor that the Mayor said each body was its own and we need to be careful how we interact with our council representative. He should not be representing what all the council members might think about an issue. This is especially an issue when we are having a public hearing on proposed code.</p>
<p>ADJOURNMENT</p>	<p>Chairman Russ Adamson adjourned the meeting at 8:50 p.m.</p> <p> _____ Planning Commission Coordinator</p>



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
 t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date and Time - **Thursday, 12 June 2008, at 7:00pm**
- Meeting Place - Elk Ridge City Hall - **80 East Park DR, Elk Ridge, UT 84651**

MEETING AGENDA

6:00 p.m., WORK SESSION and/or FIELD TRIP - 6:00pm (public welcome)

1. General Plan Update - Environment/Parks/Trails Committee

7:00 p.m., OPENING ITEMS

2. Opening Remarks & Pledge of Allegiance
3. Roll Call/Approval of Agenda

PUBLIC HEARINGS

4. None

ACTION ITEMS

5. None

DEVELOPMENT CODE / STANDARDS REVIEW

6. Proposed code amendments
 - a. PUD Code - code problems and needed changes..... *see attachment.*
 - b. R-1-15,000A Zone - rescind code and re-zone to R-1-15,000 *see attachment.*
 - c. Sensitive Area Map - review new map *see attachment.*
 - d. RR-1 Zone - change minimum lot size from half acre to one acre *information given at meeting.*
 - e. Flag Lots - review potential areas of city for their use *map will be presented at meeting.*
 - f. Uses Not Allowed are Conditional Uses - discussion on bad code *please read code 10-4-1.1.*
 - g. Development code – reformatting *update given at meeting.*

PLANNING COMMISSION BUSINESS

7. Review Planning Commission and Land Use Authority Hand Book
8. Review by-laws/commission meeting attendance statistics *see attachment.*
9. City council update
10. 24 May 2008 Minutes - Review and approve minutes *see attachment.*

ADJOURNMENT

Dated this 5th day of June, 2008.

Planning Commission Coordinator

Margaret Seckin

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 3 June 2008.

Planning Commission Coordinator

Margaret Seckin

ELK RIDGE PLANNING COMMISSION MEETING

June 12, 2008

TIME AND PLACE OF PLANNING COMMISSION MEETINGS AND PUBLIC HEARINGS

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, June 12, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Russ Adamson, Weston Youd, Dave Holman, Paul Squires

Absent: Dayna Hughes, Kevin Hansbrow, Scot Bell,

Others: Karl Shuler

1. OPENING

Chairman Russ Adamson welcomed the commissioners and guests and opened the meeting at 7:10 p.m.

2. INTRODUCTION OF NEW ALTERNATE PLANNING COMMISSION MEMBER

Chairman Russ Adamson welcomed new planning commission member, Dave Holman, and invited him to introduce himself. Dave will be the new alternate planning commissioner. Dave Holman stated he decided to check into becoming a member, spoke with Mayor Dunn about it and decided to join. He said he likes to help make a difference for the better and enjoys this kind of thing. He is from Utah County. He grew up with his grandpa in the building and construction business. He roofed for years and has done various building trades. Currently he is not working; he helps people get out of debt. He lives on Salem Hills Circle and has lived in Elk Ridge for 3 years. His family is from Pleasant Grove.

Chairman Adamson introduced the commissioners to Dave. As Dave has not yet been sworn in, he could not participate in the voting. He will come in the office this week to get sworn in and will also get a conflict of interest statement.

3. APPROVAL OF AGENDA

a. There are no public hearings or action items. The only proposed changes were:

- Remove Item 8 – *Review By-laws and Meeting Attendance* – move to next meeting, as this was requested by Dayna Hughes and she is not here tonight.
- Remove Item 10 – *Review and Make motion on minutes of 24 May 2008* – as we do not have a quorum tonight.
- Move Item 6c – *Sensitive Area Map* – to the first item so Karl Shuler can leave.

A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY WESTON YOUD TO APPROVE TONIGHT'S AGENDA WITH THE ABOVE-MENTIONED CHANGES. VOTE: YES-ALL (3), NO-NONE (0), ABSENT (4) DAYNA HUGHES, KEVIN HANSBROW, SCOT BELL, KELLY LIDDIARD (ON LEAVE OF ABSENCE).

4. PUBLIC HEARINGS - None

5. ACTION ITEMS - None

6. DEVELOPMENT CODE / STANDARDS REVIEW

A. Sensitive Areas Map.

Shawn Eliot reminded the commissioners that at the last meeting the question was asked: *Where do we put the ridge line?* This was especially in reference to Karl Shuler's property. The commissioners told Shawn to keep the ridge line on but reduce the setback requirement from 100 feet to 50 feet and approach the council with this change. The city council said that the 50 foot setback would be OK.

The ridgeline on the map has been drawn bordering the 20 foot slopes and it's thickness represents an actual 50 feet. Shawn mentioned that the most difficult portion to figure out was a portion of Karl's property to the west of Elk Haven A. There is a very steep hill through this area.

1 Shawn explained that the code now states in regard to the 20% slopes, a building envelope can only have half of its area in
2 the 20% slopes. The ridge line does not have to be continuous. The other concern was a peninsula in Karl's property. The
3 new setback requirement would allow for a road up in that area with homes on only one side of the road. This ridgeline
4 will be used as a reference only. When the developer has his engineering done, the fine-tuned elevation plan will be the
5 determining factor of exactly where and what the slopes are, and where the lots can fit.

6
7 For consistency, the lines were also drawn in the HR-1 zone where homes already exist. Some of these homes could not
8 have been built under the new code. They are already vested in the old code.

9
10 Karl Shuler still struggles with the purpose for the ridgeline. He stated that the reasoning for our ridgeline is not for
11 aesthetic reasons, as is Park City's. He thought we were one of the few counties who have a ridgeline ordinance. Shawn
12 responded that Wasatch County has one, Draper just started one. Karl felt the city has already restricted where you can put
13 lots by the slope requirements. He felt we are making our code too restrictive. He felt a little better once he realized that
14 your lot line can encroach on the 20% slopes, it is just the building envelope that is restricted (only 50% of the building
15 envelope can be on 20% slopes). He stated that the Park City code requirement is 50 feet from the 30% slopes, ours is
16 going to be 50 feet from the 20% slopes, which makes a huge difference in some cases.

17
18 Shawn stated that when you have a home built on 30% slopes, you tend to have more cuts and fills and rock walls. We are
19 trying to stay away from these. We don't want the big rock walls lined up in a line across the front of this area.

20
21 Karl Shuler mentioned that he took a field trip to view Park City. In the area where Mitt Romney has a home, most of his
22 neighbors would not be able to have built their homes under our code. Russ Adamson mentioned that Draper is changing
23 their code now. They have had problems with landslides.

24
25 Paul Squires mentioned that we are also trying to save some of the wildlife corridors. Chairman Adamson added that we
26 are trying to get people to have a little bit of a yard before their property drops steeply down the hill, and prevent the need
27 for some of the overly aggressive rock walls.

28
29 Shawn Eliot mentioned that one of the main impetuses for this code was the area in Elk Haven, Plat E, where there are
30 many small third-acre lots right along the 30% slopes. Their back yards will be terraced down and right along the 30%
31 slopes. Shawn stated that the city has asked that they adjust these lots a little away from these slopes. We are trying to keep
32 a reasonable distance from the actual structure to the slope.

33
34 Shawn explained that our goal on this item tonight was for discussion. We need to set a public hearing for the changes to
35 the code for July 10, 2008. The map has already had a public hearing. The setback from the ridgeline (100 ft. vs. 50 ft. vs.
36 30 ft) will be discussed at this public hearing.

37
38 **B. R-1 15,000A Zone – Rescind Code and Re-zone to R-1 15,000.**

39 The Land-Use Committee, which met for the General Plan Re-write commented that this area of town (near Goosenest and
40 Elk Ridge Drive) is zoned for half-acre lots but most of the lots in this area are upwards to an acre. Some have been
41 divided and are a little less.

42
43 In order to maintain a more rural atmosphere, the committee felt they would like to keep the lot size requirement in this
44 area at one acre. Shawn commented that any legal lot divisions in this area are grandfathered, no matter what size they are.
45 Shawn mentioned that in the southwest corner of this area, Lee Haskell is proposing a new commercial development. He
46 would re-zone the area. Russ mentioned that our general plan did have a statement expressing maintaining a rural feeling.
47 He thinks the larger lots are fitting for this area.

48
49 Karl mentioned that some of this land has been divided with the proportions being such that half-acre lots could be created
50 in the future with 120 foot frontages. These are along the golf course. The depth is such that with the 120 foot fronts, the
51 lots would be half-acre in size.

1 Shawn mentioned the acre requirement would keep the homes spread out. However, there are already some homes close
2 together in that area which would imply that maybe the requirement could be half-acre as opposed to one acre in keeping
with what is there. Lee Haskell is going to propose twin homes along the golf course. He felt that would be an appropriate
use around the new city hall area. He is not leaning towards a senior development for these twin homes.

6 Shawn put up a map showing the lot sizes of the lots now in the Goosenest area. Payson needs a higher income base in
7 their city and is proposing some nice lots along the golf course. While Ken Young was our planner, there was discussion
8 about making this area a one-acre zone. At this time Payson had been talking about a convention center and condos going
9 in along the golf course and so this area was going to change to a denser use by Payson.

11 The question is: *Are half-acre lots appropriate?* If they are, we will leave it that way. Looking at the existing lots, many of
12 them are one-acre lots. Chairman Adamson mentioned there are feelings from the city council indicating they like the one-
13 acre concept in this area. We will have to have a public hearing. Shawn suggested having a public hearing on July 10th.
14 We can talk about it at our next meeting and maybe even do a field trip prior to the meeting.

16 Karl Shuler did ask if the city is still going forward with their plans for a city center in this area. Margaret Leckie
17 mentioned that they have actually taken out a loan from the bank and must show some action on this plan within three
18 years. Shawn Eliot thought they might put a maintenance building there first.

20 **C. PUD Code Problems Needing Change.**

21 Shawn Eliot explained that at our last meeting we mentioned a portion of our PUD code that allows PUDs in any zone
22 city-wide. We also have an R-1 12,000 PUD code. Looking through the two codes, they contradict each other and don't
23 make sense. If you only allow PUDs in the R-1 12,000 PUD Zone, which is what we thought we were doing when we
24 created this zone, why do we need a separate PUD code also.

28 Normally the PUD is an overlay zone, which means you have your underlying zone (say third-acre) and you overlay the
29 PUD on top of that and start negotiating for open space and amenities, and density bonuses are given for these, down from
30 the base of third-acre lots. Our code is unique in that our lowest zone in the city is the R-1 12,000 PUD Zone. We not only
31 start our PUD on a density lower than anywhere else in the city, but it is written that if you just want to do a 12,000 sq. ft.
32 lot subdivision, you have to supply the open space but you don't have to supply any amenities at all. The only bargaining
33 in the code is that it states that the city council and planning commission will ultimately determine what the open space is.
34 Russ agreed that we would be better off having this a 15,000 square foot zone with an overlay that could get it down to a
12,000 or whatever after negotiated amenities.

35 The combination of the PUD code and R-1 12,000 PUD Zone code lets you do about anything. The PUD 12,000 zone says
36 you can only have single-family homes in this zone. It also has setbacks for the buildings like any other zone. The PUD
37 code says all setbacks are abolished and you can do multi-family homes. This is one of the code contradictions. Russ stated
38 that we have not used the PUD ordinance, just the R-1 12,000 PUD Zone ordinance. Shawn said we did in that we allowed
39 multi-family homes. The Senior Housing Overlay was created because multi-family homes were only allowed in large-
40 scale developments. The R-1 12,000 Zone code says the council can allow PUDs smaller than 15 acres, so they do not
41 mesh.

43 The area in the northwest end of town that has not been annexed has been proposed to bring in as half-acre lots. There is a
44 proposed park on this piece of land. If they come in at half-acre lots they have no requirement whatsoever to put in a park.
45 Russ questioned whether it would be a win-win situation if you would allow a PUD overlay on a half-acre zone, and it
46 came down to third-acre lots and you got amenities such as a park? Russ thought they did this in Highland. In the land-use
47 committee they talked about bringing this area in as one-acre lots and negotiating down. Shawn was not totally
comfortable with this as you are to bring it in at the density you think it will end up.

51 Shawn mentioned TDRs – Transfer of Development Rights. You have a receiving zone with a large lot base, put a price to
52 that worth, and sell to another area and allow smaller density. Russ said it would take savvy developers to do this.

1 Shawn posed the idea of removing from the code the verbiage than allows PUDs in any zone in the city. He can see the
2 benefit of allowing PUDs in some of the zones. It is in the code for the Senior Cluster Zone that you have to have
3 permission to use this zone, it is not automatically allowed. Most cities do this.

4
5 Russ felt it would be appropriate in the north end of town for all areas not zone-designated, that they be designated as R-1
6 20,000. We then could get a more robust PUD code to get the amenities we want. Weston Youd agreed. He stated that the
7 ability to acquire amenities is a strong incentive, while still protecting the areas. Russ added that the 12,000 sq. ft. PUD
8 area is pretty much planned out (Randy Young's development) so there is no point in changing that code. It is already
9 vested and planned. We may decide that there is no more R-1 12,000 PUD Zones allowed in the city; thus, it is probably
10 appropriate to look at a PUD overlay zone for the city. He also felt that maybe the overlay should not be allowed to overlay
11 any zone under half-acre. The citizens would probably be willing to go to third-acre density from this in order to gain a
12 park.

13
14 Shawn stated we have few large pieces of land left. We have Cloward's, near the park, which is now third-acre. The area to
15 the far north is probably the only area where we could use a tool like this to get some amenities out of it. Randy's project
16 came in and it did not trigger the density bonus in our code. Therefore, we could not require the amenities we wanted.

17
18 Shawn suggested setting a joint work session with the city council to review this so we can start the process, as it is a
19 major change.

20
21 The only large third-acre undeveloped property left is Cowards', by the city park. We might make our PUD overlay to
22 allow bonus in this area to take it down to 12,000 sq. ft. This needs to be discussed. The area around Cowards' house is
23 RR-1.

24
25 We are finding that senior housing and twin homes are selling now.

26
27 Shawn will set the joint work session with the city council, aiming for the 8th of July.

28
29 **D. R-1 15,000A Zone. Rescind Code and change designation to R-1 15,000.**

30 Shawn Eliot explained this is a small zone in the northwest part of town with third-acre lots and animal rights. This is all
31 within the Rocky Mountain Subdivision. When they built the Rocky Mountain Subdivision, the city council was concerned
32 about having animal rights here so talked to the developers about putting in their CC&Rs that no one can have animals
33 (other than dogs and cats.) By rezoning to R-1 15,000 without animal rights, it would cement what the city wanted them to
34 do in the first place.

35
36 The planning commission set a public hearing for July 10, 2008 to rescind the R-1 15,000A Zone and make it R-1 15,000
37 in that area.

38
39 **E. Flag Lots.**

40 Shawn showed a map of the Goosenest area. He explained that in our last discussion it was decided flag lots were mainly
41 for infill areas (areas behind homes not subdividable). The last two flag lots that came to the city were denied and we were
42 told to get rid of flag lots. Today the only flag lot in the entire city is the Money residence on Canyon View Drive. The flag
43 portion of the flag lot is very large. It certainly does not add to the density.

44
45 Shawn looked at properties in the old part of town that might be potential flag lots and are infill. Most of these (designated
46 as blue on Shawn's map) could not be done due to the setback requirement.

47
48 When the original part of town was built, there were a lot of open space areas which were originally meant to be greenbelt
49 areas. These properties turned into weed patches. Over the years most of these properties were deeded to the adjacent
50 homeowners and used as their back yards. Most are not large enough for flag lots. The only way in the normal part of town
51 that you could do a flag lot would be in a new subdivision, and we don't want this.
52

1 The other possible area that might be eligible for flag lots is over in the west Goosenest area. We need to decide if and how
 2 we would allow flag lots there. If we follow the proposed code, if the front portion is half-acre; then the flag lot would
 3 have to be an acre. Shawn mapped the acreage of all these lots, and it demonstrated that none of these lots would be
 4 appropriate for a flag lot under that proposal. You would have to have a one-and-a-half acre lot to make it work. If we
 5 stipulated one-and-a-half times the original lot, instead of double, you could make it work on an acre-and-a-quarter sized
 6 lot.

7
 8 If the Goosenest area was changed to a one-acre lot requirement, as discussed, you would need two-and-one-half acres to
 9 start with. What I saw in this area, is that they could do flag lots under the current code, with half-acre lots in front and the
 10 flag lot also being a half-acre.

11
 12 In summary, it looks like the only place we could have flag lots is in new subdivisions, if you want to allow them. Russ
 13 suggested we just take the flag lot option out of the code.

14
 15 Shawn stated that we have already had a public hearing. It was decided to put in the next agenda, under Action Items, to
 16 recommend rescinding the flag lot code.

17
 18 The new commissioner, Dave Holman, wondered if a grandfather clause could be put in the code. He has a large lot and
 19 would like to do a flag lot on it. There are some bigger lots in town where this would apply. There is no access to the back
 20 of the property. He mentioned Mike Turner's lot. In his case it would create two third-acre lots. It was brought up the
 21 proposed code is to require the flag lot to be larger than the original lot, to not create a dense feeling. There were no further
 22 thoughts and it was decided to put rescinding the code on the next agenda.

23 24 **F. Conditional Use Code Needing Revision**

25 Shawn read from Elk Ridge City code, section 10-4-1-1:

*Uses of land which are not expressly either permitted or conditional within a particular zone, and are not
 26 identified as permitted or conditional uses in any other zone that is included in this title, are hereby
 27 expressly declared to be conditional uses in all zones, pursuant to the express authority given under the
 28 terms of this code. The planning commission, appeal authority, zoning administrator, or other authorized
 29 officer, shall only permit such a use within a zone by the terms of this code...*

30
 31
 32 This implies that if any uses are not listed as conditional or permitted uses anywhere in the city, they are allowed as
 33 conditional uses everywhere in the city. Example: if we don't list prisons, they are allowed as conditional uses. State law
 34 says you can only deny conditional uses if they are a health, safety or welfare issue. A public hearing must be held to allow
 35 them also.

36
 37 Weston stated this is too broad. Shawn read this to his boss at MAG, who teaches planning classes at BYU and was a city
 38 planner for several years. He asked where in the world we got this code from. Get it out of there quick. Shawn questioned
 39 why have we listed uses in our code if we are going to allow everything?

40
 41 Chairman Adamson told Shawn to set a public hearing to change this code for July 10, 2008.

42 43 **G. Reformatting Development Code**

44 Shawn Eliot stated that when we redid the CE-1 (now HR-1) code, he asked the council if we could start looking at the rest
 45 of our development code, which is Title 10. It is hard to use, contradicts itself, and part of it don't make sense. They said
 46 "yes". He told the council that first he would like to go through and reformat it, not change it yet; just make it easier to use.
 47 Shawn has been working on doing that.

48
 49 Just getting it in word format has been a challenge. He had to download each chapter separately from the city web site. It
 50 has been an eye-opener for him. He now has a better understanding of the code and where things come from. After the
 51 reformatting is done, he would like to adjust the code and clarify it.

1 7. PLANNING COMMISSION BUSINESS

2 A. Review Planning Commission and Land Use Authority Handbook.

3 Shawn questioned the commissioners as to whether they had read the handbook. Chairman Adamson said he had, and had
4 made some notes.

5
6 Shawn read that the land use authority can make land use decisions assigned it. In our city the planning commission is the
7 land use authority regarding decisions regarding driveway slopes, reverse driveways, grading permits in the HR-1 Zone.
8 There are a few other things. The city council is the land use authority for approving plats, ordinances, etc.

9
10 For every city the delegated land use authority for items is a little different. Mapleton has the planning commission
11 approve the preliminary plat, as does Eagle Mountain. In Spanish Fork the technical review committee members approve
12 the final plat (or the staff). The TRC makes a recommendation to the planning commission to approve the plat. The city
13 council can take that authority temporarily away if they decide they want to see the plat. The city council acts as the appeal
14 authority. Russ did not feel our appeal process was very clear. Shawn stated that in reading through our code regarding the
15 appeal process, it does not spell out who does what.

16
17 The nice part about having the city council as the appellate board, as is done in Spanish Fork, is that a developer can take
18 his problem to city council rather than go to court. In our city, the hearings adjustor is for hearing variances in our city.

19
20 Shawn mentioned that when reviewing our code with the city council, this is one of the discussions he would like to have.
21 By law, ordinances have to be passed by city council.

22
23 By law, the planning commission is the body that creates and amends the zoning and subdivision ordinance. They are the
24 administrators of it, but in the end, the city council still has to enact it and make it law.

25
26 Russ read from page 15 of the handbook regarding the legislative and administrative roles:

27 *Their role is to be experts in planning and the local ordinances. They are to make reasoned*
28 *recommendations on planning ordinances as written...An individual planning commissioner's opinion of*
29 *the merits of a proposed land use application is not relevant to the process. Any individual*
30 *commissioner's opinion, and any of the public's comments and concerns, are relevant only to the extent*
31 *that they speak to issues of compliance with the existing law.*

32
33 Chairman Adamson said you need to know when do you have decisions to make; and when do you just need to know the
34 law and apply it. We need to make sure we are clear in which aspect of our position we are acting in. It is tricky to not
35 cross that line. It is not as clear to all of us.

36
37 Shawn Eliot mentioned that in the handbook it states that it is important as a planning commissioner to know when you are
38 the land use authority and when are you the advisory body. In the end, whenever there is a land use authority, such as
39 conditional uses, we usually have a check list and we are stuck with what our code says. It also says in here that we always
40 refer to our General Plan when we are making decisions. The General Plan is a broad document in a lot of ways. Even
41 though the code does give the laws, a lot of times there is some latitude.

42
43 Russ stated that the General Plan is to help us make changes to the ordinances. Shawn stated it is also referred to in
44 changing zones, or making sure developments adhere to what the General Plan designated for that area. Twin-homes are a
45 good example. The General Plan said we encourage twin homes in the PUD setting.

46
47 Shawn stated that one of the advantages in knowing the code is knowing that there are many places in the code that it
48 states that the planning commission can adjust certain things – such as road layouts, lot-lines (if they fit the lay of the land
49 better, etc.). Shawn stated this handbook is a good book and all the commissioners should read it. Much of it was written
50 by our City Attorney, David Church. Margaret was asked to put further review of the handbook as an item on our next
51 agenda, especially since many commissioners were absent tonight.

1 **B. Review Planning Commission By-laws, Attendance at Planning Commission Meetings.**

2 This item was tabled until the next meeting as there were several commissioners absent tonight.

3 **C. City Council Meeting Update.**

4 Sean Roylance, our city council representative, was absent tonight, but Shawn Eliot was present so he reported the
5 following items of interest discussed at the last city council meeting:

- 6 1. The ridgeline ordinance was discussed as previously covered in this meeting.
- 7 2. The building height code was passed by the city council. The Mayor brought it back a few weeks later with some
8 concerns from our building inspector, Corbett Stephens, as well as the fire chief. The city council instructed
9 Corbett and Shawn to go back and look at the code. They have been doing this. One of the issues was defining the
10 natural terrain. Shawn discussed with the Mayor that we are leaning towards building more with the natural
11 conditions, rather than having large rock walls and large cuts and fills. He and the Mayor were not in total
12 agreement on this. It was decided to go to the city council and talk about it. He and Corbett will be going back to
13 the city council next time to talk about it. Paul Squires asked what the concern was with the fire department.
14 Shawn stated that with the code the way it was, if you have a large slope across the front, one side of the front
15 might be too high for our ladders to provide access to second story windows. This concern was from the old fire
16 chief and the new fire chief had not been consulted. This was a concern.
- 17 3. Sewer: The city council held a public meeting to discuss increasing sewer rates. No one showed up except two
18 boy scouts. The proposal was a \$12 rate increase. When we hooked to Payson our costs went up. Out of the \$24 a
19 month we pay, \$22 goes to Payson. We have some aging sewers in our city and need reserve money for when
20 they need to be replaced. There has not been a rate increase (prior to a year ago when then raised it \$2) for 18
21 years. The new proposed rate will be \$32 a month.
- 22 4. Water Rates: In the discussion regarding the sewer the city council did talk about water rates. They are going to
23 do a study and see if these rates can be adjusted. This won't take place until August.
- 24 5. Change Orders for the water tank were discussed to cover cost over-runs.
- 25 6. Cloward Estates, Plat B. This is the subdivision to the west of the stake center and Cloward's house. It had final
26 approval and due to economic conditions they don't want to record it with the County now (which would require
27 payment of residential taxes) so they asked for an extension. The city council tabled this and asked our planner to
28 take a look at it and make sure it is in order. Sidewalks are a big issue. All the other subdivisions around it are
29 requiring sidewalks. Since it is at a place where the council can deny or approve, let's see if we might want to get
30 sidewalks. Cloward was sent a letter, along with several other subdivisions who were facing their final deadline,
31 in October stating they would need an extension. Though his final was not up until February he went ahead and
32 did it with the other subdivisions.
- 33 7. The Senior Housing Overlay Zone did get passed. They did keep the density to 4 units per acre so on the Park
34 View corner they can only do 7 units instead of 8. Eric Allen is redrawing the development and working out a few
35 details. One of the things Shawn told Eric Allen (developer of the proposed senior development) was they may try
36 and mitigate the twin-home look. There are units where they put one garage facing forward, and the other to the
37 side, so the building looks like one big home instead of two. Eric will bring some renderings in. One of the things
38 in the new code is that we can negotiate how the homes look, the themes, the building materials, etc. If we can do
39 something to mitigate how they look, the city will be pleased.
- 40 8. Shawn left after that point but knows they also discussed the Olson family wanting to put up a snow cone shack
41 during the summer. The city does have a 10-day temporary use permit but there is also a checklist that must be
42 followed, including having a food-handlers permit, liability insurance, etc. Shawn will contact Olson's and see if
43 they want to adhere to all of these things.

44 **D. Review of Minutes of 22 May 2008 Planning Commission Meeting.**

45 As a quorum was not present and approval could not be motioned on, the discussion of the minutes was tabled until the
46 next meeting.

47 **E. Assignments and Misc. Discussion.**

48 Chairman Adamson inquired as to whether we were still on track in our General Plan re-write committee meetings. Shawn
49 stated that the meeting for tonight was cancelled as many of the members were unable to attend. We will postpone it to our
50 next planning commission meeting.
51
52
53

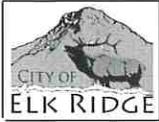
1
2 ADJOURNMENT - Chairman Adamson adjourned the meeting at 9:34 p.m.
3

4
5



Planning Commission Coordinator





CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION - AMENDED

Notice is hereby given that the Elk Ridge Planning Commission will hold a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date and Time - **Thursday, 26 June 2008, at 7:15 p.m.**
- Meeting Place - Elk Ridge City Hall - **80 East Park DR, Elk Ridge, UT 84651**

MEETING AGENDA

6:00 p.m, FIELD TRIP -

1. To RR-1 Zone (Goosenest Area)

6:45 p.m, WORK SESSION (public welcome)

2. General Plan Update - Environment/Parks/Trails Committee

7:15 p.m, OPENING ITEMS

- Opening Remarks & Pledge of Allegiance
- Roll Call/Approval of Agenda

PUBLIC HEARINGS (None)

ACTION ITEMS

3. Rescind Flag Lot Code *see attachment*

DEVELOPMENT CODE / STANDARDS REVIEW

4. Haskell PUD Concept *see attachment*
5. Discussion of Code Amendment to Change Lot Size in RR-1 Zone *see attachment*
6. Discussion of Enforcement of Covenants, Conditions and Restrictions (CC&Rs)..... *no attachment*

PLANNING COMMISSION BUSINESS

7. Review Planning Commission and Land Use Authority Hand Book *bring handbook*
8. Review by-laws/commission meeting attendance statistics *see attachment*
9. 24 May 2008 and 12 June 2008 Minutes - Review and approve minutes *see attachment*

ADJOURNMENT

Dated this 20th day of June, 2008.
Planning Commission Coordinator

Margaret Jedicke

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 3 June 2008.

Planning Commission Coordinator

Margaret Jedicke

ELK RIDGE PLANNING COMMISSION MEETING

June 26, 2008

FIELD TRIP TO RR-1 ZONE (GOOSENEST AREA)

A field trip was held at 6:15, prior to the regularly scheduled planning commission meeting. Those attending were Dayna Hughes, Dave Holman, Paul Squires, Shawn Eliot and Margaret Leckie. The commissioners drove to the RR-1 area on Goosenest Drive to view the lots, get a feeling for the area and the lot sizes so they could better discuss the proposed amendment to the zone requiring one-acre lots rather than the current half-acre lot requirement.

GENERAL PLAN RE-WRITE SUB-COMMITTEE MEETING – ENVIRONMENT / PARKS / TRAILS

The Environment / Parks / Trails sub-committee met prior to the regularly scheduled planning commission meeting, following the field trip to the RR-1 Zone, at 6:45 p.m.

TIME AND PLACE OF PLANNING COMMISSION MEETINGS AND PUBLIC HEARINGS

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, June 27, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Dayna Hughes, Weston Youd, Dave Holman, Paul Squires, Kevin Hansbrow
Absent: Russ Adamson, , Scot Bell,
Others: Margaret Leckie, *Planning Commission Coordinator*
 Shawn Eliot, *City Planner*
 Sean Royslance, *City Council*

OPENING ITEMS**1. OPENING**

Chairman Russ Adamson was absent, so Co-chairman, Dayna Hughes, welcomed the commissioners and guests and opened the meeting at 7:15 p.m. Opening remarks were given by Kevin Hansbrow followed by the Pledge of Allegiance.

2. APPROVAL OF AGENDA

There were no changes to the agenda. Lee Haskell, developer of the proposed Haskell PUD was not present for his concept discussion, but the discussion will still take place and the comments will be passed on to him.

A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY WESTON YOUD TO MAKE ALTERNATE PLANNING COMMISSION MEMBER, DAVE HOLMAN, A VOTING MEMBER FOR TONIGHT'S MEETING. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (2) SCOT BELL, RUSS ADAMSON.

ACTION ITEMS**3. RESCIND FLAG LOT CODE**

Shawn Eliot, City Planner, reminded the commissioners that at our last meeting we talked about the fact that the city council had directed us to get rid of the option for flag lots in the city code. As a group, the planning commission was a little uncomfortable doing this as they felt there might be some places in the city where a flag lot was warranted. In order to check this out, Shawn did two analyses.

Shawn displayed a map showing the area around the upper LDS church. On the map he pointed out some areas of undeveloped land south of Alpine Drive between Astor Lane and Highland Circle that used to be open space when the city was first organized. He stated that maybe one could say this is derelict land that might be appropriate for flag lots. These parcels have all been deeded to adjacent parcel owners. There is no way to get the required 24 feet for the stem portion of these lots, so flag lots are not an option in this area.

Dave Holman had questioned whether his lot, with the house removed, might be suitable for a flag lot. Shawn mentioned that it is at the end of a cul-de-sac. On cul-de-sacs you have to have 80 feet of frontage on the curved side of the lot

55 adjacent to the street. Again, there is not room for the stem portion of the lot. If Dave purchased the neighbor's lot behind
56 him he might have this option. At the corner of Canyon View and Salem Hills there are some large lots, but the frontage is
57 again an issue.

58
59 The other area reviewed was the RR-1 Zone. We went on a field trip to this area tonight. These are, for the most part, one-
60 acre lots. Many are at the minimum frontage. All of these lots which are large enough for flag lots already have access
61 from the rear. The code states that flag lots are not allowed if they can be developed in another way, and most of these can.
62 Also, the desire for flag lots was for infill developments, not for areas that could be subdivided as a regular subdivision.

63
64 Co-chairman Hughes stated that we are probably looking for a motion to send forward to the city council a
65 recommendation to rescind the flag lot code. Shawn read the proposed motion.

66 *The planning commission recommends that the city council approve the proposed rescinding of the flag lot code as*
67 *listed in the attached proposed change to the development code. The commission finds that rescinding the flag lot*
68 *code will removed the desire to create more density on odd-shaped parcels and is not needed for infill*
69 *development.*

70
71 Co-chairman Hughes invited comments. Kevin Hansbrow was opposed to rescinding the code as he was not comfortable
72 with taking away people's development rights. He does agree that there are not a lot of areas left which would work for
73 flag lots.

74
75 Shawn Eliot pointed out that the Money flag lot is much larger than the original lot. We had talked about requiring a flag
76 lot to be twice the density (or one-and-a-half times) allowed in the zone. We did that analysis in the RR-1 Zone. If you
77 doubled the size of the base lot, you would need 1-1/2 acres to do a flag lot with the half-acre lot requirement. With the
78 proposed one-acre lots in that zone you would need three acres if you doubled the one-acre base lot. If you required one-
79 and-a-half times the lot size (using the half-acre lot size base), you would need 1.25 acres. Kevin felt there were still
80 possible places in the RR-1 zone if the half-acre lot size remains. He felt flag lots were more desirable than seeing those
81 lots developed into another sub-division and adding a road in the rear of the lots for access.

82
83 Weston Youd asked what the safety concerns were for flag lots. Dayna mentioned that the flag portion of the lot usually
84 doesn't get plowed, as they are private drives, this would be a problem for emergency vehicles. Turn-around area is also a
85 problem. Shawn mentioned they do require turnarounds. He did say councilmember Brown mentioned the emergency
86 vehicles often miss the entrance to flag lots as they are smaller than a road. Weston stated the major concern of other cities
87 that have banned flag lots is a safety concern (hard to find, ambulance can't get in before fire truck backs out, etc.). Dave
88 Holman felt that the code should be retained with all the rules added to take care of the safety issues. After further
89 discussion the following motion was made:

90
91 **A MOTION WAS MADE BY WESTON YOUD AND SECONDED BY PAUL SQUIRES TO RECOMMEND TO**
92 **THE CITY COUNCIL THAT THEY APPROVE THE PROPOSED RESCINDING OF THE FLAG LOT CODE AS**
93 **LISTED IN THE ATTACHED PROPOSED CHANGE TO THE DEVELOPMENT CODE. THE COMMISSION**
94 **FINDS THAT RESCINDING THE FLAG LOT CODE WILL REMOVE THE DESIRE TO CREATE MORE**
95 **DENSITY ON ODD-SHAPED PARCELS AND IS NOT NEEDED FOR INFILL DEVELOPMENT. VOTE: YES (3),**
96 **NO (2) DAVE HOLMAN, KEVIN HANSBROW, ABSENT (2) SCOT BELL, RUSS ADAMSON.**

97
98 **DEVELOPMENT CODE / STANDARDS REVIEW**

99
100 **4. HASKELL PUD CONCEPT**

101 Shawn Eliot reviewed the hand-drawn concept plan submitted by Lee Haskell, which was included in tonight's packets. Lee
102 Haskell has done several subdivisions in town. He is proposing a PUD in the area at the corner of Goosenest and Elk Ridge
103 Drive just south of the property owned by the city, and planned to be used for the new city center.

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Mr. Haskell is proposing twin-homes along the golf course and in the west corner of the property, and single-family homes on the northwest corner of his proposed PUD. He is planning on donating a portion for a park. He was not interested in the senior overlay zone. Presently this land is zoned RR-1 and he would like it re-zoned R-1 12,000 PUD.

We are going to talk to the city council about fixing the PUD code. He is coming forward now so he can use the present code. With the current PUD ordinance he would map out 12,000 square-foot lots, with the roads, take out 25% open space then he can get whatever density he wants down to 12,000 square feet. The city does not have to rezone the property. Dayna questioned what he could get lot-size wise with an overlay. Shawn said he could probably get it down to third-acre lots, rather than 12,000 s.f. lots.

Shawn mentioned that one argument for this development is that it is along the golf course and not in an area seen as you drive into town. Also it is surrounded by the new city hall area, which will be a whole different use (as opposed to normal residential).

Sean Roylance (as a citizen) questioned that as we already have the senior overlay zone and there are some proposed senior developments along the main road into town, he wonders whether this would be a better area for a senior overlay. Sean mentioned that Gladstan View (Eric’s second senior development) is also next to the golf course. Weston Youd did not see this golf course frontage as being necessarily a place for a senior development. Weston mentioned some twin-homes along a golf course in Salt Lake that were very nice. He did not feel these were in the same category as the senior twin homes.

Kevin Hansbrow thought we should put these twin-homes in the senior overlay.

Co-chairman, Dayna Hughes stated that the issue on the table is whether we wanted to rezone this property. Shawn Eliot stated that since our PUD code is in bad shape, and Haskell is at the concept level, the better thing to do would be to meet with the city council at the July 8th work session on the PUD code. We need to redo the code to make it benefit the city. We should tell Mr. Haskell that we are working currently on the PUD code and we will consider his project under the new code once it has been revised.

Shawn Eliot also reminded the commissioners that this area is close to the RR-1 Zone that we just visited where we liked the rural feeling. The City Hall will take away from this feeling a little, but this development will do so even more. If we start to rezone this area for twin-homes, the project may get a lot of opposition from the neighbors. Also, there is no sewer in this area, Mr. Haskell would need to hook into the Payson line further up the road. He wants Elk Ridge and Payson to help pay for this. This may be a problem.

Co-chairman, Dayna Hughes, stated that we do not need a motion on this item tonight but would like each of the commissioners to share their feelings with Mr. Haskell regarding the concept.

- Paul Squires: In keeping with the city survey, the general consensus was against more density, so he would not be in favor of the concept.
- Dave Holman: Agreed with Paul. Dave felt that if we stayed with the one-acre feeling of the RR-1 Zone, we should not rezone and allow more density in this area.
- Weston Youd: In that our PUD code is “broken”, any movement or advancement should wait until it is corrected. At that time he would consider a zone change.
- Kevin Hansbrow: Kevin would not consider a zone change. A senior overlay would be more of a possibility in his mind, if anything. This would be more in line with the senior overlays already accepted (Park View Corner and Gladstan View).
- Dayna Hughes: The thought of down-zoning any property scares her. She is not in favor of down-zoning at all. She does not feel the planning commission can react to economic factors going on for a short period of time. The

economy may turn around – it is just an economic cycle. We should not make decisions that will effect people for 35-45 years based on current economic conditions.

In summary, four out of five are against the rezone. Shawn Eliot mentioned that in the end, Mr. Haskell can come forward and ask for a rezone and a public hearing will be held.

5. DISCUSSION OF CODE AMENDMENT TO CHANGE LOT SIZE IN RR-1 ZONE

The planning commission took a field trip, prior to tonight's meeting, to this area along the west portion of Goosenest Drive. Dayna Hughes mentioned that currently the required lot size in this area is half-acre. The feeling has been that to maintain the integrity of the zone, which is mainly one-acre lots, that the lot size requirement in the RR-1 Zone should be changed to one-acre.

City Planner, Shawn Eliot, displayed a map of the area (included in tonight's packet) which showed the acreage of all the lots in the RR-1 Zone. It looks like, at one point maybe, the requirement was one-acre, because it looks like everything started out as one-acre lots. There are a few places he pointed out that did have half-acre lots. There is a portion on the south side that is undeveloped and is owned mostly by Shulers. Karl Shuler is here tonight. He mentioned that some of the lots were sized (depth wise) such that they could be sliced with 120' frontage and they would be half-acre in size to meet the lot-size requirement.

At the sub-committee meeting of the Land-Use portion of the General Plan Re-write, the feeling was that they liked the rural feeling in this area. Should the zone requirement for lot size be changed to one-acre to preserve the feeling in the area and keep the present feeling of the area?

Talking points for tonight's discussion from city planner:

1. The lots on Elk Horn Drive are .91 acres (basically 1 acre). Is this the development pattern desired for the area? Shawn mentioned that if the flag lot ordinance is passed that would allow flag lots the same size as the original lots, some of these lots could be divided and developed as flag lots.
2. The lots facing Goosenest Drive across from Elk Horn Drive are one-acre, but are narrow, deep lots. The current half-acre base density would allow these lots to be divided in the rear. Is this the development pattern desired for the area? A road going through in the back would provide access for the back half of these lots, should they be split in half.
3. The general plan survey had many comments that people moved to Elk Ridge for the rural atmosphere and horse property. Is the Goosenest area the place most appropriate for this use continued in the future?

Dayna Hughes felt we want to keep the rural area feeling. She felt we have not come up with any reasonable argument for keeping the half-acre lot option. She felt we should change the lot-size requirement in this zone to be one-acre. There were no disagreements. We need to set a public hearing to change the minimum lot size in the RR-1 Zone from half-acre to one-acre.

Shawn Eliot stated this is the only RR-1 Zoned area in Elk Ridge besides the Cloward property just to the west of the church. Cloward's plan has been to rezone this area. Being that it is surrounded by PUD and third-acre lots, this will probably not be a problem.

A public hearing needs to be set for the first meeting in August (August 14, 2008) to change the lot-size requirement in the RR-1 Zone from one-half acre to one-acre.

6. DISCUSSION OF ENFORCEMENT OF CC&Rs (COVENANTS, CODES AND RESTRICTIONS)

Shawn Eliot was asked to explain why this item was on the agenda. Co-chairman, Dayna Hughes, mentioned commissioner Paul Squires had some issues regarding this item and would be given some time following Shawn Eliot's comments.

Shawn stated that "dogs" are the number one complaint in the city. The second major complaint is unkempt or undeveloped yards. Earlier this month the Mayor sent out letters to homeowner's whose yards were problems. Our city did not have a landscape ordinance requiring yards to be put in within a certain time-frame following completion of the home until two years ago. This is rare. Most cities have had such an ordinance in place for quite a while. The only thing in our code was a weed abatement requirement.

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Two years ago (February 2006) a landscaping ordinance was passed. Letters were recently sent to homeowners where that ordinance is applicable and told when their time was up, and that if they did not complete their yards by then, it was a misdemeanor and they would get citations. A second letter was recently sent to those who did not fall under the new ordinance explaining that there have been many complaints about yards; and though they do not fall under the new ordinance, would they please get your yard done. It is a very touchy issue. Many are struggling just to get their house paid for, and the expense is an issue. For others, it is just not a priority. The code defining a "finished yard" has to do with the front and side yards. It is in Section 10-12-36. Shawn read the following"

D. Single-Family Lots:

- 1. Each dwelling unit on a single-family lot shall landscape the front and side yard areas of the lot or parcel within twenty four (24) months of issuance of a certificate of occupancy. If in noncompliance after twenty four (24) months, this will be considered a violation of the Elk Ridge City code and will be classified as a class C misdemeanor, with all the applicable penalties and fines.*

 - a. The lot or parcel shall be landscaped with suitable plants, shrubs, trees, grass and similar landscaping materials. Xeriscape is acceptable landscaping provided that complete erosion control and elimination of noxious weeds is accomplished.*
 - b. All grading of the parcel shall be completed prior to the issuance of a certificate of occupancy.*
 - c. At least fifty percent (50%) of the area of any lot shall be maintained in landscaping. On any lot, concrete or asphaltic cement shall not cover more than thirty percent (30%) of a front yard, fifty percent (50%) of a rear yard, and one hundred percent (100%) of one side yard. (Ord. 06-2, 1-10-2006, eff. 2-10-2006)*

This ordinance, however, does not give any motivation to those homes built prior to the passing of the ordinance in February of 2006. Paul Squires mentioned that when he bought his property on Cougar Circle, the developer had them sign CC&Rs stipulating the type of house that could be built, and a requirement that the front and side yard had to be completed within two years. It was his understanding that this agreement was on file with the city, the developer and themselves. He spoke with Shawn and found that CC&Rs are not enforceable by the city. Shawn stated that the CC&Rs are to be accountable by any future buyers of that home also. Paul was frustrated the city has no power to enforce CC&Rs. He found that it is a court issue and he could take legal action, but does not want to do this against his neighbors and friends. Paul and some neighbors approached two of the offending neighbors and spoke with them. They offered to purchase topsoil and as a group to donate weed-barrier fabric and labor to help complete the yards. Letters were written with love and tact. They were flatly turned down by both neighbors and told they have no intent on doing anything with their yards and cannot be forced to do so.

Paul does not want to bring forth law suits, but would like to propose a public hearing to address the issue of landscaping for properties that were built prior to the landscaping ordinance now in effect and quoted above (prior to 2006). He would like to pass an ordinance that applies to these homes and give them two years to put in their yards, otherwise they will be out of compliance and subject to penalties.

Shawn Eliot, City Planner, was not sure that this would be legal but will check with our city attorney, David Church. Paul felt that if there was a public hearing held it might be able to be done. There are so many patchwork homes in Elk Ridge with unfinished yards. If this group decides (from the public hearing) to bring it forth to the city council, then the city council can decide if they want such an ordinance.

Paul stated this would be beneficial to the city. It hurts property values to landscaped homes adjacent to these problem lots. He feels when you buy a home you have a responsibility to finish the yard. It does not have to be expensive landscaping. It can be xeriscaping, etc. Maybe once a year a city volunteer group can do a service project to help people with their yards.

He also mentioned the eye-sore of non-functional cars being parked on the streets. This is in violation of the city code. They can be in the back yard. They cannot be in the front or side yard. Cars could be stored, and covered, in the back yard.

258 Paul mentioned he keeps his yard up for himself and for his neighbors. It keeps the property values where they should be. Right
259 now the adjoining unkempt yards are an embarrassment to the neighbors. Paul would like an ordinance passed to require homes
260 built prior to 2006 be required to put their yards in.

261
262 Kevin Hansbrow stated that being a real estate agent, he deals with these issues. Right now these people have a right to not have
263 a yard. Unless the use of the property changes, he cannot think of how we can do this retroactively. If we can find a legal way,
264 he would back it 100 percent. The CC&Rs that people signed stating they would put their yards in within two years are not
265 enforceable by the city.

266
267 Shawn Eliot stated he would ask our attorney if this could be done retroactively. He does not want to have a public hearing on
268 something that we cannot do. Paul agreed and said if there was some way possible, after speaking with the attorney, he would
269 like to propose a public meeting.

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271 Dave Holman stated that in Payson they require fences to be put up to hide some of the unsightly backyards.

272
273 Dayna Hughes mentioned that we will need to be creative, but this is definitely a worthwhile cause for the planning
274 commission’s time. We would have full community support for something that would improve the visual effect of the
275 community. On the other hand, there is never a city that does not have junky yards. It is worth looking into but she does not feel
276 it is as easy as changing the code. She suggested, again, we be creative and look at what other cities do.

277
278 Dayna felt that as we talk about it, and if possible, hold public meetings, this might be an impetus to get these people going. We
279 are good on this issue with current development, but need to find a way to get some of these older homes to improve their
280 property. The developer in Paul’s homeowner’s association also owns the lots along Bella Vista Drive, behind Paul’s property
281 (to the south) and is going to develop it. He is upset at the name change of one of the two cul-de-sacs that he developed, as they
282 were his daughter’s names. Paul does not feel approaching him would help.

283
284 Dayna mentioned the ball is in Shawn’s court. The planning commission is definitely behind the idea of finding some incentive
285 to get the owner’s of these unkempt lots to finish their yards. These are people not under the new ordinance. Shawn mentioned
286 he would contact the attorney and do some investigating, but he has no other good ideas. He likes the idea of having a service
287 day to help people with their yards – even if it is just cutting down the weeds.

288
289 **NON-AGENDA ITEM, PRESSURIZED WATER AND IRRIGATION**

290 Paul Squires mentioned a question asked a few meetings ago regarding the source of secondary water to be used for irrigation.
291 He brought in a drawing (called it the Octopus Plan), that shows what amount of water will be allotted to the southern cities and
292 where the water is going. By the next meeting he will have a plan showing where the pipeline will go. It will not follow the
293 canal. It will follow the freeway and use the UDOT right-of-way. It will have a terminus at Goshen. The first three sections of
294 pipe have been laid and it is going faster than anticipate. The 10-year projection for completion is now looking a lot shorter.

295
296 Elk Ridge is part of this water agreement. Woodland Hills is exempt and not a part of the agreement. This water can be used for
297 potable water also. There are Federal Grants available to for water treatment if the city decides to use the water as potable water.
298 We need to get Nelson Abbot to attend some of these public meetings (there is one tonight in the building where Paul works). If
299 the city desires, they can use it for pressurized irrigation.

300
301 Co-chairman Hughes thanked Paul for sharing this information and stated we appreciate his expertise, it helps us all.

302
303 **7. DISCUSSION OF ENFORCEMENT PLANNING COMMISSION AND LAND-USE AUTHORITY HANDBOOK:**

304 Co-chairman Hughes stated that no one was ready to discuss the handbook. The following assignments were given to the
305 commissioners to review the various chapters of the book:

- 306 1. Utah Law..... Weston Youd
307 2. Ethics..... Dave Holman
308 3. Voting and Conflict of Interest..... Kevin Hansbrow
309 4. Meetings & Minutes..... Dayna Hughes
310 5. Public Hearings, Public Meetings and Notice..... Paul Squires

6. Ordinances and Resolutions Dayna Hughes

PLANNING COMMISSION BUSINESS

8. REVIEW BY-LAWS / COMMISSION MEETING ATTENDANCE STATISTICS:

Co-chairman Hughes stated that the main issue we are looking at in the by-laws is p.3, Item B-1 regarding the attendance. Shawn Eliot stated that we need to review the attendance of the members and see if there are any in non-compliance with the 75% attendance requirement. At our last meeting we did not have a quorum. This is a problem as no motions can be made, nor actions taken without a quorum of commissioners present (4).

Paul was at 68 percent but explained he had had several surgeries. Shawn Eliot stated that it says if you are going to be absent, let the chair know. Kelly Liddiard is below 75% but did let the commission know he would be on an out-of-town job assignment for a few months and that was excused.

Dayna Hughes felt that everyone needs to notify Margaret if they are unable to attend. Usually reminder calls are made but commissioners get their packets in advance, and that should be a sufficient reminder without the call. Shawn Eliot mentioned that one big problem resulting from lack of attendance was that the commissioners take up un-necessary time being caught up on information when they do come, or they miss out on the explanations and make opinions not based on a full understanding of the issue. One of the things in the Handbook states the commissioners are over the zoning ordinance and have the responsibility of applying it as they make decisions. How many of us know the ordinance? The more we come to the meetings, the more we learn the ordinances as we work through them.

There are people interested in joining the commission but there are no openings now. Dayna is totally committed and is at 88%. It was decided to approach members who are below the 75% requirement and find out where they are at – if they want to continue, etc. The chairman needs to talk to them. It was requested of Margaret to provide attendance percentages once a month. Dayna felt we need to recommit to try and attend and give notice if we can't so we know when we are not having a quorum.

All those with attendance problems have been contacted (are at tonight's meeting) except Scot Bell. Chairman Adamson should contact Scot and find out his intentions as he has not been coming on a regular basis.

9. PLANNING COMMISSION REVIEW OF SHAWN ELIOT'S PUD PRESENTATION FOR CITY COUNCIL :

Shawn discussed the PUD presentation he plans to give at the upcoming joint work session with the city council and asked for the commissioners to give constructive criticism. The presentation brought out the following points:

- 1) The PUD code is written like an overlay zone. It allows PUDs citywide. This is one of the reasons we are discussing this. This point was a surprise. It uses the base density of the underlying zone and requires 25% open space. It allows bonus density for amenities. The problem is that if the bonus density is not used there is not much leverage for the city to acquire amenities. We found this out in Elk Ridge Meadows. Randy did not enter into the density bonus. He gave his open space and got his smaller lots. The density bonus provides such amenities as landscaped parks, hard surface treatment on homes, recreation centers, etc. To have a PUD code where you don't even cross the threshold for amenities is not good.
- 2) The R-1 12,000 PUD is a zone, it is not an overlay. It has normal uses and setbacks. It requires the use of the PUD ordinance with it. It only allows single-family homes.
- 3) Some of the contradictions: The R-1 12,000 PUD requires buildings with setbacks but the PUD waives setbacks. The R-1 12,000 PUD Zone only allows single-family homes. The PUD allows multi-family homes.
- 4) A PUD can only be allowed on 15 acres or larger. The R-1 12,000 allows smaller areas to be developed as PUDs. The two contradict each other.
- 5) Having the two codes is confusing. Using the highest density zone in our city, R-1 12,000 PUD, as a base for a zone doesn't give much incentive for amenities. Also, allowing a PUD in any zone in the city is problematic. Do we want it in every

363 zone?

364

365 6) The proposal to the city council is that the planning commission work on addressing the problems in the codes, merge the
366 current PUD and R-1 12,000 PUD zones to fit what is in Elk Ridge Meadows. We might as well make that area code-
367 compliant. Shawn suggested that we create a new PUD overlay zone similar to the Senior Overlay Zone and the Hillside
368 Cluster Overlay Zones. Another approach would be similar to the City of Highland, doing an open space overlay zone,
369 which allows more density in a zone; or a park overlay zone, which allows a city park. He would like to further review this
370 option with the planning commission.

371

372 7) Allowing an overlay zone in larger-based density areas that would net densities more in line with the current densities
373 would be desirable. If you allow a PUD overlay in a half-acre zone, so density would come down to a third-acre lot, then get
374 amenities out of it also, this would be good.

375

376 8) Shawn showed an example of a park overlay zone in Highland. This allows people to have common areas near their home
377 where the kids can play. The city keeps these parks up. Everyone in the neighborhood pays the city and the city hires the
378 upkeep out of these funds rather than having staff do it. Saratoga Springs does this also. This would be one way to get and
379 maintain parks.

380

381 9) Shawn asked for questions? There were none. He mentioned that commissioners could go back and read the staff report
382 from the last meeting, it contained more detail about the PUD problems. He hopes the 4-5 slides will whet the council's
383 interest and help them want to give the commission permission to pursue remedying the PUD problems.

384

385 10) Paul Squires mentioned that one problem in Highland is that the residents get very possessive of their park areas and don't
386 want other people using them. Shawn mentioned this can happen, but it is public open space.

387

388 11) The Mayor has mentioned we don't want pocket parks, we just want big parks. The scenario of charging the citizens the
389 HOA fee to maintain the area, but under the city's management would go a long way in our city, as we don't have the staff
390 to maintain these parks. This way it gets maintained and we don't have to worry about an HOA pulling out.

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392 12) Shawn asked the commissioners to please be sure and attend the joint meeting on July 8th at 6:00 p.m.. Dayna reminded
393 Margaret to email a reminder and if possible a phone call would be great.

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395 **10. PAUL SQUIRES COMMENTS – RL YERGENSEN – OAK HILL ESTATES, PLAT D:**

396 Paul Squires asked the commissioners to review the minutes in June 2007, where RL Yergenson got final approval for Oak Hill
397 Estates, Plat D. This is the cul-de-sac behind Shawn Eliot's home with the large rock wall. RL had requested that this body
398 approve his plan so he could get the curb and gutter in by a certain date. One of the agreements was that he would re-vegetate
399 the terraces.

400

401 Paul has a copy of his re-vegetation sheet and a copy from the Natural Resource Conservation Service where a colleague of
402 Paul's made suggestions as to what vegetation should go in there. Paul had this same person climb up with him a few days ago
403 in the terraces. Basically the promises made to this body have not been kept. There is no vegetation up there except for weeds.
404 Paul as an experiment, planted acorns from gamble oak, and they are growing; but RL has done nothing.

405

406 Paul would like to ask the city inspector to review the terraces and force compliance. Shawn Eliot stated that near the end of the
407 tenure of the last planner, Ken Young, we put into the code some verbiage stating that you have a year to put the vegetation in.
408 Also, in the development standards, when talking about hillside development, it states you have a year after completion, to
409 revegetate.

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411 Paul reminded the commissioners that RL said he would have a water truck up there and there has not been. RL said the grasses
412 would grow back, but Shawn stated that what has grown back is weeds.

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414 Margaret emailed the minutes to Paul and asked him to check them and send back a letter for Corbett, the city inspector.

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Shawn stated that in the construction standards, it states that you have 180 days after completion of final grading to re-vegetate. This is in Section 02.32.030, No. 7.

11. CITY COUNCIL REVIEW

Sean Roylance reported the following from the last city council meeting:

- 1) It looks like there might be a proposal for code in the city which would allow for chickens (no roosters). Weston Youd stated that you would need to say "chicken hens only" to disallow roosters. Since we have code that allows for pigeons, this should not be a problem. If there are complaints, the enforcing zone administrator would check this out (this would be Shawn Eliot, city planner).
- 2) Building Heights will come back again to the planning commission. It will be fairly straight-forward. Our code, in some conditions, turns out to be one of the most restrictive in the county. The whole motivation is that we don't want to create undue work for the planning commission. Since we have a conditional use built into the code, the argument was that because the code is so restrictive, there would be many homes coming forward and asking for the conditional use. Further research still needs to be done. Shawn mentioned that we should talk to the council regarding using building height code to inhibit large fills and rock walls. He questioned that if the building height ordinance was not an appropriate place to do this, should it be done in some other form? The council was polled and they said they do want to limit these situations. Corbett (our building inspector) wants the measurement to the top of the eave, rather than to the midpoint, for ease in figuring and enforcing.
- 3) The final budget for this last year was approved. The sewer rate raise of \$12 was approved. The council is looking at the possibility of lowering water rates. The city is on track to lose about \$100,000 in taxes (truth in taxation enforcement). One method to compensate would be to raise property taxes next year. This would be done in August. If this is not done the city will operate in a deficit for next year.

12. REVIEW OF MINUTES

REVIEW OF MINUTES FROM MAY 22, 2008

Dayna

- P3, Item p, Line 1, change "state" to "stated"
- P3, Item 4b, Line 1, change "one" to "on"
- P4, Change "4" to "5" in main item and redo all subsequent numbering

Shawn

- P1, Approval Agenda, Line 2, change "Counci" to "Council"
- Item 2, Line 3, add to title of book "and Land Use Authority"
- P3, Item 4b, Line 1, change "one" to "on"
- P4, Item d, Line 4, add "," after "needs"
- Item e, Change last sentence to read "The city is still planning on drilling one more well", add space after "based)."
- Item c, Line 2, change "he" to "Karl Shuler"
- Item f, Line 1, change "is" to "are"
- Line 2, change "When" to "When the HR-1 code was passed by the council, they were asked if they..."
- Line 3, change "can" to "could"
- Line 4, add "later" after "different"
- Line 6, change "area. If" to "area, if", change "20%" to "20% slope", change "safer" to "safer ground"
- Item h, remove 1st sentence, Line 2, remove "only" in "they could only"

REVIEW OF MINUTES FROM JUNE 12, 2008

Weston

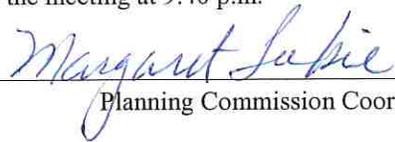
- P1, Item 3, Motion, Line 34, change "KEVIN HANSBROW" to "WESTON YOUNG"
- P5, Line 38, change "question" to "questioned"; Line 39, change "why have" to "why have we"

467 P2, Line 19, change “lines up” to “lined up”
468 P5, Line 9, change “I seen” to “I saw”
469 Line 50, change “He is now” to “He now”
470 P7, Line 29, change “is order” to “is in order”
471 P7, Line 46, change date to “22 May”
472

473 **A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY WESTON YOUD TO APPROVE THE**
474 **MINUTES OF THE PLANNING COMMISSION MEETINGS FOR MAY 22 AND JUNE 12, 2008 WITH THE**
475 **ABOVE NOTED CORRECTIONS. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (2) SCOT BELL, RUSS**
476 **ADAMSON.**
477

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479 **ADJOURNMENT** – Co-chairman, Dayna Hughes, adjourned the meeting at 9:40 p.m.
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Planning Commission Coordinator