

**CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**

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## **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 10 July 2008, at 7:00 p.m.**
- Meeting Place - Elk Ridge City Hall - **80 East Park DR, Elk Ridge, UT 84651**

## **MEETING AGENDA**

### **7:00 p.m, OPENING ITEMS**

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

### **PUBLIC HEARINGS AND ACTION**

1. Elk Ridge City Code Amendment Rescinding the R-1 15,000A Zone ..... *see attachment*
2. Elk Ridge City Code Amendment Rescinding Section 10-4-1.1:  
Uses Conditional in Zones Unless Expressly Permitted or Conditional ..... *see attachment*
3. Elk Ridge City Code Amendment regarding Ridgeline Setback in HR-1 Zone ..... *see attachment*
4. Preliminary/Final Plat for Kimber Estates Subdivision ..... *see attachment*
5. Elk Ridge City Code Amendment on a Senior Housing Overlay Zone ..... *see attachment*

### **OTHER ACTION ITEMS**

6. Sensitive Areas Map ..... *see attachment*

### **DEVELOPMENT CODE / STANDARDS REVIEW**

7. Discussion of Landscaping Ordinance ..... *no attachment*

### **PLANNING COMMISSION BUSINESS**

8. Review Planning Commission and Land Use Authority Hand Book ..... *bring handbook*
  1. Utah Law ..... Weston Youd
  2. Ethics ..... Dave Holman
  3. Voting and Conflict of Interest ..... Kevin Hansbrow
  4. Meetings & Minutes ..... Dayna Hughes
  5. Public Hearings, Public Meetings and Notice ..... Paul Squires
  6. Ordinances and Resolutions ..... Dayna Hughes
9. Review and approve minutes of June 26 Planning Commission Meeting ..... *see attachment*

### **ADJOURNMENT**

Dated this 7th day of July, 2008.

Planning Commission Coordinator

*Maissa Bassin*

### **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 7<sup>th</sup> July 2008.

Planning Commission Coordinator

*Maissa Bassin*

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**ELK RIDGE PLANNING COMMISSION MEETING**  
**July 10, 2008**

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

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, July 10, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

**ROLL CALL**

*Commissioners:* Russ Adamson, Dayna Hughes, Weston Youd, Kelly Liddiard, Paul Squires, Kevin Hansbrow  
*Absent:* Dave Holman, Scot Bell,  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
 Shawn Eliot, *City Planner*  
 Sean Roylance, *City Council*  
 Margaret Leckie, *City Staff*  
 Dane and Wendy Kimber, Karl Shuler, Justin Van Horn, Lee D. Brown, Doug and Marcy Pace, Mike and Paulette Fenton, Gladys Coomes, Jed Shuler, Mary Jean Brown, Tom Ingram

**OPENING ITEMS**

**1. OPENING**

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.

**2. APPROVAL OF AGENDA**

There were no changes to the agenda.

**A MOTION WAS MADE BY RUSS ADAMSON AND SECONDED BY WESTON YOUNG TO APPROVE THE AGENDA AS PRESENTED. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.**

**PUBLIC HEARINGS AND ACTION**

**3. RESCIND THE R-1 15,000A ZONE**

Shawn Eliot explained at the last land use meeting of the general plan update, it was brought up that the R-1-15,000A zone should be rescinded and that the few lots within it become R-1-15,000. This zone currently allows animal rights on third acre lots. When the Rocky Mountain Subdivision was approved (basically the only subdivision within this zone), the animal right issue was a concern to the council. The applicant placed in the development's CC&Rs that no animal rights were allowed, except for household pets. Basically, with this requirement, there is no need for the R-1-15,000A zone. Rescinding this zone would be a house cleaning measure. The planning commission discussed this item at the June 12 meeting and decided to forward it to this meeting for a public hearing and to take action.

Russ Adamson, Chairman, opened the public hearing at 7:03pm

No comments

Russ Adamson, Chairman, closed the public hearing at 7:03pm

**A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY KELLY LIDDIARD TO RECOMMEND TO THE CITY COUNCIL THAT THE R-1-15,000A ZONE BE RESCINDED FROM THE DEVELOPMENT CODE BECAUSE THE BASE LOT SIZE OF THE ZONE IS NOT APPROPRIATE FOR ANIMAL RIGHTS AND THAT THE ONLY DEVELOPMENT WITHIN THE ZONE HAS CC&RS THAT DO NOT ALLOW FOR ANIMAL RIGHTS. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.**

A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY WESTON YOUD TO RECOMMEND TO THE CITY COUNCIL THAT THE AREA THAT WAS ZONED R-1-15,000A BE REZONED TO R-1-15,000. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.

A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY DAYNA HUGHES TO RECOMMEND TO THE CITY COUNCIL THAT THE ZONING MAP AND FUTURE LAND USE MAP BE AMENDED TO REMOVE THE R-1-15,000A ZONE FROM THEM AND THAT THIS ONE BE REPLACED ON THE MAPS WITH THE R-1-15,000 ZONE. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.

#### 4. RESCIND SECTION 10-4-1.1: USES CONDITIONAL IN ZONES UNLESS EXPRESSLY PERMITTED OR CONDITIONAL

Russ Adamson read: In reviewing the code, staff found that there was a code that stated that if a use was not listed within a zone in the city as permitted or conditional then that use would be conditional in all zones of the city. This language is quite dangerous in that state law allows you to deny a conditional use only if you cannot apply reasonable conditions to it. Basically, this code allows anything not listed in our code as permitted or conditional as potentially allowed. There is no need for this language in the code. If a use is desired by an applicant and it is not listed within the city zoning code, the applicant should request a zoning ordinance change and compel the planning commission and city council to add the use to the code. So the proposal is to rescind the following code: 10-4-1.1 which reads, Uses of land which are not expressly either permitted or conditional within a particular zone, and are not identified as permitted or conditional uses in any other zone that is included in this title, are hereby expressly declared to be conditional uses in all zones, pursuant to the express authority given under the terms of this code. The planning commission, appeal authority, zoning administrator, or other authorized officer, shall only permit such a use within a zone by the terms of this code. The proposed staff finding is that we delete that code.

Russ Adamson, Chairman, opened the public hearing at 7:08pm

Russ Adamson, Chairman, asked for any comments from the public. Then asked the commission members. The reply was "no".

Russ Adamson, Chairman, closed the Public Hearing at 7:09pm

A MOTION WAS MADE BY PAUL SQUIRES AND SECONDED BY WESTON YOUD TO THE CITY COUNCIL THAT THEY APPROVE THE RESCINDING OF 10-4-1.1 IN REGARDS TO USES NOT IDENTIFIED AS PERMITTED OR CONDITIONAL BEING CONDITIONAL CITYWIDE. THE COMMISSION FINDS THAT THIS LANGUAGE IS DANGEROUS AND COULD ALLOW HARMFUL ACTIVITIES WITHIN THE CITY. THE AMENDMENT IS SUPPORTED BY THE GENERAL PLAN IN REGARDS TO PROTECTING SPECIFIC USES IN ZONES. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.

#### 5. RIDGELINE SETBACK IN HR-1 ZONE

Russ Adamson, Chairman, read the background. The Hillside Residential 1 Zone code was passed unanimously by the city council on 26 Feb 2008. As a part of the new zone the city 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 map that the city would have on file. The commission has been working on this map and it is ready to be approved and forwarded to the city council. As a part of the map discussion, setbacks from ridgelines were a concern. The current code requires that a building envelope set back 100 feet from any 20% or greater slopes associated with a ridgeline identified on the Sensitive Areas map. The concern was this requirement was too restrictive. The commission thought that a 50 foot setback would be more appropriate. The city planner requested that the city council give direction on the matter since the HR-1 code is so new. The council was presented with the information at their meeting on June 10 and was in favor of the change.



Russ Adamson, Chairman, turned some time over to Shawn Eliot to do some further explaining of the ridgelines and the map.

Shawn Eliot explained this is just the code we are talking about and showed where the ridgeline is proposed on the sensitive map, which is still waiting for approval. The setback was previously discussed as 100 ft from 20% grade and now we are proposing 50 ft from 20% grade. Also, previously, we discussed removing part of the ridgeline and it was thought to leave the ridgeline and change the setback so it wasn't so far back. After talking with the City Council, originally they didn't want to do it, but after explaining the reasons they decided it was ok.

Russ Adamson, Chairman, opened the Public Hearing at 7:12pm.

Karl Shuler said we talked about this two planning commission meetings ago and it was a feeling and thought it was even by motion that Shawn was going to redraw the ridgelines. He was going to take out a lot of the places that weren't really even ridges because right now there is just a continuous line all the way around. A lot of those slopes are 20 and 50 percent, which, in his opinion, are not ridgelines and he doesn't think by definition they would be either. He did a little bit of research on other cities and none of them do a 20% grade. They don't even consider it a ridge. Every ridgeline was from a 30% grade. Park City is 50 ft from a 30% grade. Sandy is 20 ft from a 30% grade. Salt Lake City is 10 ft from a 30% grade. We are far more restrictive than any other areas. What are we trying to protect? Is it the view, environment, corridors? Nobody has answered him. 20% grade is a buildable lot and we took it from Park City. The only reason Park City has it is because they didn't want to view the houses from the ski resort. He doesn't get it because after doing the research on these cities and looking at their residential areas, almost every one of them let you build on a 20% slope. 20% slope is not very steep by most hillside residential standards. He thinks it is just way too restrictive. Refers to the map where there are 20 and 30% slopes. He thinks the city council and the planning commission have over-reacted and they have swung too far to the other side.

Dayna Hughes responded to Karl by saying the following. Not addressing the slope issue, but I think you were saying that we weren't answering the question. My understanding for this issue is so we wouldn't have backyards terraced. So we wouldn't have houses built right up against the ridge. We were trying to get away from having houses right on the ridge like the houses by the golf course. That's why we were addressing the issue.

Karl Shuler said that situation could occur in other spots besides just those designated. He thinks there is something in the HR-1 zone now to stop that anyway. You said the building below has to be up in the buildable area and the planning commission can designate where that is. You have to get special planning approval to build on anything over a 20% slope. Is that right Shawn?

Shawn Eliot answered it is between 20 and 30 percent.

Karl Shuler replied that you are going to already consider them anyway. Draper City didn't even have anything on ridgelines anyway. Draper has height restrictions and restrictions on the slope they can build on to help prevent building to close on the ridge. If it's over 25% they have to have a geo-tech and geological report to prove it's buildable. Park City has it for aesthetic reasons.

Kelly Liddiard said the reasons those house in Draper are so close to the edge is because they don't have this restrictive code. And those houses have just been built within the last ten years.

Karl Shuler responded that he agrees and thinks there needs to be some restrictions, but these are just too restrictive.

Russ Adamson, Chairman, said to Karl Shuler- if we were to say a 30% grade, kind of like you are recommending, where do you think the ridge should be?

Karl Shuler showed on the map where it should be in his opinion. He pointed out that where the proposed ridgeline is, isn't even a 20% slope. In all the cities Karl looked at, not one had a 20% slope. And ranged from 10 to 50 ft.

Dayna Hughes asked Shawn Eliot – what does the building envelope have to be off of a 20% slope?

Shawn answered 50% so you can have a building envelope on 20-30% slopes, but you can only have up to 50% of the building on those slopes.

Russ Adamson, Chairman, asked Karl to remind him of the other cities codes and Karl repeated them from above. Dayna Hughes then asked if anyone knew of Woodland Hills ordinances. They didn't have that information.

Shawn Eliot said is this a prominent ridgeline area in the city that we want to have an extra caution on. Before we talked about taking parts out and then we came back and said that maybe 100 feet is really the excessive part of it. He referred to the map where there are not a lot of 20% slopes, mostly 30%.

Karl Shuler said what if you just changed it to just apply to the 30% slopes and then it would only affect those areas with a 30% slope.

Shawn Eliot answered you are clashing where there isn't any 30% slope. It's not the 30% slope that's the issue; it's the problem below of seeing the homes in that area.

Karl Shuler said it is safe to say that it is simply aesthetic. Shawn Eliot agreed. There is no safety issue with it.

Russ Adamson, Chairman, asked for more public comment.

25% slope was then discussed.

Russ Adamson, Chairman, said a 30% slope definition at just where the ridgelines are on this map, saying there just isn't some places that make sense, and the 50 ft. Karl, is 50 ft from a 30% slope acceptable? Karl accepted it.

Dayna Hughes said she remembered a recommendation from Shawn to take out some portions of the ridgeline.

Shawn Eliot replied he took some off and then brought it back and they put some more back on, but the compromise was making it 50 ft instead of 100 ft. We took a field trip out there to see if we need to keep it.

Kevin Hansbrow made a suggestion to keep the line there on the map just to show the sensitive areas and then just change to 30% slope. We want to make sure if you build in this area where it is a 30% slope, then the setback must be 50 ft back. He thinks we are obviously more restrictive than other cities. We're comparing it to something that would be protected in our code anyway.

Weston Youd is confused that we are using aesthetic code, not to protect our aesthetics, but to enforce building on a 30% slope or like you said terracing. The idea of an aesthetic is a reference point saying this is pretty and it needs to stay without a silhouette, but below there is a house with terracing. I don't know if we are using the right code for what we want to achieve - and that is the reduction of terraced yards.

Shawn Eliot said the concern is that if you have one house that has terracing and that isn't such a big deal. But when they all start doing it across the ridgeline, then it could become very visible. So it is purely an aesthetic code.

Russ Adamson, Chairman, closed the public hearing at 7:35pm.

Dayna Hughes is ready to jump on the 30% slope, but is bothered by the fact that only four months ago we were on the 100 feet bandwagon. Now we are going to 50 ft.

Paul Squires thinks a 50 foot setback is a good compromise. I like the idea of defining the ridgelines so we know where they are.

Russ Adamson, Chairman, said we could adjust the map to put the ridgeline where the 30% slopes are so there is no question and put the setbacks where everyone agrees.

Paul Squires said as a group, we went through the map several times and decided those were aesthetic ridgelines.

Kelly Liddiard said as long as we are going through this aesthetical thing, we've got these other major block walls that we've all complained about and when you start putting a house right next to a slope, 20% or otherwise, and they start terracing it, you're going to have it all over and so you have the same problem.

Russ Adamson, Chairman, asked if anyone thought they should change it to 30% and try to redefine the map to focus where it is a 30% ridgeline. Kevin Hansbrow agreed because there are a lot of areas that we are being too restrictive because it really isn't a ridgeline.

Kelly Liddiard said what if you left the ridgeline where it is and just said if there is a 30% slope then you have to build 50 feet back.

Shawn Eliot said the whole reason for the ridgeline is to define that area is different. If you have other 30% graded areas that aren't identified as ridgeline... You have to have a ridgeline.

Kelly Liddiard said we could just change it to the following. If it's a designated ridgeline on our map and it's a 30% slope, then you have to build 50 ft back. Does that accomplish it? Kelly doesn't want to see the ridgeline map changed. Kelly is willing to go to a 25% slope, and understands there are some areas on the map that are more flat, but the designated ridgeline should remain the same. But if he stands on the north end of town and can see all those houses, then that's a ridgeline.

Shawn Eliot said the only problem with a 30% slope and the ridgeline is that some areas don't have 30% slopes on the map. There is no ridgeline in that definition.

Kelly Liddiard said the ridgelines are defined by the map, not the 30% grade. Isn't the ridgeline already defined?

Shawn Eliot said that the map is used as a reference in the code. So you still have to go back and do a slope analysis and show where those 20% slopes are in this area.

Kelly Liddiard asked if you have to have a 20% slope to call it a ridgeline. Shawn Eliot concurred. Kelly said he thinks the sensitive areas map trumps everything. He thinks if you have a sensitive area map that shows whether or not you did it right, it's on the sensitive areas map. Kelly said if it's on the sensitive areas map designated as a ridgeline and the slope is 30%, then you have to be set back a minimum of 50 feet.

Kevin Hansbrow asked if Kelly was saying the whole ridgeline or just where there is a 30% slope.

Kelly Liddiard answered if it's on the map, then it is defined as a sensitive area. You have to be set back 50 feet in a sensitive area, if there is a 30% slope. That's a definition of a setback. It has to be at least 50 feet.

Weston Youd said yes there is a ridgeline there, but the grade is under 30% so the setback requirement isn't there. But once that ridgeline crosses into a 30% area then that setback is applied. So the ridgeline is there even though it's 20% because it's a 20% slope not a 30% slope that the setback requirement is applicable. If you come in contact with a 30% slope, then you make the setback applicable.

Kelly Liddiard asked what the setback would be on a 20%.

Weston Youd answered it would fall under the building envelope code that requires at least 50% of the building not be on the 20% slope.

Russ Adamson, Chairman, asked do we like the map as is.

Kevin Hansbrow asked if there was a map without the questionable spot with a 20% slope where the lines are connected.

Shawn Eliot answered there is a 50% slope and then a 20% slope so that you won't be able to build there anyway because of the building envelope. There's also a big gas line.

Kelly Liddiard said I think you draw the sensitive areas map, not thinking about building, but where the ridges really are.

Kevin Hansbrow pointed out the corner in the ridgeline where he doesn't even see 30% close to it. He doesn't think it is an actual ridgeline. I think we just got nervous because of RL's development and stuff like that. This is when all this started coming up.

Paul Squires said he aesthetically likes the map the way it is proposed for the sensitive areas. The setback should be 50 feet regardless of the ridgeline. He feels the ridgelines are all defined accurately on the sensitive areas map. He remembers from a previous meeting that the ridgelines were discussed at length. He recalls those areas were discussed and those areas were a ridgeline.

Karl Shuler asked if that was a secret meeting. A few planning commission members chimed in that Karl was in attendance and he actually agreed. He was reminded of the meeting and what was discussed.

Shawn Eliot recommends doing the 50 foot setback on a 30% slope and on the 20% slope, let the building envelope code take care of that. But it's still defined as a ridgeline so let's look at it again when it comes in. He's sure it's not going to pose problems. The whole issue with the 20 and 30 percent slopes is, yes, as a planning commission you have gone and tried to adjust those, but it's always kind of a struggle to do it. The one lot that you mentioned that's open space on the plat A, that one was pretty much a no-brainer. The other lot that got combined, that was actually the city council that did it. The 25% slope instead of the 30% slope is ok, as well.

Russ Adamson, Chairman, summarized the options, which were, change the slope from 20 to 25 percent, change the setback from 100 to 50 feet, and we can always adjust the map at some point. Do we think the 20, 25 or 30 percent slope?

Kevin Hansbrow said the 30% seemed to be the most restrictive with other cities.

Dayna Hughes said she doesn't think Elk Ridge should be known as the most restrictive city in the county because it is a beautiful city and community. She thinks we should base our decision off of what other cities are doing. She thinks there is judgment and wisdom in what other cities do. Dayna then asked Karl Shuler to list the city comparisons once again. Refer to above statement by Karl Shuler. So nobody questions going from 50 to 100 feet. So we are questioning whether it be 50 from a 30% or 25%?

Weston Youd said he's willing to discuss the 50 ft from the 25%, but he likes the hybrid idea that Kelly suggested where if it is a ridgeline and it's 30% slope, then the set back is applicable. Whereas, it's a ridgeline and 20% slope, then the setback doesn't apply. But he realizes it would be a little more complicated and harder to do.

Dayna Hughes brought up an underlying problem of the sensitive areas map. Every time the sensitive areas map is brought up, there is always conflict. Are we going to deal with this every single time? Shawn Eliot replied not once it is adopted. But it's not adopted yet and it's on the agenda for tonight.

A MOTION WAS MADE BY KEVIN HANSBROW AND SECONDED BY WESTON YOUTD TO RECOMMEND TO THE CITY COUNCIL THAT THEY APPROVE THE PROPOSED AMENDMENT TO THE HILLSIDE RESIDENTIAL 1 ZONE IN REGARDS TO RIDGELINE SETBACKS. THE CHANGE TO 10.09A.150 WOULD ADJUST THE BUILDING ENVELOPE SETBACK FROM THE RIDGELINES AND ASSOCIATED 30% OR GREATER SLOPES FROM 100 FEET TO 50 FEET. ALSO, TO ADJUST THE SLOPE FROM 20% TO 30%. THE COMMISSION HAS DONE EXTENSIVE WORK USING SLOPE ANALYSIS MAPS FROM UTAH COUNTY AND THE DEVELOPERS OF ELK HAVEN IN FORMULATING THIS AMENDMENT AND FINDS THAT THE ADJUSTMENT TO THE SETBACK WOULD BE A BETTER BALANCE BETWEEN PRESERVING PROMINENT HILLSIDES FROM EXCESSIVE FILLS AND RETENTION WALLS AND ALLOWING A LANDOWNER APPROPRIATE AREAS TO DEVELOP. THE COMMISSION FINDS THAT THIS AMENDMENT IS SUPPORTED BY THE GENERAL PLAN IN REGARDS TO PRESERVING SENSITIVE HILLSIDES. VOTE: YES (5), NO (1) KELLY LIDDIARD ABSENT (2) SCOT BELL, DAVE HOLMAN.

##### 5. PRELIMINARY/FINAL PLAT FOR KIMBER ESTATES SUBDIVISION

Shawn Eliot reviewed the plat map submitted by Dane and Wendy Kimber, which was included in tonight's packets. The Kimbers are proposing a one-lot subdivision on Canyon View Drive. Canyon View Drive does not connect through and they are proposing to finish the road. It would leave a hundred foot gap if it wasn't finished. The road is on the master plan as a major connector for the Salem area. The staff has gone over this and it does meet the code. The Kimbers are developing 2 of the 3.5 acres they own. 2 acres fits in the ½ acre lot zone.

Kevin Hansbrow asked if this subdivision would border the Snyders. Shawn Eliot said yes. The Snyders border on the west. This property actually used to be owned by the Snyders.

Russ Adamson, Chairman, opened the public hearing at 7:55pm

Dane Kimber explained that they would like to construct the road with curb and gutter on both sides and a sidewalk on one side. We are talking with the city to complete a portion of it.

Russ Adamson, Chairman, asked how many adjacent property owners have similar plans for the road.

Shawn Eliot replied if a road goes through, it would have to be the city to do it.

Doug Pace said he was asking if the city would be responsible for putting the rest of the road through. Shawn Eliot said it would be the city's responsibility. It's just whether or not they can afford it and when. Doug Pace then asked why the sidewalk if there isn't a sidewalk anywhere else on the street. Shawn replied that the new code requires sidewalk so as we are developing down that hill the sidewalk will continue. Doug Pace asked if you continue down on his lot, would you continue the sidewalk too? He showed his lot on the map and then asked where would you end the sidewalk? Shawn replied if the city council actually approves it and the road comes through then we would put it in piece by piece as it is developed, unless we get one large development that puts the road in all at once. But there will be another meeting on that issue.

Shawn Eliot said that Canyon View Drive is designated as a major road. Most of the homes do not front Canyon View Drive. Doug Pace asked the question again where the transition point was for the sidewalk. And Shawn replied that the sidewalk would end at an intersection. If the road gets approved, but there isn't enough funding, the sidewalk would be the first to go. For years they had always talked about the kids having nowhere to walk and it's always been the country feeling verses safety. So in the end, the city council approved the sidewalk code because they were tired of having nowhere to walk.

Leon Brown, public, asked if that was the true shape of the lot. Dane Kimber replied it is the true shape and we are only developing 2 of the 3.5 acres.



Leon Brown, public, asked if the remaining acres were a future development. Dane Kimber answered that it is not developed. Dane then referred to the map going over the size and shape of the lot. The question was then asked where the house would be placed and Dane Kimber replied it would be at the back of the building envelope away from the road.

Doug Pace asked what the height requirements were on buildings. Shawn Eliot replied 34-36 feet. We are in transition of changing it. Doug said his main concern was the road because he lives right there and knows it will go through someday. Once that road goes through it will turn it into a major road with more traffic.

A woman from the public asked what the concern was on the height. When we all built where we are at, we were under the impression that if we built at the 30 foot requirement at the time, that our view wouldn't be blocked. But if you raise it nine feet... Russ Adamson, Chairman, replied that no one said it would be nine feet. She was corrected that it was only 36 feet height from the midline. Shawn Eliot then asked Sean Roylance (City Council member) what his definition is. Shawn Eliot said there was a height code passed that is now being asked to come back to the Planning Commission. So the code prior to that was 36 feet from the highest point of your front yard. The code that we were working on was 34 feet from the mid-point of all four corners of the home on the natural terrain. So it's trying to keep the homes lower instead of bringing in a bunch of fill. We will be working on it at next meeting to come up with a definition for that.

Russ Adamson, Chairman, reminded them that the height has nothing to do with the approval of this subdivision. The issue is the road. Dane Kimber mentioned that a road that is used is easier to upkeep. It will last longer than a road that is unused. The reason for putting in the road is so that it becomes eligible for snow removal and other maintenance by the city.

Russ Adamson, Chairman, asked if we don't put the road in, is there going to be some kind of a turn-around we're going to have to do. Shawn Eliot replied that the code states there must be two or more homes for a temporary turn-around.

Leon Brown asked hypothetically, if that road existed and someone wants to build, does Elk Ridge City say the owner has to pay for the water and sewer. Shawn Eliot replied they would bring the water and sewer over to the properties. If they develop then the person would have to reimburse for partial costs of the curb, gutter, sidewalk, road, sewer and those sorts of things. The problem that the Kimbers are having is that these are already in place. These houses are already in so we can't go back and ask them to pay for the improvement. Our code allows up to 30 years to get reimbursed. Leon Brown then asked how they determine the cost. Shawn Eliot said they get an engineer's estimate at the time including appreciation and then the developer pays half of that.

Russ Adamson, Chairman, closed the public hearing at 9:10 pm

Shawn Eliot said we needed to add that the water rights need to be approved and paid for.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW THAT THE PLANNING COMMISSION APPROVES THE PRELIMINARY AND FINAL PLATS OF THE KIMBER ESTATES SUBDIVISION AND RECOMMENDS THAT THE COUNCIL ALSO APPROVE EACH PLAT. THE COMMISSION FINDS THAT THE SUBDIVISION CONFORMS TO THE GENERAL PLAN FOR THE R&L-1-20,000 ZONE AS WELL AS THE DEVELOPMENT CODE AND STANDARDS. THE CONTINUATION OF CANYON VIEW DR IS ALSO IMPORTANT IN IMPLEMENTING THE TRANSPORTATION PLAN OF THE GENERAL PLAN. THIS APPROVAL IS CONTINGENT UPON WATER RIGHTS PAID AND APPROVED. VOTE: YES (6), NO (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.**

## 6. SENIOR HOUSING OVERLAY ZONE

Shawn Eliot explained that Due to an error in posting the public hearing in the newspaper, this public hearing is being re-advertised. Everything below is from the original memo from the April 8 public hearing.

Russ Adamson, Chairman, opened the public hearing at 9:15pm.

Russ Adamson, Chairman, asked what happened at the City Council with this issue.

Dayna Hughes said the City Council approved it after we recommended denial. City Council had a lot of people at their meeting and we didn't have anyone at the public hearing for planning commission.

Russ Adamson, Chairman, asked for confirmation that they approve those two areas, by the golf course and on that corner. So we are just going through a technicality because we didn't post it correctly.

Russ Adamson, Chairman, closed the public hearing at 9:20pm

Kevin Hansbrow wanted to discuss it further. He asked what age restrictions they came in with. Shawn Eliot replied 62 years of age, but they could also house caregivers who were 18 years of age or older. Kevin was more for it when the age restriction was older.

Dayna Hughes said the one they passed did have an age restriction. Should we add it into the motion? Weston Youd said the question was whether to add it into the PUD. Kevin Hansbrow said the PUDs on the north part of town that came before us didn't have age restrictions. If you have a first come, first serve basis, then there might not be a need for retirement homes.

Shawn Eliot said the big discussion was what areas of the city they want them located. They talked about whether they wanted them in this area of town on the north end. And if so, you could do PUD housing in the senior area. In the end, they have enough multi-family housing and it was appropriate up there, but not here.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY WESTON YOUNG THAT THE PLANNING COMMISSION RECOMMEND DENYING APPROVAL OF THE SENIOR HOUSING OVERLAY ZONE. THE COMMISSION FINDS THE NEED FOR RETIRED CITIZENS IN THE AREA CAN BE MET BY OTHER PUD AREAS IN THE CITY. THE COMMISSION FINDS THAT ARBITRARILY ALLOWING THE ZONE IN OTHER AREAS, THE CITY COULD BE INJURIOUS. VOTE: YES (5), NO (1) KEVIN HANSBROW, ABSENT (2) SCOT BELL, DAVE HOLMAN.**

#### OTHER ACTION ITEMS

##### 7. SENSITIVE AREAS MAP

Karl Shuler said he read the minutes from the last planning commission meeting and said he was under the impression that Shawn was going to take out some parts of the ridgeline.

Kevin Hansbrow said now that we recommended approval for the Ridgeline in the HR-1 Zone, the map would have areas that are more sensitive, therefore causing us to be more cautious when approving building in that area.

Weston Youd pointed out the part where they have connected the line and said the lot restriction is protecting it and not the ridgeline.

Dayna Hughes commented that she felt unqualified in every way to make a decision on where a ridgeline is. She doesn't feel like she can even comment.

Russ Adamson, Chairman, said if you define ridgelines where they are at, the restrictive part of the code says you have to setback 50 feet from a 30% slope. So does it matter?



Dayna Hughes said even though she doesn't know how to define a ridgeline; she thinks that Karl Shuler has a point in that we agreed to take out a lot of ridgeline space that didn't get taken out.

Shawn Eliot said he did take it out and brought it to the planning commission and then it was decided to leave the lines and just change to 50 feet, instead of 100 feet.

Weston Youd commented that with the previous motion, we have taken the line out now.

Russ Adamson, Chairman, said it doesn't hurt to leave the lines in to say these are sensitive areas. Others agreed.

Weston Youd said the sensitive areas map definition we've established is going to protect now two-fold by the ridgeline and the building envelope 50% on a 20% grade.

Dayna Hughes said we actually have triple the protection because the ridgeline, the building envelope and the set back on a 30% slope. That's a lot of protection.

Kevin Hansbrow asked if they can see now that having the map is going to make us look a little bit closer other than that it's just the areas we consider sensitive.

Russ Adamson, Chairman, said what concerns me is that we could live with what we passed tonight, but if it goes to the city council and they say no – we want it 100 feet at 20% grade then these lines are terrible.

Dayna Hughes asked does the city council also have to approve this map? It is approved by city council.

Karl Shuler then said if what is already proposed is approved, and then this is probably ok.

Kevin Hansbrow suggested that they might table the sensitive map until the Ridgelines code is approved.

Russ Adamson, Chairman, said the question is will the city council want to see the map before they approve the motion.

Shawn Eliot said both the map and ridgelines code should go together. And if the city council starts hedging then we may want to bring it back. In the end, the city council is in the driver's seat and that's why Karl should go to their meeting to voice your opinion, as well.

Shawn Eliot then referenced meeting minutes from June 12, 2008. The first thing the minutes said was that Margaret reminded the commissioners at the last meeting it was asked where should we put the ridgelines. This was especially referenced with Karl Shuler's property. The commission told Shawn to keep the ridgeline on, but reduce the setback from 100 feet to 50 feet. It was discussed that Karl still struggles with the purpose of the ridgeline. Then we talked about 30% building envelope, instead of the lot.

Margaret Leckie said Karl felt a little better once he realized that the building lot line can't encroach on the 20% slope. It's just the building envelope.

Russ Adamson, Chairman, said let's just send it forward as it is and then if city council does something weird and it's too restrictive then we scrap that and start at square one.

Shawn Eliot said he thinks the commission has made a good compromise on it.

Kevin Hansbrow said he would hate to see Karl's fear happen, but would hate to change the map and feel we are going the complete opposite way.

Russ Adamson, Chairman, said we'll revisit it again if the city council doesn't approve.

Karl Shuler commented that we haven't really talked about the ravines and there are a couple of ravines on the map that he doesn't really think are ravines. He referred to the map and pointed out the ravines.

Shawn Eliot explained that it is an aerial map and the so-called ravines are used as drainages. The code says we must setback 30 feet from the drainages, unless you have 20-30% slopes then you have to setback from those slopes.

Karl Shuler refuted by saying you can look out into the desert and it will show a dry river bed, but there isn't any drainage.

Shawn Eliot replied that there is drainage in those on the map and that he had seen run-off in those drainages this year.

Shawn and Karl disputed where there was and wasn't water drainage on the map.

Weston Youd indicated that Utah County has designated that as drainage so are we kind of hamstrung on that?

Shawn Eliot said we start with what the county indicates because that's already been surveyed and identified.

Kelly Liddiard asked can we change it from the county map and not call it drainage.

Shawn Eliot answered that we can change it, but you can see from the aerial that it is a low point.

Kelly Liddiard commented that it's called drainage because it could happen.

Shawn Eliot said RL said there will never be water behind my house, but it is identified as drainage and it's a low point.

Kelly Liddiard said there is going to be water behind your house.

Russ Adamson, Chairman, asked what the restriction might be when building near drainage.

Shawn Eliot replied the setback is 30 feet from drainage unless there is a 20-30% grade then you have to setback from the ridge. Another thing is that the planning commission can adjust that setback if they see fit.

Russ Adamson, Chairman, asked if it's not really drainage and we were overly restrictive, can the planning commission adjust to be closer when it comes to approval.

Shawn Eliot pointed out that the drainage goes right through his lot so if they would have went by their own code when they approved his lot, he wouldn't have a lot there. But that's what they allowed.

Russ Adamson, Chairman, said so then it can be approved.

Kelly Liddiard commented the other problem you have is the insurance! If the insurance company goes to the lot and finds you are building in drainage they are going to increase your rates.

Shawn Eliot said that it's not visible unless it rains. He point out a home that when it rains, water accumulates in the window wells. It's surface water that is draining into the lower area that is materializing there. It doesn't seem that a 30 foot setback is very restrictive.

It was discussed that they shouldn't table it because the council will probably want to see both the map along with the ridgeline code change.

Shawn Eliot said you can always have someone go to city council and explain why we did what we did and have them buy into it.

Kevin Hansbrow asked if we should make the map contingent upon the approval of the ridgeline code.

Kelly Liddiard said these are two separate things.

Shawn Eliot said if they don't approve the code then it affects this map adversely. But what would you change this to if they left it that way.

Kevin Hansbrow said if they left it, we would probably take out a few of these areas that we have already defined

Shawn Eliot said at the meeting on the 12<sup>th</sup> of June, they said if we went to 50 feet, then the city council would leave the line as is on the map. And that's why we want the city council to have a heads-up and be ok with that.

Dayna Hughes read the motion so she knew what was in it.

Kevin Hansbrow said if that doesn't pass, then we can change it. But would we change it?

Weston Youd said if the city council came back and said 100 ft on 20% slopes...Shawn Eliot corrected that they would probably say 50 ft on 20% slopes. That's what the city council was comfortable with the other night.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KEVIN HANSBROW THAT THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL ADOPT THE SENSITIVE AREAS MAP AS REFERENCED BY THE HILLSIDE RESIDENTIAL 1 ZONE. THE COMMISSION FINDS THAT THE MAP IS AN APPROPRIATE TOOL TO AID DEVELOPERS, LANDOWNERS, AND THE CITY IN IDENTIFYING SENSITIVE ENVIRONMENTAL FEATURES AND PROMINENT HILLSIDES. THE COMMISSION ALSO FINDS THAT THE PREVIOUS CODE WAS OVERLY RESTRICTIVE AS COMPARED TO OTHER COMMUNITIES IN THE COUNTY. THE COMMISSION FINDS THAT THIS CODE IS IN LINE WITH THE GENERAL PLAN IN REGARDS TO ENVIRONMENTAL PROTECTION AND SAFETY, BUT IS HESITANT TO OVERLY RESTRICT DEVELOPMENT IN THE HR-1 ZONE WITH THE PREVIOUS MOTION RECOMMENDING 30% SLOPES AND 50 FOOT SETBACKS FROM RIDGELINES IF IT IS DENIED BY THE CITY COUNCIL. VOTE: YES (6), NO (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.**

## **DEVELOPMENT CODE/STANDARDS REVIEW**

### **8. LANDSCAPING**

Shawn Eliot reminded them of the last meeting where they discussed requiring people who have lived here for awhile to put in their yards. As of February 2006, new construction is required to have a yard in within 2 years of moving in. We do not have a requirement to maintain the yard and that's another issue. We didn't have anything in our code that talked about people who have been here a long time to put in a yard. The only requirement we had was a weed ordinance that said you have to keep your weeds down to 12 inches. His comment at that meeting was that he didn't think you could do a code retroactive. So he talked to the lawyer and he said you can't do a retroactive code, but you can do a future code. You would pass your code saying you are required to put in your yard within a certain timeframe from the passage of this code. After some research, he found Herriman city's code and showed as a reference. Herriman city just passed their code in February 2008 because of the problems they were having with getting people to put their yards in. The code states what kind of things they can put in the yard, the grading, and then they talk about an installation timeframe. First, they talk about new construction where they have to have their yard in before certificate of occupancy, which is similar to Payson. If weather doesn't permit then they have 6 months or until April 1. If you don't put in your yard before those dates and you haven't gotten your certificate of occupancy, you have to put a \$3,000 bond down. And then if they don't put in the yard, the city will contract it out to be done. Second, they talk about existing residential or non-residential structures that are in abiding condition (yards not done), which do not comply with this ordinance

shall be brought in compliance upon complaint. Which means when someone complains to the city that they don't have their yard done the city then notifies them that they are out of compliant with the code and they need to get their yard done. The lawyer said to set a date. Maybe 1 or 2 years after the passing of the ordinance. Another issue is maintenance and right now we don't require anything. So right now we have a dead park on the north end of town because we didn't require any maintaining after it was put in. It makes sense to require them to put their yard in and then maintain it. The last part talks about hazards, such as trees in the street and other hazards. This is what Herriman did.

Dayna Hughes asked if they think the reason the park is dead is because they don't have any money for water.

Shawn Eliot said there are multiple reasons. We can talk about that later.

Kevin Hansbrow said he came from California and he remembers when you weren't allowed to water your yard. Obviously, we need to make sure we put in some circumstances like that.

Shawn Eliot said in that instance, the city would then pass a temporary ordinance saying that due to drought or other circumstances, residents are not allowed to water.

A discussion on different yards in the community took place and it was brought up if both front and back yards had to be completed.

Shawn Eliot said referring to Herriman's code, they only require the front and side yards to be completed.

Kevin Hansbrow referenced the Wallentine's home where they have acres for their front yard. Do we want to put in a certain part or what?

Shawn Eliot said we would want to put something in there that they would need to have natural vegetation that's part of the hillside. We would allow zero-scaping.

Kelly Liddiard said as long as it's not obnoxious weeds.

Kevin Hansbrow said he has a 150 foot long front yard and he has the first 80 feet of it landscaped.

Dayna Hughes asked if he would be under the same obligation for a 150 foot front yard as to someone with a 20 foot front yard.

Shawn Eliot said it depends on how you define landscaping. You could do rock, scrub oak, or whatever.

Kevin Hansbrow said he doesn't have weeds because he sprays and he has mounds of dirt. Shawn pointed out that he's in the process of doing his yard. It shows there is work being done rather than not doing anything at all.

Dayna Hughes asked if we need to identify what a yard is. How many feet from the front of the home?

Shawn Eliot said what it all comes down to is aesthetics. You want your street scaped, as well as your homes. He then asked Margaret what she was saying about her daughter.

Margaret Leckie said her daughter was driving through the city and was commenting on the beautiful, landscaped homes right next to yards that were let go. Of course, she lives in an area where all the homes were developed at the same time and has a homeowners association.

Shawn Eliot said we have two different situations. We have the area of town that has 30-40 foot front yards or we have acre lots up on the hillside. So we would have to write it in there that natural vegetation could be part of the yard.

Kelly Liddiard said you'd have to look at the size of the lot.

Russ Adamson, Chairman, asked for confirmation that action is triggered by someone complaining.

Shawn Eliot replied it is in the Herriman's code.

Russ Adamson, Chairman, said, right. If you didn't have your yard done and no one complained then you would just get by, right.

Shawn Eliot replied yes. And that is how most cities codes are.

Kelly Liddiard said West Valley hired people to go around and enforce all of these types of requirements.

Russ Adamson, Chairman, asked if we should do 30 feet for the front yard.

Kevin Hansbrow said he doesn't mind if it goes to 150 feet, which his is. He's saying there are places like the Wallentine's where this really isn't applicable. You can't ask them to even zero-scape acres of land. It doesn't make sense.

Russ Adamson, Chairman, said he thinks it should be defined from the structure.

Kevin Hansbrow said the rural residential shouldn't be applicable. He said he could put a horse pasture in his front yard and would that apply?

Russ Adamson, Chairman, said what we need to decide today is do we think we want some kind of code that enforces the fact that existing people need to have their yards done and have a future date and bring all residents up to par.

Dayna Hughes asked if the next step was to set a public hearing or do we need to look at it more.

Kelly Liddiard said he would like to see a way to enforce it.

Weston Youd had a question because he had the assignment on Utah Law in the handbook. The issue came to mind when he read the following. Many commissions try to involve themselves in matters such as business licensing, animal regulations, and nuisance enforcement - which he thinks this matter is. This is appropriate only if the city or town delegate these responsibilities to them. So his question is if this is a duty or obligation that has been given to the planning commission by the city.

Shawn Eliot said that is only talking about enforcing the nuisance ordinance. It is not actually talking about the code.

Dayna Hughes said we help put the code in place.

Weston Youd said we are going to create a code to enforce it when a nuisance is reported.

Kelly Liddiard said we are involved in any code changes.

Shawn Eliot said the question is if it is a big enough issue to go to the city council first before we get too far into it. But the problem is it is sort of a double-edge sword because if you have a public hearing and someone actually came that was for this, then you could take that to them at the same time. Shawn thinks most of the city council knows it's a problem whether or not they want to address it in this format or not.

Kelly Liddiard mentioned he thinks they'd have a pretty good turn out on the public hearing.

Sean Roylance (city council) commented that on Tuesday at the end of the meeting that is was unanimous that they were interested in this landscaping issue.

Dayna Hughes said so let's set a public hearing. Kelly Liddiard agreed.

Shawn Eliot recommended coming back with code first.

Dayna Hughes said she doesn't like the complaint part. Paul Squires agreed. Paul said it should just be across the board for two years. And then enforced by the city.

Russ Adamson, Chairman, asked for the people being grandfathered in, is two years enough.

Dayna Hughes said two years is enough.

Paul Squires gave an example of the people across the street from him and they have both been there 5 years and he thinks 5 years is ample time.

Kelly Liddiard said we aren't talking about past time; we are talking about from when the ordinance passes. Let's look at what the economy is doing right now and if we are going to pass this ordinance, we are really going to start affecting people's lives. Doing his yard, it's nowhere where he would like it – he's into it \$20k. He thinks we should give someone the benefit of the doubt. Maybe we should give them 3 years, but we don't want to go out another 10 years. But they should at least start working on it.

Paul Squires said but to landscape, you don't have to spend a lot of money.

Shawn Eliot said we can say two years. If the city inspector can see that work is being done then you can give them a year or something. Or you can put in there that they can come in and get an exception/hardship.

Weston Youd said if it's been two years and more time is needed, then they can apply for an extension.

Dayna Hughes said people who aren't putting in their yards aren't doing it because they can't afford it.

Shawn Eliot said some people are.

Kevin Hansbrow said hopefully, 99% of them aren't doing it because they can't afford it. Is it in rural residential too? Is it not rural residential?

Weston Youd said he thinks we need to define the yard and landscaping as being so far from the structure. Such as a front yard is defined as x amount of footage from the structure.

Kelly Liddiard said the front yard should be defined as to where the setback is.

Weston Youd said Kevin's setback is 180 feet.

Shawn Eliot said they are not all that way.

Russ Adamson, Chairman, said we should put it on the agenda for next time and Shawn should tweak the code and spend some time to modify it and then the time after that we'll do a public hearing. So we'll probably have enough time to have a public hearing on for the second meeting in August.

Dayna Hughes asked if we should just do one or two areas at a time or just go city wide. All agreed to go city wide.

## 9. PLANNING COMMISSION AND LAND USE AUTHORITY HAND BOOK

Weston Youd was assigned to talk about Utah Law. He read from page 5 the following. The Utah courts have consistently required a city or town to follow its own ordinances when regulating land uses, and the state code now specifically requires it:



10-9a-509 (2) A municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

Weston Youd said that paragraph says we have to follow our own laws. But it also says on page 6 – Although case law is the result of specific cases brought before the court, resulting decisions can have broad impacts on municipal powers. That says not only do we have to focus on the ordinances that we pass in Elk Ridge, but also researching and understanding other city ordinances, besides just Elk Ridge. We do some of that through Shawn's work. It is essential that the planning commissioners know and keep updated on, all areas of the law. Your planning staff, city attorney, conference sessions, and training, are all available to assist you with the changes in any part of the law. That's good we have that available to us. And Shawn keeps us apprised of any changes. Another thing that Weston found interesting was the planning commission is required for all cities. And the powers and duties that are given to us...it says every planning commission is given some minimal authority into the state law. This authority is given by state law and cannot be taken from the planning commission by the city or the town council.

Shawn commented that they have to at least delegate one which has conditional uses.

Weston went on to talk about the powers and duties on page 8 that states many commissions try to involve themselves in matters such as business licensing, animal regulations and nuisance enforcement. He thinks it's important that we maintain that balance away from that and make sure the city council is the audience for those types of matters. Lastly, the ordinances that we pass should reflect the powers designated by state law and additional duties, if any, were given to us by the mayor and city council.

Kevin Hansbrow was assigned voting and conflict of interest. The handbook talks about how all the planning commission will have to make a decision. It says a difficult or unpopular vote is no reason to abstain. So just because there is a lot of public comment, it's your neighbor, you should still vote. There may be times when you fulfill the legal requirements of disclosure of conflict of interest by there is a perception that you are too involved or connected with an issue to cast an unbiased vote. The appearance of fairness doctrine requires you to abstain from voting on a matter on which you have a material conflict of interest. In special circumstances, saying if you abstain and there is not enough for a quorum then you could be asked to vote by the chairman. After you disclose you are biased, you could still be asked to vote.

Dayna Hughes indicated she was a realtor. Say there is a motion to approve some lots and it is in her very best interest that these lots get approved because she's the realtor and she is going to make money. She's already disclosed that information in written form. It is her option to abstain from voting. Does she have to physically move? Shawn Eliot replied that state law says you do not have to move. Dayna then said, but you can move. She said we were told you still have to stay. Kevin Hansbrow indicated from the handbook that you just shouldn't speak anymore if you are going to be removing yourself. Shawn Eliot said the lawyer said you were voted here for a reason so you should stay, as long as, you disclose what you are doing. You should vote as a commissioner and not your bias.

Dayna Hughes was assigned to meetings and minutes. We live and die by these minutes. She didn't know that you have to have a voice recording. She questioned whether a majority of planning commissioners would be four, right? Shawn Eliot responded no, the quorum is four. The majority is three. So we cannot get together with three of us and talk about a topic that's not in an open meeting. They encourage not to have closed meetings. The minutes mean a lot because if anything was to go to court, the judge bases their decision off of what was in the minutes.

Dayna Hughes then talked about stating findings. "Findings", the written facts and evidence used in making a decision, are more important to the court than the decision itself. It's really important to say, "the commission finds...". Shawn Eliot commented that courts are more big on procedural issues, such as "did you follow your code", did you follow state law. It also suggests that the findings are facts that are often separate from the minutes. Do we not do that on purpose? The findings of fact are often a separate document from the meeting minutes. However, the substance of the findings of fact must be reflected in the minutes. You are not allowed to change the minutes after the meeting to reflect what you wish had been said, but did not. So we need to be careful with that. They tried to pass a law that said the minutes have to be approved within 14 days after the meeting, but it didn't pass. It is not appropriate for members of public bodies such as city councils and planning commissions to conduct their deliberations privately and then in the public meeting just perfunctorily hold the vote.



Paul Squires was assigned to talk about Public Hearings, Public Meetings, and Notice. Public Hearings are required by law for many things that a planning commission may be involved in and can be held by many planning commissions on other matters as a matter of routine. A public hearing is different from a public meeting and this misunderstanding often leads to long meetings. All public hearings are public meetings, but not all public meetings are public hearings. A public meeting is required to be open to the public. A public hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. The purposed of a public hearing is to receive information from and give information to the public. A public hearing is held within a public meeting for a specified time, which we do. It is not to seek the public's approval or permission to do something. He thinks that we sometimes do seek the public's approval and we need to be more careful about that. The common land use issues that require a public hearing are the adoption (or amendment) of the general plan, land use control and subdivision ordinances, and the approval of certain subdivisions. Paul then said it is never appropriate to uphold the public to see what they think or what the public says matters. A public hearing should be a time that the planning commission listens and learns. It is not the time to convince or argue with the public. Public hearings can become quite contentious. It is the responsibility of the chairman, which Russ does a good job at, to see that the meeting is kept under control. The best way to do this is to establish clear rules for the public hearing, which you can do at the beginning of a meeting if it's going to be a large meeting. Those rules can include reasonable limitations on the time each speaker is given and the conduct of the speaker. If the person is heated and angry, then you have the right to set the tone and excuse them. What is reasonable depends on the issue, the number of people present and the time constraints of the meeting. One good way of keeping a public hearing on track is for the chair to keep members of the council and city staff from responding directly to the member of the public hearing, but this is rarely helpful. It leads to unnecessary confrontation and argument. Procedural due process requires that an applicant for any permit be given notice of any meeting regarding his or her application,, the right to be heard, and a fair hearing or decision. Utah law requires that the applicant be given specific notice of the date, time and place of any meeting where the application is being considered and also be given copies of any staff reports regarding the application at least three days before the meeting or hearing. Paul said he learned that the chair is controlling the meeting and if we jump in and start responding to the public or a member of the staff it is actually Russ's job (chairman) to put a halt to that. We can have back and forth discussion, but it is not our role to try to convince the public. You can ask questions to the public.

Dayna Hughes was assigned ordinances and resolutions. There is a difference between an ordinance and a resolution. Planning Commission pass ordinances. The city council passes resolution. A resolution is used to exercise only administrative powers, which is like establishing water rights and sewers. Planning commission recommends the passing of ordinances, such as zoning. In the code book, we have to have a number, a title that indicates the nature of the subject matter. But it was noticed with the city council that they say, "be it resolved..." An ordaining clause which states "be it ordained..." by the name of the governing body and municipality. She thinks anything with zoning is "be it ordained" and anything with administrative duties should say "be it resolved". She's not sure and Margaret was going to ask Shawn about it.

#### 10. REVIEW AND APPROVE MINUTES OF JUNE 26, 2008

Paul Squires made a few minor word changes, as well as some punctuation corrections.

**A MOTION WAS MADE BY PAUL SQUIRES AND SECONDED BY RUSS ADAMSON TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETINGS FOR JUNE 26, 2008 AS WRITTEN WITH THE NOTED CORRECTIONS. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (2) SCOT BELL, DAVE HOLMAN.**

Russ Adamson, Chairman, said Dayna Hughes would like to bring up an issue and then would like an update on from City Council.

Dayna Hughes asked where things were after the joint session with city council. Is Shawn now taking into account and rewriting the PUD with their input. It seemed like the ball was dropped.

Russ Adamson asked to put it on the agenda to start review of the PUD.

Dayna Hughes then asked Margaret to come up with the Planning Commission bylaws.

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Russ Adamson said one of the outcomes of the joint work session was that we were to look at the PUD code. Secondly, what to do with the six acres the city bought. We talked about having a park, building, and/or construction. We need to put it on the agenda to discuss that at our next meeting.

Sean Roylance, City Council, said he appreciated the turn out of the work session held on July 8, 2008. There were six members from the planning commission there and it was really appreciated. Secondly, he thought they did a great job with their presentation and thoughts. The City Council approved the recommendation to rescind the flag lot code. And there was pretty much no discussion because the planning commission did such a great job working through the potential issues. We read through the minutes and everyone pretty much agreed with the findings. Also, we notified RL about his wall and that he was out of compliance of the code. He was supposed to have the wall finished as of July 1, 2008. As of October 15, 2008, if he isn't done with it, we will take his bond money and contract it out to be completed.

Paul Squires said we as a commission, made a motion that the re-vegetation plan he had included gamble oak, bitter brush, and sage in addition to the seeds that were recommended by the Natural Resource Conservation Service. The Council found him in default of that because he didn't put in the top soil or the vegetation. He has to have that included in there. He said he will put the gamble oak in in the springtime when he can get it.

Dayna Hughes proposed a change to the rights and duties of the members of the planning commission. Currently, it states every member of the commission should attend 75% of the scheduled meetings for the year. Any member unable to attend shall notify the chair or secretary, in that order. There should be, when practical, a minimum of 48 hours notice of non-attendance. When a member's attendance is below 75%, the chair may contact the member to determine their willingness to serve. The chair may make a recommendation to the mayor requesting the termination of any planning commissioner whose attendance becomes unsatisfactory. Right now, everyone is below, except for Russ and Dayna.

Dayna Hughes the proposed when a member's attendance is below 70%, the planning commission coordinator will notify the member in writing within falling below 70% that their attendance is unsatisfactory. If the member does not bring their attendance into compliance within 60 days, they will be automatically removed from the commission and another will be appointed in their place.

Kevin Hansbrow said he thinks it needs to go to the mayor to be removed.

Dayna Hughes said the problem is, we have members who are way below and come in and cause all kinds of problems because they don't come to meetings and nothing ever seems to be done about it.

Russ Adamson said we could put in there that the chairman will ask the member if they would like to keep serving on the commission. If they say yes, then they would have to commit to bring their attendance up to par.

Russ Adamson asked Dayna Hughes to type it up, send it to Shawn Eliot and then we can review it next time.

**ADJOURNMENT** – Chairman, Russ Adamson, adjourned the meeting at 9:45 p.m.

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



## **CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**

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### **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 - **Thursday, 14 August 2008**
- Meeting Time - **Work Session - 6:00pm, Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

The Commission meeting will be preceded by two joint Planning Commission- City Council work sessions for the General Plan re-write as follows.

### **GENERAL PLAN WORK SESSION AGENDA**

6:00 p.m. – Circulation Element Committee

6:30 p.m. – Land Use Element Committee

### **COMMISSION MEETING AGENDA**

#### **7:00 p.m. OPENING ITEMS**

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

#### **PUBLIC HEARINGS AND ACTION (none)**

#### **OTHER ACTION ITEMS**

1. Sensitive Areas Map/Ridgeline ..... *see attachment*
2. Building Height Code Amendment.....*see attachment*

#### **DEVELOPMENT CODE / STANDARDS REVIEW**

3. Landscape Code Amendment Review .....*see attachment*
4. PUD Code discussion.....*see attachment*

#### **PLANNING COMMISSION BUSINESS**

5. City Council Update
6. Review and approve minutes of July 10, 2008 Planning Commission Meeting..... *see attachment*
7. *Other Business*

#### **ADJOURNMENT**

### **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, 6 August 2008 and delivered to each member of the Planning Commission on 7 August 2008.

Planning Commission Coordinator

*Marissa Bassin*

Date: 30 July 2008

Amended: 6 August 2008



## ELK RIDGE PLANNING COMMISSION MEETING

August 14, 2008

## GENERAL PLAN RE-WRITE SUB-COMMITTEE MEETING

The Circulation Element and Land Use Element sub-committees met prior to the regularly scheduled planning commission meeting. Bob Allen and Shawn Eliot are going to write up a rough draft of the general plan re-write for the commissioners to review. There will be no more sub-committee meetings.

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, August 14, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Weston Youd, Paul Squires  
*Late:* Kelly Liddiard, Kevin Hansbrow  
*Absent:* Dave Holman, Scot Bell, Russ Adamson, Dayna Hughes  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Shawn Eliot, *City Planner*  
Margaret Leckie, *City Staff*  
Karl Shuler

## OPENING ITEMS

## 1. OPENING

Weston Youd welcomed the commissioners and guests and opened the meeting at 7:10 p.m. since Russ Adamson (chairman) and Dayna Hughes (co-chairman) were absent. Opening remarks were given by Paul Squires followed by the Pledge of Allegiance.

Due to the late arrival of two of the commissioners, there was not enough present for a quorum until 7:20pm. During that time, Paul Squires handed out a handout regarding the secondary water pipeline coming from Santaquin and Shawn Eliot discussed what he learned from a planning commission seminar regarding the correct way of proposing motions and counter-motions.

**KELLY LIDDIARD MADE A MOTION AND PAUL SQUIRES SECONDED TO ELECT WESTON YOUND AS THE TEMPORARY CHAIRMAN FOR THIS AUGUST 14<sup>TH</sup> MEETING. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) SCOT BELL, DAVE HOLMAN, RUSS ADAMSON, DAYNA HUGHES**

## 2. APPROVAL OF AGENDA

There were no changes to the agenda.

## OTHER ACTION ITEMS

## 3. SENSITIVE AREAS MAP/RIDGELINE

Shawn Eliot – A few meetings ago, the planning commission made a motion to send the ridgeline code to city council with a few changes, which were to change the setback from ridgelines at 50 feet and also to change the 20% slopes to 30% slopes. The council passed the 50 foot setback instead of the 100 feet, but they did leave the slopes at 20%. At the time, they were also going to pass the sensitive areas map, but Shawn told the council that the planning commission had requested the map to come back if the 30% slopes weren't passed. I think an issue is the ridgeline designation on Karl Shuler's property, unless you have other areas you would like to address.

Shawn projected the sensitive areas map for the group.

Weston Youd - How wide does the designated line represent?

54 Shawn Eliot – 100 feet. I didn't change the line since the last time the map was shown.

55  
56  
57 Weston Youd – What is the building envelope supposed to be?

58  
59 Shawn Eliot – The building envelope has to be 50 feet from that line or the 20% slopes.

60  
61 Weston Youd – From the middle of the line?

62  
63 Shawn Eliot – The map itself is a reference tool. When a developer comes in to build, he will have a slope analysis done  
64 to identify where the 20% slopes are and then the building will have to sit back from that slope. The map is using high  
65 resolution data. The blue areas are the 20% slopes and the red areas are the 30% slopes. The fact that we are designating  
66 these areas on the map, when we work with a developer, this will be a tool to help us. The issue talked about in the past  
67 was how we are using the ridgeline ordinance as a tool. The cities that have a ridgeline ordinances use it as a visual - I  
68 stand at these five intersections in town and I look up, there are no homes seen whatsoever. It's basically to preserve the  
69 view from down below. We were using it more trying to control the use of the rock walls in a line.

70  
71 After the last meeting, I did go back and look at some of the other ridgeline codes for other cities because I couldn't  
72 remember them all. The difference with ours is the 20 percent slopes, which are quite restrictive. But we allow down to ½  
73 acre lots with 40 percent open space or we allow 1 acre lots with no open space. In the Herriman code, the areas on the  
74 hillsides where they have ridgelines, their smallest lot is 1 acre and they go all the way up to 5 acres. Park City has 9 or 11  
75 locations in town that you have to look up and see no homes above. They also require on the slopes that are considered  
76 steep slopes, which I believe are 15 – 40% slopes, you have to deed over 70 percent as open space.

77  
78 Kelly Liddiard – 70% of that slope?

79  
80 Shawn Eliot – Yes, of those slopes. Everything above 40% is open space no matter what. So in our case, we allow lots on  
81 those, but we just don't have building envelopes on them.

82  
83 Paul Squires – We don't have any 40% slopes either other than one tiny little spot.

84  
85 Shawn Eliot – We do over in Elk Haven Plat E because those were up to 50% slopes in some places. I was just pointing  
86 out that some cities have other items that are restrictive in their code that we are not as restrictive on. The other thing that  
87 Park City does is if you read in their definition section of what a ridgeline is, they define it as 150 feet upslope and down  
88 slope from the designated ridgeline there shall be no lots whatsoever. That's different working with 50 feet from 20%  
89 slopes. In the end, we do have restrictions, but when you weigh all the restrictions in their code, I wouldn't say we (Elk  
90 Ridge) as the most restrictive because there are other things that are more restrictive.

91  
92 Kelly Liddiard – We are pretty restrictive on that element in the code.

93  
94 Shawn Eliot – And again it was because of the rock walls and because our original code didn't allow any building on 20%  
95 and above slopes. And we've changed that. Every time we had a development come in that had 20 and 30 percent slopes,  
96 they always had a hard time trying to fit that lot on there and it's because it's steep and they're concerned about the  
97 digging and those kinds of things. So that's why we proposed it that way. The nice thing with the area up above is you  
98 have 20 and 30 percent slopes and then it levels out pretty good. The question that we talked about before and why you  
99 wanted this brought back was whether or not to remove the north ridgeline on Karl Shuler's property and possibly the line  
100 that goes into Payson city so we don't have any control with that, but if anyone comes to build on that they will probably  
101 want to annex into Elk Ridge because Payson can't service it too well. The question is, is this a ridgeline? The argument  
102 was that you can't see this from anywhere in the city except for a row of homes. So if it's all a visual issue, then it's  
103 probably not a ridgeline. But if it is a rock wall issue...

104  
105 Kevin Hansbrow – Isn't a lot of that already kind of restricted because of the fact that the building envelope can't be on it.



Shawn Eliot – So the only difference would be is that they can do half of their building envelope on a 20% slopes if a ridgeline is not there.

Kelly Liddiard – We know that the building envelope isn't going to be on the slope, but are they going to be terracing it? That's my concern.

Shawn Eliot – We only allow up to 15 feet for a fill. So the rock walls can only go up to 15 feet tall. Whereas before, we had no limit and we had 50 feet of terracing. So there are other things in there. Again, encouraging you to build with the natural terrain.

Kevin Hansbrow – From what Kelly is saying, you can end up with all the rock walls...

Kelly Liddiard – You can have twenty homes across there and all of a sudden you have all these terraced back or front lots. Is that 15 feet in one rise or multiple?

Shawn Eliot – No, one rise total. You have to terrace them in 4 feet.

Kelly Liddiard – So the total rock wall height with all the terraces is 15 feet.

Weston Youd – So we are basically coded into that. We can't be more restrictive than that?

Shawn Eliot – No. And again, if you stay off the 20% slopes, the 20 and under probably won't have as much a need for a slope.

Kevin Hansbrow – You can't see even that, except for those homeowners.

Weston Youd – And they are on a ridgeline themselves. Referring to the Sensitive Areas Map, the line all the way up to Payson is where we are concerned because it's a high point, but it's not the ridgeline. High Sierra is actually at an elevation higher than that and they are on that predominant slope.

Shawn Eliot – And that's part of the reason. Referring to the map to some of the homes, the trees are right up beside the homes up to the road. So they built with the natural terrain on one side. On the other side, it is even getting into 30% slopes. Then you look at the rest of High Sierra, for the most part, they're not even into the 20% slopes behind their homes. For the most part, they would have fit this code throughout that area.

Weston Youd – So if you don't define that part, and say that is not a ridgeline, per say, our headache would be over and we would be protecting the cut and fill with other aspects of our code.

Shawn Eliot – So the only difference is they can go into the 20% slopes with half of the building envelope.

Kelly Liddiard – On the 30% slope, we can't do anything?

Shawn Eliot – Right, we can't do anything.

Weston Youd – If you look, the 30% slope is already protecting us because a 30% slope covers that area.

Kelly Liddiard – Is there any other areas that you have two ridges opposing each other?

Shawn Eliot – Where it's not looking down upon the valley? The most critical area has already been platted. Plat C's buildable area is right on the edge and then the lots go way down the mountain.



Weston Youd – And we offer them to come into a variance, right?

Shawn Eliot – No, they got approved before this code was in place.

Weston Youd – That piece in question for the last three months should not be defined as a ridgeline.

Shawn Eliot – So should we leave the line in the Payson part just in case one day they want to annex in? It's not code. It's just a reference map anyway.

They referenced the map as to where to cut off the ridgeline. Karl Shuler said we call it a ridgeline, but it's a saddle. He pointed to the map. It was discussed to take out the part in Payson.

**KELLY LIDDIARD MADE A MOTION AND KEVIN HANSBROW SECONDED THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT THE EXISTING RIDGELINE ON THE SENSITIVE AREAS MAP LEAVING OUT A PORTION OF RIDGELINE ON THE KARL SHULER PROPERTY GOING FROM THE PINNACLE OF THE PROPERTY WITHIN PAYSON, CIRCLING UP TO HIGH SIERRA DRIVE.**

Paul Squires asked to see the ridgeline defined on a street map. Kelly Liddiard showed Paul where the ridgeline was located.

**VOTE: YES-ALL (4), NO-NONE (0), ABSENT (4) - SCOT BELL, DAVE HOLMAN, RUSS ADAMSON, DAYNA HUGHES**

#### 4. BUILDING HEIGHT CODE AMENDMENT

Shawn Eliot – The building height code went to City Council and it passed unanimously. But then two weeks later the building inspector brought up some issues and it was brought back to the council. So at that point they tabled it and had Corbett and Shawn work it out. Then it went back to the council again to rescind it and the council tabled it so the planning commission could work it out. The concern with the old code was that we use the natural terrain as the measuring point of the ground location and that we use the highest point of the building as the top location.

When we came up with the code, we reviewed many cities codes and it was Alpines that we based our code off of. The only difference was that Alpine goes to the midpoint between the eve and the roof. When he talked with the city manager, he said the problem with their code was that an individual could build higher than that, but they had to get a conditional use permit with the planning commission. They've never had anyone have to get a permit because their code allowed for too much height. They never hit that threshold. So that's why we proposed to go with the midpoint because there are going to be some homes that hit it, but those will be bigger, taller homes that should have an extra look. So that's how it was passed previously.

Corbett put together a presentation that showed a 60-foot depth house with a 12/12 pitch on a slope with a walk-out basement. They wouldn't be able to fit under this code. 60-foot depth house is pretty extreme. But he also showed a 40-foot depth house and it also showed it wouldn't fit under the code. I measured my house because I'm on a hill with a walk-out basement and mine fit, but it made it by 5 feet. My home is only 30-feet deep.

Corbett and I have worked back and forth and we are proposing to change it instead of the natural grade to the final grade. We still use the four corners. The overall height was changed from 34 to 35 feet, which is only a foot. We use the midpoint instead of the high point. In essence, what that can do is add another 15 feet to a home if it has a 12/12 pitch and depending on how deep the home is, obviously.

We added that you have to build with the contours of the land, except for fill needed for proper drainage. I took this to the council when we were having all those discussions and said here is what Lindon does and they liked it and the council said they want to limit the fills and cuts that we had. We added that homes on hillsides should design structures to conform to

the land. Lindon, Provo, Park City has it in their code that if you're on a hill you shouldn't just build up a big platform so you can build a flat home on it. You ought to step your home down. We put "should". We're not saying they have to. We are simply encouraging one to do that. We added that homes that step down can use multiple measuring points. The way they do it in Provo on a normal home they take the four main corners and use that as the measuring points. If you have a home that steps down and you actually have the front part of the home where the roof is higher than the second tier then using the four corners doesn't work. You need to use the main corners of each one of the steps.

We also removed the conditional use permit. That caused consternation to make them come get a permit. A conditional use permit to get additional height means the neighbors would be notified and they would have a public hearing. So we changed that to when it comes to the planning commission, they are able to give an exception based off the list of things that you can get exceptions for and one of them is slope. We added that sewer height is a reason for adding additional fill. That was a concern Corbett had.

In our code, we say that reversed-sloped driveways are prohibited, but then we say with exceptions. Basically, they have to come to us and they have to get with the engineer to say they've done it that way so they don't have drainage problems. We have lots of reversed-sloped driveways in the city. But what happens is that the sewer in a lot of those cases has to have a pump or lift to pump the sewer out. So the concern was if we make them build with the natural terrain, then they have to put a lift and then we'll have a lot of lifts in town. They wanted to make sure we could use that as a way to allow for extra fill.

Shawn then pulled up the building height code itself to present.

Shawn Eliot – Building height – the only thing that changed there was that we raised it from 34-35 feet and changed it from the natural grade to the finished grade. And then we added about homes stepping down a hill. Determining the roofline again we said instead of the highest point it is the mid-point.

The design on hillsides – this is where it says the home on a hillside should step down rather than re-grading the hillside into a flat site. "A simple box form will stand out from the natural, complex undulations of hillsides more than a building form that is broken into smaller elements. A building can be broken up by raising and lowering the roofline, varying the face of the building, adding balconies, and overhangs, etc. These elements create shadow patterns that are similar to shadows cast by rocks, trees, and cliffs on hillsides and tend to lessen the apparent size of the building." That's the one that says "should". This is directly from Lindon's code.

Building with the natural terrain – "to the maximum extent feasible, buildings shall be sited in locations that are sympathetic to existing contours rather than those that require a building solution that would dominate the site. Buildings shall be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. Cuts and fills shall be kept to a minimum and be used to allow for proper drainage away from dwellings and neighboring properties. Additional fill can be used if needed due to the location of sewer lines." I read those two portions of the code to city council and this is how Lindon takes care of excessive cuts and fills on sloped land and the council felt that was a concern and that we should add that.

Kevin Hansbrow – With the additional fills – "can be used if needed due to the location of sewer". That doesn't come back to us, does it?

Shawn confirmed it doesn't come back to us. Kevin asked if we should have it come back to the planning commission. We did have it there and then Corbett (building inspector) asked to move it. So it can be discussed.

Shawn Eliot – "Exception to building height/building with natural terrain: The planning commission can grant an exception to the average height and the strict compliance of building with the natural contours if the commission finds the following to apply." These were all from the code that got passed by city council. Before it was a conditional use permit that required a public hearing whereas, it just comes to us as an exception. If they fit all the conditions then the planning commission can grant them the exception. We had in there the sewer part so it would make you take a second look.

Kevin Hansbrow – If someone says they want to add fill because of the sewer, they can just do that on their own and we don't have any say.

Kelly Liddiard – It's an engineering thing.

Weston Youd – When four feet of fill is enough and they are putting in eight feet so their roofline can be higher, how do we as a planning commission say four feet is sufficient? And eight feet is not.

Shawn Eliot – What it says is that if there are unique characteristics to the land that require them to build the house and it won't fit our code – they have to prove to you. There's a good example of a home that was just built up on Cove Drive by the old golf course – right across from Margaret's house, actually. Their home is level with the street, but their side and backyard is twenty feet of fill brought in. The neighboring home next to it, built down lower with the natural terrain and his driveway is level with the street at the bottom of the hill, but the rest of his home is actually below the street level. He also referenced the homes on Salem Hills Drive on the new part of town where the majority of homes are built downward with the natural terrain, except for two of the homes that have been built up with fill. With this code now, they could have built up higher because of the sewer, but probably didn't because of cost.

Kevin Hansbrow – What's the harm in saying the individual has to come to the planning commission? It seems like it's an extra protection so we don't get people abusing it. Unfortunately, you have to put in rules for the people that abuse.

Shawn Eliot – And that's the thing. Cuts and fills have been a big issue. Especially, fills. I told the city council that when the hillside code and height code was passed. It's all been a concern to the planning commission. That's why they wrote it that way to try to help control the amount of fills that were brought in. Is that the direction the planning commission should be going? We went through each council member and asked them what they wanted. They confirmed they want the planning commission to be doing this because they don't want those extensive fills.

Kevin Hansbrow – I like all of it, except for the part of the additional fill can be used if needed due to the location of the sewer line. The fact that they don't have to actually get approval to do that bothers me. It should be looked at as to whether it is a necessity to fill.

Shawn Eliot – We could move that back to the exceptions list if you want.

Weston Youd – That's my concern is that they come in and abuse that if they really didn't need that much and wanted a taller house.

Shawn Eliot – So the building inspector should at least notice that if they brought in 8 feet of fill, but yet for the sewer to properly work, they only needed 2 feet you would hope that they catch that. In some cases, it can be better to have more eyes look at it, especially if that is a concern.

Weston Youd – Well does he have any recourse when he asks why they are bringing in 8 feet of fill? They say they need it for the sewer. Does the building inspector have the ability to call them on it and enforce only the necessity? He doesn't have anything to stand on to say that, right? It just says extra fill for sewer. There's nothing to say just the necessary fill for the sewer.

Shawn Eliot – The building inspector could argue back that their plans only call for 2 feet for the sewer.

Weston Youd – It's the ambiguity that I'm concerned about.

Shawn Eliot – It seems like with a hillside community there are going to be some areas where you will have to put in a pump. I know of a few people who have them within my neighborhood. It's part of living on hills.

Kelly Liddiard – Who determines the finish grade now?

Shawn Eliot – The developer. They turn it in and we make sure that they have proper drainage. Other than that, there is no limit.

Kelly Liddiard – So it's not under the city inspector's job duties.

Shawn Eliot – They have to make sure when they bring in fill that they compact it to 95% compaction. So there are those tests to make sure it's not going to fall off the mountain. Other than that, there isn't a limit on how high they fill.

Kelly Liddiard – I'm bothered by the fact that we have one statute, for the lack of a better term, say this and take it to this limit and then we have to have another statute to cover that one. Why can't we make it so one statute covers it. We're saying that section 40 takes it to this limit that they should and then we are covering it with section 50.

Shawn Eliot – Section 40 is more of a design standard for a home itself and giving suggestions. Section 50 is saying what you should do with the land underneath your home. Whereas before all we had was when you measure your home from the four corners of a natural terrain that's where you start your building measurement. Section 50 is added in specifically to say build with the natural terrain except what you need for extra drainage.

**KEVIN HANSBROW MADE A MOTION AND KELLY LIDDIARD SECONDED THAT THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE THE AMENDED BUILDING HEIGHT CODE WITH THE ONE CHANGE AS STATED IN OUR PACKET THAT ADDITIONAL FILL CAN BE USED IF NEEDED DUE TO LOCATION OF SEWER UNDER THE EXCEPTIONS THAT THE PLANNING COMMISSION CAN REVIEW IF THERE IS AN ISSUE.**

Further discussion took place because of lack of understanding. It was discussed that there is no one to "police" when someone is adding fill due to the sewer and we want to be able to be sure they are not adding too much fill just to make their home taller. You have to come back to the commission to review it. They need to present their case as to why they feel the fill is needed. The city engineer would need to go over the plan and look at it and measure.

**VOTE: YES- (4) ALL, NO – NONE, ABSENT (4) - SCOT BELL, DAVE HOLMAN, RUSS ADAMSON, DAYNA HUGHES**

## **DEVELOPMENT CODES/STANDARDS REVIEW**

### **4. LANDSCAPE CODE AMENDMENT REVIEW**

Shawn Eliot – This takes our current code that was passed in 2006 that requires new single family homes to put in a yard. This takes it and merges it with the Herriman code. There is better language in that code. It also talked more about maintenance. The way that Herriman does it now is once the code is passed everyone is noticed that they have to get a yard in. After talking to the zoning enforcement officer over this, the code was passed in February and they sent out letters in April notifying residents that they have until Fall 2008 to get their yard in.

We are presenting that residents are given up to two years from the passage of this code to allow them to get their yard done. The only other city I could find that has code for existing homes was Cedar Hills. And they just passed the code back in December 2007. So far they have had a good response. It put the residents under notice and they got their act together and put in their yard. Of the other cities that I reviewed, in the portions where they require new homes to have landscaping, nobody does two years. They are all somewhere from six months to a year. There were a few that required a yard to be in by the time they received their certificate of occupancy -unless the weather didn't permit and then you would have to put up a bond and then you had until the following spring. I'm not saying we should be that restrictive. We are a little on the lenient side with a two year requirement.

Kelly Liddiard – This is for existing homes, right?



364 Shawn Eliot – I’m talking about for new homes, in this case. But in the proposed code we also say two years for existing  
365 homes at the passage of the ordinance of the city council. The other two cities that required existing homes to do it, Cedar  
366 Hills required 1 year to get the yard in from the time they are noticed.

368 Kevin Hansbrow – What about places like down in the canyon where there are larger lots or hillsides?

370 Shawn Eliot – “Front Yard Requirements – Front yards of single family lots, including any area in front of the dwelling,  
371 planter strips, and side yards to the back line of the dwelling or fence, shall be landscaped.” So if someone has a fence  
372 further up on their side yard, there is no use making them put in their side yard. It’s basically, what you can see from the  
373 street. “Corner lots shall be considered to have two front yards, except if the yard area not adjacent to the front of the  
374 structure is an extension of the backyard area and is fenced.” So if you are on a corner, you have to landscape the corner  
375 side, unless you have the area fenced in for the backyard. Back Yard Requirements – you have to go by the nuisance laws  
376 and keep your weeds down. None of the cities I found require a back yard to be landscaped, except our code now. We  
377 require with new homes that the backyard has to been done too. This is for aesthetic purposes and property values. Our  
378 code now says you have to keep the weeds within 30 feet of the house less than 4 inches tall. But anything after 30 feet  
379 shall be no more than 12 inches tall.

381 Kelly Liddiard – This is the weeds you are talking about? Shawn confirmed.

383 Paul Squires – If the front of the house were facing right (facing the other street on the corner), where would the fence be?

385 Shawn explained that on a corner they can’t have a fence in the 45 foot area for visibility, but after that they can put the  
386 fence anywhere.

388 Kelly Liddiard – You can have a fence, it just can’t be over 3 or 4 feet, right?

390 Shawn Eliot – In front yards you can’t have a fence over 3 feet between the house and the street.

392 Kelly Liddiard – On the corner?

394 Shawn Eliot – If it’s considered part of your backyard then you can have a taller fence. On the side, you can do three feet.

396 Weston Youd – But then it’s considered your front yard, it has to be landscaped.

398 Shawn Eliot – So we are saying on a corner lot, unless it’s fenced in and part of a back yard, which would go under the  
399 weed ordinance, then it all would have to be landscaped. Commercial – we didn’t have any commercial requirements for  
400 landscaping. If we ever get any commercial, it would be nice if they put a tree in or something. So that was added. Large  
401 residential developments – PUDs, senior housing developments, hillside clusters, and things like that. If your landscaped  
402 area is part of a common area, then you have to have it done prior to the completion of the development. Whereas, if you  
403 have individual lots, those are under the other requirement of two years.

405 “Types of landscaping – sod, grass, ground cover, trees, shrubs, vines and other growing horticultural plant material. In  
406 addition, a combination of xeriscape plantings, utilization of native vegetation (erosion control and elimination of noxious  
407 weeds must be accomplished).” The definition of noxious weeds is that it is not the natural grasses. It’s the stuff that  
408 grows after you dig up the natural grass. That was put in there to say you can incorporate these into your yard design. –  
409 “And designs that may include other decorative surfacing such as bark chips, crushed stone, mulch materials, or pavers, in  
410 order to conserve water shall also meet the requirements of landscaping.” This is all part of the Herriman code. Then it  
411 talks about structural features like fountains, pools, statues, ponds, and benches.

413 Kevin Hansbrow – I can’t cover my whole yard in asphalt?

Shawn Eliot – You can only do 30% according to our current code. Our current code also says the backyard cannot be completely cemented and I took that out. That doesn't seem appropriate.

Weston Youd – Other than drainage issues.

Shawn Eliot – They are required to make sure they are in compliance. I've never seen another city's code have something that said you can only have so much cement. It would be pretty cost prohibited to cement your whole back yard.

“Vegetative Clearance – The use of native vegetation is encouraged in hillside areas and on larger lots to conserve water and to help preserve the native areas of the city. Properties with the Urban/Wildland Interface Area (generally hillside areas in southern area of the city) shall adhere to the requirements for vegetative clearance as listed in section 9.3.9 of this code.” Properties within the Hillside Residential -1 Zone have additional native vegetation preservation requirements. So the urban interface zone is the green line on the zoning map and everything south of that line. You are required to keep the trees cut 30 feet from your house. You can have clusters of trees if you keep them thinned out. It is not acceptable to have solid trees up to your house. Even though, we have a few residents like that.

“Time allowed for landscaping installation – Landscape materials must be installed within 24 months of occupancy of new commercial and residential structures built on lots not constructed as part of subdivision construction. If in noncompliance after 24 months, this will be considered a violation of the city of Elk Ridge development code and will be classified as a class C misdemeanor, with all the applicable penalties and fines.” So the council can fine them up to \$1000.

Kelly Liddiard – administrative citation.

Shawn Eliot – I think it can be \$1000 a day. “Existing Residential Yard Requirements – existing residential yards associated with a structure, that are in a blighted condition, which do not comply with this ordinance, shall be brought into compliance within 24 months of enactment of this ordinance (enter date).” Maintenance – You have to keep your yard maintained, the trees trimmed, etc. This is again from the Herriman code. It also talks about hazards like a broken tree limb. I think the things that need to be discussed - is the new code better than the new one? It had a lot of holes in it, in my opinion, like no one was forced to maintain their yards.

Kevin Hansbrow – I'm just curious what happens when the house is foreclosed on, does the bank get a misdemeanor if the yard isn't maintained?

Shawn Eliot – Yes, the bank is responsible for keeping the yard maintained.

Kevin Hansbrow – This is obviously a lot better. It's more in-depth.

Shawn Eliot – The two things to talk about is the time requirement – is two years too much?

Kevin Hansbrow – I think two years is good. With the economy the way it is, a lot of people cannot afford to do their yards, despite people thinking it might be better to have less of a time requirement.

Kelly Liddiard – The economy is going to bounce back. But still if you are going to enact this rule, then they are under those guidelines now.

Weston Youd – You get people who have struggled and finally get into a home and it's the middle of winter and then we turn around and hit them in the spring that they need to put in a yard.

Kelly Liddiard – I think if we have it in the packet they get when they are going to build a house, they should be made aware of it and it shouldn't be an issue.

Kevin Hansbrow – I'm thinking more of the existing homes because it's something they never really planned on. They didn't plan on it having to be done in two years. Hopefully, they even start theirs. There has been a whole bunch of

foreclosures that have been purchased recently here in Elk Ridge. They have a completely dead yard. My house didn't have anything in it when I bought it, except for a tree in the front yard. I think two years is sufficient. I don't think we should go longer or shorter.

Weston Youd – Two years is more than enough. It's not too much. This is for existing homes.

Shawn Eliot – When I bought my home, I was under the assumption that I had two years to get my yard done. It turned out the new law passed after I moved in. It took me 3 ½ years to do because I had hired a bad landscaper. But if I would have known I had to put it in as part of my occupancy, then something else would have got cut because of my stretching.

Kelly Liddiard – Is there some way to police it? Instead of someone just driving around. With their occupancy permit, they get two years after that is issued. Is there something that red flags it that it is expired? Is someone going to go drive by to make sure it is done?

Shawn Eliot – They could put together a file. They have a file on occupancy.

Weston Youd – I think they did that when the last one changed. Jed Shuler got a letter.

Shawn Eliot – The mayor actually went driving around and then they went and researched all the occupancy permits. With a limited staff, usually it's based on complaint. In Herriman's code, once we get a complaint, we are sending a letter that states they have so much time to get the yard done. We'll probably get complaints if they know this is out there that they can call us on. The other thing you should talk about is the water. At the tax hearing the other night, the water rates were discussed. People have stopped watering their lawns since the water rates went up six years ago.

Paul Squires – Yes, but you have the existing item about xeriscaping in the code.

Shawn Eliot – Yes and that's always an option. But when this goes to a public hearing, it's the nay-sayers who come out. People who think it's great are going to sit at home and think it's great. So just keep that in mind because it could get pretty intense.

Kevin Hansbrow – I also think we need to talk about people who have horse property.

Weston Youd – Right...and that's what I wanted to cover. How does it work with either Kevin's property or the Wallentines?

Shawn Eliot – The only part, and we could clarify this, is the type of landscaping. It talks about using the native vegetation. If we need to put in there something about properties with animal rights can also have that native vegetation.

Kevin Hansbrow – I think I would like to say they have to have it landscaped within this amount around the house. You have the Snyders where most of their horse property is on the side yard.

Shawn Eliot – If they have a fence, they don't have to do anything on their side yard but keep the weeds down.

Kevin Hansbrow – They have a horse fence.

Kelly Liddiard – What kind of a fence? Chain link fence?

Shawn Eliot – It just says fence.

Kelly Liddiard – I can still see it through a chain link fence.

Weston Youd – I can see a home set back like Kevin's. Imagine if they have a horse pasture out front. I actually like that look of having a horse pasture out front and then a small yard.



Shawn Eliot – Then let's add it. Let's just put it for homes in the animal right zones you can have animal/pastures as part of your front yard.

Kelly Liddiard – Then again, it's still going to come back to the weeds. They still need to have something in there about the weeds because if they get rid of their horse then it's not being maintained.

Weston Youd – You have to keep the weeds fewer than 12 inches.

Shawn Eliot – Then the noxious weed thing comes in.

Paul Squires – Is there any way to separate – say if you have a house that is eight years old and a new owner comes in – if the house was sold and the yard isn't done. Can't you extend the timeframe for a new buyer as to the previous owner of eight years?

Shawn Eliot – That would be hard because when there is a new buyer, the city doesn't know about it. Whereas, the occupancy permits, we can monitor that. So if it goes into foreclosure, then it's like a black hole.

Kelly Liddiard – I think what he is saying is if the 8 year owner has not done his yard and it is coming to the end of the two year period, and then a new owner comes in and only has three months to finish the yard.

Shawn Eliot – So what you are saying is to let them have extra time because they came in late?

Paul Squires – What I was thinking of, the city knows when a home sells and someone else occupies it.

Kevin Hansbrow – No.

Weston Youd – The city doesn't have to be notified of a new owner/sell.

Kelly Liddiard – The only way the city would know about it is through the utility bill.

Shawn Eliot – So if we gave someone a notice a year and a half prior to get the yard in within the two years and then they sold it and the new owner only has 5 months left.

Paul Squires – Then the new owner would have the same amount of time?

Weston Youd – No. He would only have 5 months. That house would be occupied.

Kelly Liddiard – That would be in the seller disclosure list that they are supposed to notify them of any pending zoning ordinances or anything like that.

Weston Youd – If I were to sell my house, it still wouldn't change the deadline. If the law passed in December 2008, and I would have until December 2010. If I sell my house in 2009 and 2010 rolls around, that property better have a yard in or the occupant of that property will be susceptible to the misdemeanor charge.

Kelly Liddiard – The only one that we'll be battling with is the guy who closes two weeks before the two year deadline.

Shawn Eliot – We wouldn't make an exception, but we would notify the person that they are out of compliance.

Kevin Hansbrow – It doesn't go straight to the misdemeanor.

Shawn Eliot – Right, so we have a little leverage to say we're going to give you until this date. We've done it before with RL at City Council with his rock wall.

Paul Squires – I can agree with that. With the new homes, right now, you allow them two years. With the existing homes that have been around 5-8 years, can you shorten the time, rather than two years. Because they've already sat on it for years.

Shawn Eliot – It's whatever you all recommend.

Kelly Liddiard – I agree with you other than the point that Kevin brought up is the economy. Right now people are on the verge of losing their homes, if they haven't already. And to just go in and tell them they've been sitting on this for years and now they are forced.

Paul Squires – I think two years, though, is too long. Maybe 16-18 months?

Weston Youd – But then if you start it now, then the 18<sup>th</sup> month would be in the spring. Or it could end in the middle of winter depending on when it's passed. You really won't have that full time to get it done and you won't be able to police that. But what I like about the two years is a definite cut off. One year is too short. Ideally, if we get this passed by October, then it gives them two full planning cycles to get it done. Everyone starts at the same time and you have a solid cut off and it applies to everyone. If you have a gradient – if you've been here 10 years you have 6 months, if you've been here 8 years...then you get it pretty complicated.

Kelly Liddiard – On the flipside of the economy thing. We aren't saying they have to put in some lavish yard. They just have to have it landscaped.

Shawn Eliot – So two years on existing homes. Water rates – the council will work out. New homes are two years. Do we want to do a public hearing on this?

Weston Youd – I think so, yes.

Shawn Eliot – The hearing will be taking place with the hearing for the RR-1 Zone. The RR-1 Zone is where we took a field trip. The issue with that is all the homes out there now are on 1-acre lots, but the zone allows ½ acre lots. If you want the area to stay rural, do you want to keep the same type of development there or do you want to allow double the density in the area. I've had one property owner who owns large amounts of property that has gotten wind of it and has sent around a petition and said they want it to stay the way it is. So they got all these signatures. So if we get a lot of people coming out that want to keep it the way it is, then we will leave it alone. We could have two hearings the same night that might bring out a lot of people. So those will be scheduled for the first meeting in September.

## 5. PUD CODE DISCUSSION

Weston Youd – In the interest of time, do you want to table this discussion.

Shawn Eliot – I gave you the Highland codes – Park Space and Open Space – so you can do a little bit of homework and try to make sense of them. The one thing I want to show you is what they have done for highland with the park map.

Shawn pointed out the open spaces and trails that they got from their code. One is just putting open spaces around homes, the other one is getting larger parks for all the citizens to enjoy.

Kevin Hansbrow – Would we even take that though because it seems like they are completely against taking any parks?

Shawn Eliot – a big park or a small park?

Kevin Hansbrow – It didn't seem like they wanted to take any park.

Shawn Eliot – It's interesting because that park in the PUD – the comment I always hear is that we are going to end up with one anyway. I think they just want to prolong that day. When we gave the PUD presentation to the council, I brought up those areas where we should have some ½ acre lots and then use the PUD code to try to bring it down so they can get a park out of it. I think this Highland code, obviously, needs to be written for our characteristics. It would probably work good to do that. Now if they pass it, one would hope that we've learned from the PUD that that didn't work. In the Highland code, what they do is they say you can have only a certain density in the area. They start off at 1-acre lot density and then you are allowed down to 1.4 units per acre and then the rest of that is gone towards the park area. Then they take all the improvements that you have to put in your streets, parks, and sewer. They take 20% of that and require that developer to take that cost amount toward the improvements to the park. The park doesn't get completely improved, but a good chunk does. Then the city has to come in and do the rest. I don't know if that's what we want, but it's something to think about.

Kelly Liddiard – The one park you were showing is a good size park. The worry is how it would work here because the area it's in does have a little ravine, but other than that the area is flat. And up here we have all these hills and the developer is going to try to make it most cost effective.

Shawn Eliot – If you look at all the circles, which is where parks need to go. We are supposed to have 5 acres per thousand people. That's what our goal is. If you don't count the dead park, we have about 4 acres today. And we have about 2300 people. So we are already deficit of over 1500 acres. He then referenced some flat areas on the map. So what we presented to the council is that this is one of the best places we are going to get something. We have to have something. And using that PUD code augmented for us is better than what we have here.

Shawn Eliot – I'm just giving you a homework assignment because in the end, I just want your input. It's been brought up before that they like the Highland code. There is a part of it that is a little confusing. There's one part where it says you take all the developable land and all the non-developable land as per this other part of our code, basically, it is steep slopes. It is simpler than our code is now.

## 6. CITY COUNCIL UPDATE

From what Shawn heard it was about city taxes and water pressure. And they would not increase the taxes, even though the majority of the public there were ok with it. They presented half of the original increase in taxes and it was not approved. They put in a new pressure valve with the new water tank so now there are areas in town where the pressure has dropped to 30 psi. So the issue now is that a lot of people's yards are not getting enough water. Shawn doesn't know what it hurt in the end, but it cost \$10,000 to fix the problem.

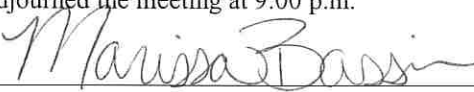
## 7. REVIEW AND APPROVE MINUTES OF JULY 10, 2008

**A MOTION WAS MADE BY WESTON YOUNG AND SECONDED BY KELLY LIDDIARD TO TABLE THE APPROVAL OF THE MINUTES OF THE PLANNING COMMISSION MEETINGS FOR JULY 10, 2008 AS WRITTEN WITH THE NOTED CORRECTIONS. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (4) SCOT BELL, DAVE HOLMAN, RUSS ADAMSON, DAYNA HUGHES**

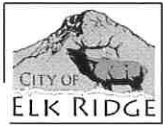
## 8. OTHER BUSINESS

Weston Young inquired about the planning commission seminar and would like to know when the next training is and would like to attend. December 2008 is the next seminar.

**ADJOURNMENT** – Temporary Chairman, Weston Young, adjourned the meeting at 9:00 p.m.

  
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](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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 - **Thursday, 28 August 2008**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION MEETING AGENDA**

#### **7:00 p.m. OPENING ITEMS**

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

#### **PUBLIC HEARINGS AND ACTION**

1. Park View Corner Public Hearing .....see attachment

#### **OTHER ACTION ITEMS (none)**

#### **DEVELOPMENT CODE / STANDARDS REVIEW (none)**

#### **PLANNING COMMISSION BUSINESS**

2. Amend Planning Commission By-Laws (Rights and Duties Portion) ..... Dayna Hughes
3. City Council Update
4. Review and approve minutes of July 10 and August 14, 2008 Commission Meetings.....see attachments
5. Other Business

#### **ADJOURNMENT**

#### **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, 22 August 2008 and delivered to each member of the Planning Commission on 22 August 2008.

Planning Commission Coordinator Marissa Bassi Date: 22 August 2008





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**ELK RIDGE PLANNING COMMISSION MEETING**

August 28, 2008

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**TIME AND PLACE OF PLANNING COMMISSION MEETING**

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, August 28, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

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**ROLL CALL**

*Commissioners:* Weston Youd, Russ Adamson, Dayna Hughes, Dave Holman, Scot Bell, Kevin Hansbrow, Paul Squires

*Absent:* Kelly Liddiard

*Others:* Marissa Bassir, *Planning Commission Coordinator*

Shawn Eliot, *City Planner*

Sean Roylance, *City Council*

Vernon L. Fritz, Eric Allen, Dan Hooks, Rosalie Hooks

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**OPENING ITEMS**

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**OPENING**

Russ Adamson, Chairman, welcomed the planning commissioners and guests and opened the meeting at 7:05 PM.

Opening remarks were said by Weston Youd followed by the Pledge of allegiance.

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**APPROVAL OF AGENDA**

There were no changes to the agenda.

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**RUSS ADAMSON MADE A MOTION AND WESTON YOUNG SECONDED THAT THE PLANNING COMMISSION APPROVE THE AGENDA AS STATED. VOTE: YES – ALL (7), NO – NONE (0), ABSENT (1) KELLY LIDDIARD**

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**PUBLIC HEARINGS AND ACTION**

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**1. PARK VIEW CORNER PUBLIC HEARING/PRELIMINARY**

Shawn Eliot projected an image of the subdivision proposed for the corner of Park Drive and Elk Ridge Drive.

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53  
Shawn Eliot – The last time the planning commission met on this proposed subdivision, we were actually meeting to approve the new senior housing overlay zone and this was also on the agenda to approve the subdivision. The commission recommended denial of the senior housing overlay zone, which caused the approval of the subdivision on hold because there wasn't any point in approving the subdivision if the zone wasn't approved. It then went to city council and the zone was approved for this use. The zone is now allowed in the designated areas.

The developer changed 8 units to 7 units. It turned out only four units per acre is allowed. They are at 1.93 acres. They also moved the placement of the gazebo. There were some comments at the last meeting where the parking along the road needed to be a little more discrete. So they proposed a taller hedge to block the parked cars from the road. There are still two entrances. They have angled one of the driveways so it doesn't go right to the edge. Also, they are proposing to have one of the units be a side-entry garage. Then when they design the overall home, it will look like a single-family home. They are camouflaging the fact that it is a twin-home. Then they are making the rooflines look like a regular home. Some of the property owners behind them decided the units were too close together. So the distance between the units is further apart now. The zone allows for 20 feet apart. In a normal single-family zone, it is 24 feet. We will probably have to see the architectural rendering later.

Eric Allen handed out a rendering, but it was without the side garage.

54 Shawn Eliot – From the code perspective, everything meets what was passed by the city council. There is a considerable  
55 amount of open space. In the table at the bottom of the map, it indicates there is 65% park space, 17% hard surfaces, and  
56 18% building. There is a park-like setting to it. Shawn then showed the landscaping plan. On the landscaping plan, there  
57 is a considerable amount of trees required and they are showing. The legend talks about evergreen trees and none of them  
58 are shown on the plan, but none of them are shown on the map so that will be addressed. Also, our code requires street  
59 trees on the planter strip next to the sidewalk. So that will also need to be added. The bigger circles are deciduous trees.  
60 They actually list the types on the plat; on the landscape plan. They are also showing shrubs in some areas. (1) Does this  
61 fit the code? (2) Since it is a senior overlay, it basically takes on the aspects of a PUD, which means if there are elements  
62 in the landscaping and the overall layout in the architectural themes of the development. Those are things you should and  
63 can provide input.

64  
65 Eric Allen (developer) – As far as renderings go, I did take some pictures of a project we did down in Provo. This will  
66 show you what the finished product will look like. This is the floor plan we are looking at. I don't have the side entry  
67 garage re-drawn yet. There will be a little more space between the units. He showed on the plan there will be about 30  
68 feet.

69  
70 Rosalie Hooks (public) – Showing on the plan – what is the distance for the building setback?

71  
72 Weston Youd – The plan says there is a 30-foot setback.

73  
74 Shawn Eliot - It is the same as a single-family home.

75  
76 Dave Holman – Are there any barriers on the boundary?

77  
78 Eric Allen – There will be a 6-foot white vinyl privacy fence on the back and then a rail fence around the front.

79  
80 Russ Adamson – What are the exterior materials?

81  
82 Eric Allen – Stucco, brick and stone.

83  
84 Paul Squires – No fences in between the units?

85  
86 Eric Allen – There will not be any fences, except for around the exterior of the development. There is a courtyard/patio in  
87 the floor plan.

88  
89 Dave Holman – Since you don't have any renderings for a side-entry garage, will the front-door access be on the front or  
90 on the side by the garage.

91  
92 Eric Allen – There will be two front-door accesses.

93  
94 Dave Holman – So that will be the only give-away that it is a twin-home.

95  
96 Eric Allen then showed another rendering of an elevation they would not use, but wanted to show the side garage. The  
97 question was asked if the proposed units were a single level since the rendering showed two-levels. Eric Allen confirmed  
98 the twin-homes would be ramblers.

99  
100 Weston Youd – Will they have basements?

101  
102 Eric Allen – Yes, they will have basements.

103  
104 Kelly Liddiard – So they will be ramblers with basements. How high will they be?  
105

Eric Allen – Typical rambler style home...4/12 pitch. I did want to show you the floor plan that we anticipate using. We are in the process of changing architects because he is not functioning as quickly as we would like.

Russ Adamson – What's the square footage?

Eric Allen – 2100 sq feet up and down. 4200 sq feet total per side.

Russ Adamson, Chairman, opened the public hearing at 7:20pm.

Rosalie Hooks – If the code is in place, then who enforces it? Does the association or the city?

Russ Adamson – Unless it is a nuisance, then it would fall under the CC&R's. Is that right, Shawn?

Shawn Eliot – So you are talking about the senior housing aspect of it? The CC&R's, the covenants that the development has to have, they have a homeowner's association, which is made up of residents who would be enforcing the age restriction on it. The city requires that the developer put that in his contract when he builds the units and starts the homeowner's association. It is in the code that they have to be a certain age. So if the whole development became something else, then the city could get involved. The actual policing of it would be from the residents who reside, unless it became a really big problem. Most senior developments have not had that problem because most seniors are pretty good at policing those things.

Vernon Fritz – I am in favor of a senior citizen community and most of what I see, I like. I prefer six units, instead of seven. The biggest concern I have is what Rosalie just addressed. If the CC&R's are going to be enforced by the association, my experience has not been real good with associations and even less good with cities enforcing the maintenance of those places. The second concern – suppose I bought one of these homes and I died or moved away, and I want to sell it. Are there restrictions on who can actually live in that subdivision? What are those restrictions?

Dave Holman – The restrictions would be the same as the original.

Shawn Eliot – They are 62 and older and, if necessary, can have an 18 year old or older as a caregiver living within the home.

Vernon Fritz – I've had five children and three of them came back to live with me with their children.

Shawn Eliot – That part is in the code that they have to be 18 or older. The city can enforce this because it is in the code. It's the actual enforcement that becomes the issue. Again, if it becomes a problem, senior citizens are more active in letting their representatives know that there is a problem and that they need to enforce the code. This might be a better deal than many of our single-family neighborhoods.

Vernon Fritz – But Brother Fritz is such a nice guy that I just hate to enforce it against him. That's the problem you run into.

Shawn Eliot – And that's usually why they call the mayor and don't talk to their neighbor.

Russ Adamson – The other issue you mentioned was taking care of the grounds. In our code, we have some minimum requirements of landscaping, don't we?

Shawn Eliot – Right, they do have to have it professionally landscaped and maintained. They can't let the neighbors mow the lawn. At our next meeting, we will be talking about new landscaping regulations in the city where if there isn't upkeep, then the city can jump in and require them to do it.

Vernon Fritz – Do we have an idea of what the association dues are going to be?

158  
159 Eric Allen – We do not know that yet. A ballpark figure would be around \$100 a month. The main thing you have to take  
160 care of in a community like this is going to be the grounds-keeping and the snow removal.

161  
162 Rosalie Hooks – I'm more pleased with this, but I'm still nervous about the congestion of the area. But I'm more pleased  
163 with this plan because I was concerned about having the units too high and having it look like a wall. He said there would  
164 be 30 feet between the two so that gives a little more open area there. Does just the association use the park?

165  
166 Eric Allen – It's up to the association if they want to let you use the park.

167  
168 Russ Adamson – You have to have a friend there.

169  
170 Eric Allen – I tried to put it on the corner so everyone could use it. It is a private park for the senior community.

171  
172 Rosalie Hooks – You wouldn't want it on the corner. I was counting cars this morning and the cars were coming every six  
173 seconds. And the bus stops there and the cars get backed up. I wouldn't want to see kids down there next to the busy  
174 street with all those cars. The cars don't stop down there in the winter.

175  
176 Vernon Fritz – Why not eliminate the park and put distances between the houses? It's a rhetorical question and I'm sure  
177 you already considered it.

178  
179 Russ Adamson – I think in terms of the code, they meet the density requirement so that's something that can only be  
180 negotiated with the developer on that.

181  
182 Eric Allen – The way the property sits it is harder to get a unit back there. And you would end up with a unit back there  
183 without enough access space.

184  
185 Russ Adamson, chairman, closed the public hearing at 7:30pm.

186  
187 Russ Adamson – Staff recommendations:

- 188 1. Overall the plan does strike the balance between density and amenities.
- 189 2. Recommend that Staff Finding items 5-7 be approved as a contingency to be addressed by the
- 190 applicant, resubmitted and approved by staff prior to placement on the city council agenda.
- 191 3. Recommend a monument sign be placed at one of the entrances identifying the project as "Park
- 192 View Corner Senior Neighborhood".
- 193 4. Staff recommends approval of the use of the Senior Housing Overlay Zone for this property.

194 So some questions we need to answer to send this forward.

- 195 1. Is the balance between development and amenities being met? Yes. Are there any other amenities
- 196 needed? No.
- 197 2. Is the Senior Housing Overlay Zone appropriate for this location?

198  
199 Dave Holman – Snow Removal - Is there a place to push the snow on the property or will they push it across the road?

200  
201 Weston Youd – I have that same concern. With the amount of asphalt or hard coverage, what is the snow removal plan?  
202 Will you put it in the drain basins?

203  
204 Eric Allen – I haven't created a snow removal plan. My understanding would be that anything that accumulated on the  
205 property water wise would have to be retained on the site. So we would either have to put it in the retention basin or push  
206 it to the park area.

207  
208 Shawn Eliot – They do have the grading plan that our engineer has gone over showing the gutters and the sumps on the  
209 property. There are sumps on the property and sumps on the road that are not connected so it's their own separate system



for this property. If that's an issue that we need to discuss with the engineer, we can do that. I think between now and final would be appropriate to do that. There is an area in the park where you could probably store the snow. They would be hiring somebody to do the snow removal. The city would not be doing the removal.

Weston Youd – That's my concern. We could get a foot of snow in that area and it has to go somewhere. So the snow removal plan needs to be part of this plan so it can be accounted for.

Dave Holman – My concern would be that they would want to pile it up at the entrance and making it higher than you can see around when pulling out. It's a hazard for people going down the road.

Shawn Eliot – You can make that a part of your motion and we can work on that between now and the final.

Russ Adamson – So back to #2. Is the Senior Housing Overlay Zone appropriate for this location? – Since it is in the overlay zone.

Shawn Eliot – The city council did approve the zone, but in the end, you still have to recommend its use of the location.

Scot Bell – Historically, we have never wanted anything, but single-family homes with larger lots on major arteries. We wanted the appearance of the city to be larger single-family homes.

Russ Adamson – Although, the code states they would rather have the overlay zone on the major arteries.

Scot Bell – That's what it states, but typically, in the past, we have always said we want larger single-family homes. As people come through the city, they don't see condos, small things, and apartments as they drive through our city. That first-hand impression is what we wanted to establish.

Weston Youd – Is that addressed with the architectural approach that they're taking of the side entry garage? The façade is such that it looks like one big home.

Scot Bell – That's a subjective thing. You put a big sign out there saying "welcome to the senior center" maybe that's not what we do want. Maybe that's going a different direction. Historically, we've always tried to have that single-family home on the major arteries.

Kevin Hansbrow – My opinion, it will look like it is that. With the open space that is there, I don't think it will look like compact housing. They are a lot bigger than I would like them to be, but that's my personal preference. I think they fit the intent of our code. This is part of our new code.

Weston Youd – What is the idea of the signage?

Shawn Eliot – The fact that you are identifying it as a neighborhood. You're making it so it's its own special place and senior housing is different from a regular neighborhood.

Paul Squires – Since they have their association.

Kevin Hansbrow – I think it's a good idea because it will help keep it more senior. One of my main concerns was if we didn't have the age restriction, it would become more of a kid area. This will help people know from the beginning that this is a senior zone.

Shawn Eliot – And it doesn't have to be big.

Weston Youd – Not a neon sign?

262 Shawn Eliot – No, it's not neon.

263  
264 Dave Holman – Just as long as the apartment-type parking in the middle is hidden properly.

265  
266 Shawn Eliot – That is the one big difference. The housing looks like any other housing in the city and it's camouflaged.  
267 The driveway in front is really going to be the one thing that gives it away. So if you can camouflage that, you are  
268 working toward making it fit in.

269  
270 Weston Youd – The answer to #2. I think it is appropriate.

271  
272 Dan Hooks (Public) – What type of affect would this be on a person if they tried to sell their home? If we decide to sell  
273 our house, I need to understand that. I have a senior housing complex in back with the possibilities of it not staying in that  
274 fashion because I've seen a lot of them not stay that way. I've seen my mom and dad's senior housing and it is no longer  
275 that way.

276  
277 Russ Adamson – The only protection we have is that it's in our code. It's not just relying on the CC&R's. There would  
278 have to be a code change to take that out of the senior zone.

279  
280 Kevin Hansbrow – As a real estate agent, of which I am, I find that people like to live around senior housing because they  
281 are usually well-kept and less noisy neighbors, less headaches.

282  
283 Russ Adamson – Is the density appropriate for this location?

284  
285 Weston Youd – I think with the 30-foot setbacks and the distance between the units it meets that.

286  
287 Russ Adamson – How do you feel about the shared driveway concept?

288  
289 Paul Squires – I like it much better than the individual.

290  
291 Russ Adamson – The applicant added a hedge along the sidewalk adjacent to the parking area to screen parked cars from  
292 the road. Should the hedge be moved to in front of the parking spaces? Or would a berm work better?

293  
294 Shawn Eliot – Referring to the landscape plan, the hedge is the black dots and then there is a retention basin. I think,  
295 originally, we talked about a hedge or a berm to build the dirt up to hide it. The retention basin, this wedge-looking thing,  
296 makes it so the berm idea is unable to work. So there is hedge and a slit-rail white vinyl fence. Both of those are working  
297 to hide the cars. So the question is, is it good right along the sidewalk or right in front of the bumpers.

298  
299 Dave Holman – How high for the hedge? High enough to hide a car and these trucks people drive now?

300  
301 Shawn Eliot – yes.

302  
303 Weston Youd – I'm guessing for snow removal, you will probably want it on the street side of that basin because you will  
304 need a place to put all that snow. If you have to go over that hedge to put the snow in the basin, then that hedge won't last  
305 long.

306  
307 Shawn Eliot – That's true.

308  
309 Eric Allen – We'd be happy to take out that parking if you'd like.

310  
311 Paul Squires – Why wouldn't a berm work?

312

313 Shawn Eliot – There isn't enough dirt area to build it up and bring it back down into the retention basin. All of the water  
314 on the property drains into the two basins and then there is a sump in each basin.

315 Russ Adamson – Shawn, does our code require a certain amount of parking?

316 Shawn Eliot – We require that there is parking. But I think it says to be determined by the Planning Commission.

317 Russ Adamson – We have those two driveways connected - I guess we could try to keep them separated and not have that  
318 big parking lot.

319 Shawn Eliot – We did a loop so any movements happen in the development and not backing out onto Elk Ridge Drive.

320 Dave Holman – The sides of the driveways right where you pull out is there any height blocking the sight of the road when  
321 pulling out?

322 Shawn indicated on the plan where the back-out areas were located for each driveway.

323 Dave Holman – When you pull out on the road, is there going to be any obstruction of view?

324 Shawn Eliot – There is a trail and then three or four feet of planter strip before you get to the road.

325 Eric Allen indicated some areas on the plan where they could remove the parking so they have a back-up area. So there  
326 wouldn't be any additional parking besides the unit's parking.

327 Weston Youd – What would you utilize that area for?

328 Eric Allen – Park area. Then that becomes open space.

329 Paul Squires – Then you would be able to have a berm.

330 Weston Youd – Would you be able to move the basin over a little bit?

331 Shawn Eliot – The code says you have to have two off- site parking spaces per unit for the unit itself. And then any  
332 additional parking for visitors is part of your preview. A development like this, you usually have some visitor parking  
333 because of the lack of parking on the street.

334 Eric Allen – We did have one parking stall per unit for guest parking.

335 Shawn Eliot - The lack of guest parking is always one of the bigger nightmares in more density-type units. And we  
336 probably want to discourage them from parking on Elk Ridge Drive since it is a main road and they can't park there in the  
337 winter anyway because of our code.

338 Dayna Hughes – I just got back from Lake Tahoe and we were staying in a condominium unit on a golf course similar to  
339 this and parking was a huge issue. There was a garage, but there wasn't any place to park other than the garage and each  
340 stall was labeled with a number and then there were maybe two stalls for visitors. Do you foresee it will be that big of deal  
341 for parking to maybe number them? I took my suburban and I couldn't park there if the visitor stalls were taken. That was  
342 the system that they used to make sure parking was fair.

343 Eric Allen - This would probably be more of the instance where the people live there and it isn't a tourist area. I would  
344 envision that most people will be putting their cars in their garage. They would have two parking stalls in front of their  
345 house. It would be nice to have the parking stalls there for them, but at this point, I don't know that we need to have them  
346 numbered.

Dave Holman – A lot of seniors have motor homes, trailers, etc.

Dayna Hughes – They can't park them there.

Shawn Eliot – They will have to put them in storage.

Weston Youd – Is 7 parking stalls too many? Can we get away with maybe two or three on each side and put a green strip in between? Then maybe we could expand that basin out a little bit. That might help with snow removal as well.

Eric Allen explained how they could move the parking from one line to two lines and sort of divide the development into two.

Dave Holman – That would take the snow removal out if people are parked in the stalls.

Weston Youd – You could push the snow into the middle of the parking on the green strip.

Dave Holman – But if cars were parked in the stalls, then they would have to move their cars or it wouldn't get removed.

Scot Bell – In our city, we require cars to be off the roads for snow removal. Because we found when cars are in the road, we can't do snow removal. You add cars into the road there, where's the snow removal then? And half of our year, you cannot park on the street. So by putting high density on a thoroughfare, and then counting parking spaces where we are going to pile our snow only promotes and encourages parking on the street, which creates an additional problem to our city.

Eric Allen – I always envisioned the snow was going to go into the park area.

Dave Holman – That's fine, but whoever you get to remove snow, unless you specifically pay them extra, is not going to push it from one end to the other. As a snow plow pusher, it is not going to work.

Eric Allen showed the several areas where the snow will be pushed on the plan.

Weston Youd – And that's why a snow removal plan needs to be a part of it.

Russ Adamson – Is the housing style and exterior materials proposed what the commission envisioned for this type of development? Code allows for the commission to suggest themes, styles, etc. Any thoughts?

Dayna Hughes – So do you have a theme, Eric?

Eric Allen had passed out a drawing of the subdivision and said that was the theme. The exterior is the plan they are working from.

Dave Holman – You are going to use earth tones and not bright blue, bright red? So we could tell Joe's house from John's house?

Eric Allen – No. It would fit with what we have up here already.

Dayna Hughes – I don't see a whole lot of stone on the drawing.

Eric pointed out that the units have mostly brick and there is a few with stone.

Weston Youd – You were going to deliver us a rendering later on with the one you decide to go with, right?

Eric Allen – This is a picture of an actually built product that we wanted to replicate here, but we would have side entry garages on three of them.

Dayna Hughes – My only problem with the theme and the exterior is that it really looks like a twin home. Is there anything you can do to make it look a little less like a twin home?

Eric Allen – It will look different with the side-entry garages. It will have one side-load garage on three of the buildings.

Dayna Hughes – Is each unit going to be a replica of the one next to it? My recommendation is to use way more brick than stucco and way more stone than brick. This looks like a type of housing that you can find anywhere. With our hillside community, we don't have a theme for the neighborhood, but it's also not a PUD. This is a PUD and we can suggest themes.

Eric Allen – If you even want to look at a craftsman theme or something like that, they are something that I love. I've tried to get with my architect to come up with a design specifically for this project, but he has some life-altering situations going on right now so I'm changing architects. I will get a different look than what you have. That is the floor plan.

Dayna Hughes – I don't have a problem with anything, except for the theme and so it doesn't look like one unit is exactly the same as the other and to incorporate some more building materials. All we have is square windows and a little half moon...but what I'm trying to say is I can't send this to city council with this drawing if this isn't what it is going to be.

Eric Allen – I guess I'm just looking for some direction from you since you have the opportunity to recommend a theme or architectural style that you prefer here so that I can go to my architect with these ideas.

Weston Youd – If we give guidance to create a theme with, at least, two facades so they are interchangeable across two of them. Units 1 and 2 will have a façade; Units 3 and 4 will have a façade; then you could repeat one of those façades on units 5 and 6 and then 7 will be unique. Is that what you are looking for by guidance with your architect?

Eric Allen – I will take what we are looking to do to my architect and get a drawing done.

Paul Squires – Is there any kind of covering over the doors? Porch? It's difficult to see from the pictures.

Eric confirmed there was a porch on the front doors.

Dayna Hughes – I would suggest sticking with a theme like down Hillside Drive between Alexander Drive and Mahogany Way. There are about six homes there, one is a craftsman, where they all look alike, but they look different. The roofs have a little bit more pitch and they incorporate a lot more stone, although, one is completely brick.

Eric Allen – What about the nicer siding, Hardy Board?

Shawn Eliot – That is what the craftsman home is made of.

Dayna Hughes – I think it looks real nice.

Weston Youd – If we give the guidance to not have a repetitive façade.

Dave Holman – Just a different architecture for each one – maybe a different roofline, window line, and definitely different siding lines.

Weston Youd – Not necessarily, unique across all of them, but not a repeating. And then utilizing more stone.



Shawn Eliot – I want to point out that every one of these units is different. One is a single unit. One is the opposite view from another and then one is front loading. So as you design your unit, keep it in mind that they will look different because of that. On your roofline, you can go above and beyond a flat roofline that looks like two homes. The roofline will really make a difference. Two items are: Will this pass code? And then having Eric come back with a rendering of the suggestions. It sounds like you really want it to be complimentary, but eclectic so it doesn't look all the same.

Dayna Hughes – And representative of the other typical architecture in the area.

Paul Squires – I think he mentioned that you could change the roofline so rather looking like a twin home; it will look more like a single-family home.

Russ Adamson – any final thoughts on parking? Would we rather have open space or have parking?

Dayna Hughes – I really feel that keeping it the way it is creates an open community. I think if you cut it off then you have two halves. I like the flow and the openness where neighbors can walk to one edge and not have to go out onto the street to get to the other units.

Does anyone have an issue with motion #2 as written? “An entrance monument be located at one of the driveways identifying the property as “Park View Corner Senior Neighborhood” as an example.”

**DAYNA HUGHES MADE A MOTION AND RUSS ADAMSON SECONDED THAT THE PLANNING COMMISSION RECOMMENDS APPROVAL TO THE COUNCIL OF THE PROPOSED SENIOR HOUSING OVERLAY ZONE OVERLAY FOR THE PARK VIEW CORNER PROJECT; AMEND THE GENERAL PLAN FUTURE LAND USE MAP AND THE ZONING MAP. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) KELLY LIDDIARD**

**DAYNA HUGHES MADE A MOTION AND WESTON YOUD SECONDED TO TABLE THE SUBDIVISION PLAT FOR REASONS, OF WHICH, MR. ALLEN HAS AGREED TO AND WILL COME BACK AT A FUTURE DATE WITH THE FOLLOWING ITEMS.**

- 1. COLUMBUS LANE IS INCORRECTLY LABELED AS COLUMBUS DRIVE AND NEEDS TO BE CORRECTED.**
- 2. THE LANDSCAPING PLAN TABLE STATES THERE WILL BE EIGHT EVERGREEN TREES, BUT THERE IS NO SYMBOL OR TREES SHOWN ON THE PLAN. NEED TO ADD SYMBOL TO TABLE AND SHOW ON PLAN WHERE TREES WILL BE.**
- 3. STREET TREES NEED TO BE IDENTIFIED AND SHOWN IN PLANTER STRIP. MUST BE FROM APPROVED CITY LIST AND BE THE SAME TYPE OF TREE.**
- 4. PLAN FOR AN ENTRANCE MONUMENT LOCATED AT ONE OF THE DRIVEWAYS IDENTIFYING THE PROPERTY AS “PARK VIEW CORNER SENIOR NEIGHBORHOOD”.**
- 5. A DETAILED SNOW REMOVAL PLAN**
- 6. A DETAILED RENDERING OF EACH INDIVIDUAL UNIT WITH EXTERIOR DETAIL AS DISCUSSED BY THE PLANNING COMMISSION.**

**VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1) KELLY LIDDIARD**

Paul Squires – What will the sump look like? Is it going to be a grass area or rock?

Eric Allen – It will be a grassy area.

Dayna Hughes – Regarding the CC&R's, I think it would be wise as a part of the CC&R's to designate a time limit for people under 18 years of age can inhabit the houses. You might get into trouble when the kids are there for summer break. Maybe you have a limit of a two week time period where children can be at the residence. It's kind of like when you go camping, you can only be there for 14 days. It's just a suggestion.

PLANNING COMMISSION BUSINESS

2. AMEND PLANNING COMMISSION BY-LAWS (RIGHTS AND DUTIES PORTION)

Dayna Hughes – My purpose in doing this was not to black ball anybody or kick anyone off the commission. We have a problem with sporadic attendance. I know of two people who would really like to be on the planning commission. I had suggested if a person fell below a 75% attendance record, they be contacted by the chairman to bring their attendance up within a period of time, which I think was 60 days. If you don't bring your attendance up to 75% then you are dismissed from the planning commission.

Kevin Hansbrow – Is it 75% from that point? If you were behind and then this changed, there would be no way to catch up.

Dayna Hughes – We also discussed that we need to notify Marissa, the commission coordinator, if we will not be in attendance. And if we did notify her, then it wouldn't be counted against us. We just have gotten a little bit relaxed and just not showing up and not contacting anybody. So this is a change that I suggest we make to the by-laws.

Marissa Bassir – I think it was also discussed that you couldn't just say you weren't coming without reason. You had to have a legitimate excuse.

Dayna Hughes – And those legitimate excuses would be something like out-of-town, sick, my wife had a baby...

Russ Adamson – So there are two options. One is you give a certain amount of time to catch up or, two, maybe a probation. If you drop below 70% then you are on probation. Then you have so much time to bring it up to par.

Dayna Hughes – Russ would be the enforcer so it's really up to him. I don't know if you want to mess with probation and keeping track.

Sean Roylance - Since I have been asked to kind of be over the planning and zoning, this is an issue that I am concerned about. Last time, only 3 showed up, eventually 4, so we didn't even have a quorum. It's a concern that we had to start 30 minutes late because we didn't have a quorum here. The other thing is that there shouldn't have to be one person pointing fingers at the other person. I suggested having something that happens automatically so it's not on Russ or on somebody to make a phone call; to have an uncomfortable conversation. Instead, there are clear numbers that's a formula; that everyone knows about, so when a certain event happens they are just automatically triggered.

Dayna Hughes – I had suggested that the planning commission coordinator be in charge of that, but I think we talked about it and my understanding is that it was best left to the chairman. But I still think it would be best left to the coordinator.

Weston Youd – I think the management could be done by the coordinator, but I don't think the enforcement should be. For instance, it becomes purely objective, and not at all subjective. If you are below 70% or 75% attendance, then a probationary period kicks in to allow you to get back up to par. Maybe identify the number of meetings to get back up to 75%.

Dayna Hughes - When a member's attendance falls below 70% the planning commission chair will notify the member in writing within 30 days of falling below 70 % that the commissioner's attendance is unsatisfactory. If attendance remains unsatisfactory over 60 days that commissioner's status on the planning commission will be added to the next city council agenda and the mayor/city council will make a decision whether the commissioner will remain or another will be appointed.

Attendance of planning commission meetings is important so that the commission can be equally educated on planning issues as well as gain a deeper understanding of developing and administering the development and subdivision codes and general plan. To attain a well educated commission, an individual commission member's attendance shall remain above 70%.

Paul Squires – I'm at 75% and several months ago I had surgery, and I dropped down.

Dayna Hughes – I think we wipe the slate clean and everyone is at 100%. So if you are going to have surgery and you're going to be out for two months, then you call and it is excused. It's not counted against you. If you know you are not going to be there, don't just not show up and not call. You should call the coordinator, at least, 24 hours in advance so we know if you will be there or not.

It was agreed to start over fresh with 100% attendance and call if you know you won't be there. We will draw a line and continue to track attendance. There will be leniency with excused absences. The chair and co-chair can approve absences for extenuating circumstances. If the chair decides it's not excusable then it goes to the city council.

**DAYNA HUGHES MOTIONED AND PAUL SQUIRES SECONDED TO MAKE THE FOLLOWING ADJUSTMENT TO THE PLANNING COMMISSION BY-LAWS. ATTENDANCE OF PLANNING COMMISSION MEETINGS IS IMPORTANT SO THAT THE COMMISSION CAN BE EQUALLY EDUCATED ON PLANNING ISSUES AS WELL AS GAIN A DEEPER UNDERSTANDING OF DEVELOPING AND ADMINISTERING THE DEVELOPMENT AND SUBDIVISION CODES AND GENERAL PLAN. TO ATTAIN A WELL EDUCATED COMMISSION, AN INDIVIDUAL COMMISSION MEMBER'S ATTENDANCE SHALL REMAIN ABOVE 70%. WHEN A MEMBER'S ATTENDANCE FALLS BELOW 70%, THE PLANNING COMMISSION CHAIR WILL NOTIFY THE MEMBER IN WRITING WITHIN 30 DAYS OF FALLING BELOW 70 % THAT THE COMMISSIONER'S ATTENDANCE IS UNSATISFACTORY. IF ATTENDANCE REMAINS UNSATISFACTORY OVER 60 DAYS, THAT COMMISSIONER'S STATUS ON THE PLANNING COMMISSION WILL BE ADDED TO THE NEXT CITY COUNCIL AGENDA AND THE MAYOR/CITY COUNCIL WILL MAKE A DECISION WHETHER THE COMMISSIONER WILL REMAIN OR ANOTHER WILL BE APPOINTED. VOTE: YES – ALL (7), NO – NONE (0), ABSENT (1) – KELLY LIDDIARD**

## **7. CITY COUNCIL UPDATE**

Sean Roylance – The last meeting from August 26, 2008 was rather un-eventful. The prior meeting from August 12 we had the truth and taxation hearing. We also were able to pass an ordinance to allow for electronic participation so I could participate while out of town. The next year we are facing a budget crisis. The core reason for that is the six-acre land purchased for the new city offices. In order to cover the \$150k a year for the land, it was discussed to potentially raise property taxes to make up for it. And it was noticed to the public. In the end, we took the county's proposed budget, which in effect we raised taxes a little bit technically, but essentially keeping status quo if you take the county's proposed tax rates. So we didn't end up raising it above what was recommended. So we are facing a shortfall. The city needs to be responsible and know how we are going to fund that, instead of burdening the tax payers.

Kevin Hansbrow – Did the mayor get a raise?

Weston Youd – There was a raise given for cost of living increase of 3%.

Sean Roylance – That was not to the mayor or city council. That was for the employees. With the mayor, he was paid \$500 a month and then there was code introduced a year or so ago that made it so if the mayor works over a certain number of hours a month then he would receive \$1000 instead of \$500. I believe the line is over 80 hours in a month.

Dayna Hughes – Does the mayor keep a timecard?

Sean Roylance – I don't know if he keeps a timecard, but I'm pretty sure he makes \$1000 a month.

## **8. REVIEW AND APPROVE MINUTES OF JULY 10, 2008 AND AUGUST 14, 2008**

The minutes for July 10, 2008 and August 14, 2008 were reviewed and corrections were recommended to both sets.

616 A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY PAUL SQUIRES TO APPROVE THE  
617 MINUTES OF THE PLANNING COMMISSION MEETINGS FOR JULY 10, 2008 AS WRITTEN WITH THE  
618 NOTED CORRECTIONS. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (2) - RUSS ADAMSON, KELLY  
619 LIDDIARD, ABSTAINED (1) - SCOT BELL

620  
621 A MOTION WAS MADE BY WESTON YOUNG AND SECONDED BY KEVIN HANSBROW TO APPROVE THE  
622 MINUTES OF THE PLANNING COMMISSION MEETINGS FOR AUGUST 14, 2008 AS WRITTEN WITH  
623 THE NOTED CORRECTIONS. VOTE: YES-ALL (5), NO-NONE (0), ABSENT (2) - RUSS ADAMSON, KELLY  
624 LIDDIARD, ABSTAINED (1) - SCOT BELL

625  
626 **8. OTHER BUSINESS**

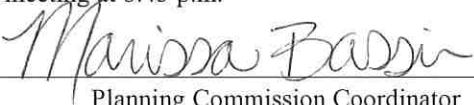
627 Russ Adamson – How are we doing on the general plan re-write?

628  
629 Shawn Eliot – We met last time and nobody showed. So we have decided that Bob and I will just re-write it and bring you  
630 the written plan and then you can tear it apart and so forth. What he wanted to do is take all the suggestions and write it  
631 and then have you look at a rough draft. We are now re-writing it and are hopeful to have it done within a month and a  
632 half.

633  
634 Russ Adamson – Is there any other code we should we be looking at?

635  
636 Shawn Eliot – At our next meeting we have three public hearings. Two, of which, will be quite controversial. One of  
637 them will be the new landscaping code. We have made a few changes and will educate you after the meeting if you wish.  
638 The other public hearing is the RR-1 zone in the Goosenest Dr. Area. The third public hearing will be on Lee Haskell's  
639 proposed zone change on the property surrounding the city center property.

640 **ADJOURNMENT** – Chairman, Russ Adamson, adjourned the meeting at 8:45 p.m.

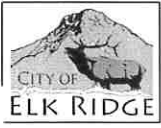
641  
642   
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644 Planning Commission Coordinator

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## **CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**

t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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 - **Thursday, 11 September 2008**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION MEETING AGENDA**

#### **7:00 p.m. OPENING ITEMS**

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

#### **PUBLIC HEARINGS AND ACTION**

1. Lee Haskell Zone Change Public Hearing .....see attachment
2. RR-1 Zone Amendment Public Hearing.....see attachment
3. Landscape Code Public Hearing .....see attachment

#### **OTHER ACTION ITEMS (none)**

#### **DEVELOPMENT CODE / STANDARDS REVIEW (none)**

#### **PLANNING COMMISSION BUSINESS**

4. City Council Update
5. Review and approve minutes of August 28, 2008 Commission Meetings .....see attachments
6. Other Business

#### **ADJOURNMENT**

#### **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, 4 September 2008 and delivered to each member of the Planning Commission on 4 September 2008.

Planning Commission Coordinator *Marissa Bassi* Date: 4 September 2008

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**ELK RIDGE PLANNING COMMISSION MEETING**  
**September 11, 2008**

**TIME AND PLACE OF PLANNING COMMISSION MEETING**

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, September 11, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

**ROLL CALL**

*Commissioners:* Weston Youd, Russ Adamson, Dayna Hughes, Dave Holman, Kelly Liddiard, Kevin Hansbrow, Paul Squires  
*Late:* Scot Bell  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Shawn Eliot, *City Planner*  
Sean Roylance, *City Council*  
Doug Lindsay, Karl Borklund, Gary Frankovich, Don Duncan, Foley, Florence Duncan, Monica Dalton, Sherrie Dalton, Stacey Tuckett, Linsey Johnson, Lee Haskell, Karl Shuler, Janine Nilsson, Linda Cooper

**OPENING ITEMS**

**OPENING**

Russ Adamson, Chairman, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow, followed by the pledge of allegiance.

**APPROVAL OF AGENDA**

There were no changes to the agenda.

**RUSS ADAMSON MADE A MOTION AND WESTON YOUNG SECONDED THAT THE PLANNING COMMISSION APPROVE THE AGENDA AS STATED. VOTE: YES – ALL (7), NO – NONE (0), ABSENT (1) SCOT BELL**

**PUBLIC HEARINGS AND ACTION**

**1. LEE HASKELL ZONE CHANGE PUBLIC HEARING**

Russ Adamson, Chairman, opened the public hearing at 7:05pm.

Shawn Eliot – Lee Haskell has made a request that re-zone the areas in yellow, blue, and pink be re-zoned on the projected map. Shawn pointed out on the map what properties were owned by whom and the different zones associated. He also showed where the proposed city center would reside. Lee is proposing 1/3 acre lots – 3 lots per acre, although, he is not here for subdivision approval. He is here to change some property RR-1 to R-1-15,000 zone.

Lee Haskell – We have been trying to come up with a way to get residential lots in here. If we continue Olympic Lane through, then it makes it real difficult to have 1/2-acre lots. If we have it drawn out with a road coming in and coming back out or a cul-de-sac, depending on how we lay it out, there might be some 1/2-acre lots, but it's going to be hard to fit 1/2-acre lots with a road. The road will, eventually, come all the way out to Shuler Lane by the golf clubhouse or the golf course. The green issue – being able to irrigate a 1/2-acre lot is very difficult. Usually, a lot of the lot ends up being weeds or not landscaped. We were thinking 1/3-acre lots would be more attractive around the city center or whatever they do there. One-third acre lots may be a little more conducive to the area, rather than half-acre lots. If the city center were to be done there and there was 1/2-acre lots with animal rights, then there could be animals right in the city center's backyard. Also, a third-acre lot is cheaper than a half-acre lot. One-third acre lot brings in a few more dollars to the city because of

more lots. I know Dwight Williams, who couldn't be here, was concerned about the green issue. We live in a desert and it's hard to irrigate a large lot with the price of energy and water. 1/3-acre lot is just a better situation.

Public – How many lots are you talking about?

Lee Haskell – 10-12 lots. It's not a real big area. He showed on the map where the possible lots could be. We are thinking of designing this for golfers since the backyard will be a golf course. Golfers, usually, don't like to do a lot of gardening and pulling weeds since they like to go golfing.

Don Duncan – I think 1/3-acre lots are staying in compliance with what is all around it.

Russ Adamson, Chairman, closed the public hearing at 7:13pm.

Russ Adamson – The first question is: Is this area appropriate for 1/3-acre lots? We are back on the property surrounding the proposed city office area.

Weston Youd – In looking at it, the question about the road going in, I think that that does make a pretty good point where you are limited to try and put a half acre lot in there. It's going to be long. Whereas, a third acre sits a little better. I would say 1/3 acre lot is appropriate.

Dave Holman – I would be concerned about residential density on the third acre lot. In other words, having twin homes come in verses single-family home. Single-family homes would be alright. I wouldn't want to see twin homes.

Russ Adamson – There has been some discussion about making the area around the future town center commercial. Maybe higher density would be a better compliment to this. Do we think there is going to be some commercial around it?

Shawn Eliot – Part of the land use discussions, they talked about if the city center is going to be there, to make it a circle of commercial development in that area. If you are going to do some type of commercial development there, and you have a city center, are 1/3-acre lots too large?

Dayna Hughes – As we go through this, I don't feel comfortable making decisions like this based on the fact that there is going to be a city center there. It may be a park; it may be a vacant lot for years. I think we ought to make a decision off of what is here, right now, and not just jump to the conclusion that the city center is going to be there.

Shawn Eliot pointed out the commercial areas on the map and indicated that if we have the city offices there, commercial development around it would be a good compliment. He questioned whether 1/3-acre lots are appropriate if that were to go there.

Lee Haskell – We have some commercial property and for the last three years, we have been trying to create some interest in commercial in Elk Ridge. It is very unpopular. No one is interested in doing commercial here.

Weston Youd – Lee, you're going to need a main arterial line. This property is tucked behind and is not really serviceable by a main arterial. So you would want this property to be commercial, as well?

Shawn Eliot – No, not this property because it's hidden in back. So the only question there was is, if you have higher uses in this area of the city center and you have the small strip of area behind it by the golf course, should it be even higher density residential than 1/3-acre lots?

In answer to the commercial question: you're right; we don't have much demand right now. But we also have 300-400 lots just sitting because of the way the economy is right now. But we do have a projected build out for 7,000 people. Salem is just under 6,000 today so we will get there someday. Alpine doesn't have a main highway, and they have about 8-9,000 people with a little bit of commercial.

Dayna Hughes – Well I haven't heard any arguments at all to not go to 1/3-acre lots. So I would say we should recommend it.

**DAYNA HUGHES MADE A MOTION AND KEVIN HANSBROW SECONDED THAT THE PLANNING COMMISSION RECOMMENDS TO THE COUNCIL THAT THE FUTURE LAND USE MAP BE AMENDED TO SHOW THE LAND OUTLINED ON THE ACCOMPANYING MAP AS R-1-15,000. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (0)**

**DAYNA HUGHES MADE A MOTION AND KEVIN HANSBROW SECONDED THAT THE PLANNING COMMISSION RECOMMENDS TO THE COUNCIL THAT THE ZONING MAP BE AMENDED TO SHOW THE LAND OUTLINED ON THE ACCOMPANYING MAP AS R-1-15,000. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (0)**

## 2. RR-1 ZONE AMENDMENT PUBLIC HEARING

Russ Adamson, Chairman, opened the public hearing at 7:15pm.

Shawn Eliot – showed on the map the RR-1 zone, which included the area talked about in the previous hearing. The zone allows for 1/2-acre lots. When we were working on the land use element of the general plan one of the question of Ray's was the vast majority of the lots are acre-lots. This being the rural part of town and the general plan supports this area staying the rural part of town, do the citizens want this area to stay with the same type of development pattern that is there now or do they want to allow for double the density? So when you look at Elk Horn Drive, the lots are all .91 acre lots. .91 is basically an acre. They are just taking out for the road. All along Goosenest, the long and narrow lots are all 1 acre each. In this area, the only subdivision I could find was the Elk Horn, which was called a different name at the time. It was actually a subdivision done in Elk Ridge City. The rest of the parcels, we are not showing it was actually part of a subdivision. They were probably done before a city zoning ordinance was passed. The planning commission did go on a field trip to tour this area. The question is: do we want this area to stay rural? The survey that was done a year ago resulted that people liked horse property and the rural feeling. Does allowing double the density make sense? With the current zoning they could split some of the acre-lots in half and have access to the back.

Russ Adamson – So is there any public comment? Do we change the definition of RR-1 zone to mean 1-acre lots or do we leave it as 1/2 acre lots.

Gary Frankovich – My only question would be on the long, skinny acre-lots. If you allow them to split those into two acre-lots, they are going to have to supply a road to the back lot and we are talking about flag-lotting now. We went through this with the city council a few months ago and they were adamant about flag lots. How would you address that?

Russ Adamson – Well I think the only way to do a lot split would be to have a road that would go across the back to access that lot. Not a flag lot.

Dayna Hughes – Flag lots have been eliminated from the types of lots that can be approved within the city.

Karl Shuler – A lot of people bought those lots as it is now with the idea that they could do something with them. I think you would be stopping them from using their property. The other thing is – they were originally sold the property with animal rights and some people chose not to do that. So the big 1-acre lot is just not being used. The zone has been like that for a long time and I don't see any reason to change it.

Lee Haskell – Just looking at how the houses have been placed upon the lots, it would make it very difficult to split. Shawn was talking about double density and there is no way you could double the density on how the houses are placed on the lots. There might be 6 or 7 lots that sit ok. Also, to Shawn's argument about people wanting horses on the lot - There is only one family on those acre lots that have horses. Everybody else that has horses there has additional acreage. It's awful difficult to have horses on one acre. Also, I've talked to people in that area and I got a petition signed by 95% of the land owners who would like to see this zone remain the same. He submitted the petition for record.



156 Karl Shuler – There would be very minimal number of lots you could actually split.

157  
158 Sherrie Dalton – I like the openness of it. Maybe they can't split the lots, but the more lots, the more houses; the more  
159 traffic. On Goosenest, one of the two ways to get to Payson, there's more traffic and with kids playing that's something to  
160 think about. And if somebody wants to have horses or some animals on an acre, they can. Or if it's a half acre lot does it  
161 say no or how many animals?

162  
163 Russ Adamson – There are some restrictions on how many animals per acre. Shawn?

164  
165 Shawn Eliot – On a half acre you can have animals, but it is per acre. On half acre, you can have less.

166  
167 Lindsay Johnson – My parents moved here because there were bigger lots. I don't think they would like the smaller lots  
168 and I think you should just keep them the same.

169  
170 Lee Haskell – I just wanted to bring up the green issue again. When someone is trying to irrigate and trying to water an  
171 acre lot it costs more money and there is more water used. I just don't see how people are going to do that. What do you  
172 do with the rest of the lot?

173 Kevin Hansbrow – xeriscape. I'm on an acre lot also.

174 Russ Adamson, chairman, closed the public hearing at 7:25pm.

175 Russ Adamson – We had a petition from people who would like to maintain the rural feeling. “The lots facing Goosenest  
176 DR across from Elk Horn DR are 1 acre, but are narrow, deep lots. The current ½ acre base density would allow most of  
177 these lots to be divided in the rear. Is this the development pattern desired for the area?” One of the public comments was  
178 they didn't think there is going to be a big change in current owners. They like it how it is and they don't plan to  
179 subdivide. Although, some property owners did buy the lots with the option that they may subdivide someday. Do we feel  
180 like there is going to be a big migration to have more density there because we don't change the code? The code has been  
181 the way it is for many years and we've got still what we've got. Is there some compelling reason to change the code?

182  
183 Shawn Eliot – Karl Shuler built his home in the '70's. In that area, they used to have an agricultural zone. When I look at  
184 the density here, why did they do a 1-acre in the first place? It looks like it was original lots and then later on they changed  
185 it.

186  
187 Karl Shuler – Those lots were there before Elk Ridge ever came along.

188  
189 Shawn Eliot – Elk Horn Drive was in the city. At the time, they did say 1-acre lots.

190  
191 Karl Shuler – At the time, he laid it out for horse property so that's why it's 1-acre lots.

192  
193 Shawn Eliot – Pointing it out on the map - Now when you look at the property in the center, it could split.

194  
195 Karl Shuler – I don't think it could. I think something is wrong with your map. There is already a house there that would  
196 prevent it from being split.

197  
198 More discussion took place about what lots could and couldn't be split while referring to the displayed map. They  
199 discussed the possibility of putting in a road so the lots would not be flag lots.

200  
201 Weston Youd – You have those 2 - 5+ acre lots. Those could be subdivided into half-acre lots right away - just those two  
202 next to Elk Horn Drive.

203  
204 Karl Shuler – There isn't any sewer or water.

205  
206 Weston Youd – Yes, but if I could put in ten homes in there and we have another run on real estate and it's as booming as  
207 it was before, and I could put in ten units in there, I would be making some good money. Is that ok then? Currently, there  
208 is no way. The one-acre lots are there and that's fine, but what does the future entail? Are you comfortable in the future  
209 having 20 homes right next to that because it's zoned that way?

210 Lee Haskell – There's other property that can be done, yes, but not very much of it.

211  
212 Weston Youd – It's got to be a definitive statement. We have to look at it as though there is potential for twenty units. Is  
214 the citizen ring ok with, one day, potentially, having twenty houses there?

215  
216 Lee Haskell – We have a petition signed from about 95% of the people in that area saying to leave it as is.

217  
218 Weston Youd – I just want to make sure that when they signed the petition that they understand that right next to Elk Horn  
219 Drive, there could be possibly 18-20 homes.

220  
221 Lee Haskell – A lot of these people have talked to Ron Moody. And Ron's not planning on doing that.

222  
223 Weston Youd – So we have to make sure the possibility is understood and we're reading it the same way. Then that is  
224 what is accepted that you can have not only 20 acres/units, but across the street, you have 1.6 acres and 1.42 acres; you  
225 could have potential for six homes right across the street from those plots.

226  
227 Lee Haskell – You can't have two homes. You can't get two half-acre lots.

228  
229 Weston Youd – Right, but if you take the aggregate and you subdivide that land, you could get 5-6 homes there. Is that  
230 what we are ok with?

231  
232 Karl Shuler – That 1.6 is my house. The 1.42 is mine also. The other there is Lee's. I don't know how you can fit six lots  
233 in there.

234  
235 Scot Bell – There is no way you can fit a road in there. You have to have 56 feet for a road. There just isn't room. If you  
236 put a road behind those, then you are going to have dual facing homes and dual access... From a developer's standpoint –  
2 if he's going to put in a road, is he going to try to put two homes on both sides of the road or just have a road that goes  
2 against the back property? A developer would never do it in his right mind. What you see is an existing road at the rear,  
2 the developer would set that off about 100-150 feet to put a road in there so he could put in homes on both sides of the  
240 road and double his profit, instead, of getting half the dollar off that road.

241  
242 Dayna Hughes – My finding, after studying this and seeing the petition, is I feel like the city is trying to second guess the  
243 landowners. The City is trying to force land owners who have been there a long time, to do something with their property  
244 that was not their intention when they purchased it. If it were me just speaking as a citizen, I wouldn't like that. Things  
245 get rezoned and we understand that. But where the preponderant of the residents that live there don't want this, why are  
246 we thinking that we are smarter and we know more than they do? Chances are, yeah, there will probably be some  
247 subdividing, but I don't think density is going to double in that area. The reason this was brought up is because of the  
248 general plan. The people in elk ridge desire the openness - big lots so we are trying to keep that appearance. I think with  
249 the PUD there, I don't think we will get close to that density and keeping the density there at half-acre lots. I don't see any  
250 reason to change what's already there.

251  
252 Russ Adamson – I feel the same way that Dayna does. My recommendation is that we table it indefinitely.

253  
254 Kevin Hansbrow – With the half-acre lots, they would still have animal rights, wouldn't they? That's my only fear about  
255 that area. That's the only thing I don't like about it right now.

256  
257 Scot Bell – The other thing we should consider is that they are on their own water system. They are not part of our city  
258 water system in that area and fire protection should be paramount.

259  
260 Dayna Hughes – Remember all these homes will have sprinklers.

261  
262 Scot Bell – Our city water system is probably a better system than the gooseneck water system. It probably has more  
2 pumping capacity and storage capacity. But by adding more homes it may add more problems that systems may have, but  
2 it may not have right now, but the number of people there it could create an additional problem.

263  
264 Russ Adamson – And more expensive!

265  
266 Dave Holman – That means leaving Cloward these RR-1 and all the rest of the RR-1 areas the same?

267  
268  
269

Russ Adamson – All RR-1 is under the same code, so yes.

Dave Holman – We are not concerned about that?

Russ Adamson – Well, we didn't consider a portion of RR-1, we considered all of RR-1. I suppose at some future date we could consider that separately. For now, it is all of RR-1.

**RUSS ADAMSON MADE A MOTION AND KEVIN HANSBROW SECONDED TO TABLE THE DISCUSSION ON THE RR-1 ZONE. VOTE: YES – ALL (7), NO – NONE (0), ABSENT (0)**

### 3. LANDSCAPE CODE PUBLIC HEARING

Shawn Eliot – We are looking at changing the requirements of the landscaping ordinance. Right now the only thing we have on landscaping ordinance is two-fold. One is all new homes have two years to put in their yards and two, is the weed abatement code, which says if you have tall weeds, you need to cut them down. The reason this was brought up is the concern of the number of yards in town that are not landscaped and that are filled with weeds. We did some research with the city of Herriman. They have a code that requires people that don't have yards put in, to put them in within a certain timeframe. Cedar Hills just enacted a similar code.

Of the complaints we get at the city, the top two are either weeds and landscaping or dogs. In the proposed new code, we would require that front and side yards need to be landscaped, which is currently in our code for new residents. That code was only put in two years ago. Prior to that, there wasn't any requirement. The resident should at least adhere to the weed abatement for their rear yard. We encourage water wise and xeriscape landscaping. Xeriscaping is drought resistant-type plants and using rocks, etc. We require commercial development to landscape. In our current code we have commercial zoning, but nothing about actual landscape for their business.

Natural vegetation can be used as landscape. Since we're on a hillside, we wanted to make sure we wrote that in the code. We do classify natural vegetation as the grass up in the hills that is different from noxious weeds. Once someone plows it over, the weeds grow back and that is now noxious weeds. We also say the natural vegetation that comes up to the house, the resident still has to keep them cut down within 30 feet of the house so there isn't a fire issue. Animal right areas can have corral and barn-type settings so we aren't saying you have to landscape the whole lot. Large developments we require the common areas be landscaped at completion. Keep hazards clear and keep clear zone on hillside lots for fire protection. The strict tree requirements are for the new parts of town where there are sidewalks and want to make sure they have the proper type of trees so they aren't tearing the sidewalk up. And that part is currently in our code right now. You must maintain your yard now, which is new. New homes must install landscaping within 2 years of occupancy, which is what we have now. And now, existing homes must install landscaping within 2 years of passing this ordinance. That is really the biggest change of the whole ordinance.

Russ Adamson, chairman, opened the public hearing at 7:30pm.

Sherrie Dalton – I think it's a great idea.

Don Duncan – I thought this ordinance was already in place. I was happy waiting for the two years. We have a problem with the neighbor's weeds. They have been in the place for eight years. It is a real hassle to live next door to a problem like this. In front of the house we have to dust, but in the back, we actually have to use soap and water because of the dirt that blows over from their yard. Not to mention the weeds that keep coming into our yard that we have to keep working on. I'm actually grateful for this person because if he didn't have his yard in that shape, we could have never afforded to buy our property for the price we got it for. I'm speaking up for my neighbors who if they had to sell their homes, they would have to sell at a de-valued price. As far as weeds, this is the weeds that we are faced with. He submitted pictures of the neighbor's yard to the commission. It's a problem. I think the people who have moved to Elk Ridge have done so because they like the area and the neighbors that keep up their yard. It just takes one bad apple to ruin it all for everyone.

Linda Cooper – I work at the city office. I think this is great. I've lived here for 30 years and there are a ton of crummy yards. The yards bring the values of other homes down. People call the city office or stop me and complain about un-kept

yards. We had our house appraised a couple of years ago and the appraiser said our house would have appraised for a lot more if the neighbors took care of their yards. I have some beautiful yards around me and I have some awful yards around me. It's not fair. I think if we get this into place to be done within two years, we'll be in a lot better shape. This is a beautiful place. This isn't just some place in the middle of Orem or someplace like that. This is a special place, I think. It's never looked as nice as other areas. This will only work if it's enforced. People will call the city because they don't want to talk to the neighbors themselves.

Dayna Hughes – I have a letter from Ken and Teri Tuttle, which states the following. "We are unable to attend the Thursday meeting, therefore, we are writing in regards to the landscaping requirement code amendment. We are grateful that the city council is addressing this problem for all of the reasons that were listed in the Elk Ridge Bugle. Visitors to our home have made comments like "Elk Ridge looks like a run-down slum." "Why doesn't your city make homeowners fix up their yard?" "How can you stand to live in such a run-down area?" "Doesn't Elk Ridge have laws that make people take care of their yards?" "There are so many run-down yards in Elk Ridge. Don't you worry about the affect it has on your property value?" We as residents should take more pride in our community. When you live together in a community, you don't necessarily have the right to do anything you want. Especially, when your choices have an affect on your neighbors. That is the very reason for having laws and ordinances. We commend the Planning Commission and City Council for addressing this problem.

Sherrie Dalton – We have several lots next to us without homes, but there are weeds this high. Shouldn't the owners be taking care of that? Can that be enforced? Because that's a fire hazard.

Russ Adamson – Yes, we do have a weed nuisance ordinance, but I don't think it is being enforced completely.

Shawn Eliot – Being the planner, I guess, I am also the zoning enforcement officer. We have sent some letters out to those properties and we are going to try to be more diligent on that. We do have laws and they have been enforced somewhat in the past, but we could do better.

Janine Nillson – I'm wondering what you do to enforce it. How? What penalties?

Russ Adamson – There are some penalties, but I don't know if it is numerated in the code. Shawn?

Shawn Eliot – In the code, if you don't keep the yard up, the city will give you a letter of warning and if you still don't, then the city council can charge you with a class C misdemeanor, which I believe is up to \$1000 a day set by the council.

Dayna Hughes – It would be treated as any of the code violations.

Kelly Liddiard – It is considered an administrative citation.

Shawn Eliot – The fact that we are giving you two years to get your yard landscaped is reasonable. In a commercial development, we would require that a bond be put up front and if you don't get it done at occupancy, the city would then use that money to put it in for them. There are cities that do that with all lots, but not all.

Russ Adamson, chairman, closed the public hearing at 7:40pm.

Russ Adamson – I think we got some good feedback from the citizens. Obviously, there is a subset of frustrated citizens, perhaps, that are here. We didn't hear from anybody who thought the code was a bad idea. I think our job now is to look at the code and see if we like the way it has been drafted and recommend any changes and see how we vote on it.

Dayna Hughes – Shawn, where did you get this code? Is this from Herriman?

Shawn Eliot – It's a mixture of our code and Herriman's code. Our code was pretty new two years ago and I tried to make sure to keep certain things in it. And as we work through it, you can make suggestions.

Dayna Hughes – I would suggest we skip the commercial and large residential development section for now, since it doesn't really apply to anything and just focus on residential lots. Let's read it, but skip that part.

Dayna Hughes – **“Residential Lot - Front Yard:** Front yards of single family lots, including any area in front of the dwelling, planter strips and side yards to the back line of the dwelling or sight obscuring fence, shall be landscaped. On corner lots, it shall be required to landscape the side yard adjacent to the street back to the property line to rear of the structure, except if the area is behind a sight obscuring fence.” Basically, the little map shows you what that means.

**“Residential Lot - Rear Yard:** Rear yards of single family lots, including any area to the rear of the dwelling and side yard not included as part of the front yard behind a sight obscuring fence shall, as a minimum, be required to maintain weed control. Noxious weeds and native grasses shall be kept less than 4 inches tall within 30 feet of a structure. Noxious weeds shall be kept less than 12 inches tall for all other areas.”

Weston Youd – Should that say “sight, obscuring fence shall, at a minimum or as a minimum?”

Shawn Eliot – Kind of means the same thing, but we'll change it.

Russ Adamson – How does that address the picture we saw of a neighbor that has trenching right up to the fencing of his yard?

Kevin Hansbrow – Now that is his backyard, right?

Shawn Eliot – Yes. If it's not fenced in, then it would be out of compliance to the code. I guess we are saying it's none of our business because we can't see back there.

Linda Cooper – Yes, you can. There is a chain link fence.

Shawn Eliot – It says sight-obscuring fence. It has to be something you can't see through. I don't know of any cities that require a backyard to be landscaped. It's an aesthetic thing for the neighborhood and property.

Dayna Hughes – So we are not saying anything about backyards? Just weed abatement.

Shawn Eliot – We're saying at a minimum you have to keep your weeds cut down around your house.

Russ Adamson – So it really doesn't address if someone has a huge trench that's underlining the fence. It's a very specific, non-common situation.

Shawn Eliot – That's a hard one because most people don't have a trench. You are required when you get your occupancy to have your grade done around your fence. Because that just looks like someone went and dug it up to put in a fence and never finished it.

Dayna Hughes – I think it's important for all of us to realize what the term landscaping means. Because Kevin is landscaping his yard with not a whole lot of things that need to be watered.

Kelly Liddiard - Why are we only do 12 inches on the weed height?

Shawn Eliot – 4 inches – 30 feet around the house. And 12 inches is in our current code right now so I just left it. It's the weed abatement code that says 12 inches.

Kelly Liddiard – There are some noxious weeds that grow less than 12 inches.



426 Shawn Eliot – That would require rewriting the weed abatement code. I think the hard part is if you have a very large lot,  
4 that's an awful lot of weeds to cut.

430 Kelly Liddiard – Get a weed mower and cut it down to four inches.

431 Dayna Hughes – “**Types of Landscaping:** Landscaping shall include the treatment of the ground surface with live  
432 materials such as, but not limited to, sod, grass, ground cover, trees, shrubs, vines and other growing horticultural plant  
433 material. In addition, a combination of xeriscape plantings, utilization of native vegetation (erosion control and elimination  
434 of noxious weeds must be accomplished) and designs that may include other decorative surfacing such as bark chips,  
435 crushed stone, mulch materials, or pavers, in order to conserve water shall also meet landscaping requirements. Structural  
436 features such as fountains, pools, statues, and benches shall also be considered a part of the landscaping, but such objects  
437 alone shall not meet the requirements of landscaping. Hard surfaces, such as concrete or asphalt, shall not cover more than  
438 30% of a front yard area.”

439  
440 Shawn Eliot – Most of that part was Herriman's code. The only part I changed was the native vegetation and xeriscape.  
441 The “hard surfaces shall not cover more than 30%” part is in our code right now.

442  
443 Paul Squires – I would like to have added in the definition of native grass and noxious weeds. You mentioned earlier that  
444 if you plow an area you would take away the native grasses and noxious weeds would come back in its place.

445  
446 Kelly Liddiard – We would need to refer to some kind of a list.

447  
448 Weston Youd – Who's going to create a list and maintain it?

449  
450 Paul Squires – We're encouraging people to use native grasses and native shrubs in their landscaping, but plain weeds  
451 don't fit into the landscape.

452  
453 Karl Shuler – I think native grasses are a good way to go, but do you want to limit it? Because there are a lot of introduced  
454 grasses and landscaping small low growing plants.

455  
456 Dayna Hughes – I guess what we are trying to say is if you have oak brush on your lot, you don't have to tear it out and  
457 plant grass.

458  
459 Kevin Hansbrow – Maybe we should put something like that in there. I think we also put this in here to help protect  
460 people like the people who are in the Meacham's old house that have all that natural terrain.

461  
462 Shawn Eliot – Or in the hillsides there is going to be acre-lots that are going to be better and so there are going to be homes  
463 like yours that are set back really far and they want to keep that natural look and feel.

464  
465 Paul Squires – I agree, but I think it is something that needs to be addressed.

466  
467 Linda Cooper – There's a house on Hudson that looks horrible. I think they brought in dirt and filled it out and then the  
468 part that goes down to the street, they planted wildflowers. And it's weeds. The flower may bloom for maybe two weeks,  
469 but the rest of the time, it's just weeds. They will cut them down with a weed eater.

470  
471 Dayna Hughes – So what you are saying is that in their mind, they've landscaped it.

472  
473 Russ Adamson – So what I'm hearing is we probably need to do a little more definition of what is considered native  
474 vegetation.

475  
476 Kelly Liddiard – I don't know that we need to even put in native vegetation. Just put in that you can't have noxious weeds  
477 and let's come up with a list of what those weeds are. You can bring in other stuff, but if you haven't got it listed.



478  
479 Russ Adamson – So let's look at more of what is not aloud then.

480  
481 Dayna Hughes – “**Zones with Animal Rights:** Properties within zones with animal rights shall be allowed to keep areas of  
482 the property for use of raising livestock and agriculture uses. This can include corrals, pastures, coops, barnyards, etc.  
483 These areas will still be required to maintain weed control. Noxious weeds and native grasses shall be kept less than 4  
484 inches tall within 30 feet of a structure. Noxious weeds shall be kept less than 12 inches tall for all other areas.” So if  
485 somebody wants to put a horse corral and call it landscaped, is this what this is saying?

486  
487 Shawn Eliot – If they are in the horse area, there is nothing to stop them. In fact, we have them now.

488  
489 Janine Nillson – Why can't you just say keep the noxious weeds out?

490  
491 Shawn Eliot – Again, if you have a very large lot on the hillside area, like some lots that go down into a ravine, we don't to  
492 have them touch those areas.

493  
494 Janine Nillson – So you said nothing about native grasses and just eliminating noxious weeds.

495  
496 Dayna Hughes – We don't want them to have to go through and get out the noxious weeds either, right, on the hillsides?

497  
498 Kevin Hansbrow – I'm thinking we should make it to where it's a completely separate code for larger lots, on hillsides, or  
499 in the city part.

500  
501 Linda Cooper – People on a third-acre lot.

502  
503 Weston Youd – We kind of boxed ourselves in. I'm a perfect example. Jed Shuler, next to me, moved in and got his  
504 occupancy permit when the first law past and I moved in three weeks before. We are both on big lots. So Jed would be  
505 required to put in his yard and I won't have to.

506  
507 Kevin Hansbrow – I'm not saying that you wouldn't have to put it in - I'm saying that that's where the natural grasses  
508 should be allowed is on the larger lots. Larger lots with a percentage of a slope...

509  
510 Kelly Liddiard – What are we talking about, front yard verses back yards?

511  
512 Kevin Hansbrow – Like the Wallentines, their front yard is a 30+ slope that you couldn't landscape if you wanted to.

513  
514 Shawn Eliot – There are some 1/3-acre lots where they can still use clusters of that stuff.

515  
516 Kevin Hansbrow – I don't even think scrub oak is a noxious weed. It should be taken out as little as possible. I think we  
517 are talking more weeds and grass than scrub oak.

518  
519 Shawn Eliot – So you are saying that the natural grasses that appear on a small lot should be eliminated completely. Only  
520 on large lots or slopes.

521  
522 Dayna Hughes – The problem is the same rule can't really apply to a huge lot as it does a 1/3-acre lot.

523  
524 **Vegetative Clearance:** The use of native vegetation is encouraged in hillside areas and on larger lots to conserve water  
525 and to help preserve the native areas of the city. Properties within the Urban/Wild land Interface Area (generally hillside  
526 areas in southern area of the city) shall adhere to the requirements for vegetative clearance as listed in section 9.3.9 of this  
527 code. Properties within the Hillside Residential - 1 Zone have additional native vegetation preservation requirements.

528  
529 They skipped over the street trees because it's all still the same.

**Time Allowed for Landscaping Installation:** Landscape materials must be installed within 24 months of occupancy of new commercial and residential structures built on lots not constructed as part of subdivision construction. If in noncompliance after 24 months, this will be considered a violation of the city of Elk Ridge development code and will be classified as a class C misdemeanor, with all the applicable penalties and fines.

Dayna Hughes - So is this taking the place of the current code that says you have to have your landscaping in? So is there going to be two different codes or are you combining them?

Shawn Eliot – It is the same thing. I basically, clarified our current code and merged the two.

Russ Adamson – I think you need stricter requirements for commercial. You just said “within 24 months”.

Shawn Eliot - Commercial is in a different area. He then quoted, “A cash bond of 125% of landscaping costs will be posted prior to recording. If weather does not permit for landscaping to be installed prior to subdivision completion, the city can extend installation up to May 15 the following year.” “Landscape materials must be installed prior to completion of all new commercial projects, Planned Unit, Senior Housing, Hillside Cluster, and Mountain Home Developments.”

Russ Adamson – You should strike the word “new” commercial.

Dayna Hughes – It should say “within 24 months of occupancy of residential structures”.

“Landscape materials must be installed within 24 months of occupancy of residential structures built on lots not constructed as part of subdivision construction. If in noncompliance after 24 months, this will be considered a violation of the city of Elk Ridge development code and will be classified as a class C misdemeanor, with all the applicable penalties and fines.”

Dayna Hughes - Do we need to put in here anywhere about weather conditions?

Russ Adamson – No.

Dayna Hughes – But I need to go the other way. Weather conditions don’t change this. If we have a hundred year snow storm, it doesn’t matter.

Russ Adamson – Don’t even bring it up.

Dayna Hughes – “**Existing Residential Yard Requirements:** Existing residential yards associated with a structure, that are in a blighted condition, which do not comply with this ordinance, shall be brought into compliance within 24 months of enactment of this ordinance (enter date). If in noncompliance after 24 months, this will be considered a violation of the city of Elk Ridge development code and will be classified as a class C misdemeanor, with all the applicable penalties and fines.”

Russ Adamson – I don’t know if we like the word “blighted condition” because we have some yards that are maybe halfway completed and they’ll say, it’s not blighted, I’ve got something in there. But it still looked half-blighted.

Shawn Eliot – That was from Herriman’s code. Blighted is sort of a legal term to say it’s in disrepair, but if you want to change the word.

Russ Adamson – Maybe I just don’t understand the definition then. I just don’t want it to be some sort of an out.

Shawn Eliot – Well, we can leave that part out and just say “which do not comply with this ordinance”.

Dayna Hughes – So it’ll say “Existing residential yards associated with a structure, which do not comply with this ordinance”. We’ll take out the “that are in a blighted condition”.

Shawn Eliot – So when they do a redevelopment zone in the city, basically, condensed your land, they have to determine it is blighted.

Dayna Hughes – “**Maintenance:** Whether as owner, lessee, tenant, occupant, or otherwise shall be responsible for the continued proper maintenance of all landscaping materials.” So that means if you’re renting a house, it’s not the homeowner’s responsibility; it’s the tenant’s responsibility?

Shawn Eliot – That’s the Herriman’s code.

Dayna Hughes – It’s usually the homeowner’s responsibility.

Linda Cooper – It’s the homeowner’s responsibility to pay the water bill. If the tenant doesn’t pay it, I have to collect from the homeowner.

Shawn Eliot – We can leave it as homeowner. That was just what Herriman had.

Dayna Hughes – I would take out lessee, tenant, and occupant. We’ll just say owner. “Owners shall be responsible for the continued proper maintenance of all landscaping materials. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance at all times. Landscaping shall be mowed, groomed, trimmed, pruned and watered according to water wise conservation guidelines to maintain healthy growing conditions and not detract from the appearance of the immediate neighborhood. Landscaping shall be kept visually free of insects and disease, and shall be kept free from weeds and other volunteer plants. Irrigation systems shall be maintained so as to eliminate water loss due to damaged, missing, or improperly operating sprinkler system components. All unhealthy or dead plant material shall be replaced within 6 months, or the next planting period (Spring or Fall), whichever comes first; while other defective landscape features shall be removed, replaced or repaired within 3 months.”

So when someone comes in my front yard and breaks my birdbath in half, I would have to take responsibility for that.

Discussion took place about property easement and sidewalk property. People are only mowing their lawn up to where their property ends and it looks bad because the rest is not being mowed at all.

Russ Adamson – So we will add something about easements.

Dayna Hughes – And we will reiterate what the responsibilities are.

“**Hazards:** Landscaping shall be maintained to minimize property damage and public safety hazards, including the removal/replacement of dead or decaying plant material, removal of low hanging branches and those obstructing sidewalks and traffic sight distance requirements. In the event a tree, shrub, or other plant causes damage to streets, sidewalks, trails, or other public improvements, the city may order the removal of the offending vegetation and/or other landscape features and may require the repair or replacement of the damaged city property at the landowner’s expense.”

Russ Adamson – Shawn, we have given you some feedback. Let’s get another draft for our next meeting. Let’s see if we can get a draft to forward on to city council.

## PLANNING COMMISSION BUSINESS

### 4. CITY COUNCIL UPDATE

Sean Roylance – Not much happened. They are going to look at code for four wheelers. The State passed some code recently where it allows four wheelers in cities if they choose with, I think, below 700 people.

Kelly Liddiard – Is that for four wheelers and motorcycles?

Shawn Eliot – It is actually street safe vehicles.

Sean Roylance – People 16 and older can drive them, but under 16 years old has to be within eyesight of an adult that is 18 or older. You may be required to take a class if you are under 16.

### 5. REVIEW AND APPROVE MINUTES OF AUGUST 28, 2008

The minutes for August 28, 2008 were reviewed and corrections were recommended.

640 A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY WESTON YOUD TO APPROVE THE  
641 MINUTES OF THE PLANNING COMMISSION MEETINGS FOR AUGUST 28, 2008 AS AMENDED. VOTE:  
642 YES-ALL (7), NO-NONE (0), ABSENT (0)

643  
644 **6. OTHER BUSINESS**

645 Russ Adamson – Where are we at on the general plan? Do we have a draft?

646  
647 Shawn Eliot – No. Bob has started writing it and I told him I would start working with him on it.

648  
649 Russ Adamson – We will not have a meeting on Oct 25. I talked to a builder the other day and he said, “I’m sure glad I  
650 got this home started before the building height change. Your community is not going to have any 2-story homes on any  
651 of the hillside area. I can’t remember where we are at with the whole building height code because it has gone around so  
652 many times. Is it still an open issue?

653  
654 Sean Roylance – It is an open issue still. That is not correct if you do the math. None of the new code prevents two-story  
655 houses. The latest one that was forwarded to city council was not given approval.

656  
657 Russ Adamson – Is that the one that is an average of the midpoint of the pitch?

658  
659 Sean Roylance – Yes. It is the final grade and an average of the four corners.

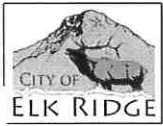
660  
661 Dayna Hughes – I think with this landscaping ordinance, I really commend Paul for bringing it up. I think we’ve seen tons  
662 of community support to do this and I wanted to make sure if Paul had any last words for Shawn before we send it.

663  
664 Paul Squires – Do you want a list of noxious weeds? I’ll get you one.

665  
666 **ADJOURNMENT** – Chairman, Russ Adamson, adjourned the meeting at 8:45 p.m.

667  
668  
669  
670  
  
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](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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 - **Thursday, 09 October 2008**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## COMMISSION MEETING AGENDA

### 7:00 p.m. OPENING ITEMS

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

### PUBLIC HEARINGS AND ACTION (none)

### OTHER ACTION ITEMS

1. Horizon View Farms Plat Amendment Concept ..... *see attachment*
2. Landscape Code Amendment ..... *see attachment*
  - Explanation of Native Vegetation ..... *Paul Squires*

### DEVELOPMENT CODE / STANDARDS REVIEW

3. Household Pets Code ..... *see attachment*
4. Chicken Ordinance ..... *see attachment*

### PLANNING COMMISSION BUSINESS

5. City Council Update
6. Review and approve minutes of September 11, 2008 Commission Meetings ..... *see attachment*
7. *Other Business*

### ADJOURNMENT

## 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, 2 October 2008 and delivered to each member of the Planning Commission on 2 October 2008.

Planning Commission Coordinator *Marissa Bassi* Date: 2 October 2008



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2

3

## ELK RIDGE PLANNING COMMISSION MEETING

October 9, 2008

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, October 9, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Dayna Hughes, Kevin Hansbrow, Paul Squires  
*Late:* Scot Bell, Dave Holman, Weston Youd  
*Absent:* Russ Adamson  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Shawn Eliot, *City Planner*  
Sean Roylance, *City Council*  
Rick Salisbury, Victoria Salisbury, ? Johnson, Cory Pierce, Lisa Denning

## OPENING ITEMS

## OPENING

Dayna Hughes, Co-Chairman, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow, followed by the pledge of allegiance.

## APPROVAL OF AGENDA

There were no changes to the agenda.

## OTHER ACTION ITEMS

## 1. HORIZON VIEW FARMS PLAT AMENDMENT (CONCEPT)

Shawn Eliot – Horizon View Farms has come before us a couple of times now and it has had two finals and since the market conditions are changing they are proposing an amendment to their plat and to go through the process again. They are proposing 45 single-family homes and 19 town homes. That drops it by ten units. Originally, it was 74 units and is now 64 units. There are a couple of issues with the plat. The road system did not change at all.

The setbacks are something that needs to be discussed. If you look at the single-family units, which are in the center and the two sides, they are proposing zero-lot lines on one side and then 10 feet on the other side. I talked with the city of Lehi where they have a similar development like this in Traverse Mountain and they have had concerns with it because neighbors are starting to complain that they cannot access the side of their house without going into someone else's side yard. One of the options is maybe to just do 5 and 5 foot setbacks on each side. The other issue is, is five or ten feet enough for a setback. The code says that in the PUD, all setbacks are waived other than the setbacks adjacent to other developments and also the building code purposes – if you are too close for fire, etc.

What Lehi did in their development is that they still required the fire code as if they were a unit touching another unit. If they did it again, they would go with an 8 and 8 foot setback instead of a 5 and 5 foot setback so one would have 16 feet in between. Obviously, the PUD is a negotiation process so on the setback issue it should be discussed.

The other issue is the open space. Our code says that you have to have 25% of the development as open space. It also says that you cannot count the 30 feet surrounding the structures as the open space. When this project was first proposed to us, that part of the code was missed. The last proposal there was 42% open space, but that included any common area and close to within the 30 foot area. Where in actuality, if it was to adhere to the code it would have 18% open space, which is under the 25%. This new proposal drops it to 17% to what our code will require. So the issue here is the other ones were approved with less open space because, again, that part of the code wasn't looked at. Cory, around the single-family units, are the side yards in the open space population or is it just the front yards?

Cory Pierce – The front yards aren't, but the side yards are. He pointed out the perimeters on the projected plat.

Shawn Eliot – Are the front yards owned by the HOA?

59 Cory Pierce – I don't think they are owned by the HOA, but they are maintained by the HOA.

60  
61 Shawn Eliot – So when you look at the development projected, they are not showing open space on the single-family lots, but they are  
62 counting around the units where the town homes are and then also the tot lot and the sport lot area. That adds up to 17%. So I guess in  
63 fairness, the fact that you have already approved two of them that way, you might want to continue doing that. The issue is that you are  
64 not getting the open space that you set out to do in the first place.

65  
66 Another thing is, on the single-units the backyards range from 10 feet on the interior lots, 25 feet on the east perimeter, and 30 feet on  
67 the west perimeter. Just so you know there is varying feet on both sides. In the town home section, the issue was that we didn't want all  
68 the town homes facing the street with just garages so we took some of them and faced them the opposite way. Now that there are single  
69 family homes, you might want to re-look at that with the town homes. Right now, the town homes are backing the streets. So if you  
70 want to visit a town home, you would have to go to the back of the unit to enter. So now that there is a mix of homes, you might want to  
71 consider turning those around so everyone in the neighborhood has their front door facing each other.

72  
73 There are planter strips along the roads, whereas, before there wasn't before. Our code requires street trees and they are required to be  
74 all the same in this development. There is one side of the street where the planter strip did not work. It's not labeled, but it is between  
75 unit 101 and 7. The sidewalk is right along the side of the street on the west side of the street, but not on the east.

76  
77 They are proposing harder surfaces on the homes now, and I think the applicant will talk more about that. There will be a five-foot  
78 fence around the perimeter. The amenities proposed have not changed from the previous plan – the sports courts, the playground, etc.  
79 This is just a concept for now. It's not an approval process. They just need guidance.

80  
81 Cory Pierce - We showed you the units that were attached that could be switched out. They are detached. We want to provide a single  
82 family home and have it affordable. Are there any questions?

83  
84 Kelly Liddiard – Is Lehi the only city that has the 0-foot setback?

85  
86 Rick Salisbury – I've done several communities in Saratoga Springs.

87  
88 Kelly Liddiard – I just really see some potential problems with accessing my house.

89  
90 Rick Salisbury – With an HOA, it's all maintained by them.

91  
92 Kelly Liddiard – There isn't any fences that go between the houses? NO.

93  
94 Dave Holman – Can there be fences that go between the houses?

95  
96 Rick Salisbury – If it's approved by the HOA, there could be fences.

97  
98 Dayna Hughes – And you would be willing to go 5 and 5 feet?

99  
100 Rick Salisbury – We could go 5 and 5.

101  
102 Dayna Hughes – But 8 and 8 feet was not an option...

103  
104 Shawn Eliot – That was just an example of Lehi that I brought up.

105  
106 Kelly Liddiard – That sounds better to me.

107  
108 Cory Pierce – The hard part about this is that we have already dropped 10 units, which is, of course, an issue with the cost and it making  
109 this project work. If we go 8 and 8 feet, there will be several more units dropped.

110  
111 Dayna Hughes – So you are offering 5 and 5. 5 on both sides, not 0 and 10. YES

112  
113 We are simply giving direction and not making any recommendation of approval. Is the mix of town homes and single-family units an  
114 appropriate fit for this development? No comment. Let's talk about lot lines. I don't think anyone is crazy about zero lot lines so I  
115 think we can just say are 5 and 5 feet lot lines acceptable? No comment. Open Space. We are supposed to be at 25% open space and  
116 we are at 17% by code.

117 Shawn Eliot - It would be at 32% if we went by the way we approved it last time. The applicant figured out the open space and didn't  
118 know the code didn't count all the 30 feet surrounding the structure. Then when it was previously checked, they didn't catch the  
119 calculation.  
120

121 Dayna Hughes - The open space as it stands right now and its precedent is 32%. If we follow the code, it's 17%. So is it enough open  
122 space at 17%?  
123

124 Kevin Hansbrow - It wouldn't be enough because now we know what the code says.  
125

126 Kelly Liddiard - By the code now, 17% is enough. Kelly was corrected that 17% is not enough by code.  
127

128 Dayna Hughes - The first agreement to do this development was 25% open space. That was the amenity that we were getting for  
129 allowing the developer to do that. The advantage to the city with going with high density and with a PUD is that the city usually gets  
130 amenities. So we have been arguing about amenities for years and open space is one of the amenities.  
131

132 Kelly Liddiard - As far as the city gets amenities, will the city have access to those amenities? In an HOA they do not.  
133

134 Dayna Hughes - It depends on the HOA.  
135

136 Kelly Liddiard - The HOA is not going to take on the liability of general public coming in and using their amenities.  
137

138 Kevin Hansbrow - Especially, with most of the open space being within the center of the development.  
139

140 Dayna Hughes - So you are saying why should we care what the open space is?  
141

142 Kelly Liddiard - I'm not saying that. I'm just saying don't say we get to use the amenities. Because we do not. If I bought one of those  
143 houses in my HOA, I'm buying it because of the sports court and the tot lot and then all of a sudden everyone else is down there for a  
144 pool or anything else - that is not a deciding factor.  
145

146 Shawn Eliot - I think part of the history was when we started this PUD and the park was a part of it. This was a negotiation with Randy  
147 Young that there be a soccer field in there and they would allow the city to use it for soccer games and then when the whole HOA thing  
148 came up and it was finalized and sold, they came back with "sorry, you can't use it" because it is an HOA. That sort of caused a little  
149 consternation. You are trading the density for open space. You are taking what the land would have been, which is regular single-  
150 family homes and clustering it up.  
151

152 Kelly Liddiard - I'm fine with that. I just don't like the terminology that the city acquires the amenities as if the city gets to use these  
153 amenities because they don't.  
154

155 Dayna Hughes - Right now, it appears to me that we don't have either one. The idea was higher density, more open space and it seems  
156 like we have higher density, lower open space.  
157

158 Shawn Eliot - If you go with the way the code was written, the rational was you would have a larger, usable. Between the buildings is  
159 not much of a usable area.  
160

161 Dayna Hughes - And it's being counted.  
162

163 Shawn Eliot - Not between the single-family units, but between the multi-family units. Also, in the old plan it was between all the  
164 multi-family units too.  
165

166 Dayna Hughes - Back yard setbacks - some yards have 25 foot back yards and some have 30-foot back yards. Do you like this?  
167

168 Kevin Hansbrow - My own heartburn is with the single-family units, especially, with them being here in the center with their backyards  
169 butting up to the play area. I guess if they put in fences, that would be one thing. That means kids are going to be going in their  
170 backyard. I don't know how you are going to keep a kid out, unless there is a fence there.  
171

172 Kelly Liddiard - They do have a fence, but it is just split-rail, right?  
173  
174

175 Cory Pierce – The back yard fences are planned to be 4-feet with a 2-foot lattice so it is more like a semi-private fence. The back yards  
176 on the inner side are meant to have a place to barbeque and gather.

177  
178 Dayna Hughes – So the units face the street? YES. So the garage is on the street and the front door.

179  
180 Shawn Eliot – So then the backyard would probably have a door leading to the back yard area with a fence. So some of those back  
181 yards are pretty deep. Some are 30 feet, some are 25 feet and some are 10 feet.

182  
183 Kevin Hansbrow – I, personally, don't like this as much with fences around. It just feels like it is going to be more secluded.

184  
185 Rick Salisbury – It is the same as a multi-family unit. They still have the backyard facing the park. It's the same building with ten feet  
186 between them.

187  
188 Weston Youd – The Multi-family units didn't have a fence around it.

189  
190 Rick Salisbury – We don't have to have a fence, necessarily, around the single-family units. This is the same unit; the same people  
191 living in it other than the walls are separated.

192  
193 Weston Youd – Is the HOA going to take responsibility for the landscaping front and back yard, with or without the fence? Much like  
194 the development, Apple Orchard, in Pleasant Grove.

195  
196 Kevin Hansbrow – I disagree that this is the same. The layout of it was a lot more open. Between buildings 25 and 24, and on the old  
197 one 42 and 41, there is a huge difference in the space between, at least, as what is showing as open with the fence and what's not.

198  
199 Rick Salisbury – I'm talking about the back yard that was facing the park is the same single-family as it is multi-family.

200  
201 Kevin Hansbrow – It's still more secluded for some reason. Maybe it's the drawing. It looks way more secluded.

202  
203 Shawn Eliot - And also having a 10 foot back yard and if they are not fenced and the landscaping is left up to the owner to do.

204  
205 Weston Youd – All landscaping has to be approved by the HOA and they police it.

206  
207 Kevin Hansbrow – My preference would be to see the multi-family units in the center and the single-family units around the outside. It  
208 takes away the issue of the separation. It's still open, but how do you keep kids out of it?

209  
210 Rick Salisbury – Do you want your kids playing in the park? Then why would you want to fence your kids out of the park?

211  
212 Kevin Hansbrow – I'd rather see the multi-family units inside because then it would feel more open.

213  
214 Kelly Liddiard – On the new drawing, you have a fence drawn around there and in the old drawing there isn't a fence.

215  
216 Rick Salisbury – I prefer not to have a fence, but the reason for it is to define the property ownership.

217  
218 Cory Pierce – The thought was if they wanted a little barbeque area – we don't need it by any means.

219  
220 Kevin Hansbrow – What do you think about putting multi-family units in the center and single-family on the outside? Why did you go  
221 this direction? Is that something you are willing to do?

222  
223 Rick Salisbury – Because I think you wanted the facade of the building facing the main street.

224  
225 Kelly Liddiard – Why are we changing now and going to single-family, instead of multi-family?

226  
227 Rick Salisbury – Because of the market. Multi-family units won't sell.

228  
229 Dayna Hughes – So why do you still have multi-family in the plan?

230  
231 Rick Salisbury – Density. Without it, the project wouldn't work.

Dave Holman – You are talking five feet between the units and ten feet in back of the units. We have kids running around, barbeques, toys, etc. It looks like ten feet is going to get filled up pretty fast.

Cory Pierce – That can be taken care of in the CC & R's. If we have the HOA maintain that area, then we can write in that they cannot store stuff.

Kevin Hansbrow – So knowing my kids – kids will walk the quickest way that they can. So they will walk between houses, unless there are fences this will not stop them. If we don't mind taking off the fences... It just seems more dangerous and less privacy for the owners. It just makes more sense to put the multi-family units in the center.

Rick Salisbury – Maybe we could put a screen wall between the units to block it so you couldn't walk through. A screen wall between the units could do the same thing as a fence.

Dave Holman – It would also really congest the area.

Kevin Hansbrow – Is it possible to put the multi-family units in the center?

Rick Salisbury – Well I'm sure it is possible.

Weston Youd – Are you going to get the number of units you need?

Shawn Eliot – There are more units in the center now than with the previous approved plan with the multi-family.

Weston Youd – I think you are going to run into a problem if you move the multi-dwellings into the middle. I don't know if you can fit enough to make your unit quota.

Dave Holman – The middle is big enough to put all the multi-family, plus some single-family units.

Shawn Eliot – So you would have four more units in the middle than you do right now in the proposed plan if you have multi-family in the middle. The question is how many single-family could you fit on the sides.

Weston Youd – You could possibly get four on the outside.

Kevin Hansbrow – My opinion is, honestly, you got away with the open space issue before because it wasn't caught. Obviously, if it was caught, you probably wouldn't have gotten away with it. I don't have as big of an issue with the open space as I do with the center of the development. It wouldn't be a place where I would feel safe to have my kids play.

Dayna Hughes – The last item to consider is: Are the housing style and exterior materials what the commission envisioned for this development in keeping with what we had in mind?

A sample of the exterior materials was shown. It is a product similar to hardy board. It is coated, and then painted smart wood. It is not like Masonite.

Weston Youd – What is the manufacturer's lifespan on that?

Public – Five years. If anything fails within five years, they will warranty the material and the labor for fifteen years.

Dayna Hughes – So would the HOA be responsible for the paint upkeep on the exterior?

Kelly Liddiard – It depends on how the CC&R's are written.

Dave Holman – What does the manufacturer say on the colors?

Public – We can put any color we want on it.

Dave Holman – I'm talking about fading or quality.

Kevin Hansbrow – It just depends on the quality of paint you put on it.



Dayna Hughes – Do we stick with what we have done in the past concerning the open space issue? Do we continue that mistake and continue on? Or do we go by what the code says and increase the open space to 25%.

Kevin Hansbrow – My issue is not with the open space. I think you got away with it before. It's the quality of the open space right now. I think the quality of the open space is less than what the old plan was because of the single-family dwellings in the middle. So I would say as it stands right now, I wouldn't like the open space as 17%. If they came back with the single-family and the multi-family units in the middle, I might be willing to look at it more.

Dave Holman – Precedence doesn't overcome code. It definitely needs to be looked at.

Weston Youd – My finding is that being aware of the code is where we are at today. The reduction of the open space per the code with the lots- the building on the lot line doesn't satisfy the code. The open space and quality is determined by the market. The quality is up to the builder and the consumer. They just need to make sure the quantity is there.

Kelly Liddiard – I think we are up against a legal thing and we are now aware of what the code is. The mistake was made, and this is a new proposal and I think we need to hold to the code. Whatever the percentage is for the open space, that's where we need to be. As far as I'm concerned, whether the multi-family units are in the middle or the single family. My concern is the small backyard. If it's fenced in we are going to have a problem there with accumulation of stuff because it's not going to be big enough to be used as anything else – 10 feet is not a very big area.

Paul Squires – I think we need to stay with the code with the larger amount. I prefer the single-family homes in the center. I think they would have more open space, whereas, the people in the multi-family units know full-well that they don't have the immediate entrance to the back. We are kind of a fenced community mentality and I think there should be an open fence back there and those are going to be broken within the first year. I would go logged pole.

Dayna Hughes – To sum up, it seems like the commission is unanimous that we are going to go back and hold this development to what is in the code right now – apologizing for the fact that we made a mistake, but we don't want to perpetuate a mistake. One other suggestion would be to move the multi-family units to the middle section – half think it's a good idea and half don't seem to care. Also, some think a fence is a good idea, whereas, some don't. It's something you are going to have to look at to see what works best for your project.

Rick Salisbury – So we are in the same place when we started. We don't have an answer.

Dayna Hughes – Yes, you do have an answer. You are going to have to re-adjust the lots.

Rick Salisbury – So if we continue to record the plat that we have, we are ok with the 74 units?

Shawn Eliot – It has been approved by the city council so you have six months from the date that they approve it, which I think comes up in November. Then you can ask for an extension if you get to that point. Then, of course, you have the water right issue.

Cory Pierce – I just need some clarification since I wasn't involved in the early days of the overall project. How does this piece fit into the overall open space requirement and how was that laid out? Can we count some of the open space in the overall PUD for this?

Dayna Hughes – They were all brought in as separate phases. Each phase had its own open space calculation.

Rick Salisbury – We were allowed 74 units in the overall lay-out and now there is no way you can accomplish 30 feet around the perimeter of each unit and get 74 units. It simply does not work.

Dayna Hughes – We realize that was an error.

Kelly Liddiard – That's already been approved so you can go back to that.

Rick Salisbury – So we were approved for 74 units and we want to use the 74 units, but now we have to go back to the old code of 30 feet around the unit? It physically does not work to have 74 units.

Dayna Hughes – Do they have to have 74 units?

Shawn Eliot – When the concept was approved, the town home area didn't have a concept. It was just a square. They said we want to put 74 units in there and that was the only thing we got at that time. But the problem is, by the time you actually go through and get a plat, if you come back and say we can't physically fit the 74 units because of the requirements of the code then they can't build. Unless they continue going up and up and up. Then that wouldn't have been allowed either. The way it works though, is if there is an error by the planner or the commission, and through the process you find there is an error, you still have to go back to your code.

Rick Salisbury – I understand what you are saying but you approved 74 units on this piece of ground. As it is, it is physically impossible to put 74 units on this piece of ground with a 30 foot perimeter surrounding it. So you allowed 74 units with your code, which is impossible to do.

Shawn Eliot – At the concept level.

Rick Salisbury – At any level.

Shawn Eliot – But that's when it was. And there was no development proposed for us to be able to be accurate.

Rick Salisbury – We are turning circles. What I'm saying is you allowed 74 units on this piece of dirt for the master plan of the overall development. It is physically impossible to accomplish 74 units with your code. So why did you allow 74 units?

Kelly Liddiard – It was overlooked.

Dayna Hughes – There wasn't a map. It was a piece of ground and I think the developers were doing some sort of division.

Rick Salisbury – So if I build a 10x10 building and I have 30 feet around it and the open space requirement then I am good to go. That is physically what we would have to do to get this to work.

Cory Pierce – Is there any vesting in the original approval?

Dave Holman – It wasn't an approval. It was a concept only. It wasn't approved at 74. It was only approved at concept and it's ok if you can get it to work. You can't get it to work so...

Cory Pierce – From a legal standpoint, is there any vesting?

Shawn Eliot – On the hill side, there was a development up there that came in with a road concept first. There were a lot of issues with it, but in the end we got all the lawyers involved over it because there were issues brought up later. At least, what our lawyer says was that we approved the concept at that level of information that we had, but then as we go forward if we find other things in the preliminary plat process that supersede because we didn't have things in front of us, then we make the decision based on the preliminary plat that is in front of us.

Cory Pierce – My biggest heartburn is the amount of money that has been put into this and we've seen two approvals in all. And now we've dropped ten units, which is a big cost and now we are going to have to drop another ten plus.

## 2. LANDSCAPE CODE AMENDMENT

Dayna Hughes – We have talked about this quite a bit. Shawn has made a couple of changes from the last time we spoke and really wanted to hammer this out. He found a couple of questions.

Shawn Eliot brought up the code on the projector and went over the changes. The city has been encouraged not to landscape up to the easement.

Shawn Eliot – He read from the proposed code the following: "Front yards of single family lots, including any area in front of the dwelling, including the sidewalk-planter strip, shall be landscaped. Side yards to the back line of the dwelling or to a sight obscuring fence, shall also be landscaped." Now that's tied to the drawing where it says back line of dwelling. "On corner lots, the side yard and sidewalk planter strip adjacent to the street shall be landscaped, except areas behind a sight obscuring fence. Lots without street curbing shall be landscaped to the asphalt of the road or to the shoulder gravel area." There were some issues brought up last time that we should require them to go all the way to the road. The problem is the city has been encouraging people to not landscape to the pavement. They encourage them to have gravel in the easement. Like Canyon View drive has a lot of gravel and to turn around and

say hey have to landscape it. Another issue is where the city has come and dug up their easement several times. It's hard to keep that landscaped time after time of having it dug up.

Dayna Hughes – Does this say do go to the street or don't?

Shawn Eliot – This is saying do one or the other. "Lots without street curbing shall be landscaped to the asphalt of the road or to the shoulder gravel area." So it gives both options. Later on it does encourage them to landscape to the street. I don't put anything in there that we are going to come and tear it out later.

Kelly Liddiard – Why do we give them the option?

Shawn Eliot – Because there is some that do landscape it now. This is just non-curbing. It's trying to just stay with what we have in that regard. So in the old parts of town where they don't have curb and gutter, there are some that have grass right to the asphalt. The next person has it to the gravel.

Kelly Liddiard – Then why have the ordinance?

Shawn Eliot – It would be nice if we had curb and gutter in front of every house.

Kelly Liddiard – I agree. But if you are going to give people the option then why worry about how it's written?

Paul Squires – They really aren't given an option. If they have curbing, then they have to landscape to the curbing.

Shawn Eliot – Later on it says we encourage them to go to the street, but I just didn't want to put that we require them to landscape to the street because we have been encouraging them not to do that for twenty some-odd years.

Kevin Hansbrow – I know our snow plows plow into the gravel.

Shawn Eliot – That and our snow plows dig up a lot of those yards that go right to the street.

Lisa Denning – And if they go through the easement, I can't tell you how many times they have torn up our grass and left ditches. We've cleaned it and put our sprinklers back and the city says they will pay for it and take care of it and they don't.

Kelly Liddiard – I don't care which way it goes, but we don't need to have an option. If you are going to have an option, don't write it at all. You either have it that they do not landscape the easement or they do. One or the other. You can't have all this or you are going to have yourself a nightmare.

Shawn Eliot – So the problem now is that we have both now. So whatever we pass, if you don't allow it, then we are going to send letters to everyone who is doing it and tell them to go put gravel in front instead of grass.

Kelly Liddiard – No, grandfather them in.

Kevin Hansbrow – No. This code is all retro-active.

Dayna Hughes – This is the whole point of this code is to fix things.

Shawn Eliot – So the only thing I really did is re-word it so that "rear yards of single family lots, including any area to the rear of the dwelling and side yard not included as part of the front yard shall at a minimum, be required to maintain weed control."

The only thing I changed with Commercial – "A cash bond of 125% of landscaping costs will be posted prior to recording whether the landscaped area is proposed to be in city ownership or in a private homeowners association." We just found out at the last city council meeting that the dead park with the natural wildflowers is still under the durability bond. The roads still have to have a one-inch overlay done. If they don't do it or if the road caves in, then we can go use that money and do it ourselves. It's a guarantee that these things get fixed. We didn't collect any money for the landscaping because it's a homeowner's association. That's a big oops. All cities collect money for that. They don't care if it's an HOA or not because it's the development phase where they are going to make this right if something goes wrong. So I added that because that needs to be there. With new owners, all we have is a contract that this will be landscaped by this time.

Dayna Hughes – So this is for new development. This isn't our retro-active thing.

465 Shawn Eliot – Right. And that one we still do have the contract for land so we can still go after them. It's just not as easy as if we still  
466 had the money and we could go fix it ourselves.

467  
468  
469 “Types of Landscaping - Landscaping shall include the treatment of the ground surface with live materials such as, but not limited to,  
470 sod, grass, ground cover, trees, shrubs, vines and other growing horticultural plant material. In addition, a combination of xeriscape  
471 plantings and the, utilization of native vegetation are encouraged in clusters on smaller and flatter terrain lots and allowed exclusively  
472 on slopes over 15%. Native vegetation includes grasses and trees that are currently established in the non-developed hillside areas of  
473 the city.” Last time, we talked about allowing the larger lots to be the ones that have more natural vegetation. So I was trying to  
474 clarify there that if you are on a steep slope, so that part of the code allows a smaller lot to have a steeper piece that can have natural  
475 vegetation. But it also says that you are encouraged to have clusters. “Erosion control and elimination of noxious weeds must be  
476 accomplished in order to qualify as native plantings. Simply grading the ground and letting vegetation grow back is not allowed  
477 because this promotes noxious weeds to grow. Landscaping may also include other decorative surfacing such as bark chips, crushed  
478 stone, mulch materials, or pavers.

479 Dayna Hughes – Are we saying they have to have 25% in grass or is that requirement gone? It was in the original landscaping code.

480  
481 Shawn Eliot – I remember there was a part where you could only have so much cement. I didn't think we had a part where you had to  
482 have so much lawn.

483  
484 I added playgrounds to structural features. “The city encourages that on lots without street curbing that sod, grass, or ground cover be  
485 landscaped to the asphalt of the road rather than gravel in the shoulder area.” Again we are encouraging because it's hard to require  
486 them to do it.

487  
488 Dayna Hughes – So at my house, we have curb and gutter and we put gravel up to the curb. Are you saying that I could stop my road  
489 at my lot line, even though, there is curb and gutter there or that I must take my yard to the curb?

490  
491 Shawn Eliot – Yes, you have to take your yard to the curb, but it does say in the code that you can use gravel, rocks, and different  
492 combinations.

493  
494 Dayna Hughes – Ok, but I can't leave it in weeds.

495  
496 Weston Youd – It has to be landscaped.

497  
498 Shawn Eliot – There is actually a part in it where it talks about those gravel areas where you still have to keep the weeds controlled.  
499 There are some homes that have that condition right now.

500  
501 Kelly Liddiard – We are talking about an easement. If you had a utility pole in your yard, there is a 10-foot easement around that  
502 utility pole and people landscape around those all the time. But Rocky Mountain power can come and change that pole at any time.  
503 Every lot in Elk Ridge has a power, water, and telephone easement.

504  
505 Shawn Eliot – Most of our easements are in front. We don't have telephone in the backyard. We have the easements and the city has  
506 the right to go dig it up and if you put a shed there with a cement slab over it, it comes out.

507  
508 Kelly Liddiard – My heartache is that these easements are all over the United States and people deal with that all the time. And I  
509 understand that she has had hers dug up several times, but if we are going to mandate it as landscaped...

510  
511 Kevin Hansbrow – But gravel is a landscape.

512  
513 Kelly Liddiard – I guess it's just the eye of the beholder.

514  
515 Weston Youd – I'm getting curbing right now and my full intention is still from the curb to where my yard will start will be about ten  
516 feet that will be in rocks due to this very fact. It will be landscaped and it will meet this code specifically even as it is re-written. I will  
517 landscape with decorative rock.

518  
519 Lisa Denning – If you put curb and gutter on my property, I've got 25 ft from the road to my property, and part of that is supposed to  
520 be asphalt, on Canyon View. If they landscape all the way out there and they do come through and rip it up- with the curb and gutter  
521 do you want them to go the curb or the easement?

522  
523 Kelly Liddiard – Is the easement the same everywhere?

524  
525 Shawn Eliot – No. In the old part of town there is a lot of 14-foot easements and in the new part of town with curb and gutter, it's all 9-  
526 foot easements. Unless you are on a main road like Park Drive here, then it is 10-feet.

527  
528 Kevin Hansbrow – Up and down the canyon there are spots where you will have an easement then there is a house that doesn't have an  
529 easement and it continues on.

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531 Weston Youd – Johnson's down to my house, they don't have any easement at all. So you have 10-feet of easement on one side of the  
532 house, no easement and then the next house down (Kimbers) 10-foot easement because they were in the county. I think the problem  
533 we are having is that we are hung up on what the term landscape means. If we landscape the easement and put in rock for controlling  
534 the weeds is landscaping.

535  
536 Shawn Eliot – We don't have that many cases where we have gone and dug things up. If you look at the north end of town where there  
537 is curb and gutter, it hasn't happened. It's not like the city goes and digs up yards every week. It's not the norm.

538  
539 Weston Youd – I think how it is written today is acceptable. We need to help others to understand. It doesn't mean grass all the way  
540 to the asphalt shoulder.

541  
542 Kelly Liddiard – As long as the landscaping says that you have to bring in some kind of gravel and not just leave it bare dirt and road  
543 base, then that's fine. That's what I am visualizing.

544  
545 Dayna Hughes – So it should say: "The city encourages that on lots without street curbing need to be landscaped to the asphalt of the  
546 road." So is everyone ok with that?

547  
548 Shawn Eliot – So we are saying "we encourage you to landscape to the road."

549  
550 Dave Holman – It has to be landscaped to the road. You can choose what kind of landscape, but it has to be landscaped to the road or  
551 to the curb.

552  
553 Shawn Eliot – So what it is saying is that we encourage landscaping to the road, but what we are saying is sod, grass, or ground cover.  
554 The word encourages allows you still to do gravel.

555  
556 Weston Youd – I won't put sod to the curb because of this very reason. They usually rake the rocks back over the trench.

557  
558 Shawn Eliot – But again, you probably will never have a trench and if everyone in town did that in the curbed areas, we would be a  
559 whole lot different town. Having landscaped yards to the curb is what manicures the neighborhood.

560  
561 Kelly Liddiard – You are still going to have a hit and miss thing because you are going to have people that do the grass out there  
562 because they don't want the gravel. I would take "encouraged" out and say they are required to do it, but put in the xeriscape or  
563 something like that.

564  
565 Dayna Hughes – So everybody who doesn't meet this criteria now is going to have to go back and meet this criteria.

566  
567 Shawn Eliot – When neighbor A has gravel to the street and neighbor B has grass out to the road, are we saying that we want everyone  
568 to have grass out to the road?

569  
570 Kelly Liddiard – No, as long as it is something maintained.

571  
572 Weston Youd – Yes, it needs to be landscaped and maintained.

573  
574 Paul Squires – Righettini's have gravel out there and it's fine if they would keep the ragweed down. Their lawn is manicured and they  
575 have gravel around the outside of the house, but they do have ragweed in between it. It just needs to be cleaned.

576  
577 Shawn Eliot – If we want to just take the last sentence out. I only added it because of Linda's comment at the Public Hearing. I will  
578 see that when I go walking through the old part of town, if there is grass verses just gravel with skid marks, it looks nicer.

579  
580 Dayna Hughes – I'm thinking about my lot and my neighbor's lot. My lot has a landscaping curb and then rock. We are doing exactly  
581 what we are supposed to be doing. My neighbor isn't doing any of that. He's got nothing, no grass, it's just weeds. He's got nothing  
582 to the street. It's pretty much from his house. He's in violation. He isn't going to change anything. So what you are saying is that he  
583 has to go back and put landscaping of some sort, other than weeds, straight up to the curb or he gets fined. If this was a public hearing,  
584 we would have people saying absolutely not.

585  
586 Kevin Hansbrow – We had a public hearing and they didn't come.

587  
588 Dayna Hughes – And, of course, they didn't think of the easement and that is why we are here. We have to figure out the nuts and  
589 bolts of it. I think it's a bad idea. I think we should just leave it the way it is.

590  
591 Kelly Liddiard – Why is it a bad idea?

592  
593 Kevin Hansbrow – She's going to make a lot of enemies.

594  
595 Dayna Hughes – I just kind of think we are moving towards regulation.

596



597 Paul Squires – I don't think so.

598  
5 Kelly Liddiard – Isn't that what people want?

6  
6 Shawn Eliot – It is the number one complaint of the city. The last two weeks the city has sent out letters for people who have trailers, cars, and garbage. And one guy who owns a vacant lot next to his house had a whole bunch of trailers and cars in the middle of this vacant lot. So I told him if he put it next to his house or closer to his house, it doesn't stand out when you are driving down the street and it looks like a storage unit type of thing. He said he really wants this town to be clean because some of neighbors weren't very clean and he thanked me for doing this landscape thing. And he said he didn't even notice it but now that I had pointed it out, he said you're right and it does look bad.

607  
608 Dayna Hughes – I'm over-ruled.

609  
610 Weston Youd – I would take out the last sentence because you just say it is landscaped if you have a curbed area. Landscaping must be to the curb. If you have an asphalt shoulder, landscaping must go to the asphalt shoulder. And leave the definition of landscaping to the above.

613  
614 Shawn Eliot – "The use of native vegetation is encouraged on steeper slopes over 15% and on larger lots over ½ acres in size to conserve water to help preserve the native hillside areas of the city." So that is where we talked about having it on larger lots.

616  
617 Dayna Hughes – So I just want to make sure that this doesn't say if I've got a lot that has oak brush on it, I don't have to get rid of my oak brush.

619  
620 Paul Squires – No, because that is the natural vegetation.

621  
622 Shawn Eliot – "Properties within the Urban/Wildland Interface area" – Almost everything in the south of town is in that area. It's on the zoning map, everything south of that green line. Those areas have specific requirements of cleaning out your brush and how far it can be to your house. But up above we did say that the natural vegetation is allowed.

625  
626 "Time allowed for Residential Landscaping Installation" – I just took out new commercial because it was brought up at the last meeting that this was just talking about residential. New commercial is when you are finished. Up above for new commercial and PUDs the landscaping is in before you get occupancy. Whereas, here you have two years after you build your house. It was just an error so I took it out.

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631 "Maintenance" – I just added landowner. At the bottom I added "Gravel shoulder areas on lots without street curbing shall be kept weed and vegetation free.

632  
633 On the noxious weed thing, if we can somehow fit it in the code and make it just a small blurb or make it a reference that the city has a listing on file. That would be better.

634  
635 Paul Squires – I made up this list of what a noxious weed is so you can reference it with this code. The thing I really liked was the types of landscaping and you put in here "in addition to the combination of xeriscape plantings and utilization of native vegetation are encouraged in clusters on smaller areas. I put this together because I want to make sure that a person can't just leave their noxious weeds and call it native vegetation. Native vegetation is basically undisturbed land on the slopes over 15%. Once you disturb that you have noxious weeds come back. I only did this for Utah County. So a person cannot say that the noxious weeds are part of their landscaping.

643  
644 Lisa Denning – I was just wondering about rye grass. Is that something that can be burned and it won't come back?

645  
646 Paul Squires – No. It will come back thicker. You can spray it, though.

647  
648 **PAUL SQUIRES MADE A MOTION AND KEVIN HANSBROW SECONDED THAT THE PLANNING COMMISSION**  
649 **RECOMMENDS TO THE CITY COUNCIL THAT THE LANDSCAPING REQUIREMENTS CODE, 10-12-36, BE**  
650 **AMENDED TO BETTER CLARIFY HOW RESIDENTIAL AND COMMERCIAL PROPERTIES MUST LANDSCAPE, TO**  
651 **REQUIRE MAINTENANCE AND UPKEEP, RECTIFY HAZARDS, AND ENCOURAGE XERISCAPING AND USE OF**  
652 **NATIVE VEGETATION. THE CODE AMENDMENT ALSO REQUIRES THAT EXISTING PROPERTY OWNERS**  
653 **LANDSCAPE THEIR FRONT AND SIDE YARDS WITHIN 2 YEARS OF PASSAGE OF THE ORDINANCE BY THE CITY**  
654 **COUNCIL. THE COMMISSION FINDS THAT THE NEW REQUIREMENTS BETTER PROTECT THE CITIZENS OF**  
655 **THE CITY, PROTECT THE PROPERTY VALUES, WILL LEND TO A BETTER ATMOSPHERE IN THE CITY, AND**  
656 **WILL AID IN REDUCING THE NUMBER OF COMPLAINTS TO THE CITY REGARDING YARD ISSUES. THE**  
657 **COMMISSION ALSO FINDS THAT ALLOWING A TWO YEAR PERIOD TO INSTALL LANDSCAPING IS**  
658 **REASONABLE GIVING AMPLE TIME FOR A PROPERTY OWNER TO PLAN AND FUND THE REQUIRED**  
659 **IMPROVEMENTS. VOTE: YES – ALL (7), NO – NONE, ABSENT (1), RUSS ADAMSON**



Dayna Hughes – This boils down to limiting the amount of pets that a person can have. Staff finding: Current code only allows 2 dogs per housing unit and unlimited cats or other household pets. Then we have kennels to deal with. “We allow “kennels” where you can have more than two dogs in commercial areas only”. But that doesn’t apply right?

Shawn Eliot – We have kennels and we only allow them in commercial.

Dayna Hughes – “Mapleton allows exotic animals with a conditional use permit.” That would be their snakes. “Pleasant Grove allows “kennels” as a conditional use permit”. We don’t want to do that. We want to keep kennels in commercial. “Elk Ridge defines “household pets” but doesn’t list them as a permitted use in any zone”.

Kevin Hansbrow – If you are going to allow 15 chickens on a property, I’m talking geckos that are so small that aren’t outside bothering other people. How can you allow 15 chickens and only 2 geckos?

Dayna Hughes – We are only talking about dogs and cats. Should cats be regulated?

Kevin Hansbrow – YES!

Dayna Hughes – Cedar Hills allows 3, Pleasant Grove allows 2. What do you feel comfortable with?

Kevin Hansbrow/Kelly Liddiard – Two.

Dayna Hughes – “Should it be only 2 animals total, 2 of each, 3 of each, etc.?” Are we saying you can have 2 dogs, 2 cats?

Kelly Liddiard – 2 dogs, 2 cats. No exceptions.

Shawn Eliot – There are some cities that say 2 animals – it could be a dog or cat.

Dayna Hughes – I think we are saying we are a little bit more rural. 2 dogs, 2 cats. Does anybody know of people that own more than two dogs? YES

Shawn Eliot – They say you should have a kennel when you get over 2 or 3.

Kevin Hansbrow – I have no problem with having more dogs just as long as they are not running around. Actually, I think if you want to have dogs, you have to have a fenced yard. NO

Shawn Eliot – Because if it’s an indoor dog...

Dayna Hughes – So are we setting a public hearing?

Shawn Eliot – I haven’t done any code yet so any input is good.

Weston Youd – There is an Elk Ridge dog license?

Shawn Eliot – There is a dog license, but there is not a cat license. There were some cities that did a cat license. They talked about it years ago, but it didn’t happen.

Kelly Liddiard – There was actually a thing where if you had your cat out walking around, you had to have it on a leash.

Dayna Hughes – I think what I’m hearing is we are comfortable with 2 dogs because we are a little bit more rural area, but probably nobody wants to go up to four?

Kelly Liddiard – No.

Kevin Hansbrow – I think a lot of dog people are going to be upset because I think there are a lot of people that have more than 2.

Shawn Eliot – The current code now says 2 dogs.

Dayna Hughes – And that was the code when they moved in and they’ve been in violation. And you can’t combine your cat and your dog for a pet total. I would suggest 3 dogs, 2 cats for our initial discussion.

Shawn Eliot – Most of the cities were more restrictive on dogs than cats. Cats are a whole different issue. The city just bought cages and they are letting people borrow them for stray cats. I guess it comes down to if you are a dog lover or a cat lover. But there are plenty of cat lovers. I think it needs to be even. If you do 2 cats, it should be 2 dogs.

Dayna Hughes – Maybe we should just keep it at 2 dogs, 2 cats.

Kevin Hansbrow – It's only people who are going to get complaints.

Shawn Eliot – People will call and start their shopping list. Oh yeah, that neighbor has four dogs, that neighbor has 3 dogs, etc.

Lisa Denning – If you have a complaint on an owner that has these cats, can you fine them for not having them fixed?

Kelly Liddiard – Cats will attract cats. So if someone already has their one or two cats and other cats are coming around, they need to assist the animal control officer.

Shawn Eliot – There is a whole section on feral cats.

Lisa Denning – Can't we require them to be sterile?

Kevin Hansbrow – How are we going to know they are fixed?

Weston Youd – You should have to have your cat's licensed, as well.

Dayna Hughes – I can't even get a cat to hold still.

Shawn Eliot – I agree with you, but I think there are people who want their cat to have kittens. It seems more responsible.

Weston Youd – Maybe we could invite them to do a spay and neuter clinic. There are services that will travel. We could look into that.

Dayna Hughes – We want to limit 2 dogs and 2 cats.

#### 4. SMALL HOBBY FOWL CODE (CHICKENS)

Shawn Eliot – Back in June the city newsletter had an article about people having illegal animals and things on their lots that they need to take care of. There was a group of citizens and Lisa was one of them and chickens currently aren't allowed in residential areas other than the animal rights zones in the city. So they came to the city council to present to them that there are lot of other cities that do allow chickens and other small animals. And what could they do to make it right so they weren't out of compliance. I've been trying to look through our animal right zones and try to mesh the two, but the deeper I got into it, our code got more confusing in those areas so I decided to just leave it alone.

Paul Squires – How do you get chickens to lay eggs without roosters?

Shawn Eliot – The roosters fertilize them so the chickens so they will have chicks.

Paul Squires – I don't know much about chickens.

Lisa Denning – Chickens have PMS every day. They lay an egg everyday.

Shawn Eliot – There is a lot of cities, such as New York and Chicago that allow chickens and small rabbits. We don't even have small rabbits in our code. (*Mistake: we do have rabbits in the code*) They allow them as a hobby farm type situation where you just have a smaller amount on your property; for your enjoyment and food production. I have had people ask me if they can have chickens for that purpose. Complaint wise in the city, as long as I've been here, I've only received one complaint about chickens and the issue was that the owner had a lot of chickens and they were right next to the fence in a small area. As long as you write the code to not do that, we can have something to go off of.

I took the pigeon code from our animal section of our code, which is title 5, and merged the two (chickens & pigeons). I titled it small hobby fowl code. I was talking with the Santaquin planner today and they are going through the same issue right now. But they are doing it for small, medium, and large animals on lots on one-third acre and larger city wide. The reason is that they already have a large amount of animals in town already, mostly, because their code didn't forbid it. In their research, they found things with goats and ponies. We have issues with miniature ponies. We did have some goats – maybe we should talk about whether we should allow goats.

Kevin Hansbrow – There are goats all over Santaquin.

Kelly Liddiard – They eat the noxious weeds.

Shawn Eliot – So on the chicken code, we proposed that they be allowed in all residential areas and that the setback from the kennel to the primary residence be 10 feet and 25 feet to neighboring residences. In researching other city's codes, they are all over the place. This sort of seemed in the middle.

Dave Holman – Is this from the house or the property lines. HOUSE. What about property lines?

Shawn Eliot – The problem is, if you only have a 30-foot back yard, which a lot of houses do in town, you wouldn't have enough room for the pen and have a setback from the back fence and your house. So the pen has to be a certain size.

Kelly Liddiard – So down there in the PUD where they had 10-foot back yards, you are going to allow a pigeon coop.

Shawn Eliot – No, you have to have a minimum lot size of 11,000 square feet.

Kevin Hansbrow – I would also strike "structures" and put house, instead. I think there are lots of things people would consider structures.

Dayna Hughes – Like my shed, it is closer to the lot line than my house. And I would like it from my house and not my shed. I had ducks and chickens right on my lot line and they were 50 feet away from my neighbors house and 10 feet away from my house.

Shawn Eliot – I put the primary structure situated on the lot and 25 feet from the neighboring main structure on the adjacent lot.

Dayna Hughes – From personal experience, the ducks are horrible and noisy. They poop everywhere. Chickens would get out and dig up my yard, but we would go ask the people to get their chickens.

Kelly Liddiard – Just do what my neighbor did. When my chickens got out, he would just get out his BB gun and take care of the problem.

Dayna Hughes – This has to be the same rule as dogs and cats, right? You call the owner and have them come get their animal.

Shawn Eliot – I don't think we have a rule for dogs and cats. I think the animal control should come and take them.

Dayna Hughes – Right. I'm just saying you can't kill them if they are in your yard. There are broiler chickens?

Lisa Denning – It's what you are raising them for. I don't want them to be raising chickens for broilers or slaughtering.

Weston Youd – If I have 15 broiler chicks and I keep them in a pen, why would it matter?

Lisa Denning – You're just getting into slaughtering animals and it's not my intention.

Weston Youd – That's a common 4-H project – raising ten broilers.

Lisa Denning – That is something for you to discuss. I'm trying to find the middle of the road where people will understand. We did it for pest control eight years ago. We never had any issues until we had a dog get into our pen on our property and destroyed my garden and ate my chickens.

Kelly Liddiard – If the dog is in livestock, you can kill the animal.

Weston Youd – I do agree with #4 of the new code of no roosters allowed, but I don't think we need to discriminate against meat production.

Kelly Liddiard – If you are going to have chickens, then what difference does it make?

Kevin Hansbrow – I think it should only be for personal use.

Lisa Denning – And that is why we have said it is a hobby. It differentiates the commercial status.

Kelly Liddard – It's not a business.

772 Weston Youd – But by definition, even then your limitation by one chicken per 1,000 sq feet up to 15 chickens. An animal 4-H is a  
773 common thing – raise ten broilers and see what the costs are.

774 I would feel comfortable removing the “chickens can only be used for egg production, fertilizer production, and as pets. No broilers for  
775 meat production are allowed.” Keep the “No Roosters are allowed.”

776 Shawn Eliot – In the code, we are supporting (5-2-2-020) “The raising of small hobby fowl as chickens on residential lots is allowed for  
777 the production of eggs, garden fertilizer, and as pets for non-commercial use of the residents of the individual lot.” We will take out the  
778 last line – “Hobby chickens cannot be raised as broilers, for slaughtering, or for meat production”.

779 Weston Youd – You have it on there as personal use. If I want to use my chickens to act in a play or eat them, it’s my choice.

780 Dayna Hughes – Do you want to allow hobby chickens in all residential zones? I’m hearing that no one has any negative feedback  
781 toward that.

782 Kelly Liddiard – As long as it is by lot size.

783 Dave Holman – Lot size, coop size.

784 Kevin Hansbrow – I want the public’s opinion. I live in an area where it is allowed so I would like to hear the public’s opinion.

785 Dayna Hughes – Are the setbacks from the pen area to structures appropriate?

786 Kevin Hansbrow – As long as it says house and not structures.

787 Shawn Eliot – House or primary residence?

788 Dave Holman – Primary residence.

789 Dayna Hughes – Is the total amount of chickens at 15 too high? Too low?

790 Weston Youd – I think 15 is a good number. The difference between 12 and 15 chickens is minimal. So your calculation based on lot  
791 size – if you say hobby fowl is allowed in those appropriate zones with 11,000 sq ft lots, you don’t have this equation. Do I round up if  
792 I have 10,020 ft to have 11 chickens? Between 10 and 15 chickens, there isn’t a big difference. I don’t think that the calculation is  
793 required.

794 Dayna Hughes – So is everybody ok with 15 chickens allowed? We aren’t doing one chicken per 1,000 square-foot lot.

795 Weston Youd – I think it would be overkill.

796 Dayna Hughes – So item #5 would be struck. It would just say: minimum lot size at 11,000 sq ft. with a maximum of 15 chickens.

797 Weston Youd - Remove the equation.

798 Shawn Eliot – This code would apply in the animal right zones. The difference is in the animal right zones, you can have a lot more  
799 chickens. There are a lot more rules, also.

800 Dayna Hughes – So this is just for this R-1-15 zone?

801 Shawn Eliot – No. It’s for all of them. But if you want to go by this in the animal rights zone and do just 15 chickens, then it is  
802 considered a hobby chicken raising thing, rather than a farm production thing.

803 Sean Roylance – From my point of view, the only thing I had an issue with on this list was the 15 chickens. Weston, you grew up on a  
804 chicken farm. If you think this is ok, then maybe you want to give me some ammo or come to the city council meeting because I think  
805 in general people are going to think that 15 chickens are too many.

806 Weston Youd – You can raise 15 feeder/ broiler chickens in a pen that is 6’x3’. No matter where you put your chickens, they all stink.

807 Lisa Denning - I do have an issue with smell. We have an issue with dogs that come and defecate on our yard. We have to clean it up.  
808 You get it with whatever you have. Our pen is cleaned out a couple times a week and it still smells. I would consider it a nuisance if I  
809 were a police officer.

Weston Youd – There is no smell variable difference between 11 and 15 chickens.

Sean Roylance – What about 8 and 15?

Weston Youd – No, there isn't.

Lisa Denning – It is considered hot manure and it turns over a lot more quickly than dog feces or cows. It composts really quickly. Within a day, it gets hard. In the summer it gets tilled right back into the ground.

Weston Youd – When it's wet and contained, then it is bad.

Shawn Eliot – Santaquin is proposing 25 chickens on a 1/3-acre lot and 50 on a 1/2-acre lot. We allow 50 pigeons on a 1/3-acre lot. So I don't know how much more pigeons stink than chickens stink. They told us pigeons don't let loose when they fly.

Dayna Hughes – Are the conditional use permit and the 5 year renewal appropriate?

Kevin Hansbrow – Yes, 5 year renewal is appropriate.

Dayna Hughes – Are the changes to the pigeon code appropriate? So what are the changes?

Shawn Eliot – On the pigeon code, the main changes are that on the R-1-15,000 zone, pigeons are allowed on lots that are 15,000 sq ft. or larger. That was the whole gist of the conversation when they passed the code was 1/3-acre lots. So instead of just putting 1/3-acre lots, they put the R-1-15,000 zone thinking that all the lots within that zone are 1/3 acre.

It was discussed whether a pigeon permit be issued or a conditional permit be required for pigeons. Since the conditional permit has to go to the planning commission, it was unanimous that it should be a pigeon permit that someone must sign stating they have read the code.

Weston Youd – On 5-2-2-200, the sanitation, it states pigeons. Are you going to change that to fowl because that addresses the odor?

Shawn Eliot – If you notice in the code 5-2-2-10 is hobby chickens and 5-2-2-100 is pigeons. The parts where I talk about odors are in two places. On 5-2-2-050, "The coop/feeding and pen areas must be maintained and cleaned regularly to avoid odor". And then under the conditional use permit – "If a complaint is lodged within this time period, the planning commission can hold a public hearing to review the issue". Do you want me to build up the odor part?

Weston Youd – I really like the phrasing on the pigeon one – "All feces and odor shall be kept within the confines of the owner's property, and shall not be reasonably noticeable to neighbors". If you could find a place for that under the chicken as well because I think that covers it.

Dayna Hughes – Set a public hearing for November 13.

Scot Bell – There was a brew that has a temporary incubation period which allowed a higher number of chickens. I think they were permitted to loft adjacent to a house or in the garage because of heat. And if we are going to put a cap of 15 chickens on here, you are going to have someone come in and say that's fine, but for personal use, I would like to hatch 20 chicks, in addition to my broiler chickens.

Lisa Denning – Broilers are slaughtered within 6 months.

Weston Youd – I don't see a conflict of this. We would still maintain the livelihood of 15.

Scot Bell – If you are going to lump it in with pigeons, you are going to have someone crying fowl.

Dayna Hughes – I think these two things need to be kept separate because they are different. Pigeons and chickens.

Shawn Eliot – Under the number of animals for the chickens, we do put "a clutch or offspring may be started for four months at which time the number of hobby chickens allowed based on square footage must be met". I'm going to take away the square footage part and put that you can only have 15. So we do allow for the small ones.

Dayna Hughes – So you can go over 15 with the chicks, but not for more than four months.

Shawn Eliot – And the pigeons have that same clause in there.

Dave Holman – Are you going to put a limit on the chicks?

Shawn Eliot – I didn't see any other cities with that.

Weston Youd – You say fifteen. If you have a starter brew – your chicks are brewed for four months – you can only have 15 beyond starters.

## PLANNING COMMISSION BUSINESS

### 5. CITY COUNCIL UPDATE

Sean Roylance – Since the recent change in state code, the city council is considering allowing off-road vehicles. It appears to me that they are going to allow off-road vehicles on the roads. There will be some restrictions, such as age. I'm guessing we will end up with a restriction of 14 years and older. Eighteen years and younger will be required to wear a helmet. Training was in question.

We are also considering code to restrict firearms and weapons before they came up with projectiles, such as a compound bow and air soft (if using to harm someone). It is at a high level right now, but there does need to be some control on projectiles.

The building height ordinance was changed to be from the natural grade, rather than the finished grade and it was passed.

We also discussed the gooseneck speed study. The stop sign coming up the hill from the cul-de-sac onto gooseneck - they would like to take out the stop sign because of stop and go with the weather on the hill. Another issue is the line of vision with that stop sign. Removable speed bumps were discussed. They were also considering the lines painted closer together.

### 5. REVIEW AND APPROVE MINUTES OF SEPTEMBER 11, 2008

The minutes for September 11, 2008 were reviewed and corrections were recommended.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY KELLY LIDDIARD TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETINGS FOR SEPTEMBER 11, 2008 AS AMENDED. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1), RUSS ADAMSON**

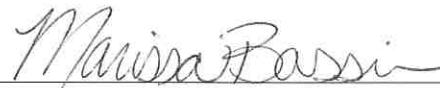
### 6. OTHER BUSINESS

Dayna Hughes, Co-Chairman, commended the planning commission for all being in attendance and pointed out that it would have been difficult to stand ground with the earlier discussed Horizon View farms without everyone there.

Paul Squires reminded the city council that RL's re-vegetation had a hard date of Oct 15<sup>th</sup> which is coming up next week.

It was discussed to change the 2<sup>nd</sup> Thursday meeting in December to the 1<sup>st</sup> Thursday (December 4) due to the Community Planner Seminar, which Weston Youd and Marissa Bassir will be attending. It was also discussed to vote at the beginning of the year to only have one meeting per month in light of the current building economy. And if it was needed, they would add more.

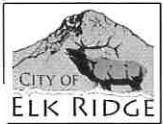
**ADJOURNMENT** – Co-Chairman, Dayna Hughes, adjourned the meeting at 9:25 p.m.



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](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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 - **Thursday, 13 November 2008**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION MEETING AGENDA**

#### **7:00 p.m. OPENING ITEMS**

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

#### **PUBLIC HEARINGS AND ACTION**

1. Household Pets Code ..... *see attachment*

#### **OTHER ACTION ITEMS**

2. Park View Corner Rendering/Preliminary Approval ..... *see attachment*

#### **DEVELOPMENT CODE / STANDARDS REVIEW (none)**

3. Durability Bond Timeframe Discussion ..... *review at meeting*
4. Subdivision Plat Approval Process ..... *review at meeting*
5. General Plan Re-write Update ..... *review at meeting*

#### **PLANNING COMMISSION BUSINESS**

6. City Council Update
7. Review and approve minutes of October 9, 2008 Commission Meetings ..... *see attachment*
8. *Other Business*

#### **ADJOURNMENT**

#### **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, 5 November 2008 and delivered to each member of the Planning Commission on 6 November 2008.

Planning Commission Coordinator *Marissa Bassi* Date: 5 November 2008



## ELK RIDGE PLANNING COMMISSION MEETING

November 13, 2008

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, November 13, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Dayna Hughes, Scot Bell, Weston Youd, Dave Holman

*Absent:* Russ Adamson, Kevin Hansbrow, Paul Squires

*Others:* Marissa Bassir, *Planning Commission Coordinator*

Shawn Eliot, *City Planner*

Sean Roylance, *City Council*

Lucretia Thayne, Ciera Thayne, Don Duncan, Florence Duncan, Eric Allen, Alvin Harward

## OPENING ITEMS

## OPENING

Dayna Hughes, Co-Chairman, welcomed at 7:10 PM. Opening remarks were said by Weston Youd, followed by the pledge of allegiance.

## APPROVAL OF AGENDA

There were no changes to the agenda.

## PUBLIC HEARINGS AND ACTION

## 1. HOUSEHOLD PETS CODE

Dayna Hughes, Co-Chairman, opened the public hearing at 7:13pm.

Shawn Eliot – This comes to us from the city council. There were members on the city council that were concerned about cats in Elk Ridge. Currently, there is not a limit on how many cats a household can have. A household pet is defined as a dog, a cat, hamsters, and small rabbits. We limit it to two dogs. Anything over two dogs is considered a kennel in the code and kennels are only allowed in the commercial zone in our city. After researching other cities, there are many that do not have a limit on cats. Some only allowed for 3 and the majority that did have a limit was up to 2 cats per household. Some cities allow 2 pets total whether cats or dogs. We chose to look at it as 2 cats and/or 2 dogs for a total of 4 pets. Some council members have been concerned about cats that come into their yards and having people keep them on their property. Also, the feral cat population is a concern. The city has bought some cages that they allow citizens to use that can catch the feral cats. Two cat limit is what is being proposed. We also define in the current code that three or more cats are considered a kennel. We need to change that. Right now, we don't have anywhere in our code that says a permitted use in the zone that household pets are allowed. So we have definitions in our code as to what a household pet is, but we don't say that is a permitted use in the zone. Most cities do that. I've added that in for safety. Lastly, I've gone through and just done some cleanup in the code.

Ciera Thayne – On the point of the feral cat population - limiting the number of cats that people own hasn't really been that effective in areas. If you limit the cats that people can have and they can't get rid of them, people will just turn them out and let them become wild cats. Even if they are not going to become wild cats and they are able to find a home, it doesn't matter about those wild cats that were of issue. So if the main problem is that there are wild cats around, there are other ways to do that rather than limiting the number of cats someone can own. She then handed out some articles, letters and her family's logic. It seems wrong if someone has household pets that they love and they are well taken care of, but then they have to not be able to have them because they are either wild cats or people who aren't able to have them. I think for the all nature of people who don't take care of their cats or whose cats are bothering people a nuisance law would be more appropriate because it would more directly address the actual issue without hurting people that don't need to be hurt. My philosophy would be that if you have a problem and you have to solve it with some law or rule, then the rule should probably address the specific problem and affect as few people as possible outside of the people that are really breaking the rule. The nuisance law makes a lot of sense because you can say if your cat is a nuisance then there is whatever we decide is best to deal with that either make them keep their cat indoors or a particularly really bad problem then make them get rid of their cat. Maybe something of that sort would be a little bit more fair.

59 Lucretia Thayne – We have some fundamental principles that are of a concern to me, as well as how we deal with these specific issues of  
60 this particular topic. Government should be as un-intrusive as possible on our freedoms. And dictating to other people how they can use  
61 their property should be minimized as much as possible. The appearance on this is that you have got to fix the code because you don't  
62 like the code. Let's see what other people have done. And so looking at other people and what they wrote in their code because they  
63 wrote it in their code, does not make it effective. You are putting in a law that affects everyone, including the cats. I think that there are  
64 unintended consequences to that. You limit a person's personal freedom. That's never good unless absolutely necessary. You don't  
65 solve any of your problems. People have found that when you limit the number of cats, the wild population actually increases. So I  
66 understand that the city is planning on catching the feral cats and then euthanizing them. I found an article where it talks about an  
67 organization where they trap, neuter and release. And in your mind you think, oh great, but then you still have these same cats here.  
68 However, when you just kill off the population of these feral cats then what they find is a vacuum effect and a new group moves in. So  
69 you don't solve the problem. Cities in Utah are finding that the feral cat population diminishes much more quickly with this kind of a  
70 program and it is more cost effective when they save money with this program over the long run. Fewer cats are euthanized as a result.  
71 The mouse population is kept down when the cats are neutered. Then you don't have the tom cats that are making all the noise. So it  
72 solves a lot of the problem. They tried to find some pros with limiting cats, but were unable to find any. There are unintended  
73 consequences as a result of this law. The shelters have to euthanize more cats because they can't find homes because people aren't  
74 allowed to have them so they have to put them to sleep. Where do you want a cat raised? In a home. Because then they are brought up  
75 with humans. We discussed where the best pets come from. Pet stores can't do that. She encouraged the planning commission to read  
76 the article presented before they make a suggestion.

77  
78 Florence Duncan – I have found that when people have eight cats, they are in my yard most of the time. They haven't been  
79 spayed/neutered. And when you end up with them in your yard. If someone has multiple cats and then they move and leave all their  
80 cats. I think two cats per household is a wonderful law. We have been inundated with all sorts of cats. Also, when people have lots of  
81 cats, they end up in my house and go wild and we have to chase them out of our house. You don't know which one is a wild one. You  
82 don't know which is owned by a neighbor. I think two cats per household are fine because with cats they don't stay in your yard. They  
83 are in your neighbor's yard most of the time, which I don't mind. But when I have 10 or 15 extra cats in my yard, that's a little over my  
84 privacy limit because you have to clean up after them and listen to them and all that kind of stuff. So I would hate to have a no limit on  
85 the amount of cats.

86  
87 Don Duncan – I'm the cat lover of the family. When our neighbor moved, they left cats and they all pretty much migrated over to our  
88 yard. We did have a problem. We didn't have a mouse problem. We haven't had a single mouse and we have a neighbor behind us who  
89 likes to grow weeds and a neighbor in front of us that has horses, hay, and oats. We did some research that if you put certain things  
90 underneath our porch when they were taken up residence, they moved on. We solved our problem. I think it worked out ok because we  
91 aren't bothered with them anymore.

92  
93 Lucretia Thayne – See, that is a specific instance where there was a little problem. But to deal with that instance doesn't necessarily  
94 require a limit on everyone in town.

95  
96 Alvin Harward – I like the ordinance. I have a dog. I have a neighbor in close proximity who has about fifteen cats and 5 or 6 dogs.  
97 And they don't really take care of their animals. I get tired because every time I want to use my patio, I have to clean off the cat hair off  
98 my patio furniture. I don't have cats so it's quite a problem. I think a limit would prevent a lot of problems.

99  
100 Lucretia Thayne – What did your neighbor say when you went and talked to her about the cats?

101  
102 Alvin Harward – Nobody wants to complain about their neighbor because my relationship with my neighbor is more important than  
103 those cats. But they will complain to the city just like the chicken, duck issue. Nobody is going to complain to their neighbor because  
104 that relationship is more important than the animal. That is why they complain to the city and don't confront their neighbors. It happens  
105 99% that way. There are few people that will approach their neighbor for that very reason. They like that relationship with their  
106 neighbors.

107  
108 Ciera Thayne – As a personal thing, if someone had a complaint about either something I was doing or one of my animals was doing – if  
109 they didn't come approach me about it and then went to the city, instead, I would be much more offended. If someone has a problem  
110 with you and they go to the city and they decide to have it support a law against it, how is that different than just confronting your  
111 neighbor? Especially, if they find out you were there wanting them to do it for whatever reason. I think it is just equally as offensive and  
112 is almost a little more friendly to go to your neighbor and say we have a problem, let's try to work this out. I just don't see how it is less  
113 relationship destroying.

114  
115 Dayna Hughes, co-chairman, closed the public hearing at 7:30pm.  
116

Dayna Hughes wondered if it would be a good idea to table the issue so the commission has some time to review the pages and pages of documents that were presented. She wanted to have the discussion.

Weston Youd – I would like to table it because I am reading now that we are going to make changes to the R-1-20,000 code. Are these edits or additions?

Shawn Eliot – Our code did not have permitted uses for household pets so I added those in as a permitted use. I also, took the out the “churches, parks, public schools, buildings, and grounds, not including storage yards, subject to the conditions of section 10-12-18 of this title” as a housecleaning issue. But there are no changes to the R-1-20,000 zone.

Weston Youd – I would like a little more time to read over this because the first part of this letter quotes a libertarian platform and tied it with tolkin, as well. Very impressive and I would like to read all of it and I would like to know more.

Dave Holman – I think it definitely needs more thought and discussion now that we have more information.

**DAVE HOLMAN MADE A MOTION AND WESTON YOUNG SECONDED TO TABLE THE HOUSEHOLD PETS CODE AMENDMENT FOR THE DECEMBER 4, 2008 PLANNING COMMISSION MEETING. VOTE: YES – ALL (4), NO-NONE, ABSENT (3), RUSS ADAMSON, KEVIN HANSBROW, PAUL SQUIRES**

Dave Holman – I think unlimited amount is out of line. You see people with a lot of cats in their house and there needs to be some limits and verbiage of some kind.

Weston Youd – If we have licensing processes in place, that is a deterrent of itself if there is a fee associated with the number of cats you have. Given the fact that you can't license a cat or we don't want to go that route, then a limitation is needed. Is two the right number, I don't know. I know fifteen is not the right number, but I'm a dog person so it's a lot less than that. In fact, I'm looking at two dogs and thinking is that too restrictive or does that number need to be adjusted and are we going to be faced with that. Right now, I do believe we need to write code to address the problem.

Kelly Liddiard – My concern is that there needs to be an ordinance there for limiting the number of cats. I have been in the situation of dealing with the people that have all these cats that are the animal lovers. The environment they are living in and having their children live in and other family members is absolutely a health hazard, especially when the cats are inside. The cats will take over and it gets totally out of control. The other thing about going to your neighbor personally, nobody does it. If it's a parking issue or their dog is barking they call the police. I don't want to make my neighbor mad at me.

Shawn Eliot – On cats, these issues where they have a house full of cats, and they let it go, how often have we had those kind of cases in Elk Ridge or how often do they happen per capita?

Kelly Liddiard – Dogs are a different type of thing because maybe it's a noise thing or a kennel thing. Cats become a health hazard with the urine and kitty litter and all that stuff inside the house and that's where we run into that. As far as, how many times that happens, I don't know. In the ten years I worked with Pleasant Grove, there were three instances there.

Shawn Eliot – I think one of the things they were pointing out was instead of handling it with a number, handle it with a nuisance code and cruelty to animals code.

Kelly Liddiard – That won't help against a health hazard.

Weston Youd – That brings up another issue of the nightmare it would be to enforce this. It's the true nightmare we will be facing.

Shawn Eliot – Where it's two cats – it's easier than to go after the people who are having a health problem. We have adopted Utah County animal code and the nice thing with it is we say in our code that there are three copies at the city office, but I've never seen it. I bet it goes into the nuisance and the health, etc. It doesn't go into limits because Utah County has some of these zones and we wouldn't adopt their zones.

Kelly Liddiard – The other issue with cats and dogs are that they are a roaming animal. When she said they stay in the backyard that is wrong.

Scot Bell – I think we need to look at cats from a country perspective verses a city perspective. If you go to the country environment, they are not called cats, they are called mousers. They keep the mice down. It really comes down to whether we are living in the city or



the country. And if we are going to be in a country environment, a mouser lives outside. Every good farmer should have at least 1 or 2 good mousers. She made an interesting quote "Cats are meant to be inside with families". If that is an accurate statement, then we can't refer to it as a mouser. We would refer to it as a pet; a cat, an indoor creature. Do I want to have somebody come into my house and count my cats? We don't need to have people coming in and counting cats in the home. But if we are going to have a city environment, then we shouldn't have cats outside if it is part of the family, which means the cats are a nuisance and people are entitled to put out a trap. So I think as a city the question is, are we going to embrace the concept of indoor pets or the concept of a "mouser". In my opinion, I would say the cat is an indoor item. The public really needs to define what they view a cat as in the city.

Dayna Hughes – The one part that I disagree with Lucretia is that there is no way that Elk Ridge city can sponsor a spay/neuter clinic and catch and release. That's not practical.

Scot Bell – Possibly, if you want to try to enhance the number. Most of the cats are spayed or neutered.

Dayna Hughes – Does any city have a spay/neuter law? Then again, how would you enforce that – lift up the cat's tail to see?!

Dave Holman – If we don't limit the number of cats, how can we limit the number of dogs?

Dayna Hughes – This whole thing kind of goes with chickens.

Sean Roylance – My thought is thinking about chickens, pigeons, miniature horses, dogs, potbelly pigs, and goats, one of the things, obviously, it that different things interest people and I would hate to restrict the things people like. I'm concerned about putting limits on something that people are passionate about. At the same time, you have to look at what a nuisance it is and the affect it has on the people.

Dayna Hughes – My suggestion as we read this material is to maybe think in terms of not yes or no, but maybe to increase the number to where a person could have four cats. But yet, maintain them.

## OTHER ACTION ITEMS

### 2. PARK VIEW CORNER RENDERING/PRELIMINARY APPROVAL

Dayna Hughes – We asked Eric Allen to provide some renderings and so hopefully, everyone has had a chance to look at them. We asked him to vary the style so it didn't necessarily look like twin homes. They fit more into the community.

Shawn Eliot – The main issue was the renderings. Looking at the renderings, they seem to be what you asked for in having an eclectic look. All of the units, except for the one that is on the far north end of the development have one side-entry garage and one forward-entry garage to try to break it up so it doesn't look like twin homes. The one unit on the north end with the white-railed fence cannot do that.

Eric Allen – After the last meeting, I met with a new designer and created a new floor plan that he has used in other locations. I got pretty excited after looking at what he had for the exteriors. He had five different exteriors, which I think we tried to incorporate into the twin homes. Eric showed all the renderings for the specific units.

Shawn Eliot – It seems like they did a good job at having different types of designs, but tie them all together still so it's not super eclectic, but yet they are different.

Eric Allen – I'm not totally in love with the colors so we may change the colors a little bit so they are a little darker, but they will stay in the earth tone range. We needed to have something colored and that's what the designer came up with.

Dayna Hughes – What about trees? Are we ok on trees?

Shawn Eliot – Yes. The issues on the landscaping plan were that there were evergreen trees that were on the table, but not shown on the plan. Those have been added. Then there were street trees that were not shown on the plan and those were added.

Dayna Hughes – As we start this discussion, I think it is important that we not nitpick. This has come before us many times and it appears that Eric has done everything we asked him to do. We do want to talk about the snow removal plan. Other than that, make sure we don't go backwards with this particular plan. If it meets the code and we are good with it and he's done everything we asked from last meeting then we need to make a motion on it. So what is the snow removal plan?

Eric Allen - Item #4 of the preliminary plat, we have that the snow removal is to remain on site. The landscaping person who did a bid for us recommended that we put the snow in the retention basins so as it melts it doesn't create an ice situation flowing down hill. So by putting it in the retention basins, it will eliminate that problem.

Dayna Hughes – Just as a review, we don't usually do this for a single-family home, but since it is a PUD, we are allowed to request special reports or findings and that was why the snow removal came up.

Dave Holman – It's not good enough for the snow removal. There is nobody in their right mind going to push the snow from one end all the way to the other end. You need to have some place on the south end. I don't think those catch basins are big enough for all the snow. In my circle, we stack it up about 12-15 feet tall in one pile, and 6-8 feet in another and it's a lot smaller than that area. It's not an easy push. How are you going to get it into the middle basin with the parking stalls there?

Eric Allen – I don't know that.

Weston Youd – I don't think you can utilize the northwest catch basin. You are going to have to push snow over that yard.

Eric Allen – Well, I had him look at it and he didn't give me specifics, but he did say that that would be best in those two areas.

Kelly Liddiard – How big is that south catch basin? Eric Allen didn't know.

Dayna Hughes – Dave, do you see a better plan?

Dave Holman – They can pile at the north catch basin. You won't get a lot. The truck can't go past the curb. So it's going to pile up all along the curb. That will be a big major deal. And I hope there's not a walk way around that end of the building for an entrance. He then pointed out where he can push the snow and indicated where some shrubs need to be moved back about 15 feet.

Kelly Liddiard – You are going to put it wherever you can. The first couple of snows, you will be fine, but when you have the pre-thaw thing where once it gets wet and then starts to freeze again, no trucks are going to be able to move it. You will have to bring in a loader to do it. When they go to push it in between units 7 & 6 there, they are going to have to push it back far enough the first time so they don't have to bring in heavy equipment later.

Weston Youd – With the amount of asphalt that is on this, you are going to have to have a loader to move this amount of snow. There is no way to push that amount into those limited areas.

Kelly Liddiard – They can pile it up, but once it gets hard you aren't moving the pile again.

Shawn Eliot – Isn't that part of the HOA? Technically, with a homeowner's association this is a commercial venture they are going to be hiring someone to do the snow removal. That could be part of it.

Kelly Liddiard – That could be part of it. I do it for a living. I've done jobs that way where you have to actually load it up and haul it away. It's like storage units. You have to haul it off-site.

Dayna Hughes – I think the reason this is doubly important is because this is a senior housing unit. There are going to be special needs that a regular subdivision won't have.

Dave Holman – You need to account for truck salt or sand on top of that.

Weston Youd – Do your CC&R's offer sidewalk snow removal, as well?

Eric Allen – We haven't created the CC&R's yet.

Kelly Liddiard – Most associations will do that.

Eric Allen – We will be covering landscaping like mowing the lawns and that kind of stuff.

Weston Youd – I would really like to ensure that your covenants cover snow removal on sidewalks and doorways. Particularly, with senior housing because if it's not done then the city will be called.

Dave Holman – Senior citizens are going to be on the phone every minute it isn't there way.

Dayna Hughes – So we are suggesting that the shrubs all along the asphalt be set back some.

Kelly Liddiard – They aren't going to be using a city snow plow. They will be using a pickup truck and they can turn around pretty easy and push it between those shrubs. As long as there is room for a truck to get between the shrubs, we should be ok.

Eric Allen – I think it is almost 35 feet.

Kelly Liddiard – I don't think it is going to be bad. The south end will be a little tougher, but I don't think it's going to be too bad just as long as they push it from the start far enough back from the asphalt.

Dave Holman – You don't plan on a pick up trying to push that snow after that first light snow further than what it can reach from the curb because they can't push it up on the grass.

Shawn Eliot – So are the shrubs ok where they are at? Or do you want them back?

Scot Bell – You are going to put a curb in there, right?

Kelly Liddiard – It'll probably be just the asphalt. No curb.

Eric Allen – That's a driveway, not a street.

Kelly Liddiard – There are going to be some times when it is a problem, but I don't think it is going to be too bad.

Scot Bell – If there is no curb there, then the first time if they push it back 8 or 10 feet then plan on it.

Eric Allen – 66% of this property is landscaped. The reason why this is this way because it is a safety issue as far as driveways are concerned rather than having all the driveways come out onto Elk Ridge Drive this was a way to accommodate that. And so it has created this other issue with the snow removal, but I don't know.

Dayna Hughes – Where is the monument?

Eric Allen pointed out where the monument will be place on the property.

Dave Holman – I can see one more problem with the shrubs right at the edge of the property at the entrance. That needs to be left open for line of site in both directions. I realize it's just a drawing, but we need to make sure.

Dayna Hughes – Does anyone have any issues with the balance between development amenities and the housing styles? It was agreed they look great.

Scot Bell – While I really do like units 6 & 3 with the side entry garage, I'm not going to challenge anybody, especially a senior citizen, to turn their car from the driveway into their garage in #6.

Dayna Hughes – Won't that be a problem that the builder will have to solve.

Eric Allen – That's why they have that turnaround there. My engineer actually did the calculation here and that is why the turnaround is as far back as it is.

Scot Bell – I will say that I like it, but I don't see a driveway there. Part of the code requires some secondary parking - a driveway in addition to the garage. I'm not seeing any driveway on #3. I'm not terribly impressed with the snow. We are going to be pushing snow from unit #3 clear down to #7 and the way you have this drawn now is that that teeny hammerhead you have between 6 & 7 is going to be so full of snow having pushed it a couple hundred feet. Kelly Liddiard helped explain where the snow will be pushed so it is not a problem. On the north entrance, you come in and you make a right hand turn, there is a quarter circle grass area, which I would suggest eliminating that so the snow plow could make a straight shot and clear those parking stalls rather than try to weave in and out.

Kelly Liddiard – And that's fine, but if there are cars there, they aren't going to be able to plow it anyway.

Scot Bell – Another issue is about the time the plows start traversing grass and the sprinkler heads will be wiped out. I don't see enough places to put snow, unless you are going to haul it away in dumpsters.

Shawn Eliot – Can that be a part of your requirements that the snow needs to be hauled away instead of piled on the property?

Dayna Hughes – That sounds really expensive.

Eric Allen – Frankly, I didn't design this around the piling of snow, but I designed it for safety. And that's why we have the parking area right here.

Scot Bell – Safety in Elk Ridge is dealing with the elements.

Eric Allen – When I, originally, designed it, we came out straight out to the street with a little driveways and eliminated a lot of the extra area and gave everyone the driveway you are looking for and that didn't fly. So because of safety reasons, we came in and did this.

Scot Bell – Going back to driveways – I can see a nice driveway, at least, on #2, #1, #5, and a shallow one on #4 and I don't see a driveway on #3 or #6.

Dave Holman – Along with that, you have 7 parking stalls for all those units for visitors.

Eric Allen – The two-car garage counts as two parking stalls, correct? YES. There are two car parking stalls for each unit.

Dayna Hughes – Does he have to have two slots outside of the driveway?

Shawn Eliot – You have two stalls per unit. You could also count the parking because we don't have a requirement for that extra parking.

Kelly Liddiard – One way you could solve Scot's question on #3, instead of having that grass area there, push that concrete or asphalt back to the east right there against the building and then that gives them an extra parking spot. Same thing with #6 – along the east along the building. Square it off and then it will give them an extra space. As far as the snow issue goes, the more I'm looking at this, it's not a problem. As far as traversing grass, yeah you might wipe out a sprinkler head and I do push snow over curbs. That's an easy thing to do.

Dayna Hughes – For the PUD, is it required that we have 4 parking spaces per unit?

Shawn Eliot – Two are in the garage and two are outside. This is unique because this isn't your typical driveway onto a regular street. So the fact that we have the extra parking, it should count as the total count of the unit.

Dayna Hughes – There is 7 extra parking stalls and there are seven units so there is one per unit. Can this little corner in front of the gazebo to put 2 or 3 parking spaces?

Weston Youd – You would have to identify who gets to park there. Obviously, unit 3 will.

Scot Bell – How are you going to keep it plowed if you say Units #3 & #6's extra parking is in the public parking? Really, you are not dedicating seven units of parking stalls because you are actually dedicating three because four of which are already being utilized by 3 & 6.

Eric Allen – So, Shawn, you are saying we need four parking stalls per unit? 2 inside, 2 outside.

Dayna Hughes – Are your driveways long enough to put two cars in front of the garage?

Eric Allen – I went over this through you, as staff, and this never was an issue with those two units.

Shawn Eliot – What Scot is saying is that those two units' driveways are not long enough to put two parking spaces in front of the garage.

Kelly Liddiard – Do they have to have public parking? Is it because it is a PUD, they have to have offset parking as public? NO. So then let's not use that terminology. The amount of parking is not an issue.

Scot Bell – Let's change it from public parking to visitor parking. Are visitors or are they residents?

Weston Youd – I think the fact that you can't take that approach. We need to say that you need to have fourteen parking location outside in the whole area and if they are all on one that's fine, but you are going to have a hard time selling that. You've met code by providing 14 areas by which a car can park on a driveway. Actually, all of that asphalt is the driveway so you can park your car anywhere.

Kelly Liddiard – The only problem they are going to have is the fire code. If they block an entrance then you will need to have a fire line. Otherwise, it's all private property so there is no public parking. It doesn't matter where the visitors park.

Shawn Eliot – The code is saying they want four parking spaces per unit. I would say it does.

Kelly Liddiard – Let me clarify, do they have enough room to park four rows for each unit on the property?

Shawn Eliot – On the curb verses no curb, we probably don't want vehicles parking in front of the homes because the driveway isn't that wide. That's why we have the parking in the driveways. So you might want to require curb to have it red-lined so people aren't parking in those areas.

Kelly Liddiard – If they are striping the parking spaces, they can paint along the grass area for no parking.

It can be written in the CC&R's that these are the no parking areas on a map. It needs to be mandated.

More parking issues were further discussed and the issues with people walking a distance.

Alvin Harward – Frankly, he understands that you need to follow code. If he follows code, you give it to him and quit worrying about these little things. They'll have to take care of that in the PUD.

Kelly Liddiard – I agree. It's their responsibility.

There is more room between the buildings than they think is an issue.

**KELLY LIDDIARD MADE A MOTION AND DAVE HOLMAN SECONDED THAT THE PLANNING COMMISSION APPROVES PARK VIEW CORNER PRELIMINARY PLAT AND RECOMMENDS THAT THE CITY COUNCIL APPROVE IT. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT FOLLOWS THE INTENT AND REGULATIONS OF THE SENIOR HOUSING OVERLAY ZONE AND STRIKES A BALANCE BETWEEN DEVELOPMENT AND AMENITIES. THE COMMISSION ALSO FINDS THAT THIS TYPE OF HOUSING IS NEEDED WITHIN THE CITY OF ELK RIDGE IS SUPPORTED BY THE GENERAL PLAN WHERE IT RECOMMENDS VARIOUS HOUSING TYPES INCLUDING TWIN HOMES AND AFFORDABLE HOUSING. THE COMMISSION ALSO APPROVED THE ARCHITECTURAL DESIGNS FOR THE DEVELOPMENT. VOTE: YES – ALL (4), NO – NONE, ABSENT (3), RUSS ADAMSON, KEVIN HANSBROW, PAUL SQUIRES**

#### DEVELOPMENT CODE / STANDARDS REVIEW

### 3. DURABILITY BOND TIMEFRAME DISCUSSION

Shawn Eliot – Durability retainer is where the developer has received their final sign-off and has finished putting in the roads, gutter and the utilities, then they are required to put up a bond or a line of credit that is saying in the next two years if the cement cracks or the road caves in, that the money is there to guarantee that it will be fixed. Last year in the legislature, they changed the law in the state so we are only able to do one year durability retainer, instead of two.

Dayna Hughes – So if the road fell apart, does the city have to pay for it after the durability retainer?

Shawn Eliot – YES. So the reason it was two years is sometimes it takes a good snow season or a good year to get things to settle and so forth. Most cities had it at two years and developers had a hard time with that because their money is tied up and the amount of credit available to them is also tied up. All we are doing is changing it from two years to one year. It is state law so we have to do it. So we just need to have a public hearing.

Weston Youd – We are obligated to do this?

Shawn Eliot – YES.

Scot Bell – I'm just curious. When is the contractor that cut the perpendicular lines on Park Drive because they didn't want asphalt right in front of Shuler Park... That's a classic example where we allowed them to build the road to code... After two years, they were supposed to come in and lay a 1-inch overlay and they haven't done it.

Shawn Eliot – Magellan Lane is also part of Crestview Estates and also needs a 1-inch overlay. The public works director feels it is doing well the way it is and feels we should put more into Park Drive. The problem with Park Drive is that we allowed them to do it that way. It isn't that it failed because they did something wrong. They cut from the gas lines and water lines and then when they repaved it all, they should have taken the old asphalt and crushed it up and mix it in. Then it would be good.

Dayna Hughes, co-chairman, requested that a public hearing be set to change the durability timeframe from 2 years to 1 year.

Scot Bell – If we are going to have a durability retainer like this and we can see that our time for problems is being shortened, we need to go back and re-visit our development code because what happened to Park Drive is an embarrassment. We allowed them and gave them permission to mutilate Park Drive. It looked good when it was originally done, but now to drive on it is bad. We need to change our development code so we don't have to embrace that and say "oh well. It met code".

Shawn Eliot – I'll talk to Corbett about that. I'm not even sure what is in there for current roads because most of our roads are new roads.

### 4. SUBDIVISION PLAT APPROVAL PROCESS

Shawn Eliot – This is the HR-1 code taken directly from it. When we did the HR-1 code, we added at the end of it a plat approval process – concept plan, preliminary plan, and final plan. And then we also did street design requirements. Basically, we wanted to put them in the whole code, but at the time we said let's get it in here for now because it was a big deal to get the HR-1 code done and we'll come back later and put it in the whole code. So what I'm putting before you tonight is the street requirements. They are in our code in



different places and we want to put them all in one place. So they are not hidden in the HR-1 code, some in the CE-2 code, also in the code outside of the development code.

Dayna Hughes – So this is a code clean-up item?

Shawn Eliot – YES - the same with the preliminary, concept plan and final. We need to have them all in the same place.

Dayna Hughes – Does this require a public hearing?

Shawn Eliot – YES - because we are changing code. This is the HR-1 code. What I'll do is go through it and make sure there aren't things that are only relevant to HR-1. There aren't many, but I'll make sure they are highlighted. We will come back and make sure it is in the right place in the code. The plat approval process will be in the development code, which is a part of this. Development code covers HR-1 code, but it will be under the subdivision process.

Weston Youd – You are categorizing it appropriately and giving it its own category.

Shawn Eliot – We did the same thing with the building heights. Instead of having it in each zone and sometimes different in each zone, it's all just in one place under supplementary regulations, which is where the approval process is right now, which is very vague. When we did the HR-1, we fixed it, but we put it in the HR-1 just to get it there. But we really needed to put it in the whole code.

Weston Youd – No substance changes to the code, just a re-write.

Shawn Eliot – What it will be is the parts that is currently in the code and not the HR-1, we will say they are gone. Concept is not really talked about in our current code other than they might be required a concept. The thing that got us in trouble years ago is that we were charging \$50 for a concept, which state law says once they pay a fee and complete an application, they are vested. Well, we didn't like that at concept. So now in the HR-1 code, we specifically say they are not vested at concept and we do not collect a fee, but we suggest they do it so they can get some valuable input in the beginning. So we will set up a public hearing for December 4.

## 5. GENERAL PLAN RE-WRITE UPDATE

Shawn Eliot – Bob has been writing the general plan. He's coming up with the nuts and bolts part and I'm doing the prettying. He says he has the nuts and bolts part of it done, but I haven't seen any of it yet. We were aiming for the end of the year, but now that we have had this setback, it will probably be the end of January. It needs to be done. It has been sitting long enough.

## PLANNING COMMISSION BUSINESS

## 6. CITY COUNCIL UPDATE

Sean Roylance gave an update. He talked about the chicken's ordinance and didn't know how it would be received. He said to expect a full house. In reading the article on cats provided earlier, he said it can relate to the chicken ordinance, as well, and encouraged all to read it before the next commission meeting and making a decision about the household pets or chickens.

The chicken survey only went to residents in the R-1-20,000 and R-1-15,000 zones. People have already received them and it is due on the 2<sup>nd</sup> of December and then the meeting will be the 4<sup>th</sup> of December. For the public hearing, the commission needs to be educated on the results of the chicken survey so it was decided to have a work session at 6:30pm before the public hearing on the 4<sup>th</sup> of December.

## 7. REVIEW AND APPROVE MINUTES OF OCTOBER 9, 2008

The minutes for October 9, 2008 were reviewed and corrections were recommended.

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY SCOT BELL TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETINGS FOR OCTOBER 9, 2008 AS AMENDED. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (3), RUSS ADAMSON, KEVIN HANSBROW, PAUL SQUIRES**

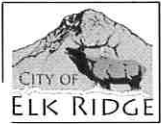
## 6. OTHER BUSINESS

**ADJOURNMENT** – Co-Chairman, Dayna Hughes, adjourned the meeting at 8:50 p.m.

  
Marissa Bassin  
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](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://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 - **Thursday, 4 December 2008**
- Meeting Time - **Work Session - 6:30pm, Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### COMMISSION WORK SESSION AGENDA

**6:30 p.m.** Review Chicken Survey Results

### COMMISSION MEETING AGENDA

#### **7:00 p.m. OPENING ITEMS**

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

#### **PUBLIC HEARINGS AND ACTION**

1. Small Hobby Fowl (Chickens/Pigeons) ..... *see attachment*
2. Durability Bond Timeframe ..... *see attachment*
3. Subdivision Plat Approval Process ..... *see attachment*

#### **OTHER ACTION ITEMS**

4. Household Pets Code ..... *see attachment*

#### **DEVELOPMENT CODE / STANDARDS REVIEW (none)**

5. General Plan Re-write Update ..... *review at meeting*

#### **PLANNING COMMISSION BUSINESS**

6. City Council Update
7. Review and approve minutes of November 13, 2008 Commission Meetings ..... *see attachment*
8. *Other Business*

#### **ADJOURNMENT**

#### **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, 26 November 2008 and delivered to each member of the Planning Commission on 26 November 2008.

Planning Commission Coordinator

*Mawda Bassi*

Date: 26 November 2008

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## ELK RIDGE PLANNING COMMISSION MEETING

December 4, 2008

## TIME AND PLACE OF PLANNING COMMISSION WORK SESSION

A Work Session of the Elk Ridge Planning Commission was held on Thursday, December 4, 2008, at 6:30 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## WORK SESSION

## ROLL CALL

*Commissioners:* Kelly Liddiard, Dayna Hughes, Scot Bell, Weston Youd, Dave Holman, Russ Adamson, Kevin Hansbrow  
*Absent:* Paul Squires  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Shawn Eliot, *City Planner*  
Sean Roylance, *City Council*  
Robert Allen, *Mountainland Contractor*

Kelly Liddiard read the flyer about the mayor that was passed around. "Citizens who are proposing the addition of chickens as hobby pets are not aware that the mayor was going to include his personal rebuttal with the survey and wished to add some pertinent information that we ask you to consider when deciding how to respond to the survey. 1. Chickens control the mosquito populations by eating larva and adults. This helps keep in check the spread of West Nile Virus - the mosquito born disease that can be deadly. Using chickens allows us to avoid harsh pesticides that can leak into the ground and contaminate the water. 2. Our religious and community leaders have asked that we be prepared for disasters and economic hardships. Having chickens allow for peace of mind and chickens contribute to the preparedness by providing eggs, a basic necessity and healthy meat, if needed. 3. Chickens can make good pets. They have good personalities and are fun to watch and interact with. With people with allergies, this provides an alternate so they can also enjoy the benefits that pets provide. 4. Section four of the survey is irrelevant to our proposal and is only for the city's information. We are not asking for full animal rights in all zones of Elk Ridge. We are asking to allow hens, who are small, relatively quiet and easily contained. The mayor asked where does this stop. Our question is are we never allowed to amend or change our laws even if the needs or desires of the citizens change. Other major U.S. and Utah cities have realized the benefits of allowing chickens; please go to <http://.....> to read the full proposal. It is very reasonable.

Shawn Eliot explained the survey the results were about 45% against it and 55% were for allowing chickens. Is 15 chickens the right amount, most of the yes respondents replied that it was the right amount. On the no respondents, they said no completely. There was some concern that the amount was too much. Smaller lots, you should allow less. The other two questions about small animals were more for our information because we do have small animals and questioned if it was something to look into. Since this is a public hearing tonight, I would like to see it tabled so we can do some more work on it and then at the next meeting we can do our final. He said we might want to consider a conditional permit, which you can set when it has to be done. It makes it so the inspector has to check it out and it also has to come to the planning commission. If there is a problem, the neighbors will tell you. That's one way to keep them in check. He provided some comparisons with Sandy city.

Our nuisance code is not up to par and so we wanted to think about using a nuisance law instead of adopting the allowance of chickens in residential zones. Shawn provided some articles and information on other cities allowances of pets. They will come back and take a look at the nuisance code.

Russ Adamson was concerned about reducing a person's right from the time they purchased the house, unless the people are ok with it. You can't just impose somebody else's rights on people that have already had it, but it's not approved.

They then discussed the procedures and rules for the following public hearing.

**TIME AND PLACE OF PLANNING COMMISSION MEETING**

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, December 4, 2008, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

**REGULAR MEETING****ROLL CALL**

*Commissioners:* Kelly Liddiard, Dayna Hughes, Scot Bell, Weston Youd, Dave Holman, Russ Adamson, Kevin Hansbrow  
*Absent:* Paul Squires  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Shawn Eliot, *City Planner*  
Sean Roylance, *City Council*  
Robert Allen, *Mountainland Contractor*  
Lucretia Thayne, Ciera Thayne, Don Duncan, Alvin Harward, Cecelia Harward, Jeff Thayne, Lisa Denning, Tom Chynoweth, Jennifer Weakley, Robert Wright, Larisa Wright, ShaMayne Mason, Erin Clawson, Ray Brown, Logan Nilsson, Janine Nilsson, Karla Marie Ward, Ron Cooper, Linda Cooper, Jay Prather, Kris Bluth, Mindy Norton, Gary Frankovich, Lynn Frankovich, Russell Sly, Barbara Anderson, Jennie & Craig Olson, Steve & Krista Nielson, Richard White, Gary Prestwich, Eric Rassi, Jay Peterson, Earl Jorgensen, Julie Jorgensen, Todd Phillips, Kari Hiatt, Anna Lawrence, Aaron Lawrence, Kirk Denning, Robin Brown, Jamie Towse, Dave Holcomb, Jennie Wilcox, Linda Christensen, Doug Lindsay, Ed Christensen, Robin Munning, Cody Talspe, Emily Anderson, Jamie Taus, Robin Clawson, Jason Anderson

**OPENING ITEMS****OPENING**

Russ Adamson, Chairman, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow, followed by the pledge of allegiance.

**RUSS ADAMSON, CHAIRMAN, MADE A MOTION TO VOTE IN DAVE HOLMAN AS A VOTING MEMBER. VOTE: YES-ALL (6), NO-NONE, ABSENT-(1) PAUL SQUIRES**

**APPROVAL OF AGENDA**

There were no changes to the agenda.

**RUSS ADAMSON, CHAIRMAN, MADE A MOTION TO APPROVE THE AGENDA AS OUTLINED. VOTE: YES-ALL (7), NO-NONE, ABSENT-(1) PAUL SQUIRES**

**PUBLIC HEARINGS AND ACTION****1. SMALL HOBBY FOWL (CHICKENS/PIGEONS)**

Russ Adamson, Chairman, opened the public hearing at 7:05 pm.

Russ Adamson, Chairman, explained the general rules for the public hearing indicating that if someone has already made that point, then we don't need to hear it again. If you have an opinion, you will come up to the front to the microphone. You will have two minutes and four minutes if representing a group of people. This is a controversial issue because we sent out a survey to get people thinking about the issue.

Lisa Denning – We've lived in Elk Ridge for about 17 years. About 9 years ago, we got some chickens because we had a very large garden spot and the grasshoppers had totally destroyed my garden and it went on for several years in a row. We tried everything to get rid of them. A neighbor said they have ducks that have taken care of their problem. And at the time, there was a temporary code written as a trial to allow ducks for six months. I came to the city to ask them and a lady verified the trial code. I asked if I could have chickens because the ducks would trample my garden and they do the same thing and the ducks are loud. The lady said she didn't see a problem with that. It's just for six months. So that's why we got the chickens and have had them for nine years. We haven't had any complaint until we had an issue with a dog, which was put in the newsletter. The dog did kill my chickens, but also destroyed a garden that I had put in and I had to redo my garden. Every Tuesday, this dog went through the back yards of several of my neighbors so we talked to the

neighbor and they didn't take care of it. We talked to the sheriff and we were under the impression that it was taken care of and then next week it showed up in my pen again. We weren't intending to be law-breakers or illegal. We were just getting from a means to an end. Not only that my kids have become attached to the chickens because they are pets. You come up to them and they crouch down in front of you wanting them to pick them up and talk to them and hold them. In a nine years time, we've had the same neighbors the entire time and we've asked them on a regular basis if they bother them and they've never mentioned to us that is a problem. So we asked them again how they felt about it and they didn't have a problem. We've kept them in a pen and kept them clean. There is a responsibility with any animal. We have dogs that defecate in our yard that is not our dog and we clean up on a regular basis. When this came up with the city, we wanted to bring a code that was respectful of our neighbors that did not impede on their property and the area. I went through and looked at different codes that have been written. Even large cities like Chicago, Seattle and even New York City has a code that allows for them and they raise them on rooftops. I tried to find what would work possibly in our community. When I first brought it to the commission, we were going to do it one chicken per thousand square feet. Through the discussion, it was harder for the city to police because of who has how many square feet and how many chickens. We wanted to put a fee on it just like you do with your dogs. The city does know who owns them. For us, I say it's a hobby and they are a pet. They are a pet, pest control, produce eggs, and fertilizer.

Shawn Eliot – There was code drafted and we made a few changes including the additional of broiler chickens, and it was fifteen allowed if you have over 11,000 sq. ft. The broiler chickens were added because of 4-H projects so there was some thought into that.

The only zones in the city that allow animal rights in the city are the area along Gooseneck Drive where they allow 50 chickens as a farm. And also Bridger Lane and Canyon View to the East. What's being proposed here and why it's called a hobby operation because they allow it on a much more limited scale. Anywhere from 5 to 20 are allowed by a variety of cities. In the research we did, it's all on the scale of what size lot you can have them on – ½ acre, 1/3 acre, etc. And there are many cities that don't allow them at all. In the proposed code, we are proposing a total of max 15 chickens, coop area set back from main dwelling and 25 feet from neighboring home, and either annually or bi-annually you have someone come out and check that you are in compliance. There has been some talk about making it a conditional use permit so it has to go before the planning commission and the neighbors are notified. So if there are problems, the neighbors can come and give testimony. We did lump it in with the pigeon code because it seemed like it went together. The survey sent around indicated that we had 130 yes responses and 106 no responses. So it's pretty close.

Ray Brown – I am a representative for the mayor since he can't be here. I would like to read the legal opinion from our city attorney, David Church from the mayor.

"I believe that protection of a zone designation and its principle uses is important and the only way to do this is to enforce the code as it is written and not attempt to change it to satisfy those who may be breaking the law. One of the complications with changing in a zoning scheme after it is adopted and implemented is the problems with enforcement, neighborhood disputes, and disappointed expectations of people who move in under one scheme and then are subject to a significant change in the rules.

In this issue I have no opinion as to whether chickens are more like pets then they are live stock. I have never owned a chicken. To the extent that chickens are live stock, and not a residential pet, a change in the residential zone to allow them, will make that zone less residential in character and more agricultural. This change will benefit some and harm others."

Tom Chynoweth – I moved here 7 ½ years ago when we decided to build our dream home. We came up here to Elk Ridge. We love it. We think it's nice. The first thing I did, I didn't want to live in a place where there is farm animals so I found out which part of the city allowed them and bought my place where they are not allowed. There are places where they are allowed and I didn't choose to live by farm animals. I don't want the laws changed because I don't want to live around farm animals. That's why I moved here. Amen.

James Prather – I was concerned about the chickens being in the town, especially, when we have something like 4,000 residents and many households that weren't here when I first came. The idea of having many households with chickens became concerning to me. Chickens can attract wild predators. I did all this leg work to get the following info. Salt Lake Tribune reported a cougar taking a small dog near Price and a bear killing a child near American fork. Cougar has been reported in the vicinity of BYU wildfire last year by the US Forest Service firefighters. My daughter was a firefighter with the US Forest Service and she relayed that to us. Utah Wildlife Resources department confirms cougar activity in Woodland Hills. With these reports and a large number of children in Elk Ridge at all hours, it would be tragic to add domestic fowl in great numbers to the attraction of the cougars and wolves as well, which are moving south in Utah, for large predators. I'm concerned that kids might be out and they go into the hills and around on their four wheelers alone, but if the predators are real and they are moving this way, then there is a possibility of children being killed.

Jennie Olson – I live directly south of the Denning property. It has been brought to our attention that the Denning's property at 539 E. Alexander Drive has been informed by the city they can no longer keep chickens at their residence. Having been aware of their chicken hobby for some time, we feel it is important for the city to know that never, ever, ever have these chickens have these birds been a nuisance or a problem for us. Our house sits ten feet away from the property line that borders the Denning's back yard. These chickens



are housed and kept in the backyard just on the other side of the fence dividing our yards. We have never had cause for concern of smell, noise, or anything else relating to these animals. For a long time I thought the Dennings had gotten rid of their chickens because I didn't see them. They had moved the pen up closer to the house. I didn't even know they were back there any longer. We feel the Dennings are very respectful, considerate animal owners. We have no reason to ask the city to involve itself in the matter of keeping chickens for a hobby. It is our belief that the city already has multiple issues of great concern to consider in the safety and welfare of our community rather than policing and citing citizens for keeping a few chickens in their back yard.

Barbara Anderson – Some of the things I am going to say, you might think they are not related or they are just being thrown out just to cause problems, but they really are not. I just kind of want to put things into perspective. 1) Cats attract wild animals. Birds that are flying around attract wild animals. Trash cans attract wild animals. So let's not make something into what it's not going to be. 2) Deciding whether or not chickens are farm animals...in some countries, dogs are raised for food, but they are not here and they don't have to be. They can be food in some places, but they are pets here. There is no reason a chicken cannot be a loved pet as anybody's cat or dog. 3) People seem to be forgetting. We are not talking about having a big poultry operation or chicken farm. We are talking about 2, 3, 4, or maybe 15 chickens. We had chickens last summer. They are being boarded somewhere else. They followed us around. They sat on our shoulders as we walked around. They ate out of our hands. They are very much loved pets. Eggs – we got an egg. It was about this big. We don't get eggs because we didn't set it up to get eggs. These were our babies that we played with and that's what they are. You could be really arbitrary and say this is a pet and this isn't a pet. I think I brought up before that I have snakes. I love snakes. They are beautiful. A lot of people would run screaming because I have a snake. I know people who have lizards, who have other things that some people might not consider pets. You can't say flat out that this is a pet and this isn't a pet.

Gary Prestwich - We moved to Elk Ridge because we were told that no one close to us had animal rights. My wife is allergic to farm animals. Chickens do cause an allergic reaction and that is why you are asked if you are allergic to chickens or eggs when you get a flu shot. We object to the smell of chicken droppings and the maggots and flies that infest the droppings.

I worked on a chicken/turkey farm and I have seen first-hand all that is involved in raising these animals. Chickens are quite susceptible to diseases and on my relative's farm where they raise these animals, extensive measures are in place to prevent the spread of disease. These include a secure environment where the temperature is controlled and visitors are not allowed inside and workers going in the enclosure wear special clothing and their shoes are covered and the covering is sterilized upon entering. The maggots and flies which infest chicken droppings must be dealt with by spraying pesticides which can then leach into the ground and contaminate our soil and water. We object to the mice that chicken food attracts. We object to the chicken noise. When one chicken clucks they all do!

In an interview with Ken Orton a professional real estate agent who lives in Elk Ridge, Ken said "If people have chickens on their property, property values will go down."

I have seen what happens when one chicken bleeds; the other chickens peck on it until it dies. In all the time I lived in Sanpete County no one ever had chickens as pets.

Kari Hiatt - My main reason for coming is because my husband couldn't make it. He is a trauma ER nurse. He works graveyards and sleeps during the day. I have had the chicken problem. I am not for the chickens at all. We had neighbors that lived behind us that had a lot of chickens. They would wake my husband up. There was an infestation of mice from the chickens. My kids had to continually throw their chickens back into their back yard. We had other people's dogs digging in our yard to get under our fence to get to her chickens. One morning at about 5 or 6 am we were woken up to her screaming because there were two dogs in the back yard killing her chickens. They weren't our dogs. They were dogs that came from other places. Our yard was messed up because of the digging. My husband couldn't sleep properly because of the noise. And yes, even if you are clean people chickens crap, they make a mess and it stinks.

Linda Cooper – She handed hand-outs to the members of the planning commission. These are the ordinances for the animal zones and I would like the planning commission to look over and review them because these requirements should be the requirements that are required up here, also. You can't have one standard for the Hansbrow's and one standard for Dayna Hughes, for example. You have to be consistent. And these lots are big enough to have animals and things. And if you uphold these standards...we do have some big lots here in town. If you adopted the same ordinances, those people would qualify. But we don't have very many. The other thing is that there are people who are very responsible with things; with chickens and pets and different animals. But working at the city office I know first-hand how many people call me and are upset with their neighbors, but they won't tell their neighbor. There is so much of that that goes on. You may think that everybody agrees with you, but they don't. We had an incident over here on a corner where a man was cutting the heads off his chickens and the five-year-old girl next door saw him and it was really a bad situation. Irresponsible people are the biggest problem and I think the fact that dogs are out running loose is proof of that. It's really something that you can't control because we don't have the money to control it. I wish we did.

Richard E. White – “I’ve lived in Elk Ridge for 9 ½ years. I was raised on a chicken ranch in an unincorporated part of Los Angeles County, CA that was zoned for the raising of animals.

I lived on that chicken ranch with my parents and brothers from age 6 to age 20 and was actively involved with the day-to-day operations of our chicken ranch.

Some of my jobs included: physically moving chickens as they matured, de-beaking all chickens, vaccinating all chickens against disease, gathering cleaning and packing eggs, handling feed from delivery trucks, feeding chickens, and selling eggs to customers.

From my many years of experience while living and working on a chicken ranch, I know that legalizing the raising of chickens is not in the best interests of the citizens of Elk Ridge.

I found out about this chicken issue in the city newsletter. So I went to city hall and found out that: 1) 6-8 homeowners are raising chickens in violation of the city code. 2) These citizens want to change the city code and make it legal to raise chickens within all of Elk Ridge City limits. 3) Our city isn’t currently enforcing the existing code on chickens, dogs, and other animals. 4) The people who want to make it legal to raise chickens convinced a majority of the city council members buy a 3 to 1 vote to instruct the city planning commission to develop a new city code to make chicken-raising in Elk Ridge legal.

I then got to thinking that we are a nation of laws and that we should obey our local city codes and that a law that isn’t enforced is worse than having no law at all. We can’t selectively choose which laws we will follow and which ones we will disregard.

And that’s why we are here tonight.

I believe that the existing city code is in place to a good reason.

We just live too close to each other to have barnyard animals in our back yards. Chickens poop a lot and it stinks and neighbors don’t want to smell that stink. This morning I received a phone call from Dr. Duane Roberts, MD, an ER doctor at Provo Regional Medical Center. He told me that when chickens become stressed they can produce salmonella bacteria in their manure. If children or adults come in contact with infected manure, the salmonella bacteria can be transmitted to them.

Flies are attracted to chicken manure. They lay their eggs which become maggots and the maggot then become flies. I hate flies. I know that neighbors will complain strongly about flies in and around their homes if chickens are allowed.

From experience, I know that chickens are easily riled up and they can make a lot of noise which will cause more complaints. I also know that mice are attracted to chicken feed if it is mishandled and I don’t want mice around my neighborhood or in my house. People who don’t have chickens may very well become upset and angry with those who do and I believe that tempers my flare and arguments may occur. The last thing we need in Elk Ridge is disharmony in what is now, for the most part, a harmonious community.

Now, how are we going to enforce the proposed fifteen chicken limit? And how are we going to ensure that chicken manure is cleaned up and disposed of often? Who is going to pay for the enforcement of the proposed code? Also, chickens have small insects on them and I sure don’t want to have them around me. And their dander and the dust they raise are very allergenic.

And then of all things, I was given a letter written by Dr. Joe Miner, MD, who is the Executive Director of the Utah County Board of Health. In this letter, he said that the H5 N1 Avian Influenza Virus has caused outbreaks in domestic chickens on several continents and that human cases with many deaths have occurred. He stated that the virus is spread by migratory wild birds and is transmitted by these wild birds to chickens and ducks which in turn can transmit the H5 N1 Virus to humans. He said that this will more readily occur when the virus is present in wild birds in this country.

Large commercial chicken operation have their chickens contained in sealed building in which only employees who are fully suited up and have been through a thorough sanitation measure can enter. I know this for a fact after visiting a large commercial chicken operation in Pennsylvania two years ago.

In conclusion folks, let’s obey the existing laws and not allow chickens to be raised in Elk Ridge. Let’s keep our city the beautiful place that it’s always been.”

Kris Bluth – I’ve lived here approximately 15 years. I am not for the chickens. I live next to a neighbor that had ducks and chickens to control her pests and never cut her weeds so there was a problem there. Also, I have small children and every time they wanted go out and play I had to call her to come get her chickens out of our yard and her ducks because they were afraid of them. My comment has to do with the survey. I don’t think our city has done a survey yet that is a controlled survey. I think you should table this action if you need more information until you have done a survey that is controlled. The questionnaire that was distributed did not call for the signature of the respondents. As you can see the numbers differ. At my house, if I have four people fill out a survey, which we only did one, but we would have four votes to no chickens. Are you going to accept households? Are you going to accept individual voters? Are you accepting renters; homeowners? How are you going to decide who you want to hear from on your survey? My last thing is I think you should have to sign it – your name, your address and your phone number to control who responds. You could have ten people fill out one survey so I’m not sure they even matter at this point.

Cody Talspe – I’ve lived just down the street from the Dennings for a couple of years. If you go over to their house, you don’t smell their chickens. You’re in their yard, you’d think you would, but everyone else around them complains for some reason. You complain about the noise, but we have 4-wheelers going all over the place. You complain about bugs – you’ve got dogs and cats. It’s not like they don’t attract anything. It’s just a petty little thing that everyone tries to blow into a big deal. There are domestic pets all over that make everything a lot worse than the chickens.

Robin Munning – I've lived in Elk Ridge for 23 years and we have had ducks and/or chickens for about 15 years. My husband is allergic to all dogs, cats, horses, cows; everything, which limits the ability of our children to have any kind of a pet. We are not trying to have a chicken farm. The chickens have a lot of space. We keep their pen clean. At this time, I do have roosters, but I'm willing to get rid of them. They are loud. The other chickens do not cluck all at once. They do cluck when they lay an egg to announce their accomplishment. I think this is just a matter of whether we are doing the letter of the law or the spirit of the law. Chickens are very small animals. We are not asking to have a lot. If we go by the code what we've been asked to do about keeping the smell down, the noise, keeping them contained in our yard and all of those things and registering ourselves with the city that we have an opportunity to have these hobby pets. We all know that there are problems with dogs and cats and other pets also. It's just a matter of being a responsible pet owner. There are going to be people who will always be a problem with no matter what pet they have. But I'm asking the city to give us a chance to have these small animals. Because of the recession that we are in, I don't know how many of you have been reading articles lately, but there are more and more articles coming out where people are seeing a need to have something like a small chicken for meat, for eggs, for something to fall back on in case there is a problem.

Robert Wright – I moved here about 4 ½ years ago. I can't really say that I am for the chickens. I am for people being able to own whatever they choose. However, you have to have the ability to contain those things within the perimeters that should be set by the public and what is safe practice and standards. I grew up on a farm and had chickens as a child. I lived in New York City for 12 years. My wife lived there for almost 20 years. I never saw a chicken. I worked in the communications business. I was on rooftops a lot. I didn't see chickens. Plenty of wild pigeons – we called them rats with wings. I don't see it as a really sanitary thing, necessarily, and I don't question that some people will be responsible and take care of them. It's the ones that won't. I personally have dogs that are indoor dogs. If I'm outside playing with them and they bark once or twice, I don't think anyone will mind. I don't mind. I have neighbors with outdoor dogs that would bark continually. And that's what I'm afraid of with adding more animals when we cannot control the ones that we already have. And people have 2 dogs, 2 cats. They don't have 15.

Russell Sly – I've lived in Elk Ridge about 9 years. I used to be on the city council until recently so I've seen a few things regarding city ordinances. Whereas there is a proposal to change city ordinances to allow small fowl i.e.: chickens to be kept within city limits I submit the following: The following is a statement of opposition to the raising and keeping of small fowl in the city of Elk Ridge as a proposed change in the City Ordinance.

1. The keeping of farm animals is restricted within the city for good reason and the ordinance that prevents it was drafted for good reason. Those who wish to live in a city environment should not be subjected to the nuisances caused by neighboring farm animals.
  2. The inclusion of farm animals within a neighborhood would most definitely have a negative effect on the property values of the neighboring properties.
  3. Chickens and pigeons are a source of nuisances in the form of offensive odor and noise. Chickens and pigeons do emit unwanted noise to the neighborhood regardless of whether there are roosters present.
  4. There is not a compelling reason for anyone to keep chickens in a residential area. If the production of eggs is desired the owner should purchase land in a rural area where such is permitted and not impose upon ones neighbors.
  5. There is not a compelling reason for anyone to keep pigeons in a residential area whether for recreational or other use. This activity belongs in a rural area and not in city limits.
  6. The existing laws and ordinances of the City should be upheld and enforced to the fairness of all the citizens and not amended to accommodate a few who would change them.
  7. There have been other groups who have proposed changes to our ordinances to allow the keeping of horses and pigs as domestic pets outside of the rules that would otherwise exclude them. This is a similar attempt to circumvent the intent of existing ordinances at the expense of ones neighbors and should not be allowed.
  8. The enforcement of the provisions that must accompany such a change in our ordinance is beyond the capability of our city.
  9. The burden of proof to make a change in city ordinance lies with those who would change and not with those who would maintain existing law.
- Addendum: It is the expectation of the citizens of Elk Ridge City that the elected officials will represent the will of the majority of the citizens and not vote to override them as was evidenced at truth in taxation hearing and city council meeting in the summer of 2008.

This blatant disregard for the wishes of the citizens was deplorable and should not be repeated. Some reliable method of polling the citizens on this subject should be implemented and the majority should prevail.

Eric Rassi – I've been a resident since 2001. My family found this community to be clean and a good, safe place for children. I believe that if this code would pass, it would remain so that the people would be respectful and to keep their animals safe and their children will still be safe. I don't have chickens and I don't plan on getting any, but if I did want to get some, I want to be able to have that freedom. So for me it's not necessarily the chicken issue it's more of a freedom issue. And I'm for being able to control what's going on with your property. I believe the essence of ownership is control. For me it's a liberty issue – it's a free country; it's a free community and I believe that people should have the rights to do what they want according to the law.



Erin Clawson – I am one of those people that do have chickens. I didn't know that you couldn't have chickens when we got them. I'm grateful that we live in a free country that when you want to have change that you are able to come to a forum like this and propose that things change as times and situations change. I think the proposal is fair if you are a responsible person and citizen and follow these guidelines it should be ok to have. We are talking a lot about laws being broken tonight. I think dogs being off leashes are against the law here. I think people going over 25 mph on our roads are against the law here. My child has more potential for harm from a fellow citizen than any wild predator. I think that if you are a responsible person and a considerate neighbor in all aspects whether it be dogs, cats, driving or whatever the laws are that as a citizen of this country we can always propose change and that if we abide by those and are respectful of one another that we can come up with a reasonable solution for all of our citizens.

Emily Anderson – I also have chickens and they are really good pets. One of the things that have been brought up a lot tonight is that it's a law that we shouldn't have chickens and that that law should be enforced and that we shouldn't have to change it. It also used to be a law that we could own other people or women couldn't vote. Times change and so do the opinion of the population and I think we need to change our laws and ordinances with it. Another thing that was brought up is that we don't have 15 dogs. We have 1 or 2 dogs. For the record, if we had chickens that were the size of dogs, we wouldn't need 15. We would just have 1 or 2.

Jamie Taus – The thing I just want you to know is I hope you don't weight the survey too much. I never received one and I don't know how many others didn't also. They kind of picked and chose who got the surveys apparently. So I hope it isn't heavily weighed on your decision making because it wouldn't be fair to those, like me, who didn't get one. I, too, think of emergency situations and I would love to be able to buy some eggs from my neighbors if they had chickens if I ever did need it. I visited Erin's chickens before and there isn't a smell. There up next to her house. They aren't boarding somebody else's. I, too, agree that if they're responsible that that makes all the difference. If there are restraints and what I've read, there seem to be some good restraints on people so that they are kept clean and their wings are clipped and so forth.

Lucretia Thayne – Just for the record, we've had bears and cougars in our yard and we do not have chickens. I have lived in Elk Ridge for 25 years and it was a rural place when we came. I know there is a lot of concern about property values. But people are getting up saying they have chickens in my neighborhood that I never knew had chickens. I didn't know some of these people had chickens until I was just told. And I've walked by their houses many times. So I don't see how people who are responsibly taking care of their chickens can be lowering property values if you don't even know they are there. As far as obeying laws, there are lots of laws that are broken and it bothers me that neighbors would be picky that somebody several houses away from them might have something they don't even see, but it's grading on them because they are breaking a law. The issue here is not majority rules. The issue here is protecting the rights of individuals. If you don't like chickens, you have a right not to like chickens. And if you have a neighbor who has chickens, you have a right to have an issue with that if they are really truly causing you a problem. That's understandable. If you have allergies, then maybe those persons shouldn't have neighbors with chickens. So something needs to be done to deal with that. I don't see why I need to go into somebody's house to find out if they have exotic birds and start pressing them because it's the law. Or why I need to go search out my neighbor's back yards to find out if they have chickens because it's the law. I had a police officer stop me once and I wasn't going what he said I was going, but he says, you know when they get up to this speed... Because I saw him and I slowed down. I never could figure it out. When they get to such a speed, we know they will be going faster so I stop them. That's selective enforcement. He obviously, views that when you start to go faster that it's more dangerous. Nobody here is talking about chicken farming. I don't know if any of these people have 15 chickens. That's something that was put in as a maximum. I don't think everyone in Elk Ridge is going to run out and buy chickens. But if they people have them and we don't even know, how can you then say I'm the majority and I have the right to take that away from them when it's not truly hurting you. What is it that grates on us that we have to control our neighbors that way that their like us.

Robin Clawson – I've lived here for almost four years and I'm for having chickens. I paid a pretty good amount of money for my property and I want to have the right to have what I want in my own home. I have an individual who lives next to me and he works the night shift at the hospital and he has never complained about any noise and he has never been woken up by my chickens. Therefore, I would like to have this ordinance changed so we can have chickens and be able raise whatever we want in our back yards.

Ciera Thayne – I've lived in Elk Ridge all my life. I just have two things to add about things that people have already said, but I'd like to take it farther. You mentioned slavery and just because it was a law, it wasn't right and it should be changed. As I remember from History classes, one of the things that people complained about with changing slavery – "that's not fair, we've invested our money. We are going to lose. Who's going to compensate us for what we've lost if you free these slaves? And we've lost a lot. They are like our assets." I think that is kind of a parallel to the people who say we moved here because it was zoned such and such way so we lose. That doesn't necessarily mean it was necessarily right in the first place. The other thing is the people's property values going down. When you say it's the city's responsibility to make sure your property values stay high – that's a really slippery slope. There are a lot of things that we could propose and make everybody do that would raise everybody's property value, but we shouldn't do that. I don't think it is the city's job to enforce property values at all.

Don Duncan – My wife has been in the hospital twice the last year and one of the questions they ask her is have you been around fowl. I guess they are concerned about bird flu. I grew up in a rural area where our neighbors had chickens and they cause lice and it entered into the schools. I think that in Elk Ridge most of us live on a third of an acre and that is just not enough room for chickens.

Jason Anderson – As a physician, I would like to address some of the health issues that have been raised. A lot of the things concerning people about health concerns have to do with large production farms. On an animal per animal basis, I would rather be around chickens than your dogs and cats because your dogs and cats, at least, in small production carry more diseases than chickens - at least, more diseases that you have to worry about. As far as the comment about ask when you're in the hospital if you have been around fowl – that's has to do with concerns about certain fungus spores that sometimes are in bird feathers. It's not about the bird flu. The bird flu, again, when it's been transmitted to human beings, it's been in large production farms. It hasn't been on individual basis like this. And when we are talking about hobbies like chickens, again, I'm more worried about getting a nasty bite from your cat that carry terrible bacteria in their mouths than ever worried about getting bird flu from my chickens. So the health things that have been raised tonight are red herrings because they relate to anytime you put large numbers of animals in a small group, whether it is chickens in a chicken farm, dogs in a puppy mill, or people in New York City. So the health risk is red herring. It boils down to not a compelling reason to keep chickens. Well, I could use that same argument and say there isn't a compelling reason to keep a dog – not a compelling reason to keep a cat. We are talking about pets. We are not talking about meat or egg production. Somebody else mentioned the fact that we have existing laws; that we are a nation of laws, implying, or at least I inferred that there was the sense that were law us. That's the beautiful thing about the system is that the laws were meant to be changed by the people. That's why we are together. But, again, I want to say, as a physician, that the health risk have been overblown; highly exaggerated in this forum and, again, I feel much safer around your chickens, than your dogs and cats.

Gail Webber – I have no official capacity, however, I have done a fair amount of research on H5 & 1 avian flu. The information that you were given in that letter was true, but it didn't cover all the facts. The facts are H5-1 Avian flu, while present in the United States, has never had a human contact situation in the United States. It has had one contact in Indonesia about two years ago. It can only become a pandemic when it becomes human to human. In other words, it is a red herring as we were just told. So that letter is false. I would like to suggest if you might consider a conditional use permit for those people who would like to keep their pets. Maybe we could have conditional use permits for children because I find that when children get together when one makes a noise, the other makes more noise and it just goes from there. I'm very experienced with that because I have 14 children. I know what I'm talking about. I would also like to let you know that I am aware of a person who is a night time nurse and has never been bothered by the noise of chickens. I live near chickens. I'm not bothered by them. That is not an issue. What we are doing is that we are in panic here and we're having false arguments for panic, which is kind of silly.

Russ Adamson, Chairman, closed the public hearing at 8:03 pm.

There was discussion that took place about how many surveys were sent out and how many were received. It didn't seem relevant.

Russ Adamson – He told the public not to worry too much about the survey results. We will take the amount of surveys received into consideration when making a recommendation.

#### Letters from the Public for documentation

Donna Durand – “Dear Mayor, Recently, a note was left at my home concerning the addition of chickens as pets/hobby pets. My husband has already filled out the survey and returned it to you timely because he and I feel strongly about the addition of chickens to the landscape of Elk Ridge. I might begin by stating that I felt you were right in handling the situation as a survey and therefore giving you important feedback that you might not have otherwise received. The note clearly is upset with you for doing that. I also might add that the note is not signed and therefore the opinions stated in the note are a mystery to me.

It states that chickens control mosquito populations. I can't imagine the amount of chickens that it would require to control mosquitoes and the West Nile virus. I have lived in Elk Ridge for 13 years and have never had a mosquito problem or any other biting bugs. Chickens can be a carrier of bird flu, which would be a bigger concern for me than mosquito control. They are also carriers of lice and they just poop everywhere.

I really think that if there were a natural or other disaster in Elk Ridge that the meat and eggs which they would provide, providing they themselves survived the disaster, would be minimal. Deer and other wildlife, or cans of powder mix would be as beneficial as a small amount chicken meat and eggs.

Let me preface the next statement with “I grew up with chickens”. We raised them all summer long and filled our freezer with them for winter eating. They do not make good pets. The only time that they may have been cute and cuddly was when they were chicks, not chickens. In fact, they can sometimes be quite “pecky”. They are not loveable and I do not think petting them is soothing or relaxing. Furthermore, and for once, I do agree with you, “Where does this stop?” For heavens sake, some citizens of Elk Ridge have difficulty with keeping dogs leashed, unregistered vehicles, trampolines, rusted swing sets, piles of inert matter, baby strollers, scooters,

motorbikes, etc. off the roadways and out of sight. My desire is that we do not add chickens and no laws need to be amended at this time."

Douglas Jarvie – "I have been a farmer all my life and at the age of 83 still have an active farm in Wyoming. I spend a good part of the year working and maintaining that farm. I have had the opportunity during my life to work with and care for almost every type of farm animal. Chickens are one of the nastiest animals on a farm. I don't think anyone can make a pet of them, maybe a hobby, but no matter how you dress it, it's still a chicken.

I would be opposed to me or my neighbors having any number of chickens in the area where I live and not presently zoned for chickens. I have been hospitalized the past week and am unable to attend your meeting tonight, but I would be hard pressed to vote for any city official that would allow a change the zone where I live. I moved here with certain expectations, none of which included having chickens in my yard or my neighbors.

You members of the Planning Commission and City Council need to respect our rights to live without this type of smell, flies, and noise being brought in after the fact. Those who have chickens and board them illegally get rid of them and obey the law.

If any of you Planning Commissioners or City Council Members want to talk to me about chickens or farming, I think I have a pretty good background and would be willing to share all my years of practice with you."

Lynn Frankovich – "We are presently rescinding animal rights in the North end of town for the very reason of spatial concerns and the closeness to zones that do not allow animals.

We may have given the wrong advice to citizens in allowing them to pursue the opportunity to change the code. These are wonderful people with the desire to do something that is not allowed. It would be proper for them to sustain, honor and obey the law.

Listening to the comments tonight, it is a very contentious subject. I propose that this "fowl" issue be brought to the city council and that they put a vote to the people. One vote per property!! "Yes or No" to the proposal."

Russ Adamson – I think we got a lot of good public feedback on this issue. I think the discussion among the planning commission could be fairly extensive. I would recommend that we put it on the agenda for next time to motion it.

Kevin Hansbrow – I think one thing that would help is if we all personally wrote down our feelings so we can get through it when we talk about it.

Dayna Hughes – We get our two minutes?

Kevin Hansbrow – Pretty much. Just so we can make the points that we are feeling.

Shawn Eliot – So you are basically just tabling it so you can take what you learned from tonight and think about it and make your decision later.

Dave Holman – How many chickens would designate the definition of a pet? Would 15 chickens be a pet? 5?

Public – 10 to a flock. And I don't know if you could plan it by a number. We have ten chickens. I put on the survey ten chickens. We chose that number to have two per member of the family. We just based it on how many you can handle as a family and still maintain clean and sanitary conditions.

Russ Adamson – Does anyone have 15 chickens in the community?

Public – I actually have 15 chickens. We have bantams so they are even smaller than regular-standard size chickens. But I live on two acres. I have a big hug fence and hutch. I am in the residential zone. I thought we had animal rights and we don't. They defecate just like cats or dogs. We just take care of it and till it into our garden. I have an amazing garden.

Russ Adamson – Where did the 10,000 or 15,000 square feet come from?

Shawn Eliot – The applicant and other chicken owners in the old part of town and there are many 10 & 11,000 square-foot lots.

Dave Holman – If 15 chickens are ok as pets, are 15 dogs or cats ok as pets?

Lisa Denning – You are not having a Mastiff, which is 200 pounds. What I want you to know is that my chickens all lay down in front of me because they want you to pick them up and love them and care for them. It's just like Gail Webber. She's got 14 kids. It doesn't mean that she didn't love each one and take care of them. For me, personally, I don't want 15 chickens. What we have in our home is what we can take care of.



Public – As someone who has raised chickens, I honestly think that 15 chickens are too many for the small size of lots. Because I have two acres, I don't have a problem with that. But if you get 1/3 acre, you don't have as much of an area. It wouldn't be appropriate for that size of a lot.

Lisa Denning – When we originally proposed the code we had it as 1 chicken per 1,000 square-acres. Other cities write their code for # chickens per acre.

**DAYNA HUGHES MADE A MOTION AND KELLY LIDDIARD SECONDED TO TABLE THE DECISION ON THE CHICKEN ORDINANCE UPON THE INFORMATION GIVEN FROM THE PUBLIC FROM THE PUBLIC HEARING AND PUT IT ON THE AGENDA FOR OUR FIRST JANUARY MEETING TO MAKE RECOMMENDATION TO THE CITY COUNCIL. VOTE: YES – ALL, NO – NONE, ABSENT (1) – PAUL SQUIRES**

Dave Holcomb – I read through the ordinance as it is written and it is very vague. Having raised chickens myself, I'm concerned that 15 chickens can put out 20 dozen eggs when they are laying. That is more than a family of fourteen can use. It's vague in a lot of areas and it's hard to enforce those things. You need to make sure that if you go ahead with this, that ordinance needs to be cleaned up and tightened up so there are some control procedures in place on how it's going to be done because what you don't want to do is set up something else like the dog and the city failing at. I prefer not to have a dog. Quite honestly, I raise chickens. I've had enough chickens in my life.

Scot Bell – What would be a reasonable goal?

Dave Holcomb – We had six chickens where we averaged 4 eggs a day. We lived in southern California so there was enough sun so they lay egg and four eggs was enough and we gave eggs away still.

## 2. DURABILITY BOND TIMEFRAME

Shawn Eliot – The durability bond is when a subdivision is finalized by the city engineer saying they did everything they said they were going to, they get a bond that covers the price of the improvements on roads and infrastructures. In our code, currently, we require that they do a bond for two years so if the road starts to sink it usually takes that long to notice a problem. Last year, the state legislature changed that time period to only allow cities one year for durability period. So we are just adjusting the code to meet state law.

Russ Adamson, Chairman, opened the public hearing at 8:07 pm.

Public – What protection is there for Elk Ridge if something happens to the infrastructure after that one year time is up?

Shawn Eliot – There isn't any. Once the year is up, then it is upon the city to have it fixed. So, hopefully, we get it right in that first year

Lisa Denning – Having dealt with construction a little bit, do we have to comply with what the state requirement is? Or can we go outside of that and protect ourselves further? As a town, we don't have the money to go back and pay that so giving us that amount of time is not enough.

Shawn Eliot – There are certain parts of state code that cities can be more restrictive and other parts where we can't and this is one of those. Basically, certain interests went and got this past at the state level and now we are complying with it at a city level. I guess we need to be more vigilant in inspecting these. I think we've done a good job so far.

Lucretia Thayne – So you are saying we are forced to do this by the state. So there is really no need for a public hearing.

Russ Adamson – It's a formality and we are doing it.

Lucretia Thayne – If I could put in my two cents, I would rather have two years.

Lisa Denning – Who did the compaction on this road out here? To me, we need to be more vigilant with our engineers and making sure that we have the compaction tests before it's been passed off. I'm just curious because it has broken up.

Shawn Eliot – There are discussions right now what we are going to do to fix that.

561 Lucretia Thayne – If they have a durability bond, that's insurance, right? And if they have insurance, does that insurance go away if they  
562 go bankrupt? Or can they be made to pay that insurance premium first?

563 Shawn Eliot – My understanding is that the city enters into an agreement with them and then they enter into an agreement with the bank.  
564 This isn't my forte'. I leave that up to our city recorder. But there are insurances for us to be able to go to the bank and get that money if  
565 we needed it. But when they do go bankrupt, there's that process of going through the bank and getting these things and then there's a  
566 new property owner and that makes it complicated.

567  
568  
569 Russ Adamson, Chairman, closed the public hearing at 8:10 pm.

570  
571 **DAYNA HUGHES MADE A MOTION AND KEVIN HANSBROW SECONDED THAT THE PLANNING COMMISSION**  
572 **RECOMMENDS THAT THE CITY COUNCIL APPROVE THE PROPOSED CODE CHANGES IN THE ATTACHED CODE**  
573 **CHANGING THE DURABILITY RETAINER REQUIREMENT FROM TWO YEARS TO ONE. THE COMMISSION FINDS**  
574 **THAT THE PROPOSED CHANGES ARE REQUIRED FOR THE CITY TO COMPLY WITH STATE LAW. VOTE: YES-**  
575 **ALL (7), NO-NONE, ABSENT-(1) PAUL SQUIRES**  
576

### 577 3. SUBDIVISION PLAT APPROVAL PROCESS

578  
579 Russ Adamson, Chairman, opened the public hearing at 8:11 pm.

580  
581 Shawn Eliot – I'm going to apologize up front because when we met at our last meeting and set a public hearing, I was expecting it to be  
582 pretty cut and dry. We would just take it from the hillside zone. Years ago we did some enhancements to our hillside zone and in the  
583 process we also inserted the development process – how to do your preliminary plat, your final plat, and so forth. Because we didn't like  
584 the way it was in our code right now. It was easier to get it into that code because that is where the hot issues were. We were going to  
585 go back and insert it in the rest later. Getting into the rest of our code, I realized we need to do more work on it. So the public hearing is  
586 premature. Open to any help with that.

587  
588 Russ Adamson, Chairman, closed the public hearing at 8:12 pm.

589  
590 Russ Adamson – We will address this issue at a future date.

### 591 OTHER ACTION ITEMS

### 592 4. HOUSEHOLD PETS CODE

593  
594  
595 Shawn Eliot - At our last meeting we had a public hearing where we were presented with some information from the public and we  
596 tabled it wanting to go back and have time to review it. In our work session earlier, I passed out some information from other cities on  
597 pets, cats, chickens, etc. We talked a little about whether it should be that you limit the number; should there be a limit? Should it be  
598 more the nuisance code? And I also gave you some articles from the Deseret News of past issues including Elk Ridge regarding this  
599 issue. It's continuing discussion from the last meeting whether you want to make a decision on 2 or 3 cats; do we want to do more  
600 research on tightening up our nuisance code. Our nuisance code right now is a bit weak for this. The dog problem within the city that  
601 you hear about a lot – part of that is that we don't have the teeth in our code to go after it, but part of it also is man power. We don't  
602 have a dog catcher. So when we write these codes, we also need to be able to enforce them. So I think as you discuss this you should  
603 think about how you want to handle that. Usually, our nuisances are that we rely on someone calling the city and complaining about a  
604 loose dog and by the time someone gets out there, the dog is probably not loose anymore.

605  
606 Scot Bell - It may be in lieu of the fact that Shawn has given us more information on this and we may need to go back and do a little  
607 more research on this – possibly have a work session. I think we should table it.

608  
609 Shawn Eliot – Do you want to get more information on nuisance based?

610  
611 Russ Adamson – I think I heard an undertone that our nuisance laws are not enforced.

612  
613 Scot Bell – People were less than happy with dogs tonight, not to mention some other animals. And I think we need to go back and look  
614 at that a little more closely.

615  
616 Weston Youd – I think with the discussion from this evening, we've seen a lot of things coming back to nuisance. So if we take care of  
617 that first and get the foundation of our nuisance laws established, these other things like cat population control and hobby fowl can be  
618 addressed with that foundation of a solid nuisance law to go along with it.  
619

Kelly Liddiard – My only problem with having it all underneath the nuisance law is that it comes back to saying it is just a vague thing and you get into a lot of gray areas. And if you have something specifically towards to pets – number of cats, number of dogs – it's easier to enforce. It's not that we are going to go into anybody's house and search and see how many dogs and cats they have, but when the problem comes up there is an ordinance in place that it can be addressed and taken care of and stopped.

Shawn Eliot – One of the things I've noticed in the research is that Sandy defined a household pet and they list what they are and they actually have chickens and ducks as household pets up to 6. You can have six total household pets of any of the combination of dog, cat. Six total, except for dogs. And again dogs are a big issue because they are big and they are noisy. Sandy does two dogs, but you can get a hobby canine permit so you can get up to six dogs. It's a permit where you have to apply to the city and then they have to review it every one or two years.

Scot Bell – Is that a conditional use or a permit?

Russ Adamson – What's the difference?

Shawn Eliot – I gave you that code tonight so it says it in there. I don't remember if it's a conditional use or not, but I think it is.

Weston Youd – In researching this topic between last meeting and this one, it's geared towards show breeders to use if you want more than your toy poodle that you show or you want a line that you are keeping and it is a conditional use and it's for that purpose.

Scot Bell – And it's enforced under what? Nuisance?

Weston Youd – It's not. It's enforced under the pet law.

Shawn Eliot – If you have a conditional use permit, let's say you have two dogs and you can have a conditional use permit to have up to six. With a conditional use permit, you can require it to be renewed every year or two years whatever. It has to go to the planning commission and it has to have a public hearing.

Russ Adamson – That's what I was going to say – how do you make sure that your neighbors don't feel coerced into something that they don't want?

Shawn Eliot – If there is a problem, there will be, at least, one neighbor who will come and speak to it. You can also make it that when you notice to the neighbors – because in many towns, people don't want to snitch on their neighbors or have bad feelings, but they are not afraid to call the city – so when the letters go out that we are having a public hearing to renew the permit on this animal or situation, please come to the meeting or if you would like to call and give us the information.

Russ Adamson – People still feel pressured to have to go testify against your neighbor that you don't want it.

Weston Youd – That's where the idea of a nuisance law because you put in the conditional use that renewal is based upon no or limited number of nuisance reports on that license so that if you get the permit and you don't take care of your dogs, your neighbors are calling the city regarding the nuisance, applying the nuisance law to the issue and then when you come back the next year, the neighbor doesn't have to come in and face you in a public hearing. It's basically that we have reports that have you X number of nuisance reports; therefore, we can't renew your license.

Kevin Hansbrow – How do you just keep your neighbor from calling in six times and gives themselves different names?

Weston Youd – That's something that an officer would investigate and determine whether it is a valid nuisance.

Deputy Tindall – Or through a subpoena they can get the name of the complainers so that would be a public record.

Weston Youd – And either way, it's whether they were cited for being a nuisance and then you apply that to your conditional use code. So again, if you have a solid nuisance law ordinance as a foundation, you can start putting these on top of it, but it will all be based on that so you can have that to build on.

Dayna Hughes – So does Shawn go back to work on the nuisance laws or do we have a work session? Because I really think that this is the direction that will probably best solve this issue is to address our nuisance code.

Shawn Eliot – Let's do a work session on it, first of all. We really need to understand our own nuisance code. I've been using it on the junk yards and the parked cars and it is pretty slippery. It's not up-to-speed compared to what many cities have. So on the dog issue, it's also quite slippery. In fact, there is one part in our code that refers to Utah County's code for animal issue. Utah County's code is not for a rural area.

Dayna Hughes – Rather than tabling the issue until the first week in January, we table the issue indefinitely we meet as a group to discuss the nuisance laws and see if we can make that the solution to both the household pet code and the change to allow chickens.

685 Shawn Eliot – And I would add there are certain animals, like dogs, where you do have to have a number. Maybe like Sandy did, you  
686 may want to allow a permit process for more.

6 Dayna Hughes – Yah, but Sandy probably have staff – they probably have animal control staff.

690 Shawn Eliot – But if it's going to be placed on a planning commission and a staff member needs to go and inspect the situation, I guess it  
691 could become a big deal if everyone had six dogs, but just like the chickens, I don't think everyone is going to run out and get it. It  
692 comes down to having your laws in place and having them understandable. That's our biggest problem right now. And having  
693 procedures in place and we haven't had that in the past.

695 Dayna Hughes – So for our January meeting we put on the agenda to discuss changes to the nuisance law.

697 Russ Adamson – I think they all ducktail together to make it all work so I'm not sure you can pass one without having a solid nuisance  
698 code. I think we are going to try to do a work session.

700 Shawn Eliot – The first meeting in January we can start it and we can make that whole meeting a work session so we can dig into it  
701 without having to do hearings and those kinds of things too. I'm not seeing anything that we will have anything else.

703 Dayna Hughes - I would like to put on the record that I think the survey was a bad idea. It did not come from the planning commission.  
704 The Planning Commission did not say let's do a survey. I think the woman who spoke to surveys was absolutely right in how it's  
705 handled, how's it's interpreted. I think we just need to be really careful to stay away from stuff like this if it's not done right. There are  
706 ways to conduct surveys and just passing out papers was a bad idea. I think it has ripped up this whole issue more than it needed to be.  
707 This is not what we do when we propose code change. We propose code and we have a public hearing. It was sent out per the mayor's  
708 request.

709 **WESTON YOUD MADE A MOTION AND KEVIN HANSBROW SECONDED TO TABLE THE HOUSEHOLD PETS CODE**  
710 **UNTIL SUCH TIME AS WE FINALIZE AND REVIEW THE NUISANCE CODE AND WE WILL ADDRESS IT AFTER**  
711 **THAT . VOTE: YES – ALL (7), NO – NONE, ABSENT (1), PAUL SQUIRES**

## 7 DEVELOPMENT CODE / STANDARDS REVIEW

### 7 5. GENERAL PLAN RE-WRITE UPDATE

714 Bob Allen – Bob passed out some drafts of the land use element map and the parks, trails, and open space map. He explained that he is  
715 re-writing the general plan based off a 10-page community survey.

716 Shawn Eliot – Shawn projected the current land use map, in which they were talking about. He pointed out the different zones and  
717 proposed areas for park space as development occurs. Right now, they would like feedback from the planning commission on the goals,  
718 such as, preserving the hillside area for large lots, and a goal for a commercial area. Are there other goals? And how are we going to  
719 implement them? We want to be able to present this to the community in a way that they can understand it and use it.

720 Bob Allen – He indicated that he has several questions about the direction they would like to go. A big goal is to simplify things – a lot  
721 more bullet points – and make it a more usable document to the city as well as the public. The vision statement is broken down into  
722 three bullet points. Land use is broken down into different categories and I wanted to make this vision statement reflect those different  
723 categories. Population projection is an important issue. When it comes to land use planning it is important to look at what your future  
724 population will look like so you can plan accordingly. Current estimates put the city at 2,296. By 2030-2040, you will reach about  
725 7,100. Annexations – there isn't a lot of land that can be annexed by the city, but those few pieces that would be annexed possibly,  
726 would bring you up to about 1,851 acres, which is sufficient for what we think build-out will be. We broke out the individual land use  
727 categories by residential, commercial, and special uses, which is critical environment and so forth. Residential Land Use first goal is to  
728 provide a well-designed family-oriented residential areas with a mixture of housing types and amenities, which is in the current plan  
729 now. Review and amend development standards to reflect xxx and high quality development.

730 A discussion took place regarding whether we were looking for long or short-term plans. It was also discussed whether the new city  
731 center/town hall should be in plan to be placed on the corner of Gooseneck Drive and Elk Ridge Drive and whether commercial shall  
732 surround it. It is, currently, zoned as commercial. The question was asked to the planning commission how they feel about commercial  
7 land and development.

733 Kevin Hansbrow – I think it's the old adage if you fail to plan; plan to fail, I think it's something we need to have in our general plan  
735 because I think it's something; although we're not sure if it's going to come or when it's going to come, it needs to be addressed before  
736 it comes, not when it comes.



Weston Youd – To turn around and get another 1500 homes in here in a matter of ten years. If we have this in our code for the next five years, we'll be in the middle of that, verses trying to catch up.

Dayna Hughes – I think that because we have commercial land zoned in the city, we do have to address commercial property in the general plan.

Bob Allen – He has been trying to find some good architectural renderings of some examples that would be appropriate for the Planning Commission to choose from. He discussed using a form-based code which is a little bit opposite and has a little bit more architectural parts in it. It says your minimum height needs to be X amount and you need to have X amount of windows for your shop. You need to have an awning or porch and certain parking. So it's really an architectural based code on what the buildings need to look like more than telling people what they can't do.

Scot Bell – He asked about the status of land that was proposed for Regional Public Works – Fire and Police possibly. There was a lot of discussion about that quadrant becoming the official base of commercial property. It would be more adjacent to Salem and Woodland Hills and would have a greater pull and draw. He was wondering what the current status is on that parcel of land. Do we really want commercial where the proposed commercial zone is currently.

Kevin Hansbrow – I think where it's at right now is the better place because that's where more people pass by.

Kelly Liddiard – That's the entrance to the city.

Scot Bell – If you are trying to draw on a commercial base, putting it more adjacent to multiple communities or their patroness.

Bob Allen – You are not limited to 7 acres. You can put in as much commercial as you want. I would suggest trying to centralize as much of it as possible so it's not all spread out. You can deal with traffic better that way. You can deal with things, not nuisances, but instances that come along with commercial.

Kelly Liddiard – I can see both because if you have commercial that's an attraction there, but it's going to be businesses and that kind of thing. The police department and fire department are not necessarily a big walk-in business. People have to go there, but it's not a commercial attraction.

Additional commercial discussion took place including if there was a bus transportation system running through Elk Ridge there should be some commercial going from Elk Ridge into Woodland Hills and Salem. The question was brought up if we do want to leave some commercial area just in case something comes up. Another question was brought up by Scot Bell as to whether we are contractually obligated to enter into a joint commercial zone venture with Payson city because of some past mayors having entered into an agreement with Payson.

Bob Allen – The town has set the standard of 5 acres of park, playground per 1,000 residents, which is the current standard. Its current supply is 7.05. Right now, in 2006, we should already have 11.4 acres, which we are already 4.4 in the hole. In 2030, at that standard, we would need to have 35.5 acres of park space. So we are already short 28 acres in that. Sometimes, it's hard to come up with a 5 acre park so one way to address that is to take the standard and say that is four acres of a community park, which is the big 5-acre park that we are talking about and one acre of neighborhood parks. The good thing is, you can find ½ acre or ¾ acre around in quite a few places and put in a swing set, a bench, a picnic table and you have a pretty good park that people can use. The negative part about that is a lot of maintenance crews don't like it because of loading and unloading equipment from one place to another.

Further discussion took place on the parks, trails, and open space element. Bob Allen asked the Planning Commission to do their homework and review the verbiage and to review the trails since motorized vehicles are allowed on city streets now and park space on the map.

## PLANNING COMMISSION BUSINESS

### 6. CITY COUNCIL UPDATE

Sean Roylance – We had a meeting much like tonight, except without people. One other discussion point we had was on four-wheelers. After the lawyer had taken a look at the code that we had approved, we changed the age limits on the ATV code. We dropped the age to anyone under the age of 15 needs to be accompanied by an adult. If you have kids under the age of 15 riding on their own, then that's not allowed with the current code. But if an adult is out there with them, then the age can be down to 8 years old. There was concern that 8-10 year olds would not be able to handle a machine very well, however, we also felt that it should be a parent's choice whether to allow it, rather than the public's. It does not necessarily mean that the adult needs to be on the machine with them, but they do need to be with them within 300 feet. In regards to the chicken code, the city council asked the planning commission to look at this so they are

sponsoring this, and not the original applicant, Lisa Denning. As far as the votes go, the city council took on that responsibility. The reason they felt this was right is because it was the city that made it a big issue anyway. The survey came from the mayor. The city council did not ask for it.

Dave Holman – I have a question on the enforcement of the four-wheeler thing because I've seen countless violations all the time.

Sean Roylance – When we approved to allow for a lower age limit, we also put in a motion that the city will hold training, as well as, do some education through the newsletter and so forth so people are aware of what the regulations are, but then they have some courses for children so they can be taught a little on how to handle machines, especially, in the city environment. In terms of enforcement, I don't think there will be much enforcement until after that takes place so just plan for next summer. We didn't touch motorcycles, but I think the nuisance laws are the best way to deal with motorcycles – that's my opinion.

Shawn Eliot – The sheriff took a big part in writing that code so he now knows what to enforce and what not to.

Russ Adamson – So for little kids on Motorcycles, is it the same ATV law?

Sean Roylance – Motorcycles are not covered at all with the ATV code so nothing has changed with motorcycles.

Shawn Eliot – Adults have to have motorcycle driver license.

Kelly Liddiard – You have to have a motorcycle endorsement.

Dave Holman – I'm talking about the dirt bikes – kids racing up and down canyon road.

Shawn Eliot – Was there a definition on what an ATV is?

Sean Roylance – Yes, there was a definition. The only discussion we even touched on with motorcycles was the loudness.

#### 7. REVIEW AND APPROVE MINUTES OF NOVEMBER 13, 2008

The minutes for November 13, 2008 were reviewed and corrections were recommended.

**KELLY LIDDIARD MADE A MOTION AND DAYNA HUGHES SECONDED TO ACCEPT THE MINUTES OF THE PLANNING COMMISSION MEETINGS FOR NOVEMBER 13, 2008 AS AMENDED. VOTE: YES-ALL (7), NO-NONE (0), ABSENT (1), PAUL SQUIRES**

#### 8. OTHER BUSINESS

**ADJOURNMENT** – Chairman, Russ Adamson, adjourned the meeting at 9:30 p.m.

  
Planning Commission Coordinator



