

## **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 - **Thursday, 8 January 2009**
- 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 (none)**

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

1. Nuisance Code Review ..... *see attachment*
  - Small Hobby Fowl
  - Household Pets
  - Unlawful Parking

#### **PLANNING COMMISSION BUSINESS**

2. City Council Update
3. Review and approve minutes of December 4, 2008 Commission Meetings ..... *see attachment*
4. *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, 31 December 2008 and delivered to each member of the Planning Commission on 02 January 2009.

Planning Commission Coordinator

*Marissa Bassi*

Date: 02 January 2009

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1 **ELK RIDGE PLANNING COMMISSION MEETING**

2 **January 8, 2009**

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5 **TIME AND PLACE OF PLANNING COMMISSION MEETING**

6 A regular meeting of the Elk Ridge Planning Commission was held on Thursday, January 08, 2009, at 7:00 p.m. at 80 East Park Drive,  
7 Elk Ridge, Utah.

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9 **ROLL CALL**

10 *Commissioners:* Kelly Liddiard, Dayna Hughes, Weston Youd, Dave Holman, Kevin Hansbrow, Paul Squires

11 *Absent:* Scot Bell

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

13 Shawn Eliot, *City Planner*

14 Sean Roylance, *City Council*

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16 **OPENING ITEMS**

17  
18 **OPENING**

19 Dayna Hughes, Co-Chairman, welcomed at 7:00 PM. Opening remarks were said by Paul Squires, followed by the pledge of allegiance.

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21 **PAUL SQUIRES MOTIONED AND WESTON YOUNG SECONDED TO MAKE DAVE HOLMAN A VOTING MEMBER ON**  
22 **THE PLANNING COMMISSION. VOTE: YES – ALL (5), NO – NONE, ABSENT – (1) SCOT BELL**

23  
24 **APPROVAL OF AGENDA**

25 There were no changes to the agenda.

26  
27 **DEVELOPMENT CODE / STANDARDS REVIEW**

28 **1. NUISANCE CODE REVIEW**

29 Dayna Hughes – It seems like after the public hearing, we didn't really get a chance to talk. There were a couple of statements in the  
30 public hearing that I wanted to touch on. I was looking for comments from the commission that kind of guided me as to where I think  
31 we should be going. Let's make sure we are all on the same page.

32 I just want to read a quote from the city attorney (David Church). "I believe that protection of a zone designation and its principle uses  
33 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  
34 breaking the law. One of the complications with changing in a zoning scheme after it is adopted and implemented is the problems with  
35 enforcement, neighborhood disputes, and disappointed expectations of people who move in under one scheme and then are subject to a  
36 significant change in the rules."

37 I also wanted to read a quote from Dave Holcomb. "I read through the ordinance as it is written and it is very vague. Having raised  
38 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  
39 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,  
40 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  
41 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  
42 honestly, I raise chickens. I've had enough chickens in my life."

43 Dave also mentions that he had six chickens and they layed an average of four eggs a day. So he felt like what we had as a limit was  
44 too much. Weston said, "I think with the discussion from this evening, we've seen a lot of things coming back to nuisance. So if we  
45 take care of that first and get the foundation of our nuisance laws established, these other things like cat population control and hobby  
46 fowl can be addressed with that foundation of a solid nuisance law to go along with it."

47 Weston also said, "That's where the idea of a nuisance law because you put in the conditional use that renewal is based upon no or  
48 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  
49 calling the city regarding the nuisance, applying the nuisance law to the issue and then when you come back the next year, the neighbor  
50 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  
51 reports; therefore, we can't renew your license."

And then the motion was made and seconded that we would table the household pets' code until such time as we finalize and review the nuisance code and we will address it after that. So I just wanted to make sure we are all on the same page as far as dealing with the chicken issue. I still like from our discussion and input from the public – I think changing the code and writing chicken code is a bad idea for many reasons. Number one would be that enforcement is nearly impossible. I don't see how we can, in good conscience, write new code about pets when we are failing so poorly in taking care of our dogs. So does everybody agree that that is where we are going? We are going to the nuisance code and we are probably not going to move toward changing the code and allowing chickens in the R-1-15,000 zone.

Kelly Liddiard – Right now, the nuisance code says they can't have the chickens, correct?

Shawn Eliot – Yes, it's the zoning code.

Weston Youd – What does the zoning code say specifically?

Shawn Eliot – Chickens are not allowed. Household pets are dogs, cats, rabbits, but do not include chickens, ducks, and geese. Household pet code does not allow pigeons, but later they changed the code to allow pigeons.

Dayna Hughes – I've thought about this for two months and I've read everything and all the letters we keep getting from the mayor and I just can't find a compelling reason to change the code. I think it would be a detriment to a lot of people. It would be an advantage to some, but I think it would be a detriment on others. So I think we should approach this as a nuisance issue and treat it just like anything else, like a dog that is loose. I didn't really understand that we had an animal nuisance and a car nuisance section. So I've been reading the nuisance laws on having a derelict car and a car with no tires and things like that. We have specific rules in place for nuisances regarding animals. So is there anybody that feels really strongly that we need to be working on changing the code in the R-1-15,000 zone to allow chickens?

Weston Youd – If you recall the reason this came about, was because someone came in specifically asking us to change the code to allow them to have chickens because they had chickens already. So the citizen asked us to review this and so we are in essence forced to change it. Now we can do it in stages; get a nuisance law established and then address that and say we have made the accommodation for pigeons. Your request to make the accommodation for chickens is not the same.

Kelly Liddiard – The applicant has asked that the Planning Commission address it, but it doesn't mean that you have to come up with some kind of code for it.

Weston Youd – That is absolutely correct, but to say that, no, we are not going to do it at all or that we are going to address it, I think, is the issue.

Kelly Liddiard – I think we have addressed it. It may not be an in-depth thing, but I think it is pretty in-depth with the responses we've had from citizens; the public meeting and comments in here. I think it's been addressed.

Dave Holman – We've addressed it. We are just not going to change it.

Weston Youd – So we are not going to change the code or what we've had we are going to address it and change it. Or are we going to say let's not address that now and establish a solid nuisance law and then address the chicken issue. I agree completely that we need to take the nuisance issue as per our animal regulations code from the county is confusing and in some cases contradictory. That needs to be taken care of. But then we do have an obligation to the applicant to address their petition to the chicken code. Do we say we've had input; established the nuisance law.

Kelly Liddiard – We have to finalize what we've come up with and give that back to the applicant. But I think it's already been addressed.

Dayna Hughes – I feel comfortable talking to the applicant tomorrow saying these are our findings on this issue. We can't find any compelling reason to change the code to allow for chickens. In our discussions, in order to appease both sides, we are going to look at our nuisance code and have chicken complaints come through the nuisance code. Everybody knows what is going to happen – as soon as we do this, the one person in the city whose been championing against chickens is going to complain and it's going to force this person to come into compliance, however, there is a possibility that this will all die down and the person who lives a long way away from the chickens is going to say they have better things to worry about. The people who live around the chickens are not the ones complaining. I was thinking, also, and I know we can't do this, but you should have to be a reasonable distance from the nuisance. I guess a nuisance on the corner at the city office bugs me. I just really feel like changing the code is a step in the wrong direction because if we do that...



Kelly Liddiard – I think it opens us up to some- we are specifically talking about hobby fowl – then we are going to have to address each animal as it comes. If you are going to do it in a nuisance code, like we are talking, which at first when it was mentioned, I thought I don't think that is the way to do it, but I'm kind of going back that way to have something that covers all of this stuff and if it is a nuisance and it's a hindrance to someone and it bothers them, then we can address it through that code.

Shawn Eliot – Over the holidays, I did a lot of research so I'm eager to share with you some information. The nuisance code talks about what is a nuisance, such as odor, noises, and junk cars, etc. And then it gets into dogs on the loose and rabbits and that kind of stuff, but it really doesn't get into amounts of animals.

Dayna Hughes – You mean ours doesn't? ANYBODY'S. Yes, they do. They are like four small and one medium animal equals an animal unit.

Shawn Eliot – If you are talking animal unit, but when you get into the zoning code, it says in this zone, you can have one animal unit per half acre. In another half acre you can have two animal units. And in this code, you can only have household pets in this zone. So we have to address both of them somehow because we do the nuisance code and then you have to do the actual what is allowed in each zone because they are different.

Dayna Hughes – I don't want to mix our breeds here, but it this the cat discussion too?

Shawn Eliot – It's everything.

Sean Roylance – It's the horse discussion. It's the goat discussion....

Dayna Hughes – Because they're all the same. If we can take care of it in one piece of code, then we are in good shape.

Shawn Eliot – We might not get it done in the next couple of weeks. Shawn handed out a diagram of what all the cities allow. I called most of the cities to find out from their enforcement officers to find out how all this works for them. The one thing that came out loud and clear to me with calling them all is they only enforce their nuisance code when there is a complaint. They don't peak in people's backyards. The diagram was listed from the least restrictive to the most restrictive. We are one of the most restrictive right now. Eagle Mountain allow in residential zones dogs, cats, chickens, ponies, horses, goats, and other type farm animals. The minimum lot size for dogs, cats, and chickens is any size.

Dayna Hughes – What did the applicant want? 12 chickens on a 1/3 acre? 15?

Shawn Eliot – 15 on a 1/3 acre. 10, I believe. When the applicant first proposed that, I told her that is going to be pretty hard, I bet. She said, let's go higher and then it can go down from there. Since then, she thinks 8 is a lot more appropriate than the 15 on the 1/3 acre. Eagle Mountain allows for the medium and large animals to be allowed on any lot in the city that is 1/2 acre and larger. It doesn't matter if it is in the 1/3 acre zone, as long as, its half acre and larger. They also allow on smaller lots with a conditional use permit. Talking with their inspector, they really haven't had many problems. There are 20,000 people in Eagle Mountain now. Most of them have all said dogs are their one problem and that's why everyone limits dogs like crazy because they can be a big problem. They allow 3 dogs and as many cats as you want. Again, they allow the nuisance law to handle it. They allow as many chickens as you want. To date, they have not had any chicken complaints. They also allow more dogs with a residential kennel permit. Now we allow kennels in our code, but only in the commercial zone. Some of the cities as I go along, they call it a hobby breeder's permit and they allow you to have more dogs or cats. Again, you take that extra step to come through the city either as a conditional use or through the city as permit and then every year or two years you are coming in renewing it and if there are complaints you are out of here. And what they've said is that most of those people who take the time to do all that are responsible enough to where complaints aren't happening. VAR means the amount of animals per lot size varies. Half acre is the minimum. So for instance, in Eagle Mountain, you can have a pony on a half acre or larger lot. You can go to the planning commission and ask for a pony on a smaller lot with a conditional use permit and you have to turn in what is called a livestock management plan that shows how you are going to take care of this plan and abate issues. If someone starts complaining if there is a nuisance – from what the enforcement officers tell me is that almost always when they go to somebody, almost always they end up working it out. The person cleans their act up. There is always going to be that problem person, but for the most part people are reasonable and they just get busy.

Dayna Hughes – So in our case, let's say we go ahead and clean up our nuisance law and don't allow chickens, don't allow horses. Then if someone complains then they would be fined or have to get rid of the horse. The conditional use thing scares me because it's a great stop-gap – make everyone happy to come in for a conditional use permit, but then I see tons of paperwork and administrative work.

Shawn Eliot – When a developer does off-site improvements, we keep a table of what developer does what so when another developer comes in ten years from now, we can flag that and let them know they can go after this other guy to get paid back. The law supports us

doing that. Once you get something set up, then you should be able to do it - the same with the permits. We have other permits now. Building permits is one. It's just setting it up. We don't use conditional use permits here in our city. In fact, we don't use them at all, whereas, with other cities, it's a big part of what they do. You can do it as a permit just at the counter, but again someone has to keep track of it. Lehi allows all those animals again with lots that are in specific zones, but most of the city is the specific zone. It's the ½ acre and above lots. They allow 2 dogs, 3 cats and 6 chickens on any lot in the city. They allow you to get a conditional use permit to allow animals on smaller lots. It's not every lot, but it's the bigger majority. Then again they have a kennel permit for more dogs or cats. Lindon allows chickens, cats, and dogs on any size lot. They allow up to 50 chickens on any size lot. Again, I talked with their enforcement officer and they've had one complaint about chickens since he's been there. The ponies and the horses are allowed on ½ acre.

Dayna Hughes – Have there been any complaints about chickens until this person stirred all this up?

Marissa Bassir – Not that I'm aware of.

Shawn Eliot – There was one after it started and I went and talked to the lady and she said they would clean it up. She said they had just gotten busy and they have the chickens too close to the fence. Since then, I haven't heard anything about it. Alpine allows horses and ponies on ¼ acre lots.

Kelly Liddiard – Have the enforcement officers had complaints from people that own these animals had complaints against dogs or chickens? I know of someone up in Lindon when fireworks are going off, their upset about the fireworks scaring their horses.

Shawn Eliot – What Alpine told me is here they are a city when these ordinances were written they were 3-5,000 people and now they are up to about 10,000 people and they do sort of have this tale of two cities where they have had a lot of Californians move in and there are people upset that don't want the horse next to them. But there are just as many that want it and the middle that just doesn't care. So it's probably about just the same as what is here.

Kelly Liddiard reiterated his question about whether the animal owners have complaints regarding other people disturbing their animals. He talked about setbacks from existing barns and neighbors moving in and then decides to build a barn within 100 feet. Shawn Eliot talked about the agricultural zones and when it starts to turn into residential subdivisions.

Shawn Eliot – Sandy allows six chickens, six cats, two dogs and allows a conditional use permit for additional dogs. They allow animals on half-acre lots as long as you have five properties come in with you to get your designated area to allow for these animals or you have to have 1 ½ acres of land to allow for these animals. Springville allows animals in their 15,000 sq. ft. zone, which is the majority of the city, but you have to have a half-acre lot. Mapleton is the same thing. One must have a half-acre lot. Spanish Fork is the same thing. Salem is the same thing. Salem knows they have chickens on 1/3 acre lots, but nobody complains so they don't worry about it. Santaquin is currently re-writing their code right now and they would allow chickens and ponies on 1/3 acre. So they have never had an animal code. Orem allows animals on any 1-acre lot in any residential area, which I was surprised. Provo doesn't allow chickens, but they allow ponies on a 1/7-acre. It's allowed in their 6,000 sq. ft. zone.

Kelly Liddiard – Going back to Santaquin, you were saying they are re-writing their code and they didn't have a code before. Is this going to be retroactive for people with existing animals? Or will they be grandfathered in?

Shawn Eliot – They will be grandfathered in. As long as they can prove they already had them. The same thing with cats - If we were to say they can only have 2 cats, and we allowed infinity cats before, then they would be grandfathered in, but they would have to prove it. Then once a cat dies then they can't replace it. Provo allows ponies and pot-belly pigs. It's a conditional use permit and the planning commission has to approve it. The owner has to give the planning commission their plan.

Dayna Hughes – That's a year. That would drive me crazy if I was a neighbor who didn't like that and it would take a year to get that resolved or to revoke the conditional use permit.

Shawn Eliot – No. Once there is a complaint, it goes into being looked at and reviewed.

Weston Youd – A conditional use comes up if there is a complaint, which triggers a review.

Shawn Eliot – So you can revoke the conditional use at any time if there is a complaint.

Dayna Hughes – Something said you had to have three complaints and then it was revoked.

Shawn Eliot – That's on the pigeon code. Our pigeon code is pretty detailed compared to other cities. Most cities say you can either have them or you can't. Some only allow five and others allow fifty. Pleasant Grove is one of the more strict cities where they don't

allow anything, but in the agricultural areas. They only allow 2 cats and 2 dogs, but you can get a kennel use permit for more. American Fork is the same thing – only in the agricultural areas, but they know they have animals all over town, but there no complaints and they don't have the resources to enforce it.

Dayna Hughes – Even so, nobody in this administration would go out seeking law breakers. They would wait for a nuisance to be filed. That is a typically operating procedure.

Kelly Liddiard – If the nuisance ordinance is set, then you are already prepared to handle the situation when it comes up. If you don't have something in place then people are scrambling and then you have a long drawn out process like we are doing now.

Dayna Hughes – It sounds like with all of these cities with all of these allowances have had very few complaints.

Shawn Eliot – I think what happens is that most people might be bugged, but not enough to call the city.

Kelly Liddiard – I disagree with that. I worked in Pleasant Grove and I know the number of complaints we got and it was a continual, daily thing and it wasn't just dogs.

Shawn Eliot – There is a pony within the city and they were given a letter to get rid of it without a complaint.

Dayna Hughes – So someone within the administration went out looking for a law breaker without a complaint twice that I am aware.

Shawn Eliot – The whole reason the chicken thing came up is because the chicken owners came to the city council after an article in the newsletter came out. They didn't know they weren't allowed to have chickens, but they didn't want to be law breakers. So in looking at the memo, you can just deny it and be done with allowing anymore types of animals and tell them to get rid of their animals and come back later or we can look at it and pot-belly pigs aren't that big of a deal because they aren't a real pig.

Kelly Liddiard – What are the county ordinances as far as swine?

Shawn Eliot – In the nuisance ordinance, that would fall under noise and smells and odors.

Kelly Liddiard – It's like an agricultural thing?

Shawn Eliot – Do they allow in residential areas? They really don't have any residential in the county.

Kelly Liddiard – That's what we go to is the county's code, right?

Shawn Eliot – For nuisance, not for the animals that are allowed.

Weston Youd – Because they don't have a residential area, you can raise anything.

Shawn Eliot – If you are on a 5-acre lot, they are not going to care what you have anyway.

Dayna Hughes – We want to get away from this and get more to something like Eagle Mountain.

Shawn Eliot – We need to do both. The Utah County code is our code. We reference it. Looking at other cities, they basically copied their code and changed it to their needs and that's what I suggest we should do. Right now, our code just says that we reference Utah County Code. There are three copies at the city office. Utah County code says you can have four dogs and four cats. That is contradictory of what we have. We say 2 dogs and no limit on cats.

Dayna Hughes – Is everybody ok with keeping dogs at 2.

Paul Squires – I bought a female dog with the purposes of keeping it as a pet and letting it have a litter and selling them.

Dayna Hughes – As long as there isn't any complaints.

Shawn Eliot – You can keep them for four months. Other cities do allow you to have more with a kennel or breeders permit. At least 50% or more of the cities researched allow you to have more if you jump through more hurdles.

Weston Youd – You have somebody that is an aficionado of a breed or they do some showing they will probably have multiple animals of that breed.

Kelly Liddiard – Is the kennel permit a conditional use permit?

- 230 Shawn Eliot – In most cases it is.
- 231 Dayna Hughes – How many dogs are allowed in a kennel?
- 232 Shawn Eliot – I think the most I saw was eight. Most of the cities, I would say are closer to six.
- 233 Kelly Liddiard – And that is a revocable permit.
- 234 Dayna Hughes – Does anybody want to go toward adding a kennel permit in addition to the two dogs? YES
- 235 Dave Holman – It's better than a conditional use because a conditional use will tie our hands.
- 236 Dayna Hughes – Can you have a cat kennel?
- 237 Shawn Eliot – Really what you are doing is allowing those few people that do want more than 2 that are crazy.
- 238 Kelly Liddiard – I'm fine with the cat kennel thing as long as they are held to the same standards as a dog owner.
- 239 Weston Youd – I like Lehi's code with respect to dogs and cats. I think that is beautiful.
- 240 Shawn Eliot – They just say household pets are these...and you can have six, except for dogs and you can have any combination of  
241 those six.
- 242 Dayna Hughes – That is so un-enforceable.
- 243 Shawn Eliot – The enforcement part comes down to the nuisance code. So six is a reasonable level and you are probably not going to  
244 have any nuisance problems over that.
- 245 Dayna Hughes – Do you have to pay for a kennel permit?
- 246 Shawn Eliot – Yes. It's usually like \$25.
- 247 Dayna Hughes – And that is for a year. So we have decided that we will keep the dogs at two and you can apply for a permit. Six dogs  
248 with a kennel permit and they have to pay for it. If there is a complaint and they don't clean up their act then the permit is revoked for  
249 the dogs. And we are not going to have people going around knocking on doors asking how many dogs people have. We will use the  
250 nuisance code. Cats.
- 251 Dave Holman – Six pets total. Any that can be any combination of dogs, cats, or whatever.
- 252 Weston Youd – Then we are getting to the point where we define a pet.
- 253 Dayna Hughes – The problem with a cat is that they roam. It's easier to tag a dog and what dog belongs to whom.
- 254 Further discussion took place about Pleasant Grove's ordinance to license and lease cats. And it was tried in Elk Ridge and it did not  
255 go over well. Utah County's code says that cats are not allowed on other people's property without permission. The owner would have  
256 to take care of anything they did on the property.
- 257 Dayna Hughes – Are we all in favor of limiting cats? YES. So let's talk about numbers. 2 or 3.
- 258 Weston Youd – 2 and if they want more they can come in and get a permit.
- 259 Shawn Eliot – They call it a hobby breeder's permit for the dogs and cats and I think that is better because kennel sounds more like a  
260 business. We have kennels in our code, but they are only in the commercial zone and they are set up as a commercial business.
- 261 Dayna Hughes – And to go back to the Thayne's argument...why are we limiting this? Are we limiting cats because they are causing  
262 problems? Or just because we need to wrap up a code that everybody can live with regarding animals in Elk Ridge.
- 263 Kelly Liddiard – Because we are going to hold cat lovers to the same standard we are holding dog lovers.
- 264 Dayna Hughes – Remember they had all those feral cat communities and if you get rid of them they make more cats.
- 265 Kevin Hansbrow – Does this apply to the canyon area?



- 266 Shawn Eliot – Yes, because it is a household pet. The canyon area does have animal rights. Animal rights in the canyon area go into  
267 farm animals.
- 8 Dayna Hughes – Can you have two permits? NO.
- 269 Dave Holman – So someone comes in and get s a permit for six dogs and a permit for six cats. So they can have twelve?
- 270 Dayna Hughes – Yes, because if we get into defining how many animals you can have in a house, it will get crazy.
- 271 Shawn Eliot – There are two ways you can do it. One is like Sandy where they say a total of six, but they list the five types of animals.  
272 Or you can say animals sold at a registered or licensed pet store.
- 273 Additional conversation took place regarding allowing snakes, snake owners and not allowing snakes.
- 274 Dayna Hughes – Horses. Isn't the pony issue sort of dead? The pony issue has already come before the council and the planning  
275 commission and we said no.
- 276 Shawn Eliot – The planning commission said yes. It was the city council that said no.
- 277 Dayna Hughes – It's already been discussed so the owner of the pony is out of compliance just like the owners of the chickens. They  
278 are exactly the same thing. So do we want to do any type of conditional use permit?
- 279 Kelly Liddiard – My thing is lot size. I just don't think you should have some kind of farm animal and I don't care what anybody says  
280 a chicken is a farm animal. A duck is a farm animal. That's the kind of thing you'll see driving out in Lakeshore. But when you are up  
281 here driving through a residential neighborhood with ¼-acre lots that's not something they expect to see. And then if I'm up here  
282 shopping for a house, that's not something I want to see along with the broken down cars. If it's under a half-acre, I don't think it's  
283 something that should even be considered.
- 4 Kevin Hansbrow – There are some stuff that's already in there, but Bridger Lane has animal rights.
- 5 Kelly Liddiard – That's going to be grandfathered in and I understand that.
- 286 Dayna Hughes – Brockbanks' lot is a 1/3 acre so they would still be out of compliance if we went to a half-acre lot.
- 287 Shawn Eliot – You would have to allow for a conditional use permit and then they would have a livestock management plan.
- 288 Weston Youd – I like the sound of that.
- 289 Dayna Hughes – I think it's a bad idea.
- 290 Weston Youd – It will be zoning – the same way we are going to follow up on the dogs and the cats with the permit.
- 291 Dayna Hughes – But we're not. We are going to wait for complaints.
- 292 Shawn Eliot – One of the reasons we don't do dogs is because we get a lot of dog calls. I think more people complain about dogs than  
293 anything else.
- 294 Dayna Hughes – Have people complained about the horse?
- 295 Kelly Liddiard – The thing about the horse is that it isn't roaming.
- 296 Dayna Hughes – They tried to get the code changed and it didn't. They said we are still going to keep our horse.
- 297 Kelly Liddiard – It goes back to the same thing. If we have the ordinance there, somebody moves in the development behind them,  
298 they are not going to like their horse there and they complain.
- 9 Weston Youd – How many lots do we have in residential areas that are over a half-acre? Not many. If you are not in an animal rights  
..0 zone, farm animals are not allowed, but...I'm going to bring up the pigeon thing. The minute we do this they are going to come in and  
301 say well you let pigeons in. If I have six pigeons or six chickens, it's the same impact.
- 302 Kevin Hansbrow – I disagree that chickens are the same as a horse.

303 Weston Youd – I agree. I do not think that they are the same.

304 Dayna Hughes – We can't mix pigeons in with chickens.

305 Weston Youd – A half-acre lot with respect to chickens, you can have six chickens on a half-acre lot that are permissible in a  
306 residential area. Anything under a half-acre lot, you have to have a conditional use permit and a fee.

307 Dayna Hughes – No. Conditional use permits for farm animals should not be allowed. Conditional use permits for dogs or cats are  
308 allowed.

309 Kelly Liddiard – It's not a conditional use permit. It's a hobby breeder's permit.

310 Dayna Hughes – But it's basically a conditional use permit, right.

311 Shawn Eliot – If you make it a conditional use permit. You can make it just a permit through the office.

312 Dayna Hughes – But horses, goats, chickens, pigs, and those types of things...

313 Kevin Hansbrow – I don't see putting chickens in with all those other animals.

314 Kelly Liddiard – You can't see putting chickens in with farm animals.

315 Kevin Hansbrow – No. Because I think chickens can be more of a pet and also space. It's also a space issue for me. If you can have  
316 six cats on a property... Six cats or dogs are worse than some chickens. I have dogs on one side and chickens on the other. I love the  
317 chickens compared to how much I love the dogs.

318 Dayna Hughes – How many? Are six chickens going to bug anybody?

319 Kevin Hansbrow – I think six chickens on 1/3-acre are ok. I don't think it needs to be a half-acre. I'm saying less.

320 Dayna Hughes – I'm saying if you have a half-acre with six chickens, is that going to give anybody heart break?

321 Dave Holman – I like ducks better than chickens as long as they are penned and not wandering over to my house to make a mess.

322 Dayna Hughes – Ok, so are we going to say six small fowl?

323 Kelly Liddiard – Why are we going to take every species and say how many they can have?

324 Kevin Hansbrow – Because everybody else does it.

325 Weston Youd – A precedent has been set for fowl like pigeon. A precedent has been set that we have to respect. Somebody came in  
326 and made a request to change the code to accommodate their pigeons.

327 Dayna Hughes – I'm with you, we just need to take it a step at a time.

328 Shawn Eliot – I think they allow 50 pigeons anywhere in a 1/3-acre zone, which means down to 10,000 square feet.

329 Dave Holman – Do they have to be caged?

330 Shawn Eliot – You have to have a coop. You have to allow them out to fly. You can't allow them to poop on the neighbors anywhere.

331 Dayna Hughes – Some people want to have chickens be in with cats and dogs. Some people want chickens to be in with farm animals.  
332 So we need to take a vote. Who votes for 6 chickens in with cats and dogs on a half-acre lot? One vote. Who is for including chickens  
333 in with farm animals? Kelly, Dave, Paul, Dayna, Kelly

334 Weston Youd – I am thinking in the quantity of six, they can be deemed as pets.

335 Kelly Liddiard – No quantity. It's the type of animal and it's a farm animal.

336 Dayna Hughes – We are going to lump all the farm animals together.

337 Weston Youd – I don't think you can answer that question because if I have 50 dogs, they are not pets at that point.



338 Kelly Liddiard – You are not going to have 50 dogs.

9 Weston Youd – That's what I'm saying is that we are not going to allow 50 chickens either. If we were going to allow 50 chickens, I  
0 would say yes, that's livestock. If you are going to have 6 or less, those are pets.

341 Kelly Liddiard – So then are we going to limit the amount of household pets? No you can have 6 dogs, 6 cats, and 6 chickens.

342 Dayna Hughes – No. We voted that the chicken was not a domesticated animal. It is a farm animal. So it doesn't go in with the dogs  
343 and cats. We need to get that straight to where we are going.

344 Dave Holman – If someone wants to have a few chickens in their backyard, then it's a farm animal and we'll let the nuisance law pick  
345 it up.

346 Dayna Hughes – And maybe nobody will even care. Do we want to say that we allow any type of farm animal in the city on a half-acre  
347 lot or more?

348 Kelly Liddiard – So in order to have farm animals, you have to have at least a half-acre or larger. You can't go down to a 1/3-acre.

349 Dayna Hughes – So the applicant would be out of compliance. Well everybody would be - the horse person and the chicken person.  
350 Isn't that why we took away some of the animal rights zones because the lots just weren't big enough to support big animals. We  
351 aren't talking animals.

352 Shawn Eliot – We took away the R-1-A zone mostly because the subdivision in it had CC&R's that said you couldn't have animals. So  
353 it seemed sort of redundant to have a zone that allowed animals, but it was the R-1-15-A zone that said you had to have a half-acre or  
354 more lot to do it.

355 Dayna Hughes – So do we need to set a number for those animals?

6 Kevin Hansbrow – I think we should take a poll of how many of us think that we should allow that to happen.

7 Dave Holman – So we are going to allow agricultural animals?

358 Kevin Hansbrow – There is already a spot for that in the city.

359 Weston Youd – If you are going to define that, then I say we don't adjust the code at all because the code says that if you want farm  
360 animals i.e. livestock you go to the zone with animal rights.

361 Sean Roylance – I want to ask a question about the whole livestock/farm animal thing. Can you go buy a calf and a pet store? But can  
362 you buy a chicken at a pet store?

363 Weston Youd – You can.

364 Kelly Liddiard – Is that what we are saying that it has to be from a pet store for it to be a domestic household pet?

365 Sean Roylance – I would propose that you at least consider that. But I think that the line isn't so clear as a chicken because a chicken is  
366 raised on a farm.

367 Dave Holman – You've got to think of the difference. When you buy it as a pet, it's a chick. A little chick is a cute thing for the kids  
368 to play with.

369 Weston Youd – You can't take that argument because everybody goes and buys a kitty because they're cute and everybody goes and  
370 buys a dog because they're cute, but they all grow up and they all poop on the neighbor's yard.

371 Dayna Hughes – I think the pet store argument is ridiculous.

2 Weston Youd – The pets that go outside or that interact with others than their owner is what this ordinance is for. Pets and/or animals  
3 owned by a person that interact with others. The code has to address that. Your gerbils, your geckos, your hamsters, your cockroaches  
3/4 are all within your home and don't bother others.

375 Dayna Hughes – Where are we on chickens?

376 Sean Roylance – Here's why I think the pet store argument is relevant because you have all these things and unfortunately the big deal  
377 that they made last year over that you should be honest, law-obeying citizens so it has been made into an issue and so I think that you  
378 probably ought to look at and say here is what is ok. And you can either list them all out or you can list them like a pet store.

379 Dayna Hughes – We can just get our nuisance code in order and delineate cats, dogs, and chickens. Then perhaps the current mentality  
380 will change and people won't be so accusing of people breaking the law.

381 Kelly Liddiard – I think it goes back to what Weston is saying the geckos, the python, the cockroaches that are in my basement are not  
382 going to affect somebody else so they are not going to generate a complaint. And it's not something that you or I or anyone else is  
383 going to be going door-to-door saying where's your animals.

384 Sean Roylance – Of course, the chickens have never generated a complaint either, but here we are.

385 Weston Youd – There is a higher degree of promise in that chickens are an outside animal so there is more potential for it to interface  
386 with others. That's the address is that there is the air, space, sound and shares between neighbors.

387 Kelly Liddiard – We've already got two or three homes in the residential area that has chickens. Granted there haven't been any  
388 complaints. They are the ones that brought this to change the code. But how many have geckos. Besides Kevin, are there others that  
389 have geckos? There are more chances of complaints coming from the chickens because more households have them.

390 Dayna Hughes – I know, but what are we going to do? What do you propose?

391 Kelly Liddiard – So you've got to list out the chickens and that kind of thing or list them with the farm animals. With exotic pets, they  
392 are so few and far between and they are in somebody's house and they are not out running around.

393 Kevin Hansbrow – We should put somewhere in the code that they are allowed so they are not out of compliance because I have a  
394 gerbil at my house.

395 Dayna Hughes – I don't think we should do that. I think we should live and let live. Everything has worked so far just fine. We are  
396 not talking about these other things. Let's just get dogs and cats and chickens taken care of.

397 Weston Youd – To close this point, though, is there any code in any other city that addresses specifically a pet shop being a qualifier.

398 Shawn Eliot – Santaquin is doing it right now. I think I put it in the memo. This list is what they consider wild animals in our code,  
399 which is the county code, right now. And many of the cities do list venomous snakes and lizards, but then non-venomous are not  
400 considered that. Skunks.

401 Sean Roylance – Don't stop with the chickens. Go with the horses. And if the answer is no, fine, but just do it, otherwise you are  
402 going to get it in a month. So just cover it all.

403 Shawn Eliot – "Domesticated animal means any animal accustomed to live in or about the habitat of man, including but not limited to  
404 cats, dogs, fowl, horses, swine, cattle, sheep and goats." Those are domesticated, but they are not defined as a household pet versus  
405 wild animals – meaning something like wolf.

406 Kelly Liddiard – Unless we have an actual Elk Ridge city ordinance, then it refers back to the county code.

407 Shawn Eliot – We refer to this in our code right now.

408 Kelly Liddiard – I know, but if we come up with something new then it is ours, but can we still go back to the county code?

409 Shawn Eliot – No. What I would say is that we need to mold this to our own situation. They have hobby breeders.

410 Kelly Liddiard – I don't like that terminology at all.

411 Shawn Eliot – What it is saying is that it isn't a farm. It isn't a large, scale operation. We are not doing a turkey farm. We are doing a  
412 small, in our backyard for our personal enjoyment.

413 Kelly Liddiard – To me, it sounds like someone is trying to get around the rules.

414 Shawn Eliot – That's what we are doing with the dogs and the cats then. We are saying you can have two, but if you want more then  
415 we are going to make you take another step. You can call it hobby breeders or kennel, I don't care.

416 Dayna Hughes – Again, we are back to do the chickens fall into the same categories as a domesticated animal or is it a household pet or  
417 a farm animal. I think there is a big difference between a small horse and a chicken. So I don't think they can be grouped together. Do  
3 we want to talk about horses and get them out of the way?

419 Weston Youd – I think horses are fine the way they are. They are agricultural. Unless, you are in the animal rights area, you can't have  
420 horses or ponies.

421 Shawn Eliot – Most of the codes categorize them as small, medium or large animals. Horses are large animals. That's a better way to  
422 do it because you aren't just limiting it to one type of animal.

423 Kelly Liddiard – So is a pony a large animal?

424 Dayna Hughes – No.

425 Dave Holman – So you have to define every animal there is and which category they fit into.

426 Shawn Eliot – Well we aren't importing too much from Africa.

427 Dayna Hughes – So large animals are only allowed in animal right zones.

428 Shawn Eliot – They list the animals and then also say or other like animals determined by the animal enforcement officer, city council  
429 or planning commission.

430 Dayna Hughes – Horses – done. Mini horses?

431 Kevin Hansbrow – Medium size animals.

432 Shawn Eliot – Which then includes goats.

3 Kevin Hansbrow – I can see a goat on a half-acre.

434 Dayna Hughes – Even though, we went through these two years ago and we said no to mini horses, can we do this again?

435 Shawn Eliot – Sure.

436 Dayna Hughes – I have heard that the mini horse stinks. A yard is basically where the mini horse is living.

437 Weston Youd – They just used their mini horse as a seeing-eyed animal. It was just on the news. They have a seeing-eye horse.

438 Dayna Hughes – Can we just change mini horses to half-acre lots? We have large animals, which are horses; medium-sized animals,  
439 which are pigs, goats, and mini horses that have to be on half-acre lots.

440 Kelly Liddiard – I just don't think you want to get into letting pigs.

441 Weston Youd – They are already defined as porcine products, which we already restrict. Other than pot-belly's.

442 Dayna Hughes – So we are talking about miniature horses and goats that have to be on a half-acre lot.

443 Dave Holman – Full size goats or is there any size?

444 Weston Youd – Those are all adult goats.

445 Shawn Eliot – A lot of cities just allow females.

446 Dayna Hughes – Now we are back to peacocks, chickens, ducks. Is there anything else that needs to be addressed?

447 Kevin Hansbrow – Hobby fowl.

448 Kelly Liddiard – Peacocks are a nuisance.

449 Kevin Hansbrow – Is a pigeon a hobby fowl? YES

450 Weston Youd - I would say we incorporate this into the pigeon code as hobby fowl and be done with it.

451 Kevin Hansbrow - I think if you are allowed to have six dogs on 1/3-acre lot, then you should be allowed 6 hobby fowl on a 1/3-acre  
452 lot because I would rather have six chickens next to me rather than six dogs pooping in the yard.

453 Dayna Hughes - The idea that a person has of living in a residential community, there is a difference between dogs and cats and  
454 chickens. I totally agree with you, Kevin, six chickens is way better than six dogs. Even though, we agree that six chickens is going to  
455 cause less of a nuisance than a dog, dogs and cats are accepted, domesticated animals that when you move into a community, you  
456 expect to have a dog or cat next to you.

457 Kevin Hansbrow - I don't expect to have six dogs next to me.

458 Dayna Hughes - But do you expect to have chickens?

459 Kevin Hansbrow - If I'm not going to expect six dogs, I wouldn't expect six chickens.

460 Kelly Liddiard - So you are saying with the six chickens you have to have the permit.

461 Dayna Hughes - So you are saying no chickens are allowed, but you can have a six chicken kennel permit?

462 Kevin Hansbrow - I think it should be equal. I don't care if that is what everybody in society thinks is a pet. What if I want chickens?  
463 What if I love my chickens and I know people up there love their chickens. I think fifteen is way too many chickens.

464 Weston Youd - Quoting Barbara Anderson - "There is no reason a chicken cannot be loved as a pet as anybody's cat or dog could.  
465 People seem to forgetting that we are not talking about a big poultry operation or a chicken farm. We are talking 2, 3, 4, or maybe 15."  
466 (I agree, maybe that's bad.) "We had chickens last summer. They are boarded somewhere else. They followed us around. They sat on  
467 our shoulders while we walked around. They ate out of our hands. They are very much loved pets."

468 Kevin Hansbrow - Just because society says it's not the normal pet, doesn't mean it's not. I love geckos. I have huge varieties of  
469 geckos.

470 Dayna Hughes - So you are saying six dogs, six cats, six hobby fowl. That means you can have three ducks and three chickens. Are  
471 we saying no to peacocks? YES

472 Dave Holman - Are you going to automatically say six or are you going to say two and then up to six with the permit.

473 Kevin Hansbrow - I think it should be equal. Two - with a permit, up to six.

474 Dayna Hughes - Are geese allowed? NO. One way to get around this, if we adopt this pigeon thing - combine the two and get rid of  
475 the pigeon thing, our current pigeon guys are ok. They are grandfathered in. This is new pigeons because maybe this is a good idea  
476 because it's not going to affect them. I would hate to go back after we have gone through the whole pigeon thing and say ooo, but we  
477 can anyway because they are grandfathered in.

478 Kelly Liddiard - If they are grandfathered in like we were saying earlier on the cats and one of them croaks, and then they can't get  
479 another one.

480 Weston Youd - No, it's if they stop their activities for one year. They can go through as many pigeons as they want, but it's a full one  
481 year. In fact, if you look at it, it says keeping up an animal existing to the law prior to the effective date of this ordinance, which is not  
482 allowed under the ordinance, may be continued as a non-conforming use, except that if the non-conforming use is discontinued for one  
483 year or more, it shall be gained abandoned and future keeping of the animal shall be in conformity with this ordinance. So they can go  
484 through as many squib as they want to, but once they stop for a full year, they are done. But if they have one pigeon in that coop, they  
485 are still operating and can go back up to fifty.

486 Dayna Hughes - So now we are back to hobby fowl - chickens, ducks, pigeons - no peacocks, no geese. Now we are putting pigeons  
487 in with hobby fowl. What about lot size?

488 Kevin Hansbrow - I think it should be equal.

489 Dayna Hughes - So any lot size - equal with dogs or cats. You can have up to six.

490 Kevin Hansbrow - Two and then up to six with the permit.

Weston Youd – The minute those six chickens become a nuisance to you, you will apply the nuisance ordinance to it and they go back down to two.

Dayna Hughes – So are two chickens ridiculous? NO.

Further discussion took place regarding whether to allow six chickens in the beginning without a permit. Kelly Liddiard said if you are going to have chickens, you should have a permit. If you are going to have hobby fowl, it should be up to six with a permit. Shawn Eliot was concerned because, in the beginning, the pigeon code was written because some people were members of the pigeon association and were allowed to have up to 50 because any less wouldn't work. If people would like to have new pigeons, they would have to go to the animal rights zones.

Dayna Hughes – We are going to get rid of the reference of Utah County code. We are going to write up our own based off of the county's code. It's going to look like this. It's going to be very short and concise. It's going to be on the website.

Shawn Eliot – It's going to be about the same length. The Eagle Mountain code you have is in the zoning ordinance that is saying how many animals, but they have their nuisance code, which is adjusted Utah county code.

Dayna Hughes – I think the heartburn for most of the citizens was the zone change. That bugs people when they buy a home with certain zoning and it's changed. So what I think we should do and what I'm hearing from my esteemed colleagues is take the Eagle Mountain code regarding wild animals and all those things we don't care about and make it dogs, cats, large animals, medium animals, and hobby fowl. Those are going to be our criteria. You can have two dogs and if you pay \$25 for a kennel permit and up to six dogs. You can only have one kennel permit at a time. It's conditional use.

Kelly Liddiard – Can you please clarify? You can have one kennel permit at a time.

Dayna Hughes – One dog kennel permit at a time.

Kelly Liddiard – So you can still have one dog and one cat permit.

Further discussion took place concerning whether to allow a one dog, one cat, and one chicken permit per household and let the nuisance code apply. They discussed only allowing one permit for dogs, cats, or chickens. So if you have dogs, you can't have cats or chickens, and so forth. The owner would have to choose between the three animals for what to have just one kennel permit. They can have their hobby fowl permit and two dogs and two cats. That's plenty of animals. If you want the hobby fowl, you have to have the permit.

Dayna Hughes – So this is going to be tabled again until it is written up so we can review and vote.

Shawn Eliot – The one thing that is in our animal rights zones, the code is pretty messy and confusing. It took me three reads and then giving it to Bob at work and my boss to try to figure out what it meant and then we had to make a lot of assumptions. However we go into this small, medium, large animal that we apply that to those zones so that it is easier to use.

Dayna Hughes - Doesn't it apply to every zone, except those with animal rights?

Shawn Eliot – We're talking about different things though. One, you're talking about household pets. Household pet applies to every zone. If someone lives in an animal rights zone, household pet is one thing, and then the animal rights they have for livestock is another thing.

Dayna Hughes – But we are really only talking about people who live in a non-animal right zone and how to control the animals there.

Shawn Eliot – And Weston asked if there was anything else and that was the only thing I could see.

Weston Youd – Is she cleaning up not only this, but animal right zones. There is some ambiguity in that code that you would like us to address. Can we table that please?

Shawn Eliot – Unlawful Parking – I didn't catch that on the agenda so I didn't get into that and we had enough to do.

## PLANNING COMMISSION BUSINESS

### 2. CITY COUNCIL UPDATE

Sean Roylance – I think you have covered the only on-going topic.



Dayna Hughes – Do you see the city council as having a completely divergent point-of-view as the commission on this?

Sean Roylance – I think what you guys are putting together is appropriate and when it gets to city council either they are going to say this looks right, maybe tweak a number here or tweak something there or they are going to say no leave it the way it is.

Weston Youd – I think if that is the case, the planning commission has met the needs of the applicant by doing some do-diligent and then she can take that with the council.

Sean Roylance – I appreciate you looking at all the animals because I think that we got ahead of the curve with that and that will shorten up a lot of discussions.

### 3. REVIEW AND APPROVE MINUTES OF OCTOBER 9, 2008

The minutes for December 4, 2008 were reviewed and corrections were recommended.

**A MOTION WAS MADE BY WESTON YOUNG AND SECONDED BY KELLY LIDDIARD TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETINGS FOR DECEMBER 4, 2008 AS AMENDED. VOTE: YES-ALL (6), NO-NONE (0), ABSENT (1), SCOT BELL**

### 4. OTHER BUSINESS

Shawn Eliot – We do need to adjust the schedule. I'm assuming we want to keep the same night. The issue we talked a few meetings ago about having a meeting once a month and have meetings if needed. Personally, I would like to do it the other way around only because we've been slow lately, but it's not always going to stay that way. So if you adopt it that way, we will have to wait a whole month before we do something. It's a lot easier to say we are just not going to meet the next time.

Dayna Hughes – I'm ok with that as long as the meeting is cancelled at the previous meeting. So we aren't wondering if we are having a meeting and can I make plans. So we are going to go ahead and plan meetings twice a month, but the second meeting will most likely be cancelled.

The days were gone over with a calendar and July 23, November 26, and December 24 were all cancelled. A meeting can always be added if needed.

Shawn Eliot – You all know that Russ Adamson has resigned as chairman. At our next meeting we will set our new chair and new vice-chair. Usually, the vice-chair moves up to the chair since they are all schooled. Dave Holman will become a full-time member. Does anyone know of anyone who wants to be on the commission? Give the information to the mayor or myself.

Weston Youd – Dave and I attended the planner seminar training. It went very well. Marissa attended half. It was really good and I enjoyed it. Particularly, the discussion on commercial development I really liked. It might be a year or two; maybe three years to commercial development here so having that insight was good.

Shawn Eliot – Those are things that instead of saying here Shawn write this up, we could start forming some sub-committees and start working on those. I was going to ask on the animal right thing we are talking about, would that be appropriate to have a few of you volunteer as a sub-committee so I can bounce it off of you or do you want me to keep bringing it back here and we table it every time.

Weston Youd – I would be more than happy to answer any questions.

Shawn Eliot – The thing that I know in the past that when we did have 2 or 3 people in a sub-committee – this stuff is pretty deep sometimes and to sit in a meeting here, whereas some people understood a bit more before they came to the meeting they can help explain why better than I can. If two of you would like to do that, it would help me out.

Weston Youd volunteered, as well as, Kelly Liddiard depending on his schedule.


Dayna Hughes – I think this group works well in its entirety and to sub-divide us out and we have very diverse opinions.

Shawn Eliot – Well, the reason I bring it up is because Weston talked about commercial code. And our commercial code does have some issues. Our PUD code has issues and sometimes it would help. We used to assign things out to individuals. If commercial is something you want to work on...

Dayna Hughes – If someone has a pet project, that's fine.

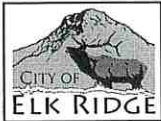


588 ADJOURNMENT – Co-Chairman, Dayna Hughes, adjourned the meeting at 9:05 p.m.  
589



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, 12 February 2009**
- 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** (none)

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

1. Nuisance/Animal Code..... *see attachment*
2. Horizon View Farms Concept ..... *see attachment*
3. Haskell Plat Concept Discussion ..... *at meeting*

### **PLANNING COMMISSION BUSINESS**

4. Planning Commission Members Vote Chair/Vice-Chair
5. Planning Commission reinstating of Kelly Liddiard as full-time member
6. Planning Commission sustaining of Dave Holman as full-time member
7. City Council Update
8. Review and approve minutes of January 8, 2009 Commission Meeting ..... *see attachment*
9. *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, 04 February 2009 and delivered to each member of the Planning Commission on 05 February 2009.

Planning Commission Coordinator

*Marissa Bassin*

Date: 04 February 2009

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# ELK RIDGE PLANNING COMMISSION MEETING

February 12, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, February 12, 2009, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Dayna Hughes, Weston Youd, Paul Squires  
*Absent:* Scot Bell, Kevin Hansbrow  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Shawn Eliot, *City Planner*  
Tyler Haskell, Cory Pierce

## OPENING ITEMS

### OPENING

Dayna Hughes, Chairman, welcomed at 7:05 PM. Opening remarks were said by Kelly Liddiard, followed by the pledge of allegiance.

### APPROVAL OF AGENDA

Agenda was modified to reflect as follows:

1. Horizon View Farms Concept
2. Haskell Plat Concept Discussion
3. Nuisance/Animal Code
4. Planning Commission Members Vote Chair/Vice-Chair
5. Planning Commission reinstating of Kelly Liddiard as full-time member
6. City Council Update
7. Review and approve minutes of January 8, 2009 Commission Meeting
8. Other business

**A MOTION WAS MADE BY DAYNA HUGHES AND SECONDED BY PAUL SQUIRES TO APPROVE THE AGENDA AS AMENDED. VOTE: YES-ALL (4), NO-NONE (0), ABSENT (2), SCOT BELL, KEVIN HANSBROW**

## DEVELOPMENT CODE / STANDARDS REVIEW

### 1. HORIZON VIEW FARMS CONCEPT

Cory Pierce – Since the last meeting, I've only been half involved, so if I'm off a little bit, hopefully, Shawn can clear me up. There was a meeting with Rick Salisbury, the mayor, and Shawn and some others. There was kind of a resolution or some requests from the city to resolve some of the issues and look at the layout concept and that's what we have tried to show here on the current plat. You'll notice against the open space next to phase one, we have the town home units, which was a suggestion from the city, to push those right against the boundary line. Within the PUD, there aren't any setbacks, so Shawn suggested pushing it back. Rick Salisbury mentioned he was going to get with the bank and others to try to work out the issues with the open space and work out issues with that being those backyards.

Dayna Hughes – We haven't done that yet, but I don't think it affects this plat because the open space for this plat was covered in the other plats. That was an issue in October when we didn't know that since then, we have discovered that the open space was covered in the other two plats. Open space is non-issue or a little bit of an issue, Shawn?

Shawn Eliot – The amount is a non-issue.

Cory Pierce – So pushing those units out and adjusting the roads, as discussed with Shawn, will give the center a little more open space. The unit amount is the same as we have been talking about before.

Dayna Hughes – Shawn and I sat through a long meeting with the city attorney and the city council. There were lots of things discussed, especially about us and our role and this continuing problem we seem to have with understanding what our purview is and what it is not.

First of all, the city council was thinking why is the planning commission looking into animal code when it is not their purview. But it was decided and agreed upon that this particular issue is a land use issue. So that is our little code. If it is a land use issue, we can talk about it. We can bring things forward. We can suggest code. If it's not a land use issue, like enforcement or who's going to take care of the park, we don't talk about it. So hopefully, we can proceed with a good relationship with the city council and we will both be on the same page.

Shawn Eliot – I think the difference is that we have the development code, which we are over, and then the municipal code. Basically title 10 in our code is development code. Municipal code is criminal, it's stuff, how wide the streets are going to be, etc. Under the animal code, there are two sides to it. There is the enforcement side, which is under the criminal code or nuisance ordinance and then there is the land use side that is under the development code, which tells what kind of animal usage you can have per zone and how many. So that's the issue and we were asked to present to the council.

Dayna Hughes – The city attorney brought up an issue that many cities are experiencing. I think when people were banging at our door with acres of land and hillside issues and things like that, we were pretty stringent about what we felt Elk Ridge could allow, especially, residents. They don't want town homes; they don't want apartments across the board, however, in the economic situation we are in right now, he said one way to go is to get things moving, get things built because the problem that we have is the entire infrastructure over there in Elk Ridge Meadows (PUD).

Shawn Eliot – And that was the discussion is the PUD has gone defunct and most of the land has been turned over to the bank. We have dead parks and streets that aren't finished and that sort of thing. We want to get a feel for where we are at as a city – what do we need to do next to facilitate it going forward or make sure we aren't caught off-guard.

Dayna Hughes – So the people that own park, street lights – those were all supposed to be taken care of by an HOA. It's gone into bankruptcy so all that stuff has died and as soon as spring comes it's going to become evident. One suggestion was to get things moving; get people building; get people moving in and paying taxes so we can continue to support that infrastructure. If not, if we continue to sit and hold out for some vision of the type of home we want in Elk Ridge, we may end up in worse shape than we are now. Lots of cities are going bankrupt and we don't want to get there. With that said, we need to remember to look at how this development fits the code.

Shawn Eliot – The reason we brought this up is because we met with Rick Salisbury who is proposing this development and, obviously the last time he met with us he was quite discouraged because he was turned down and it was basically because the open space was the main issue. Since then we found a note in the file that said all open space will be handled in phases 1 through 3 and that phase 4 doesn't need open space. Of course, as a planning commission we had discussed since phase 4 the town homes – there wasn't any concept at all. It was just a square on the map to be determined at preliminary.

Dayna Hughes – The 74 units was just assigned to it.

Shawn Eliot – We were concerned about a play ground or landscaping and we were told at the time that it would be taken care of at a later time. It will be its own home owners association. But nobody noticed this one little note. So basically, what they are saying is that we've turned in enough open space with the rest of the preliminaries so we don't have to do it here. They are not proposing wall-to-wall building – there is open space in there. We just can't say they have to have the 25% that we were saying. We met with Rick and some partners and he is interested in taking over the remainder of the PUD. I don't know if there has been any progress with it or not. He's been talking with the bank. And he has asked us to work with him. He would rather get through this together than not. And I think we as a city feel somewhat compelled in that we have a dead development that's has the potential of sitting that way for many years. In the staff report, the development does meet the code. The only thing that held it up last time was the open space. I think the only issue that we wanted to talk about was the proposed zero-lot line on homes on the east side of the development - the homes a-butt the open space on phase 2. So the feeling is that since this is the town homes and they don't have any kind of yards that are a part of the unit, they could do a zero-lot line and have the open space behind them for them. So the discussion with Rick was getting the open space restored or turned into something more usable for that kind of a development, instead of what is there. Other issues from last time were the small backyards on some of the units and some of them still do have smaller backyards. And I think we went back and forth as to whether to fence it or not. If that's an issue, then they can do it in their CC&Rs. Last thing, was what the units look like. They are all front facing garage and front door.

Paul Squires confirmed that all the town homes were on the east side – units 1-21. Dayna Hughes asked if the single-family had five-foot lot lines. Shawn confirmed it was five feet on each side. Dayna then asked if the town homes had any front yard or if they just stepped out onto the open space.



99 Cory Pierce – We are looking at the craftsman style. Before we had just the town homes and they will look the same, just detached for  
100 the single family homes. He referred to some old pictures. Right now, there are 3 or 4 plans to choose from. So there will be 3 or 4  
101 fascias per unit.

102 The planning commission viewed some photos that were taken of other developments similar to the style expected or wanted that were  
103 taken in Spanish Fork and Traverse Mountain. The pictures depicted where the front door/garages would be placed; whether it was  
104 facing open space or the street.

105 Cory Pierce described that they would stagger the town home units either forward or backward so it isn't such a straight corridor.

106 Dayna Hughes asked if we were still questioning the split-rail fence along the boarder.

107 Shawn Eliot said that was where it was originally going to be, but now since the plat has changed, does the commission still want a  
108 fenced-off area or just open space.

109 Weston Youd – If you are going to do zero-lot line on the town homes, for continuity sake, maybe we should maintain the open common  
110 area throughout.

111 Shawn Eliot – You have the west property that is a hard boundary with a non-developed area and then you have the two main roads on  
112 each end. So if you want to have that country farm feel, which is what this is supposed to be like, you would probably want to have  
113 some kind of a fence there.

114 Weston Youd – Right, bordering the entire subdivision.

115 Shawn Eliot – It's the open space side that would be an issue and depending on how we work that out with the current land owner, you  
116 could still put a fence in there, but just put it back from the house or you can just do nothing. I think the question I was having was in  
117 the middle with the ten-foot areas. There is a development in Pleasant Grove called Apple Grove and they have ten-foot and that's  
118 theirs and they can do whatever they want, but they can't fence it. So they basically put in land decks or landscaping and it just opens  
119 into the big common area. So the question is if you wanted fences, would it be better to require a split-rail; it's small, or just mark them  
120 off or just don't do any fence.

121 Kelly Liddiard – If you are just going to do a split-rail fence, then don't do any fence at all. It serves no purpose.

122 Weston Youd – That Apple Orchard is a good model for this development. If they are open to that suggestion.

123 Cory Pierce - I think with Rick Salisbury he would rather not have the fences and to create the open feel. Last time, we showed them  
124 thinking of doing a little private backyard. The more we've talked to Rick and meeting with Shawn, it sounded like the open feel was  
125 more popular. We realize that ten feet between the homes is tight. We don't want to fence this off completely from the open area either  
126 and have that secluded feeling.

127 Weston Youd – If you put up fences, the tot lot is going to feel like a corridor or alley way.

128 Cory Pierce – If it was me, I would not like to have the tot lot fenced so I can see my child when he is out playing.

129 Dayna Hughes – Is the mix of town homes and single-family units an appropriate fit for this development?

130 Paul Squires – Yes.

131 Shawn Eliot – Originally, they were approved for 74 town home units. So that is the one thing we have to say we are ok with.

132 Paul Squires – If you are going to have it as a homeowners association, will the HOA stress no fences?

133 Shawn Eliot – The CC&R's will say no fences and then the HOA will be in charge of enforcing it.

Dayna Hughes – Are all the homes facing into the development appropriate? I think I'm still a little confused as to what is facing where.

Paul Squires – They are facing the street.

136 Shawn Eliot – They changed it from last time.

137 Cory Pierce – The single-family are short frontage, narrow houses and tight in between. They are not the exact same unit. They will  
138 look different. The attached units are the exact same style, only there isn't any spacing in between. There is the ability to mix and  
139 match. So in other words, units 5-8 aren't necessarily going to be the exact same set of four units as 12-15. There are four plans that  
140 they can choose from and we will fit it into the set. We are hoping to get some variety and not be the same units.

141 Shawn Eliot – Each unit has a different stucco/rock to break it up a little bit.

142 Dayna Hughes – There isn't any problem with regards to how the units are facing.

143 Cory Pierce – We've learned from other developments and we are not opposed to long driveways. I think we are eighteen feet from the  
144 back of the walk.

145 Dayna Hughes – So everyone is ok with the homes facing into the development. YES. Go over the setbacks again, please.

146 Weston Youd – side setbacks are five feet from property line to unit.

147 Kelly Liddiard – What is the purpose to push them back to the open space?

148 Shawn Eliot – Because we are trying to get more open space in the middle. And by doing a zero lot line and the town homes are  
149 smaller, it allowed us to move it back. That was one of the main concerns last time where the middle open space kept shrinking. So this  
150 was to move it out and gain more.

151 Kelly Liddiard – What is the plan for the open space behind the town homes?

152 Shawn Eliot – That is something we need to negotiate and talk through.

153 Cory Pierce – Some background on Rick in coming in, he sees a good point to capture some market. He's talked to his subs and he has  
154 prices down to a range to where he is actually selling and it's surprising at how many he's sold. He sold 40 homes in January.

155 Dayna Hughes – These are in the \$120k range?

156 Cory Pierce – The range he is hitting is \$149-199 for the single family home. I'm not sure exactly where he is going to hit with these,  
157 but it probably somewhere in that range.

158 Shawn Eliot – He told us in the last meeting 180 was his target for the units overall.

159 Cory Pierce – The town homes will have to be a little lower in order to sell them. That's one of the reason he has pushed to sell single-  
160 family units. He has the prices to where he won't be able to sell the town homes because he is undercutting himself.

161 Shawn Eliot – Until we know if Rick is going to go forward with the adjacent property or we can negotiate with the bank to let that area  
162 be done, this is the bank and it is foreclosed and they probably don't want to be a developer, our concern is that if we move forward and  
163 continue approving developments in it when the open space is gone to trash and parts of the road aren't done, should we be approving  
164 more developments. I put that in there as a preliminary item. We do want to get these things ironed out and we have started meeting  
165 with the bank and we are going to meet with the land owners to get this figured out. If Rick doesn't go forward, then the zero lot line  
166 will be an issue.

167 Dayna Hughes – Do the setbacks meet code?

168 Shawn Eliot – The only thing the code says is when you are adjacent to a non-development property, you have to be 30 feet per the  
169 building code, but since this is a PUD, they don't have to conform to that code.

170 Dayna Hughes – Are zero lot lines on one side of the development acceptable?

171 Weston Youd – I'm comfortable with the setbacks and the back yards. That is if the bank says it's a go with Rick.

172 Cory Pierce – Rick has talked with the bank several times and he felt like they verbally got to a point where they could make it work fo  
173 each other. He was supposed to meet this week to kind of formalize it, but that didn't happen. So there is no written agreement so we  
174 can't say anything at this point. He's interested and one of the things that Rick is working on is he is buying a lot of these foreclosed  
175 properties feeling like we need to work through the inventory that is out there before we start building new roads and this is one that  
176 interests him. The surrounding Elk Ridge Meadows infrastructure is ready to build the homes. Short term that is where he would like to  
177 be.

178 Weston Youd – I would say contingent on the improvement on the land adjacent to this development. I am comfortable with a zero lot  
line. If that condition changes, I would have to see another concept. This concept, to me, with respect to this lot line, I am ok with, but  
if it changes, then I would have to re-evaluate.

182 Cory Pierce – I don't think we would want to put the units there if there isn't access to the open space and some kind of back porch.  
Obviously, if our houses there, we would have steps going out into the open space. I would expect some green area right adjacent to  
183 match.

184 Dayna Hughes – What would the planning commission like to see as open space behind the east units? Grass – water-irrigated grass,  
185 which is the most expensive thing you can put it there.

186 Shawn Eliot – One of the things we tried to get in there last time was grass mixed with some xeriscaping, which was basically drought-  
187 resistant shrubs and trees and rocks, not wildflowers and natural grasses. With our water issues here, that's probably the way to go.

188 Weston Youd – Landscape with an emphasis on xeriscaping, but maybe we could look at a percentage of greenery.

189 Dayna Hughes – Can we say something like 60% grass?

190 Shawn Eliot – I think one thing that would be good is to let them go back and balance it and then they can present the landscaping plan  
191 because there is a dead park across the street that has dead grass.

192 Dayna Hughes – I think our message is to you is that we do not want natural grass. We would like to see landscaped with a percentage  
193 of blue grass with xeriscaping shrub and it needs to look landscaped, but not desert-scaped – not rocks where lawn should be. #6 what  
194 direction should be given to the developer regarding moving forward on the preliminary plat? I think this looks pretty good and we've  
195 been looking at this picture for two years and I think we have made progress. I think it's time to perhaps to give this our blessing and  
196 let's get moving.

197 Shawn Eliot – I think if you can secure the open space and make it work, then you are ok with preliminary going forward?

198 Cory Pierce – That's one thing from our end - we'll want to make sure this zero lot line works with the open space. Whether Rick buys  
the whole thing or negotiates with the bank that he can pick up a certain amount. I don't think we are going to want to invest money and  
200 time into full preliminary unless we can get that. Otherwise, we are going to want to pull units in ten feet. We don't want to start over  
201 again.

202 Shawn Eliot – The main trail system goes through this open space, which your trails tie into it and so if it's cheaper for you to half  
203 xeriscaping and half lawn and put the xeriscaping by the trail system and the lawn by the units, so in the end if we only got half of it  
204 done and the rest still stayed weeds and dead trees then that's not helping us pull the thing together.

205 Weston Youd – The ability to move product that has a rear view of weeds and feral grasses, you are going to have a difficulty with that.  
206 I would probably suggest taking a drive over to Pleasant Grove to Apple Orchard Estates – East of State Street. They have a zero lot  
207 line bordered by a trail. It's the concept that he is going for.

208 Dayna Hughes – Should this phase of the development move forward while the city works out the details of the defunct phase? It will  
209 be a self-fulfilling question. And can the developer continue to work through preliminary as this issue is worked out? My question is, if  
210 Rick buys phase 2, is going to hit all of it at once or will he try to sell the lots that already has infrastructure there and then come and do  
211 this one next or will he do it all together.

212 Cory Pierce – The attitude is let's get homes on the lots that are ready to go. There is no point in putting forth money to build more  
213 roads when there are places to build homes. I think he will want this in his back pocket close to approval so when he hits a certain point  
214 he is going to want to start turning dirt.

215 Dayna Hughes – But they won't go online simultaneously. NO.

Shawn Eliot – There is an awful lot of trees that have gone into the development and some have died, but there are a lot that are still  
alive. If and when he does take this over, it would be nice to get the water turned on so that they are not putting more money into  
something that you could still salvage.

219 Cory Pierce – If you'll notice the sidewalk along the town home units, it's attached to the curb without a planter. Everywhere else has a  
220 planter. Some of the purpose in that is with the town homes being attached and not adding that extra ten feet, the driveways are so close;  
221 the only space you would in a planter is 5 feet deep and maybe 5 foot wide. Our thoughts were to pull the sidewalk forward more so we

can combine that and have more landscaping within the lot. If not, we would have to pull five more feet from the center and that moves the roads.

Shawn Eliot – Our code does also allow you to recommend to the city council that they only have a sidewalk on one side. The only problem with having that many driveways is that the sidewalk will be like a rollercoaster. So it's not very usable and kids will be playing on it all the time.

Cory Pierce – The mountable curb is that still the standard? If so, then we don't need the driveway cuts. It would be consistently flat.

## 2. HASKELL PLAT CONCEPT DISCUSSION

Shawn Eliot – Lee Haskell came before us awhile ago and has proposed something like 20 homes by the golf course. We just rezoned the area to R-1-15,000. He pointed out the location on the map. This is the first time you have seen the single-family concept. The biggest issue with this is that our code only allows 10 units per access. So meaning if you have over ten homes, you have to have a street that connects out so you have an emergency access. We have gone back and forth with that. Ten is Payson's code. There are no other cities, besides Elk Ridge and Payson that are ten units. Everybody else is 20 and some don't have any access requirements.

Kelly Liddiard – Isn't it a depth thing, like 400 feet?

Shawn Eliot – That's how long a cul-de-sac can be. But a stub road, according to our engineer, they usually allow you to double what a cul-de-sac is. In our code it is 450 feet, but our hillside code allows longer and we allowed up to 16 units instead of 10. My recommendation is really strict. Again, we have done the research and 20 seem to be a much fairer number. The other issue is the trail plan. It does show a trail along the golf course. So one of the options were to either go behind the units right along the golf course, which code would require a 10 foot trail and 5 foot on each side, which cuts into the lot. The other option is to you could put the trail along the street. Our code also requires on a cul-de-sac to have a pedestrian connection at the end so they can access the next neighborhood. The big thing is whether to have the planning commission recommend the 10 homes to 20 homes on a stub road.

Dayna Hughes – How long has the 10 been in code?

Shawn Eliot – About 2 years. We copied Payson's without looking at the other cities. When we did the hillside code, we recommended 20. The other issue is the Payson property. They want an access point to put in condos. He then pointed out on the map that an access point was too close to two other streets – Oakridge. So we asked Lee Haskell if we could just do a stub road where lot 2 or 3 is.

Tyler Haskell – David Nixon is meeting with Payson City to see where they actually want it. Probably between lots 2 and 3.

Dayna Hughes – Do we need to move on changing the code?

Shawn Eliot – Since this is just concept, they would need to apply to change the code and that would be the first step.

Weston Youd – With this being a future through road, the restriction of 10 is not realistic. What is our cul-de-sac restrictions like?

Shawn Eliot – It is 450 feet plus the turn around and it's 120.

Kelly Liddiard – What's the purpose of having the little jump in the road on lots 4, 5, 6, and 7 and making them deeper - Instead of running that road straight down there? Because I'm looking at lot 20 and that is sure a goofy lot.

Shawn Eliot – Lot 19, 18, 17, and 20 – if you could rearrange the lines so 20 isn't so goofy. The bend of the road from a traffic stand point is a good thing because this is a long straight road and this could keep cars from speeding.

Weston Youd – But by doing that makes lot 20 all skewampus.

Shawn Eliot – What they are doing is that 1, 2, and 3 is very wide and narrow and so 5, 6, 7, and 8 are deeper and narrow, which allows them more lots, which they are allowed to have.

Paul Squires – Lot 20 wouldn't be bad at all if they were facing the other street. They would just have a huge side yard.

Shawn Eliot – Our code requires a 30 foot setbacks on both sides of a corner, which no other city does that. There is room to adjust the lines so they are at a different angle.

263 Weston Youd – What about the trails? On lots 1-11, the trails are going to butt up against the golf course. Are you going to fence those  
2 in?

2 Tyler Haskell – Are you talking about if we have the trails on the back side of the unit? The trail right now is the dotted line on the  
2 street. I don't know if that is correct or if it will be approved, but that's where it is at.

267 Weston Youd – I can just recognize that golf course frontage property is more appealing rather than having a trail and then the golf  
268 course. From the city, it's nice to say that we have a trail system and part of it borders the golf course. Can we give them open space  
269 allowance? Obviously, with the trail system, we need to give them 20 feet. Is there a way to make that happen so it's a win/win  
270 situation? We get a golf course side trail system, yet still allow him the ability to market those units accordingly. I'm looking for ideas.

271 Shawn Eliot – Usually what cities do when they require that kind of frontage for a trail, they give them a little extra density in the  
272 development, but our code doesn't allow it. That could be part of something you want to look at. We are talking maybe an extra lot. So  
273 we could require the trail along the road because it would still be in the right-of-way, but behind the homes, it has to be some kind of  
274 compensation from the city or the willingness to have it as part of their development because they think that that is what makes the  
275 development sell. One thing you could do is when talking with Payson, see if they want a trail on their golf course. With the old golf  
276 course on both sides of the road they have a lot of people parking and taking free swings on the golf course. We have in our master  
277 plan, but is Payson ok with it. If so, could we maybe get a trail easement on the Payson property and then have the developer construct  
278 it as part of the development, but it would not be on your property.

279 Weston Youd – Do we need to have a member of the planning commission work with Payson to negotiate this?

280 Shawn Eliot – I can call and talk to Payson.

281 Weston Youd – Is that something you and your dad would like to do?

282 Tyler Haskell – I'm not positive on that, but I think we could make the exception. The 20 feet that we are losing obviously hurts, but if  
2 we don't have to lose that, then I don't see a problem.

Weston Youd – We want to work with you so it benefits both of us.

285 Tyler Haskell – I don't think anyone would want a fence there, other than a huge net.

286 Dayna Hughes – But usually people on golf courses don't do that.

287 Tyler Haskell – Now that would go all the way out to Elk Ridge Drive?

288 Weston Youd – Yes, because it will tie into our trail system.

289 Shawn Eliot – There will be a trail across the street. In fact, your dad was going to tie it in with the commercial development. There is a  
290 sidewalk that should have been trail, but that was put in before anybody noticed.

291 Paul Squires – I would be surprised if the city of Payson would allow it. It would be a hazard having people behind there.

292 Shawn Eliot – But they are a city and they do have parks and trails and people on them now. This is a park, basically. We can ask them  
293 and it might take awhile.

294 Tyler Haskell – So basically, to get the 20 lots on one access, we have to apply for a code change? CORRECT

295 Dayna Hughes – We can't say yes that we can do that until it's done, but go ahead and go that direction

### 296 3. NUISANCE/ANIMAL CODE

Dayna Hughes – I would like to suggest that we take the proposed code and read it as if we are a new resident to Elk Ridge and we have  
animals and we are trying to see how our animals fit with what is allowed.

Shawn Eliot – Let's look at the animal regulations first, which is, basically, the Utah County code that we adopted, but never put into  
300 our code. The animal code is in title 5 of the code, which is the municipal code. You can make recommendations for anything in that  
301 municipal code to the council just like you do now. The difference is that you don't have to hold a public hearing for it, but the council  
302 does. All I did was use the Utah County code and clean it up a little bit because there was a lot of "we believe" in it that was overkill. I  
303 renumbered it to fit our code and I took out the parts in it that were dealing with permitting. They had in there a hobby breeder permit,



which we didn't even know we could allow hobby breeders. There was a kennel permit that I took out and moved all of those to the development code as a conditional use permit.

Dayna Hughes – “The purpose of this chapter is to ensure that animals may be kept within the city in a manner that does not jeopardize the health or safety of its residents or cause a nuisance.” Existing Animal Uses – “The keeping of any animal which existed lawfully prior to the effective date of this ordinance, which is not allowed under this ordinance, may be continued as a non-conforming use, except that if the non-conforming use is discontinued for 1 year or more, it shall then be deemed abandoned and any future keeping of animals shall be in conformity with this ordinance.” So what this means is if you have a lawful animal that now becomes illegal because of this new code, you are ok as long as you keep going with that animal and don't stop for a year. The mini horse and the chickens do not follow in here because they are currently illegal.

Paul Squires – So right now if you have six dogs, you are illegal?

Shawn Eliot – You can only have two dogs, but you can have as many cats as you want. As we get through this new code, there is a provision to allow up to six dogs with a conditional use permit.

Weston Youd – You would still be illegal. You wouldn't become legal with this ordinance, you would have to go into the city and get the conditional use permit. Then they would be up to code. This is specific to the pigeon ordinance where I have my 50 pigeons, do I still get my 50 pigeons after this. This says yay.

Shawn Eliot – We will also talk about livestock and looking at our code for livestock, we allow a lot for the size acreage you have. I'm not aware of anywhere in the city where anyone has the maximum amount of animals that we allow. So looking at other cities again, we are at the high end for that allowance. The R&L-1-20,000 has different rules than the RR-1 and different amounts, which are quite confusing. So what I am proposing here is to standardize it, but what will happen is that it will bring down the amount of livestock you can have. But if somebody did have a lot of animals now, they will be allowed to keep it, as long as they didn't give them up for a year.

Dayna Hughes – 10-18-4 generally says that you as a law-abiding citizen can have two dogs and two cats. If you want more than two dogs and two cats, you have to get a hobby animal license. Is that the same as the kennel permit we were talking about? Or is that just what you called it? “Limits are placed at 2 dogs and 2 cats per residential lot, four months of age or older.”

Shawn Eliot – Right. The main thing is that whatever you end up deciding to go forward to the public hearing is that you need to understand what it is.

Dayna Hughes – We had 50/50 for and against chickens. The mayor's point of view was to say no to chickens and that makes 50% unhappy. I'm hoping that through this code that we can make 25% unhappy and 25% happy and these people in the middle can live with it.

Shawn Eliot – I've tried to go through and objectively look at what other cities allow and through that chart and the interviews with the staff of those cities, it seems like we have some room to compromise at where we are at. That being said, I'm trying to allow you to come to that conclusion so it doesn't look like I'm brainwashing you. For instance, we talked about allowing up to six animals with a hobby permit so what I've broken this into is common household pets to spell out that they are dogs, cats, rabbits, and smaller animals and I listed rodents, fish, parrots, parakeets, canaries, guinea pigs, hamsters, non-poisonous reptiles, turtles, and other like animals that can be purchased in a licensed Utah pet store. Limits are placed at two dogs and two cats per residential lot, four months of age or older. So you can have all you want of the other animals. If it becomes an issue, the nuisance code will take care of it. With the cats and dogs, some cities care and some don't, but we were asked by a council member to limit cats so that's why we are putting it in here.

Dayna Hughes – Just so we all know the rules, we cannot take a request from a single council member, it has to be three. City council has to make a motion.

Shawn Eliot – And in that case, it was a city council and they all voted to go look at it.

Weston Youd – I have a question on this one. “Additional dogs or cats are allowed by obtaining a hobby animal license from the city or by obtaining a conditional use permit from the planning commission for a kennel facility.”

Shawn Eliot – That is incorrect and that's something I need to change. All of it is a conditional use permit.

Weston Youd – Then it says, “No more than 6 rabbits are allowed as common household pets.” Where are we putting the limitations based on the conditional use permit?

Shawn Eliot – That will be under hobby animals.



349 Weston Youd – OK. I just want to make sure because when you talk about six rabbits I'm thinking they are limiting my rabbits, but if I  
350 have a conditional use permit, I can have as many as I want.

351 Shawn Eliot – No. The way I have broken it out into is household pets, hobby animals, and livestock and it's just those three specifics  
352 and then when we list them in the code as permitted or conditional use is a line item, it's going to say common household pet, hobby  
353 animal, and livestock animals by the use that is allowed. That's to make it simpler. What I'm hoping to do with our code is get our  
354 zoning ordinances, instead of having each zone with four pages, it is going to be a paragraph for each zone and then there is going to be  
355 a land use table that applies to all the zones. It will be a whole lot easier for everybody. So I need to correct that.

356 Dayna Hughes – 10-18-4 says what common household pets are, says you can have 2 dogs and 2 cats, but talks about conditional use  
357 permit and then delineates that chickens, ducks, parrots are not household pets. 10-18-5 is where we get into pigeons. "Where  
358 permitted by the city zoning ordinance, hobby animals include chickens, ducks, pigeons, ferrets, and other like animals approved by the  
359 planning commission. Roosters are not allowed as a hobby animal. The number of dogs and/or cats above what is allowed as common  
360 household pets are considered a hobby animal. The total combined number of household pets and hobby animals allowed is 6 animals  
361 per residential lot, except additionally up to 50 pigeons are allowed per residential lot."

362 Shawn Eliot – The only reason I left pigeons at 50 is because if you are going to raise pigeons as a hobby, six doesn't work. You have  
363 to have a bigger flock. That's according to the information that was supplied when the pigeon code was proposed.

364 Weston Youd – Are we over-stepping our bounds because wasn't the thought that we were going to replace the pigeon code with this?

365 Shawn Eliot – That's what we are doing, but I'm at least recommending that you allow a higher number. I think we have three pigeon  
366 owners in town and I think if they are a responsible owner, the pigeons will be trained not to defecate and land on other properties. If  
367 you are not a responsible owner, then you will get complaints and then we go after them.

368 Dayna Hughes – "Hobby animals are considered a conditional use and must be approved by the planning commission." In other words,  
369 chickens are not considered a household pet. You have got to come in and say I want a conditional use permit for my chickens. Do we,  
the planning commission, approve all conditional use permits for any animal other than a dog or a cat?

370 Shawn Eliot – Any animal listed as a hobby animal. That's the big difference. Last time, you said you wanted to do just a city permit  
371 and looking through other cities, some don't allow permits whatsoever, and others do require a conditional use permit. I think if you go  
372 this route and the fact that there is half the town wanting it and the other half not wanting it, a conditional use permit is a higher step  
373 because you have to go before the planning commission and at least that might be a compromise and expect a higher level of effort.  
374 There is a conditional use fee.  
375

376 Jan Davis – Is the permit going to be renewable every year and will there be an inspection involved?

377 Dayna Hughes – We decided that if there aren't any complaints on this permit, then we would just grant it.

378 Shawn Eliot – We don't renew it every year, but there is an inspection every year. If there is a complaint, automatically it comes back to  
379 the planning commission. If there is a problem with the inspection, the enforcement officer will try to work it out with the owner.

380 Dayna Hughes – On the hobby animal table, you can have 3-6 small dogs are 3-6 large dogs.

381 Shawn Eliot – The difference there is the size of dog run. That's from the Utah County code that we adopted.

382 Dayna Hughes – 3-6 cats. Under the bound of heaven, you can only have 6 chickens ever, ever, ever. And nothing else. You can't have  
383 a cat and 6 chickens.

384 Kelly Liddiard – So you can't have your 2 free dogs? Total animals are six animals.

385 Dayna Hughes – We agreed on that at the last meeting. Remember we were all kind of going a different direction when Kevin said you  
386 are trying to tell me that 2 dogs are less of a pain than six chickens. He said it has to be equal. All agreed.

387 Shawn Eliot – Under hobby animals, total combined number of hobby animals and household pets allowed are 6 animals per residential  
lot, except for pigeons. So it is, basically, saying if you wanted six dogs you could get a conditional use permit, but that's all. The one  
thing questioned was who was going to enforce it and that would be the sheriff who is over that.

390 Dayna Hughes – Hobby Animals Dog and Cat Requirements – "Breeders or owners of dogs and cats are allowed to keep up to a  
391 combined total of 6 hobby animals and household pets per residential lot." That reads to me that you can have 12.

For example, on a half acre parcel, 2 horses may be kept, or 4 sheep, or 1 horse and 2 sheep, but two horses and four sheep are not allowed. If large and medium or small animals are kept on the property, the large animal requirements for the management area and setbacks shall be used. Un-weaned offspring less than 6 months old of any residing animal shall not be counted as part of the total animals allowed. In some zones livestock animals are considered a conditional use and must be approved by the planning commission. Should we change that to 5 months?

Weston Youd – In thinking of a colt, you might need it for a year. What does the county code say?

Shawn Eliot – They didn't have that in the county code. I think this is from our code now. We'll change it to one year.

Dayna Hughes – Livestock Animals Management Area – "All portions of a lot developed exclusively to the care and keeping of livestock shall be considered the livestock animal management area." Now you are talking about just areas of town that are zoned for animal rights.

Shawn Eliot – We will talk about it. Livestock Animals Management Area is from our code. Some codes have that. A lot of them just have setbacks meaning that where you keep your animals have to be so far from the neighboring units and from your unit. I don't know if we want to consider having the setbacks rule it and then if they put it on two small of an area, we either have nuisance or we have stuff regarding the care of animals. The reason in the table it says how many square feet per animal and it's all over the place. It's different for every city. I actually made it a little bigger than what we require right now and yet other cities require a lot more.

Dayna Hughes – So if you ad 1500 sq feet you could only have one horse?

Weston Youd – I thought it was lot size and I have a half acre.

Shawn Eliot – The lot size determines how many animals you can have, but then you have to have management area which is the area for the animal to roam or live and for a large animal it is 3000 square feet per animal. Our code right now is 2500 sq ft, but yet Spanish Fork requires half acre for large animals for that area.

Weston Youd – They have a reason for that. They had a resident who was keeping animals in city limits and they tried for a long time have them removed.

Dayna Hughes – 75 foot set backs.

Shawn Eliot – A lot of the codes didn't worry about the livestock management area, they just worried about the setbacks meaning how far one has to be from the neighbor and your own building. It's trying to standardize – what I'm proposing is the amount of animals you can have and the management area and the setbacks are the same for all the zones that we allow livestock in. The only difference between the animal zone and the RR-1 is that one allows for commercial production and the other doesn't. So you can't be raising sheep and goats in your neighborhood to sell as a business.

Kelly Liddiard – The setback thing is kind of interesting to me as far as you can't have anything between the house and the street. Kevin Hansbrow couldn't have animals because he set his house so far back.

Shawn Eliot – Now you could change that and say just so far from the street.

Kelly Liddiard – I'm a horse guy and I wouldn't mind a corral out there in the front as long as it is done right.

Weston Youd – I have a thing with the adjacent lot. "Barns, sheds, coops, corrals, feeding areas, water troughs, stables, hutches, and other animal related needs shall be located no closer than 75 ft from an adjacent lot residential building." So if my brother has his barn and keeps a horse in it, and right next to the barn is a shed probably about 10 feet away.

Shawn Eliot – That's ok because it is an accessory structure.

Kelly Liddiard – Most ordinances that I know of address this in a way that you cannot build a barn, shed, etc. within that setback whether it's 75 or 100 feet that I know of, but you can build a house right next to it as long as the barn was there first. It doesn't apply to the house, but it does apply to the barn.

Shawn Eliot – I want to go past the kennel. Just so you know kennels are in our code now and they are only allowed in the commercial zone and that is what I keep it as. That's why there is a whole bunch of kennel there and you can read it at your leisure. I made a table that shows what is allowed by zone. Common household pets are permitted in every zone, but the public facility zone and the commercial zone (C-1). Hobby animals are conditional use in every zone except for the PUD zone, the public facility, senior overlay zone, and the commercial zone. Kennels are only commercial. The livestock is allowed in the RR-1 zone and R&L-20, which are

518 allowed now. \*Raising of livestock animals for non-commercial use only. But I also put as a conditional use in the R-1-15 & R-1-20 and  
519 then permitted in the hillside zones. The reason for this is because right now our hillside zone says that livestock grazing is a permitted  
use in those zones, which is sort of an open-ended use.

Dayna Hughes – But doesn't that mean if you don't have a house there?

522 Shawn Eliot – It doesn't say that. It just says livestock grazing is a permitted use. The reason it is in the HR-1 zone, where it wasn't in  
523 there originally and the landowner, Shuler, asked that the council add it; he wants some type of economic use for that zone if he's not  
524 going to build on it anytime soon. We are talking acre and half-acre lots in that zone and hillside type conditions, it seems like there are  
525 going to be large areas where this wouldn't be a big issue. Shawn handed out a handout indicating the proposed code showing it against  
526 the RR-1, and the R&L-20,000 showing how many animals you can have in the current zones. Again, they are grandfathered in if they  
527 already have them. The big issue is on the larger lots so if you have large animals. In the new code on three acres you can have 12, on  
528 RR-1 you can only have 8 and on R-1-20 you can only have 4. I don't think anybody has as much as we allow up to right now. He then  
529 showed a map indicating within the city where we allow livestock. He, also, showed a map of the conditional use animals. The most  
530 affected would be the R-1-20 zone.

531 Dayna Hughes – I would like to see no livestock allowed in the R-1-15,000 zone.

532 Shawn Eliot – Let's sleep on this information and talk about it next time. He went over the animal right zones on the map.

533 Dayna Hughes – Let's finish reading the proposed code and we will work on it at the next meeting.

534 Shawn Eliot – I would like to hold off on a public hearing until we are done working on the code.

535  
536 **PLANNING COMMISSION BUSINESS**

537  
538 **4. PLANNING COMMISSION MEMBERS VOTE CHAIR/VICE CHAIR**

Dayna Hughes – We need to vote for a chair and vice chair. So what happens is that somebody makes a nomination for a chair, they have  
to accept the nomination and then we vote.

542 **KELLY LIDDIARD NOMINATED DAYNA HUGHES FOR PLANNING COMMISSION CHAIRPERSON AND WESTON**  
543 **YOUNG SECONDED AND DAYNA HUGHES ACCEPTED THE NOMINATION. VOTE: YES – ALL (4), NO – NONE,**  
544 **ABSENT – (2) KEVIN HANSBROW, SCOT BELL**

545  
546  
547 **DAYNA HUGHES NOMINATED WESTON YOUNG FOR PLANNING COMMISSION VICE-CHAIRPERSON AND KELLY**  
548 **LIDDIARD SECONDED AND WESTON YOUNG ACCEPTED THE NOMINATION. VOTE: YES – ALL (4), NO – NONE,**  
549 **ABSENT – (2) KEVIN HANSBROW, SCOT BELL**

550  
551 Dayna Hughes will serve as Planning Commission Chair for a term of one year until February 2010 and Weston Young will serve as  
552 Planning Commission Vice-Chair for a term of one year until February 2010.

553  
554  
555 **5. PLANNING COMMISSION REINSTATING OF KELLY LIDDIARD AS FULL-TIME MEMBER**

556  
557 **WESTON YOUNG MADE A MOTION AND DAYNA HUGHES SECONDED TO REINSTATE KELLY LIDDIARD AS A**  
558 **FULL-TIME MEMBER OF THE PLANNING COMMISSION. VOTE: YES – ALL (3), NO-NONE, ABSENT – (2) KEVIN**  
559 **HANSBROW, SCOT BELL**

560  
561 Dayna Hughes - Kelly Liddiard will serve as a full-time Planning Commission member until February 2014. Unfortunately, we have lost  
562 Dave Holman.

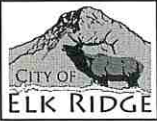
**6. CITY COUNCIL UPDATE**

563  
564  
565 Dayna Hughes – After two hours of discussion, Fairway Heights subdivision is ready to expire in April 2009. If the city council did not  
566 renew their permit, they would have to go back to the new HR-1 code and completely start over.

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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**

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, 12 March 2009**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

**COMMISSION MEETING AGENDA**

**CANCELLED**

**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 March 2009 and delivered to each member of the Planning Commission on 5 March 2009.

Planning Commission Coordinator

*Marissa Bassin*

Date: 6 March 2009





# ELK RIDGE PLANNING COMMISSION MEETING

March 26, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, March 26, 2009, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Dayna Hughes, Weston Youd, Paul Squires, Jason Bullard  
*Absent:* Kevin Hansbrow  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Shawn Eliot, *City Planner*  
Stewart Jolley, Michael Brockbank, Dean Ingram, Tom Ingram, Derrek Johnson (City Council)

## OPENING ITEMS

### OPENING

Weston Youd, Co-Chairman, welcomed at 7:15 PM. Opening remarks were said by Weston Youd, followed by the pledge of allegiance.

Welcomed Jason Bullard as the new member of the planning commission – replaced Russ Adamson as a full time member. Each planning commission introduced themselves and gave some background as to why and how long they have been on the planning commission.

## APPROVAL OF AGENDA

There were not any changes made to the agenda.

## DEVELOPMENT CODE / STANDARDS REVIEW

### 1. RIDGEVIEW MEADOWS PLAT B PRELIMINARY/FINAL APPROVAL

Jason Bullard made a request to abstain from voting since he is a new commission member and wasn't involved earlier in the process.

Weston Youd, co-chairman, opened the public hearing at 7:15pm.

Dean Ingram – We took a field trip to the site and showed what we had. We had two lots and the flag lot and we were trying to get access to the sewer between Jolley's and Borklund's property. It was kind of a hazard and an eye sore. The city didn't really plan for access. There isn't any access going to the lots that hook up from the other direction from Park Lane back to those houses. There are some sewers that connect up to that manhole there. So in doing that, we were thinking with a flag lot, we would have the driveway go back there and put extra asphalt down for an access road. It got through planning commission and then it was one vote shy in City Council. There are a few people that are just dead set against flag lots, even though, it is in the ordinance that they are allowed. So we went back to the drawing board and sat down with the engineers and designed something we think would fit. This subdivision fits right in with the zoning and the size lots you need. Instead of doing a flag lot with three lots, we are just doing three lots across. The city doesn't like having a garage on its own lot that could possibly be split off later. We were thinking this new plan is pretty good because that lot just has an easement and now you're done with that and both Shawn and Corbett thought it was a better way to access that garage, rather than having it's own property below that. It also takes that sewer, which is one of the main trunk lines, instead of taking that jog, now it just goes straight down and will solve any type of clean out problems because there is just too much gravity there. Flushing that straight down, there won't be any issues anymore. I think we have addressed all of those issues on the check list.

Jason Bullard – Am I understanding this correctly - Lot #4 is your own personal lot.

Dean Ingram – Yes. I have four separate parcels – my house is on a ½ acre, the garage is on a ½ acre, there is a pool behind the garage and then there is a 1 acre parcel also. We are amending it to make that just one lot.

Stewart Jolley lives next door and commented that it is a good plan.

Weston Youd, co-chairman, closed the public hearing at 7:21pm.

Shawn Eliot – The bullet points under the staff notes in the memo and the letter from the engineer are the only things that need to be addressed. They are very minor. Everything else seems to be in order. We would want your motion to state that they need to be addressed before it goes to council. The lot numbers are not on the final. There isn't any owner name on lot #4. We need the fire chief to give his blessing on the fire hydrant spacing. There needs to be a public utility easement showing shown on the driveway on lot #1. Then the notes on the preliminary plat are incorrect and need to be changed. It says it is Crest View Estates and it is R-1-20,000 when it is actually Ridge View Meadows Plat B. And also the letter that the engineer pointed out that the final plat needs to show the existing 20 foot sewer easement that contains the existing 8 inch sewer main that will be abandoned and vacated.

**KELLY LIDDIARD MADE A MOTION AND WESTON YOUNG SECONDED THAT THE FINAL PLAT FOR THE RIDGE VIEW ESTATES PLAT B MOVES FORWARD TO THE CITY COUNCIL AS LONG AS THE LISTED STAFF NOTES ARE MET AND TAKEN CARE OF, INCLUDING THE ENGINEER'S LETTER FROM AQUA ENGINEERING. THE PLANNING COMMISSION APPROVES RIDGE VIEW MEADOWS PLAT B, PRELIMINARY AND FINAL PLATS AND RECOMMENDS THAT THE CITY COUNCIL APPROVE THEM. THE COMMISSION FINDS THAT THE PROPOSED DEVELOPMENT FOLLOWS THE INTENT AND REGULATIONS OF THE R-1-15,000 ZONE AND CONFORMS TO THE SURROUNDING DEVELOPMENT. VOTE: YES – ALL (4), NO – NONE, ABSTAINS – (1) JASON BULLARD, ABSENT – (1) KEVIN HANSBROW**

## 2. NUISANCE/ANIMAL CODE

Dayna Hughes – When we met last, we were given proposed code – Title 10 Chapter 18. We made some changes to it. Shawn, what is our purpose tonight?

Shawn Eliot – The last time we met, we reviewed the proposed animal code that we had been going over. We got probably about 1/2-3/4 of the way through it and we decided to table it. We got to livestock animals. So some suggestions of change were proposed at the last meeting and I did make those changes.

Dayna Hughes – Let's just read it to get refreshed. We stopped at livestock animals – 10-18-6. "Where permitted by the zoning ordinance, livestock animals are allowed based on the land area of the lot and land provided for the livestock management area. Show on table 10-18-6-2 are the land use requirements on the types of animals, animals allowed per half acre, size of the livestock animal management area, and setbacks to adjacent residential structures." Let's look at the table and go through it. Two large animals are allowed per half acre, 75 foot setbacks.

Shawn Eliot – If you have an Emu, Ostrich, or sheep, you are allowed up to four per half acre. If you have a donkey, pony, llama, or a female goat, you are allowed up to two per half acre.

Dayna Hughes – The reason this was brought up was because of chickens so let's just make sure we understand what this means to chickens.

Shawn Eliot – This includes chickens, but it is for livestock. The difference is that this is not a hobby animal, which that is what the chickens were brought up for. We have hobby animals, which is city wide other than the PUD. Then we have livestock, which is for the animal right zones. There is a table where it talks about what zone different use is allowed in – 10-18-8. Shawn then went over the applicable zones table where hobby animals are a conditional use in all zones except R-1-12,000PUD, PF, Senior Housing Overlay, and C-1 zones. Kennels are only allowed in commercial. Livestock is permitted in the RR-1, R&L-20,000, HR-1, CE-2, and the Hillside Cluster Overlay. Also, conditional use in R-1-15,000, R-1-20,000. We ended our discussion last time with not allowing them as a conditional use in the R-1-15,000.

Dayna Hughes – So did we end at livestock animals or Livestock animals requirements exceptions?

Shawn Eliot – We got to Kennels. So the reason I have conditional use on the R-1-15,000 was the other cities that allow livestock on half acre lot zones. They allow them in their 15,000 sq ft zones - they only allow them if you have a half acre or larger.

Dayna Hughes – So does anyone have any questions or comments up to Kennels?

Michael Brockbank – As you all know, we have a miniature horse and we were wondering if there would be allowance made in the code for lot sizes for miniature horses. I think we have done a fairly good job keeping him penned well and taking care of well. We have a 1/3 acre. So I sent Margo out to ask our neighbors if it was a nuisance. As you can see by the signed petition, the horse has not been a nuisance to anyone in our area. He provides loving usefulness to us as a family. It is a beloved pet. Knowing that, we also have a use for him for our own grandchild. Horses are considered to be great for children with autism – horse therapy. I did a lot of research on the internet and it talks about how you can move a child from the end of the spectrum down to half of the spectrum with horse therapy. So it has become a big issue for our family. We've had the horse for about 7 or 8 years. It's only 3 feet tall. The issue initially came up with Mayor Fritz a few years back. There was another family in the city that had a miniature horse and unlike us, they put it in their back yard where it grazed and it also pooped and they didn't clean it up. So the neighbor complained when it became a

110 nuisance and Mayor Fritz took action and it was removed from their property. At the same time, in conversation called me and said,  
111 look, I haven't had any complaints from your neighbors; there hasn't been any nuisance complaints, so as far as I'm concerned, I don't  
112 see it as an issue. That is not unusual, from what I understand, in other cities. For example, in Provo, there are chickens. Where there  
113 is not a nuisance, they let the residents have the chickens. I think what he did was appropriate and we kept the horse and have not had  
114 any complaints. The only complaint I know about is the mayor's complaint. Because when he did call me he said you need to remove  
115 the horse and sent a letter saying it is a misdemeanor and you could go to jail for it. I said that's interesting because you are the only  
116 one that has complained about it and you can't tell me anyone in the city that has complained about it. So to confirm that, I sent that  
117 petition around. The miniature is not a full grown horse so we have it in a smaller area that is probably 20'x10'. So I'm not sure that  
118 you cannot allow for a smaller acreage or lot size for that to be considered part of your new plan.  
119

120 Derrek Johnson is here in support of the miniature horse. It has never been a nuisance. They don't smell it and once in a while they  
121 hear it wine, but they like that. They take excellent care of their horse. He thinks it has been made more of an issue than it needed to  
122 be.  
123

124 Weston Youd – Do you define the horse not as livestock, but as a pet?  
125

126 Michael Brockbank – I would. A pet is very useful for a child. By responsibilities – my little Margo will go out there at 6 in the  
127 morning to clean up its poop, clean and feed it. The love and affection you get from a pet is there. There is just a lot of opportunity for  
128 growth for a child, especially, an autistic child. Our grandchild who is autistic lives down the street from us so he is in the area.  
129

130 Dayna Hughes – So Shawn, what are our perimeters on this? Having a miniature horse is already against the law. So is that under the  
131 commission's purview to change that. Or is that a city council issue.  
132

133 Shawn Eliot – We are recommending animal ordinances. For instance, in Provo, the council lady that is supporting putting through the  
134 chicken ordinance there commented that there are people in town who currently have chickens and we haven't been having complaints  
135 and this would make them whole. And comments from the public stated that if they are breaking the law, they should all be thrown  
136 out. At one of the recent council meetings, the question was brought up again about the miniature horse. They said let's wait for the  
137 planning commission to give us their recommendation. So that is part of what we are doing. We are looking at all the animal right  
138 issues. Right now, the way it is written, we don't allow for miniature horses. Allowing conditional use permit for livestock on a half  
139 acre lot on the R-1-15,000 zone still wouldn't work because they have a third acre lot. The only other thing you could do is look at it as  
a hobby animal, which is what Provo does.

140 Weston Youd – As the only resident expert on miniature horses, is the animal registered with some organization; is it papered as term  
141 miniature horse?  
142

143 Michael Brockbank – If it was, we didn't receive the papers.  
144

145 Weston Youd – If there is a way to deem a case like this as it being not livestock, but a pet, which it is from what it sounds like, then is  
146 there a way to classify it as such or some sort of classification you can applied to it. For instance, I'm thinking of so many hands – you  
147 said its three feet so it's 7 hands high, which is the measurement of equine, if you limit like a Shetland pony is that the same? I know  
148 miniature horses and Shetland ponies are different. They are a different species altogether in temperaments, I'm sure. If there is some  
149 way to classify a pet versus livestock...  
150

151 Kelly Liddiard – Is there other ordinances that addresses miniature horse? The problem is that I can see with it is that it is still an  
152 equine type thing, even though, it is miniature and it is still going to fall under livestock.  
153

154 Shawn Eliot – The only ones that do miniature horses are Provo and Sandy. The other cities that allow livestock on this small of a  
155 yard, would allow for miniature horses and that is Eagle Mountain, Alpine, Lindon, and Santaquin. Eagle Mountain uses conditional  
156 use permits, which is what we are doing for hobby animals. Provo does it also as a conditional use permit.  
157

158 Weston Youd – Provo requires miniature horse registry to define it as a miniature horse and not a Shetland pony, which is the smallest  
159 pony breed, but non-miniature horse.  
160

161 Dayna Hughes – How would this affect Mike if he goes under the livestock animal land use requirements and defines his miniature  
162 horse as such, which we allow.  
163

164 Weston Youd – He is under a half acre.  
165

166 Kelly Liddiard – To be honest, I don't think see how you are going to get around defining it as anything else other than horse, whether  
167 it's miniature or otherwise. It's going to be under the livestock deal.  
168

169 Weston Youd – I know that you could say that a miniature horse registered with the miniature horse registry could, therefore, be  
170 classified as a pet, not necessarily livestock, which would then protect the city from people going out and getting herds of Shetland  
171 ponies or full size horses and calling them pets, as well.  
172  
173  
174

175 Shawn Eliot – I think the clear way to do it then would be like we did the hobby animals for pigeons. We have a whole paragraph on  
176 pigeons where you could make it allowed that one hobby animal as a miniature pony and then have regulations for that. It still has to  
177 come to this group.

178  
179 Kelly Liddiard – So I'm going to have my hobby goat and so I want you to make a paragraph for me. My point is: why are we going to  
180 branch open to all these other things. You have it documented here and covered under livestock animals. If you want to make it a  
181 conditional use permit, then do that. But let's not branch off and have another thing that says just because this horse is here, we have to  
182 take care of it.

183  
184 Shawn Eliot – That's what's weird about Provo's ordinance is their animal ordinance doesn't allow chickens, but they allow miniature  
185 horses. That means someone came in and wanted a miniature horse. They allow pot-belly pigs too.

186  
187 Kelly Liddiard – Let's not pick and choose and make it a blanket thing and stick to it.

188  
189 Shawn Eliot – The other way to do it is under livestock management, there is a clause in exceptions – 10-6-4. "Exceptions to the  
190 standards listed in table 10-18-6-2 can be requested and must be presented by the property owner through an animal management plan  
191 to be heard by the planning commission. In no case shall large animals be allowed on acreage less than half an acre. Approval of the  
192 plan by the commission shall be considered a conditional use and shall be subject to all required conditions." And that is straight out of  
193 Eagle Mountain's code.

194  
195 Dayna Hughes – So Mike could come to us with his animal management plan that he could prove to us that he is going to clean up the  
196 poop and take care of it.

197  
198 Weston Youd – The only problem is the part where it says "in no case shall large animals be allowed on acreage less than half an acre."

199  
200 Shawn Eliot – The miniature horse is considered a medium.

201  
202 Dayna Hughes – It's not on the table. You should probably add it to the table.

203  
204 Shawn Eliot – It is as pony. I'll change it.

205  
206 Dayna Hughes – Assuming that we approve it, Mike has a conditional use permit and nobody bugs him anymore.

207  
208 Kelly Liddiard – Unless, we start getting complaints and then the conditional use permit can be taken away. When the property behind  
209 you starts getting developed, that's when we are going to start getting complaints.

210  
211 Shawn Eliot – There is verbiage in here somewhere that says large animals – horse, mule, cattle. There are other large animals and  
212 those would have to be considered by the planning commission. The owner would have to make their case.

213  
214 Weston Youd – We should have some kind of guideline. There are standards of measurements for these animals. I know a horse is  
215 considered a horse at 12 hands.

216  
217 Shawn Eliot – I would have to do more research. I haven't seen any of the cities do it that way.

218  
219 Weston Youd – It's not cities. I'm just thinking of animals in general.

220  
221 Shawn Eliot – So this way it's more of you need to come in and prove it's an allowed use. It's something that will have a similar  
222 effect. The only other thing is if you want to do that, you would still have to leave in R-1-15,000 livestock as a conditional use. And  
223 that was the discussion we had last time.

224  
225 Kelly Liddiard – The problem we get into is that he has vacant land all around him and it's not an issue, but then somebody in another  
226 part of town who has houses all around them. If you have it on the 15,000?

227  
228 Shawn Eliot – You have to have a half acre, though. Conditional use means no matter what they do, they have to come in here; they  
229 have to a half acre, unless you give them an exception, which we just read. The map that I should last time, there is a few half acre lots  
230 interspersed within the R-1-15,000 zone. A lot of them are on Oak Ridge Dr on that big hill going down to the stake center. That's a  
231 big open area and that's why they are so big. All of those would take extra scrutiny by this group to actually allow them to happen.

232  
233 Dayna Hughes – And we would deal with that on a case-by-case basis.

234  
235 Shawn Eliot – And there is a whole thing about conditional use standards that I don't think we have gone over yet.

236  
237 Weston Youd – I think that is beneficial because conditional use is you are approved, unless otherwise.... The assumption is you are  
238 going to be approved.

239



240 Paul Squires – (talking to Michael Brockbank) In your condition in your management plan, since you said it was therapeutic, did you  
241 get somebody to document that? Like a doctor?

Michael Brockbank – There's lots of research on the internet. I don't know if there is anything locally.

Jason Bullard – Are we saying that a pet is therapeutic or that this particular miniature horse is therapeutic?

Dayna Hughes – We are not addressing the therapeutic value at all. We are going to look at his plan.

Weston Youd – He would have to come with some sort of documentation saying that the horse is part of the treatment of the individual to even apply it.

Shawn Eliot – That would be just additional information to give to the planning commission to give him the conditional use.

Jason Bullard – I was saying if that was written that way, he could come in and bring something like that to prove that this animal is therapeutic. At what point, would any animal not be considered. If someone brought in a doctor slip saying my elephant is therapeutic.

Kelly Liddiard – Part of the Federal Fair Housing Act, that if somebody comes in and they say they have a therapeutic animal, be it a dog, fish, bird, whatever, you cannot deny them having that in your property. If you're renting them a house, you cannot evict them because of that.

Weston Youd – But that does require that level.

Kelly Liddiard – The thing is, doctors will prescribe that. I had a lady that came back from Iraq and she had PTSD and she ended up having to have a Bullmastiffs move into her house. She had it inside. There is documentation out there that will say that.

Dayna Hughes – I think we should go back to what this says. I think that this discussion can pretty much end with "Exceptions to the standards listed in table 10-18-6-2", which Mike's miniature horse is because it's on a smaller lot, "can be requested and must be presented by the property owner through an animal management plan to be heard by the planning commission." That's the answer.

Weston Youd – We go through the conditional use permit to close it out. 10-18-9 - "Notwithstanding the allowance of the types of animals considered a household pet, or where permitted by the city zoning ordinance, any animal use that is listed in a zone as a conditional use must be approved by the planning commission subject to all required conditions. The planning commission shall review conditional use permits in accordance to the standards contained in chapter 12-33 Conditional Use Permits. The Planning Commission shall conduct a public hearing in accordance with Chapter 12-37 Approval Process. The planning commission must find that the proposed use can be mitigated. Once approved, if the use later violates this code or causes situations that become a nuisance to adjoining property owners the conditional use shall be subject to revocation by the code enforcement officer."

Michael Brockbank – Does it just pass by the planning commission or does it go to the city council?

Dayna Hughes – Just the planning commission. It's good for a year?

Shawn Eliot – You can set that as a condition.

Kelly Liddiard – I thought that is what we decided that's what we were going to do on all of these.

Shawn Eliot – Then what we also need to talk about is the conditional use fee. For instance, a flag lot is a conditional use and it is a \$200 fee. So if having 3 cats, instead of 2, do you want to charge \$200 a year as a fee? Or do you want to have a smaller fee?

Dayna Hughes – Can we set the fee?

Shawn Eliot – We can suggest to the city council.

Weston Youd – It actually if we read the next point, it does clarify this. "The city shall conduct an annual inspection to verify that this code, the nuisance code and any requirements of the conditional use permit are being adhered to. The continuance of the conditional use permit shall be based upon the following requirements: To provide a type of structure, building, pen, or cages to protect the animal from weather. Food, water and sanitation facilities provided for animals. Measures taken related to health of animals, control of noise and odors." So this is saying it is pretty much open-ended.

Shawn Eliot – So this is saying once you got it you got and we are going to check on you every year, unless there is a nuisance. So there is a process to get rid of the conditional use. If you do it every year...if you want to do it more often, I would suggest two years not every year because that year comes awfully quick.

Dayna Hughes – I don't think it should say the city will conduct an annual inspection. We are going to go if there is a problem because of neighbors that will complain. It may be in a month or may be never.



Kelly Liddiard – So you are saying there shouldn't be an annual inspection?

Paul Squires – There should be.

Weston Youd – The cycle of conditional use permits – is that something that the planning commission can do or the city council? Because that is writing, not code, but laws saying conditional use permits are valid for two years, one year or unlimited.

Shawn Eliot – You can make it part of your condition – how long that conditional use will be. State law requires that planning commissions have, at least, one thing that they are over. Almost all cities allow that to be conditional uses.

Dayna Hughes – We can set different terms for different conditional uses, right?

Shawn Eliot – In the code, yes. If you are just making a decision and you are feeling a bit scared that he looks shady and you are going to make it steeper. If you trust this part that we are going to go out and check on them once a year then this should take care of it also. But if you want to make it more often, then we do need to go back and address the fee. I think if you have to come back every year, \$200 for a cat is a little steep. Nobody is going to use our code. They are just going to keep the cat and not be legal.

Kelly Liddiard – You are saying if we do it every year, then they are going to have to pay the fee every year? Can't we say a one-time fee?

Weston Youd – Then you make it perpetuity.

Shawn Eliot – It's only if you require them to come back and renew it every year, but if the inspector has to go inspect it then they don't have to pay the fee.

Kelly Liddiard – Yeah, just go inspect it, but if there are violations then they have a chance of losing the permit.

Dayna Hughes – How much would it cost of your time, Shawn, to go and spend a half an hour inspecting a conditional use?

Shawn Eliot – You mean like charging it to the city type of thing?

Dayna Hughes – It's not going to be \$200. It's too much. But it probably can't be \$10. So the whole idea would be to cover the cost so that the city doesn't lose.

Shawn Eliot – The big deal is the city keeping a record of it. We keep record of business licenses and pigeon permits. This new code gets rid of the pigeon permit because we haven't done any, except for Nelson. But the other two have never done a pigeon permit. After the new code was passed, no one ever told them they needed to do a pigeon permit. So it didn't work because nobody stayed on top of it. That's the only issue is that we need to stay on top of it once they come in. So if somebody comes to the planning commission to get a conditional use permit, then Marissa needs to make sure she enters it and then somehow we need to have a list where we say in a year time, we need to go inspect. Going out to inspect is no big deal.

Dayna Hughes – I don't think we are going to have a landslide of people coming in for conditional use permits – like one or two. So would \$50 be an appropriate fee? Is that too high or too low?

Kelly Liddiard – I think if it is a one-time fee, then you're probably looking at \$100 for the conditional use.

Dayna Hughes – But that doesn't cover our costs year to year because we have a set cost for our inspector to go out once a year.

Shawn Eliot – The problem is that we don't have a set cost. If we had a set cost, then I could tell you what that is. But like Dayna said if we were going to have a landslide of people, then we would want to go back and address that issue and say we need to start charging for the service. I don't think the one every six weeks is going to be a big deal.

Kelly Liddiard – It's not uncommon for inspection companies to come out and you have the base fee of \$100 or \$200 or whatever it is, then for the annual inspection you have to pay \$15.

Shawn Eliot – I think \$15-20 a year is reasonable for the inspection. It's a little more serious to them because they have to pay something. And it's a little serious to us because we are making something.

Kelly Liddiard – As far as Marissa goes, she is here anyway and it's part of her job.

Dayna Hughes – For example, Mike comes in and we like his management plan. We say the one-time fee for a conditional use is \$50 and then every year, if you want to continue with the conditional use permit, you have \$15 for the inspection. But you don't pay the inspector, you pay the city.

370 Shawn Eliot – I think that having a lower conditional use fee for animal permits would be a better thing because, again, one of the  
371 things we want to do is to get people to comply that do have three or four cats. And if you have it at \$200, they will not comply saying  
forget you guys. I've made it this far. I think people with chickens would pay \$50 to make everything right.

Jason Bullard – What area is Michael Brockbank zoned in?

376 Shawn Eliot – R-1-15,000

377  
378 Dayna Hughes – If his lot were bigger, we wouldn't have a problem because then he could fall under the livestock.

379  
380 Weston Youd – Yes, we would. He would still be in the R-1-15,000 and it would be a conditional use, which is an exception.

381  
382 Dayna Hughes – By the way, at the end, we do not allow alligators and crocodiles, bears, porcupines...so we do have something in here  
383 that covers us.

384  
385 Shawn Eliot – We got through that one and we still have the Utah County code that we are proposing that they change. It's not  
386 something that you change.

387  
388 Dayna Hughes – Do we need to go back to kennels?

389  
390 Shawn Eliot – I just tried to clean up our current code on kennels because we only allow them in commercial areas, which is fine, I  
391 think. Basically saying you want to raise a whole bunch of dogs to sell or board.

392  
393 Dayna Hughes – Refresh my memory as to what would not be a kennel.

394  
395 Shawn Eliot – You are allowed 3-6 with a hobby breeder's permit. I did add in there that a hobby animal has to be for non-commercial  
396 uses. Whereas, a kennel is a commercial type thing.

397  
398 Dayna Hughes – And you can have 6 chickens total with a conditional use permit. Let's set the public hearing.

399  
400 Shawn Eliot – Let me go over some of the changes. I changed 10-18-4, which says "additional and/or cats can be permitted by  
obtaining a conditional use permit through the planning commission through the process listed later in this chapter under 10-18-5  
401 Hobby Animals or 10-18-7 kennels". It was just confusing before. So this is under household pets and it was just basically saying  
there is a way to have more than two dogs or two cats. Then I added in being raised for non-commercial uses. Under hobby animals  
402 dog/cat requirements 10-18-5-2 "Breeders or owners of dogs and cats are allowed to keep up to a combined total of six hobby animals  
and common household pets." And then I put that list that limit in 10-18-4 per residential lot. So in 10-18-4, which is the household  
403 pets, we list only 2 dogs, 2 cats, 6 rabbits. Those are the ones that have numbers associated with them. But then we also list guinea  
404 pigs, hamsters, and birds and those we don't count as your six total. The dogs are confined...we had on there the kennels and the fence  
405 rules so I changed it and just said "they are confined to the owners property behind a fenced area in a structure or other confining  
406 method approved by planning commission." Again, this is under hobby animals so they are going to come to the planning commission  
407 for a conditional use permit anyhow. They have to prove to you that the dog is being confined and that it's not just going to be all over  
408 the neighborhood.

409  
410 Jason Bullard – Is there a setback on those runs?

411  
412  
413 Shawn Eliot – 40 feet from a neighbor's structure.

414  
415 Kelly Liddiard – The thing is, when that is approved, there are going to be a lot of dog runs in the city that are in violation.

416  
417 Shawn Eliot – Now this is hobby animals, though. That's when you have 3-6.

418  
419 Dayna Hughes – You can have two dogs and do whatever you want with them.

420  
421 Jason Bullard – Would it not be a good idea to put some kind of setback from property line versus 40 feet from structure? I'm just  
422 thinking if I'm mowing my lawn, I've got to literally trim that side of that concrete run because it's on the property line.

423  
424 Shawn Eliot – You mean how far you set it back so people can access behind it?

425  
426 Jason Bullard – I know where I lived, you had to have a minimum of a 3 foot setback from the fence line.

427  
428  
429 Shawn Eliot – There is a public utility easement where you are not allowed to build things on top of it, like accessory structures. If you  
do and they have to come and dig up a wire, then we tear it out and you get to put it back. That's the only clause we have.

430  
431 Jason Bullard – What if someone wants to put up a fence to block out the neighbors ducks like you. How would you put the fence up?  
432 You would have to add it right next to the existing fence.

Dayna Hughes – 40 feet is a pretty good distance.

It was decided to schedule the public hearing for May 14, 2009.

## PLANNING COMMISSION BUSINESS

### 3. CITY COUNCIL UPDATE

Dayna Hughes – Sean wanted us to know the city is currently running at a \$250,000 budget deficit and that is because of lower tax income, lack of building revenue. On the other hand, they have to spend \$600,000, which is the other half of the bond that they took out to buy the city center property, but it can't go towards the deficit. If they pay it back, they still have to pay interest on it so there is just not any incentive to not spend it. I would suggest that if you as a citizen have any suggestions, such as a park or a city center or whatever that you make it known to the city council.

Shawn Eliot – Corbett, the mayor, and I met with the owners of the properties in the PUD. And as you know, the PUD, most of it, has been turned back to the bank, but the far northern portion across the highway is still owned by Rockworth Construction and they are holding onto it until things get better. They have not sold any lots. Phase 2 has been turned over to the bank. So everyone was here, except for Development Associates, which were the ones that defaulted it back to the bank. So we brainstormed as to what we can do to get the park and open space back to what it's supposed to be. Rick Salisbury is working with the bank to acquire the open space adjacent to his development and the bank is willing to consider it. The things that were discussed were: can you fix the park up and give it back to the city? The reason that is such a benefit to them is that they have a park that's a selling point for their development and the home owner's association fees can be next to nothing because with the park, they have to pay a lot for it. Their response was to waive the park impact fee per lot for the development and then they will turn the park over to the city. That is \$1400 per house. But when DAI came to us and asked us to buy the park from them, it was \$400,000. The impact fees for this development add up to 300 and something dollars.

Dayna Hughes – So would the \$1400 come to the city?

Shawn Eliot – Yes. So we could waive it for those lots and get the park in lieu. Now the benefit is that we are in a deficit for parks right now. Our general plan says 1 ½ acres per thousand people.

Dayna Hughes – But we are also at a \$250,000 spending deficit so if we take on the park, then we are increasing that.

Shawn Eliot – That's the thing that the council said to go back and look at. What are the costs to take on the park? So one thing we proposed was that we don't take it over for a couple of years – let the developer get it going and get it stabilized and they take care of it until then. Or when a certain amount of homes are reached, then we take it over. Then we have that tax base to pay for it. The other thing we did was research how much Shuler Park costs us. Other than maintenance issues when the sprinkler pipe breaks, which those you can't really put a cost to, we pay \$7.25 an hour to have a kid come two days a week to work on it, which is pretty minimal like \$700-\$800 a year. The water is paid for by the city, but they get a discount. It's just around \$100 per month to water the entire park. So again, we are talking \$600-\$700 a year to water.

Kelly Liddiard – How big is that park?

Shawn Eliot – I don't remember. Our park now is four acres and it is bigger than four acres. It's probably about 5 ½ acres.

Dayna Hughes – So we get the park for free. The city wouldn't have to pay anything.

Shawn Eliot – The city would waive the revenue. But since we are in a deficit for park space right now, any impact fees that we get for parks, we cannot put toward building a new park because you can only use it toward the impact that those people are causing. We already have the impact because we are not up to par.

Weston Youd – Does this satisfy our quota?

Shawn Eliot – This would put us right where we are supposed to be.

Weston Youd – Then we could start getting revenues.

Shawn Eliot – So we have to go back and present our evidence that it really isn't very costly to take care of. It's just information. The developers were paying \$2000 a month to water that park when they were first getting it started. The other issue was that the developer

asked for some concessions to help them bring their prices down so they can get lots selling. Rockworth Development wanted to know if they could reduce the size of the rambler from 1400 to 1200 sq ft. Their CC&Rs say 1400 sq feet. We told them they are CC&Rs and they have to decide that. Rick Salisbury said they were fine with 1400 sq ft. The other thing they asked were to get rid of fire sprinklers. They are saying the hillsides, gooseneck area that doesn't have fire hydrants, and town homes that have adjoining walls are appropriate for fire sprinklers, but in single family homes where ¾ of the town doesn't have fire sprinklers already and haven't had a big issue with it. They are saying it adds 6-\$8,000 per house. So we discussed that as a council the other night and it is up in the air right now. If that were to change, they would have to come back through the Planning Commission.

**4. REVIEW AND APPROVE MINUTES OF JANUARY 8, 2009 & FEBRUARY 12, 2009**

The planning commission meeting minutes for January 8 and February 12 were reviewed and changes were suggested.

**WESTON YOUNG MOTIONED AND KELLY LIDDIARD SECONDED TO ACCEPT THE MINUTES FOR JANUARY 8, 2009 AND FEBRUARY 12, 2009 AS NOTED. VOTE: YES – ALL (5), NO – NONE (0), ABSENT – (1) KEVIN HANSBROW**

**5. OTHER BUSINESS**

Dayna Hughes – Where are we at with the general plan?

Shawn Eliot – Bob have been off on all these big studies so I've told him we need to get on it.

Dayna Hughes – Can we put it on the next agenda?

Weston Young reported that he purchased a gift for Russ Adamson as a token of our appreciation for his service as Chairperson. It was discussed that the receipt would be submitted for reimbursement by the city.

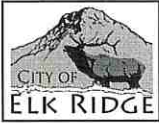
We have new members of the planning commission, which include Jason Bullard, full time member, John Houck, full time member, and then because of Scot Bell's recent resignation, there is another opening for an alternate member.

**ADJOURNMENT** – Chairman, Dayna Hughes, adjourned the meeting at 8:45 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, 9 April 2009**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

**COMMISSION MEETING AGENDA**

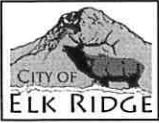
**CANCELLED**

**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, 3 April 2009 and delivered to each member of the Planning Commission on 3 April 2009.

Planning Commission Coordinator *Marissa Bassin* Date: 3 April 2009





**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 CANCELLATION OF PUBLIC MEETING - PLANNING COMMISSION**

Notice is hereby given that the regularly scheduled Elk Ridge Planning Commission Meeting is hereby CANCELLED. The Meeting was scheduled for April 23, 2009, at 7:00 PM.

- Meeting Date - **Thursday, 23 April 2009**
- 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. ....

**MEETING CANCELLED**

**CERTIFICATION**

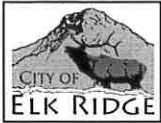
The undersigned duly appointed and acting City Recorder for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of cancellation of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, and to each member of the Planning Commission on April 17, 2009.

  
\_\_\_\_\_  
City Recorder – Janice H. Davis

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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**

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 May 2009**
- Meeting Time - **Work Session - 6:00pm, Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION WORK SESSION AGENDA**

**6:00 p.m.** Public Hearing Procedures

### **COMMISSION MEETING AGENDA**

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

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

Former Chairman Recognition - Russ Adamson

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

1. Animal Regulations ..... *see attachment*

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

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

2. General Plan Update ..... *review at meeting*

#### **PLANNING COMMISSION BUSINESS**

3. City Council Update  
4. Review and approve minutes of March 26, 2009 Commission Meetings ..... *see attachment*  
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, 7 May 2009 and delivered to each member of the Planning Commission on 7 May 2009.

Planning Commission Coordinator *Marissa Bassin* Date: 7 May 2009



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# ELK RIDGE PLANNING COMMISSION MEETING

May 14, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A work session of the Elk Ridge Planning Commission was held on Thursday, May 14, 2009, at 6:00 p.m. and a regular meeting at 7:00pm at 80 East Park Drive, Elk Ridge, Utah.

## WORK SESSION

Dayna Hughes, Chairman, discussed options on how to conduct the public hearing. It was discussed that there would be one microphone where the public could voice their comment on the proposed code whether it was positive or negative. Everyone would be given the chance to make a comment, as long as, it wasn't previously said. They would be given only 2 minutes and then a bell would ring letting them finish their thought. Dayna would decide how long to let the public hearing go based on the size of the audience.

Shawn Eliot went over the changes to the proposed code and showed the presentation he would present to the public. He also discussed the elements that Bob Allen from Mountainland Association would review after the public hearing.

## REGULAR MEETING

### ROLL CALL

*Commissioners:* Kelly Liddiard, Dayna Hughes, Weston Youd, Paul Squires, Jason Bullard, John Houck, Kevin Hansbrow  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Shawn Eliot, *City Planner*  
Terri Righettini, Stewart Jolley, Michael Brockbank, Russ Adamson, Janine Nilsson, Logan Nilsson, Lynn Frankovich, Todd Holsman, Geniell Simpson, Sandra Newitt, Jerry Newitt, Jeff Thayne, Linda Cooper, Ciera Thayne, Lucretia Thayne, Lisa Denning, Rob Wright, Gary Prestwich, Cheyn Gunnarson, Doug Lindsay, Sandy Johnson, Margo Brockbank, Kari Hale, Ed Christensen, Erin Clawson, Bob Allen, *Mountainland Consultant*

## OPENING ITEMS

### OPENING

Dayna Hughes, Chairman, welcomed at 7:00 PM. Opening remarks were said by Weston Youd, followed by the pledge of allegiance. Welcomed Jason Bullard as the new member of the planning commission – replaced Russ Adamson as a full time member. Each planning commissioner introduced themselves and gave some background as to why and how long they have been on the planning commission.

Dayna Hughes – Before we get started with our agenda items, we have one very important issue to take care of and that is to honor our former Planning Commission Chair, Russ Adamson. Russ was on the Planning Commission when I started and now I am the longest serving member. Russ served for 3 or 4 years and he was the chairman during a really difficult time in the city's history when all of a sudden the owners of the hillside property wanted to start development and we weren't ready for that. He spearheaded and sheperded the commission through some very difficult times and issues on getting that hillside residential code passed and did a really good job and we are truly grateful for his service to the city and as a token of our appreciation we have a gavel that is engraved, "Russ Adamson, for outstanding service as chairman of the Elk Ridge City Planning Commission."

Dayna Hughes also welcomed two new commissioners, John Houck and Jason Bullard.

## APPROVAL OF AGENDA

There were not any changes made to the agenda.

## PUBLIC HEARINGS AND ACTION

### 1. ANIMAL REGULATIONS CODE PUBLIC HEARING

Dayna Hughes, Chair, reviewed the procedures for the public hearing and gave a little background as to how the previous public hearing was conducted. She also explained that just because there is code presented, it doesn't mean it is set in stone and the commission's mind is not completely made up so there is still room for improvement.

Shawn Eliot – This has been ongoing since last summer...a group of citizens came in and asked the city council to look into allowing chickens as a residential use. The council did some research and then sent it to the planning commission to look at it and at the same time we were asked to look at cats. Right now, there is not a limit on cats in the city. And there are also issues with goats and miniature horses that are currently in the city. Then we had a public hearing in December on the issues and we found that we needed to go back and do some more homework. Looking at Utah County where we live, fourteen other cities have animal codes that allow, in various ways, for many of these animal uses we are talking about. Lehi, Eagle Mountain, Sandy, Alpine, Lindon and Santaquin allow chickens in all of their residential zones. Most of them allow up to six chickens. Springville, Mapleton, Spanish Fork and Salem require half an acre before you can have chickens, but they do allow it in their main residential areas of town and allow more on 1 acre. Provo just passed a new code, which got vetoed by the mayor, to allow six chickens in all residential units in the city. The mayor's veto on it, which by the way is a right that Provo can do and don't do in any other cities in the county, was that there was a permit process, which he thought was too cumbersome for the city to keep checking and inspecting homes every year for their chickens and also the setbacks for the coop were too close for the neighboring structures and he felt it was all too restrictive and too hard to enforce. In his opinion, six chickens were not any different than any other animal. So now it is back to their city council as to whether they are going to adjust it or what they want to do. American Fork, Pleasant Grove, and Cedar Hills do not allow chickens in their residential areas. Many of the cities that do allow them, actually call them household pets (Lehi and Sandy), which seems funny. It's more of a procedural issue so they can clarify it. But they put it under household pets with their dogs and cats.

Some of the cities limit 2-3 cats per household. Most of the others didn't have a limit, which is how it is for us now. Another thing is that you have to have a permit for a dog with its rabies shots and so forth. We don't have a permit for cats, even though I think that has been brought up over the years. Most of the cities, have found that to be a nightmare to try to do a permit process for cats.

Livestock for single-family zones is allowed in Alpine, Lindon, and Santaquin on lots as small as 10,000 sq ft. In Eagle Mountain, it is allowed on half acre lots with exceptions allowed for smaller acreage. In most of Lehi, it is allowed on half acre lots. Springville, Spanish Fork, Mapleton, Sandy and Salem require half acre. Orem requires an acre lot. Cities that don't allow chickens also don't allow livestock, except for Provo. Provo has the allowance for miniature horses and pot-belly pigs city-wide down to lots as small as 7,000 sq ft, which is under 1/5 of an acre – nowhere in Elk Ridge is there anything close to that size of a lot.

What else did we find out? Animal nuisance complaints are not a huge issue in most cities. We interviewed these cities where we went and researched their code; we interviewed their inspection officers and it wasn't a huge amount of their time going out to work on complaints of dogs, chickens and so forth.

Terri Righettini – Were these dedicated enforcement officers?

Shawn Eliot – Yes. The enforcement officer's experience was that when they did get a complaint and they went out and worked with the person with the offense, they usually got them to comply. Not always is that going to happen. There is always going to be that neighbor who is going to be stubborn. So then you have to go a step forward and get the neighbors involved. The number one animal issue is dogs. When they do get complaints, it is usually the dogs and that is our issue here, which, again, has to do with responsible owners. Most of the cities that allow chickens and/or livestock, do not allow an amount that you would find on a farm. Alpine or Lindon are pretty exclusive communities and what they allow is a small amount – somebody could have two horses or two goats. Basically, what they are set up for is not for farms, but for hobby situations. American Fork officials know that they have animals in their city just like we know we have animals here that we know are illegal. They only go after them if there is a complaint issue.

So why are we proposing this code? The planning commission felt that it was a compromise. Some of the requirements in this code are stricter than any of these other cities have allowed. Input from the public was pretty polarized at our last two meetings. The survey results were that there were more for against chickens, but not many more. It was in the 50<sup>th</sup> percentile for chickens and high 40's against. We weighed more on the public hearing and other cities than we did on the survey. The data and experience of other cities, individual commission members, and citizens helped us to formulate this proposed code. We know it's not going to make everybody happy on both sides. The commission listened to comments from both sides. We know that on one side, people moved here and we don't want chickens because that's a farm thing. On the other side, a lot of people say they like the rural feeling here and so again, it's pretty polarized. The main point that swayed the commission to recommend the proposed code was the evidence by other cities that chickens and limited livestock have not been a huge problem. It's not for heavy farm-type agricultural uses. The question that this group brought up was what is more impactful, 6 chickens or 1 large barking dog? The proposed code would allow uses that are already in the city (currently against code), but with requirement that will allow the city to keep better control over it. The amount and types of animals allowed seemed in line with what many other cities allow for non-agricultural areas.

So what is the new code? There are two parts of it. Permitted and conditional animal uses code, which is part of our land use code or development code; basically, what's allowed for the zone and then the animal nuisance code, which is under the criminal code, which is basically when you have nuisances how to enforce them. One thing I'll define is permitted uses and conditional uses. Permitted uses are what is allowed in a zone. So household pets are allowed in a zone. Conditional uses are uses that are allowed in a zone, but there can be problems with them and there might be some mitigation issues that need to be addressed by allowing them. They require a permit from the planning commission, which you have to pay a fee, come to the planning commission, have a public hearing where the neighbors are notified that this use is being proposed and testimony is heard for this animal use. The owner has to show that there is suitable area for these animals. We are also proposing an annual inspection to allow for a conditional permit.

Common Household Pets – our current code defines a household pet, but there is nowhere in the code to say where they are allowed, which is usually a no-no because there are certain zones where you are not going to allow certain uses. So we are actually putting it in

the zones now to say they are allowed. Under household pets, you can have 2 dogs and 2 cats and six rabbits. Those are the ones that have actual numbers attached to them. The rest of the animals do not have quantities. If they do become an issue, such as smells, noises, etc. the nuisance code will take care of that.

Hobby animals are where you get into conditional uses. This is where we say you can have up to 6 chickens, 6 dogs, 6 cats, 2 parrots, pigeons, no roosters, but the total amount of hobby animals allowed or any combination of household pets is six. Again, that's household pets that are numbered. So you can still have fish or guinea pigs, etc. So if you already have 2 cats and you want more cats, you can get a conditional use permit for a hobby animal and have six total, but you can't have a dog. Limited total of six animals would make us more restrictive than any city that does allow animals right now. Most of the cities do not allow roosters and we are not allowing roosters. All of the complaint issues that have occurred within the last six months have gone cold because of this pending code. If and when this passes, we will be going after roosters, unless you live in an animal right zone.

A hobby animal permit is obtained as a conditional use permit through the planning commission, which requires that the neighbors be notified and a public hearing be held. The requirements for setbacks from neighboring homes are set so they cannot put the coop right on the fence line. Sandy and Lehi allow chickens now and they don't have any requirements as to where the coop goes. I think part of the compromise that the planning commission is making is at least they are requiring that it can't be right next to the neighbor's house. An annual fee and inspection is required. And, of course, if problems occur, we are going to try to fix the problem before the permit is nullified.

Livestock requires deep setbacks from neighboring structures, livestock management area size requirements, and limits the amount of animals based on animal size, which is similar to how we have it now. There are two zones that allow this – down in Loafer Canyon, coming up park drive down to Canyon view and then Goosenest Dr into the Payson area. This is based on size – small, medium, or large animals. For instance if you have a certain amount of large animals, you can't have two large animals, and four medium animals and then ten small animals. You can't just keep adding them up. So the maximum for a half acre lot is two animals. If you max out on one type of animal, it precludes you from having the other. This code would also allow the planning commission to issue a conditional use permit in the R-1-15,000 and R-1-20,000 zones for livestock on lots half an acre or larger. One of the things talked about in the work session tonight is that the planning commission would like to limit to just medium and small animals. Shawn went through to discuss the R-1-15,000 and R-1-20,000 zones and how many lots there were within them that could potentially have livestock. This was because of the people who do own miniature horses and goats that have asked that we look at it. So this satisfies that to happen with a conditional use permit. The conditional use permit will be a \$50 fee with an annual \$15-20 inspection fee. And you can only have one conditional use permit at a time.

For our current nuisance code, we had just adopted the Utah County nuisance code and all it says in our code is that we adopted it and there are three copies on file, but that doesn't make it very useful for anybody to use, including the city staff that is supposed to be enforcing it. So we are proposing that we actually put it in the code and adjust it to Elk Ridge's needs. For the most part, there are not any substantial changes.

What's next? The commission will weigh your comments tonight and then will update, if any, the changes and make a final recommendation to the city council. Then the city council will make a decision in June.

Dayna Hughes, chairman, opened the public hearing at 7:28pm.

Terri Righettini – I'm not sure why we have this because we are not enforcing the codes that we currently have. What are we defining? So I can have pigs? Pigs are little – a pot-belly pig. So what are you calling small and medium?

Kelly Liddiard – Swine is actually different than livestock.

Shawn Eliot – In the proposed code, it does define a small, medium and large animal.

Terri Righettini – If you live next to people that have chickens, in the city, you can't fire a firearm to kill the chicken so how do you propose we deal with it? Beat it with a bat?

Dayna Hughes – That's when you need to call the city and report it.

Terri Righettini – The city doesn't have a code enforcement officer.

Dayna Hughes – Yes, we do. It's Shawn.

Terri Righettini – But he hasn't enforced the code.

Shawn Eliot – We have two people. There are things where we go out and issue letters.

Kelly Liddiard – As I understand this, as far as the animal code goes, the past couple of months, there hasn't been any enforcement because this is a work in progress.

187 Terri Righettini – I understand what you are saying, but this has been going on since last year. People complain about the chickens and  
188 nothing was done. And you are saying a permit could be nullified if there are 2 or 3 instances and then you pull the permit. Who is  
189 going to be the judge of that?  
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191 Kelly Liddiard – That falls under the nuisance code.  
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193 Terri Righettini – How do you know when that person's conditional use permit is going to be nullified?  
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195 Weston Youd – If they have violated the nuisance code, they have been charged and, if you will, convicted of violating the nuisance  
196 code. At that point, the permit can be in jeopardy.  
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198 Gary Prestwich – For people who have animals and have animal rights on their property...if the city was proposing code to stop them  
199 from having animals, that would not be fair because they moved here with the idea of having animals. To me this is kind of the same  
200 thing. I moved here with the idea of not having animals and now they are going to change it. If it applied to new development, then  
201 whoever bought in the development would understand the condition before they moved there. We moved here with the condition of no  
202 animal rights.  
203

204 Erin Clawson – I own chickens and I was present at the last meeting, also. I appreciate the time that the planning commission has taken  
205 to consider needs of all the citizens in Elk Ridge. At the last meeting, as you recall, most of what came up as a nuisance and now has  
206 been put on file as the most complaints in Elk Ridge are dogs nuisance. So we were working on a complete animal nuisance. There is  
207 not any difference and chickens wings can be clipped so they can't fly and they can be contained. And there are not dogs contained. I  
208 have had to have the sheriff, personally, come to my house and remove the dog because it was lying on my driveway every night and I  
209 would literally have to drag the dog off so I could pull into my own home with the dog biting me. We followed the rule and did what  
210 the sheriff asked and had it done. And that is all that we are asking is that people be respectful of their neighbors; that people be  
211 allowed to have the type of animals that they would like to have and that we all live within that perimeter. That is possible with  
212 chickens, cats, and dogs. I hope that is still open. We do live in a place where we can have codes and laws changed to fit the needs of  
213 times and people within our country.  
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215 Mike Brockbank – We became aware that codes do change. We've all been through this with our hill...we understood coming into Elk  
216 Ridge that it would not be developed, but of course codes change so a development was proposed as such. We've learned to live with  
217 that.  
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219 Read for Jeff Thayne: The issue here is not whether or not I can have chickens, cats, and dogs. We can debate all day long about what  
220 the wording of the law should be, what limits it includes, etc., without ever discussing the central issue of whether any legislative body  
221 has the right to enact such laws in the first place.

222 Secretary of Agriculture, Ezra Taft Benson, said that no public official has greater moral authority than the populace that elects them. I  
223 do not have the right to coerce my neighbors, as far as, what breed of cat they own, how much they sell puppies for, or how many  
224 chickens they have. I cannot, therefore, ask any legislative body to do so either. Any legislative body that exerts such minute control  
225 over our lives acts on pretended and usurped authority.

226 When a neighbor's pets become a nuisance, if I love my neighbor and have courage, I will approach that neighbor and address the  
227 issue. If government is needed to mediate the dispute, that is fine, as long as, the resolution affects only those two parties. To use  
228 citywide legislation as a first resort, as a *preemptive* resort no less, to solve potential disputes that affect relatively few people is  
229 cowardice and intellectual sloth. It is a far braver and nobler thing to address with love and individual consideration potential disputes  
230 than to use large scale legislation.

231 I suspect that every person in here will claim to be opposed to tyranny, communism, socialism, and every other abuse of government.  
232 However, a government that can tell me how tall my fences will be, that requires permits to own a cat or dog, that counts my chickens,  
233 is precisely that. The fact that other cities have enacted similar legislation bespeaks only the degradation of our society, not the virtue  
234 of the legislation. A society that says at every inconvenience, every eyesore, every nuisance, "there ought to be a law against that," is  
235 not a society deserving of freedom, for they will have betrayed the principles of liberty that our founding fathers fought for.

236 Jeff Thayne – You yourselves, your parents, perhaps your children, have likely fought to preserve our freedom, and yet we see no  
237 problem with a government that can tell us how many cats we can own and counts our chickens?  
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239 People may acknowledge that government has limited authority, but excuse excesses of government by touting property values.

240 Government is designed to protect and safeguard freedom, not property values. Property values are a transient thing, subject to the  
241 whims of public preference. People value is of far greater eternal worth, and to value property over people will weaken our  
242 community, rather than strengthen it. A community of one heart and mind, the community we all seek and strive for, does not depend  
243 on property value, nor can it be built by legislative coercion. Coercion is the child of enmity, and only leads to more enmity. Those  
244 that truly love their neighbor will seek to be reconciled to them in all their disputes without appealing the man with the big stick, or the  
245 government. Majority voice should bow to true principle, or we risk mob rule.

246 To impose fees upon those who wish to keep a kennel in their yard or who wish to keep chickens, does not preserve freedom; rather it  
247 grinds the faces of the poor and turns freedom into a luxury for the rich. Those who say that people who wish to be an exception to  
248 these rules can move elsewhere, ignore economic and financial restraints, and in essence say that they wish this community to be free  
249 from freedom loving people, or who think differently than themselves. They do not wish to be at all inconvenienced or nuisanced by  
250 their neighbor's choices and activities, which is, I submit, the definition of enmity. The definition of freedom is that somebody else can  
251 do something on their own property that I don't like. The definition of charity is that we forgive, tolerate, and do not take offense for  
their doing so.



Worldly traditions tell us that the only practical solutions to these problems is turn to government, central planning, and legislation. However, this would have seemed Orwellian to those that founded this nation.

Stewart Jolley – There is more than one way to solve this problem. When I moved into Elk Ridge about 12-13 years ago, I could have bought a lot where I had animal rights and then I could raise my pigs, my chickens, whatever. But I chose a lot that had no animal rights for a specific purpose. I didn't want to live among the animals anymore. I've been there and done that. Now, for the city to come by and propose that we are going to change all that is a contract that is being broken by the city to me. If you want to allow animals in the city, then provide an area where animal rights are allowed, not the whole city. You could do that. But you are proposing a code here that is un-enforceable and will not be enforced, except by neighbor getting after neighbor. And I don't believe that is the kind of environment we want in Elk Ridge. I'm sorry.

Sandra Newitt – I feel the same way Stewart feels. We moved here in 1977 and there were different lots that were available with animal rights down on Bridger Lane. We didn't purchase those lots because those aren't what we wanted. I moved here and am a long time citizen and I don't appreciate that contract being broken. And the reason why, mam, that there aren't any complaints about chickens is because chickens are against the law. So if you are to have chickens you- are breaking the law right now. That's the way I feel. The law isn't being kept now. I have a neighbor next door to me who has a rooster who crows 24/7 and those chickens are running all over and are not contained in any way. So what's going to keep her from having 100-150 chickens back there? I'm not a young person. I didn't sign up for this.

Dayna Hughes clarified that the limit would be six chickens.

Sandra Newitt – I know, but the limit now is no roosters, but that doesn't stop them from having roosters that crow 24/7. So I just appreciate that I've lived here, paid my taxes and have agreed to live in Elk Ridge – I love Elk Ridge, but I don't want my contract with Elk Ridge broken. I didn't buy animal rights and neither did they.

Janine Nillson – I work for the city in Accounts Payable. It's very interesting to me to hear all the comments here today. But one thing that concerns me more than anything else is the money issue for this because I know that our city right now is doing some things...there are a lot of cities that are struggling and our city is also, financially. For example, this year our roads budget has been cut in half, our fire department needs a new truck and can't afford it. There has been a wage freeze on all employees. The city council is looking for ways to balance the budget in our general fund, which may require a tax increase, which involves everybody here. And if the taxes are increased, part of it would have to be considered to pay for enforcement for this. It has been suggested that the people who have animals pay the cost of the enforcement. My question is, do they have the funds and are we willing to completely assure that everyone owning animals stays in compliance? Or will it involve my tax dollars for something that I thought in good faith that there would not be animals in my neighborhood for the rest of my life and I have lived here for 33 years. I can't see how some people who have moved in can think their freedom is more important than my freedom to have what I initially bought into. I'm afraid that it's going to put neighbor against neighbor because when you have an animal nuisance, you have got to enforce it by complaint. And up to this point, people have not complained because we want to be good neighbors. But the truth of the matter is, it develops feelings that are hard to get over and it does cause bad feelings toward neighbors. I, certainly, would hate to see sheep put in the lot right behind me, which is a half acre, but I bought a third of acre thinking there would be nothing there that would be animals more than cats and dogs. They are enough to deal with.

Lucretia Thayne - I think her concerns are very valid, economically. I think it is obvious that there are instances in this city where there are problems that are occurring and people have justified complaints, nonetheless, I do concur with the thoughts of my son as he was reading this. I have a couple of comments and for him I am going to finish the last paragraph. Before I do that, I read the information on the animal code. The statement is there, "what we found out about chickens". All I saw about other chickens is what codes other cities put in. I saw a limit on cats, but I saw nothing to indicate what problems putting a limit to two cats solve because there are problems that are created by limiting the cat population. So my concern here is that research has been limited here to going out and seeing what other cities have done and possibly, perpetuating a system that may not be effective at truly solving the problems. That's my concern and that's why I think there has to be a better way for us citizens to work together than this based on the principle that my son's discusses here.

"Let us keep government within its proper role: the protection of life and property. Let us, as citizens, not the government, do the rest." I personally think we advocate our role to citizens and neighbors. You do talk about the problem with neighbors. She has a valid point, but sometimes that's because we are neighbors are not trusting and straight forward with each other and then we are putting up those barriers and are turning to government to solve it when we really need to be working together first. "The choice here is a real one: will we be a unified community that takes the responsibility upon ourselves as citizens to make this community great through love and persuasion, or will we abdicate that responsibility to a centralized government that will use coercion, not persuasion, that will build enmity and division, not charity and unity.

Friends and neighbors, stop meddling in other people's lives. Stop counting their chickens. Stop counting their cats and measuring their dogs and fences. This just strikes me as wrong. The fact that we would even debate this strikes me as wrong. Please don't support this legislation. Those who serve in office, when someone comes with a complaint against their neighbor because of their pets, weigh carefully the moral constraints on your authority. Have the courage to invite this person to do the right thing, and first talk to their neighbor and lovingly work out a solution between them selves. And if more is necessary, please don't solve the problem by making life difficult for the rest of us. Where there are problems there are other solutions. Allow our neighbors to keep chickens, cats, rabbits and other pets without this unnecessary interference.

Sandy Johnson - I've lived here in Elk Ridge for just over ten years. The point I wanted to address is that when I moved here I lived on a 1/3 acre lot and we had no one behind us just the hillside. They told us that the code would not change - that this hillside would be open for however long we chose to live here, but unfortunately, codes change and that hillside has also been bought and proposed to development. No, I don't like that, but it is code and things change. Things do happen in a community so I want everyone to be open. Life is change. Things change and things happen and we do need to roll with those punches. As Lucretia said, if we can do it in a loving neighbor to neighbor way, let's do it. I think it's possible.

Linda Cooper - I work here at the city office. I called Alpine, Santaquin and Sandy and talked to their animal control officer and all three of them said their #1 problem is dogs. He says if you can't control your dogs, you will not be able to control anything else and we have so far not been able to do that. Alpine has full time animal control. Santaquin has one person full time, plus the office staff who can come and help. Sandy has six full time animal control officers and they are very busy. The interesting thing to me was that all of them said, when I talked to them on a personal level, to forget it, you are just asking for trouble. They asked if we could control our dogs and I said no, we can't control our dogs. We don't have enough money for enforcement to be up here 24/7. He said you are not going to control anything else. #2 they all said the biggest problem with additional animals, besides the household pets, was the smell. How do you get rid of the manure whether it's chickens or something else? How do you dispose of that legally? Noise? They said don't do anything where you will have to have people call to report the problem because they won't call. I get calls all the time, and I never call anybody to tell them someone complained about their rooster. There have been many calls about roosters and they won't call animal control because they'll give them their name when they say their want to remain anonymous. They don't want the neighborhood arguing. We are just pitting each other against one another. If everybody would take excellent care of all their possessions; yards are perfect, etc., it would be ideal. If somebody would keep their dog in their yard, I wouldn't have to clean up my front yard. We can't control that all over town. I don't know how we would control this.

Lynn Frankovich - I have a problem and I didn't know if it could be handled, but as I look at the code tonight, I have more concerns about it. There are homing pigeons in the area, which apparently, we are allowing under the present code and it looks like in the new code we are. At one point it said, pigeons exempt and the other one said fifty pigeons. And I just need a clarification on that. The reason I do this is because as soon as it gets warm those homing pigeons have found a home on my roof and for the entire summer, I am cleaning up after the pigeons. And they are just starting to come back again. This is an annual thing. My question is how do we take care of the problem of pigeons when you don't even know who they belong to? And if we are going to allow more of them, I probably won't be the only house of the remains of all these pigeons, but there will be several others. Because what they are looking for is a shaded, cooler spot on a higher roof. So when I looked at the code tonight, I'm a little bit more concerned, besides the chicken situation. I don't even know how to begin to control pigeons. And if we are going to allow them then we are going to have a larger problem on our hands than just my house. I just want to comment that when you are doing the code, that pigeons are a concern.

Shawn Eliot - When we said exempt, it meant pigeons are exempt from the six total animals. So they can have up to 50 pigeons. The pigeon code is already in our code. It was approved 2 or 3 years ago. We are not really proposing to change any of it. Now if there is a problem...they are not supposed to allow them to nest on your house. So again, if you call the city, then we need to go out and check it out. I don't think we have had any calls on it. So it needs to be addressed.

Sierra Thayne - When I first read of the code to limit cats too, I thought condemn was to deceive me. I was doing research. It was quite telling to me when I did a Google search and I searched every combination of words like pet allowing laws, cat allowing laws, anything. There was no study; nothing that was advocating these. In fact, all I could find were studies showing it doesn't work; studies showing it causes more problems. I found over and over again, where it talked about a vacuum effect where if you limit cats and try to take the stray cats out, the more stray cats cycle in. There are a set number of cats per area and it will stay pretty much constant so my thought is if you are limiting the number of cats people can have, you are going to have a lot more stray cats that are not vaccinated; not fixed, and people have actually shown that that causes a bigger problem. I want to make sure you know about this. You should do research on this. The only place I found where somebody advocated pet allowing law was a city council's minutes and somehow came up on Google from somewhere like Tooele and it was a sheriff that was saying basically it seemed like a good idea to me, but I don't have anything to back it up. So many people are saying look cities are taking away some of their cat allotment laws and how cities are showing how they are causing problems. I would suggest highly that you do some research on that. The stories that you hear in the news about the lady that has 200 cats - that is actually a psychological disorder and most people don't ever do that and you can't limit that. Because it is a psychological disorder it is actually a mental health problem. An ordinance has never fixed that so I highly suggest you look into that.

Geniell Simpson - I agree that any interference with our rights is against what we believe in this country. I have more than two cats. I take excellent care of my cats. They are vaccinated and neutered. They are good cats and they don't cause many problems. They have heated houses. I wouldn't want to have to get rid of some of my cats. I took them in because people had abandoned them. I got them neutered and incurred that expense. I just am concerned. In the code I read on the website, it said that the existing animals would be able to stay. That's what concerns me because they are a part of our family and I don't want to choose which ones I want to get rid of.

Shawn Eliot - For animals that are allowed now - if you have 6 or 10 what have you, and this code does pass that limits it to two, you are still grandfathered in with what you have. You have to have proof that you had 6 or 10 so take a picture. As long as you keep the amount and even if one dies, and you get another one, you are grandfathered in because you had that amount under a previous code.

Robert Wright - I've been kind of opposed to the chicken thing as it goes, but I am willing to compromise and I'm looking at what you've got to become more of an animal code than just chicken. Somewhere in there I've read where there is a setback of 35 feet from your neighbor's home. I'm in a situation where one of my neighbors if they wanted to could still have those animals closer to my home

than to his own. I would personally like to say that if it's 35 feet from my house – you want these things; it's got to be 10 feet from your house. I have a dog kennel in my back yard and I don't keep the dog out there the whole time, just an hour or two here and there. It's less than three feet from my house just so I can walk around more. I think that is the right thing to do for my neighbor and everyone else. The other thing, the responsibility portion of it and everyone here has the best intentions to be responsible about it. The fact of the matter is not everyone will. And I think enforcing it is going to be insanely difficult. You can't enforce what you have now to an extent that is reasonable to add to it I think is going to be troublesome. A lot of people have come here and quoted emotional things and different stuff – some stuff bordering on offensive. Last time some equated the hobby of a chicken to human suffrage for slavery. Women's suffrage for voting - you are comparing what is considered a human right to what we are calling a hobby. That's like saying if you are in a burning building, are you going to save a person or a chicken. Something you are getting for food – things like that the comparison of that and human life is kind of sad. The whole thing that has been bothering me is the forefathers did this and that. Our forefathers did a lot of bad things too. They allowed bad things to happen. It's not a perfect system. It's not going to be. Just work harder and accommodate the people that don't want these things and to accommodate the ones that do. But I think that just to go over and say hey we can't enforce what we've got, your just going to make it worse it's not responsible at this point and time.

Lisa Denning – I wanted to go over some of the concerns. I'm, personally, a little bit concerned about the person that has chickens and who has the repetitive complaints that they have jeopardized and tainted a view of somebody who could be responsible. I don't know if they have been given the opportunity to make the changes, but each of us should be given the opportunity to change our behaviors and be brought to the knowledge that 1) we are not be respectful of others and to change the behavior. It's very similar to how I have to discipline my second-graders every day. If I don't let them know that they have offended someone or that they have made a bad choice or had a bad behavior, some people don't realize that their behaviors are offensive and they need to be given the opportunity to correct those behaviors and if that person has not been given that opportunity. I believe in a complaint system. I have a question for Shawn Eliot. Will the complaints always go through animal control or will the city planner do what they have done in the past as far as sending out letters? If the complaints are going into the city, I don't know the technicalities and the procedures for that. Is that something that will go through you or does it have to go through animal control?

Shawn Eliot – Right now, a lot of the complaints go to the city. First of all, I get complaints. I don't get many complaints and again, I think it was said earlier that people don't like to call and snitch on their neighbor. It has to get to a certain level to where they want to do it. Corbett, our building inspector, is also charged with doing that. The last year we went out and started sending out letters. Basically, we have to focus on certain areas of the code that are being broken because you are right we have not had the time to do them all, nor have they been ordinance the way they should be. Last year the city council passed a code on landscape ordinance to get people to finally get their yards together. They gave them a two year window to get it together and after that we will start sending out letters and start the process to try to get these people to comply.

Lisa Denning – So that landscape complaint, does that go to the sheriff? I guess what I want to know is, are these kinds of complaints – do they have to go through animal control or is that something that the city will handle? Is the procedure set up so we know which codes go through law enforcement and which go through the city? I just want clarification. I want to understand how that is enforced in here because that helps to enforce it.

Shawn Eliot – The two areas that you talked about, landscape and fences, that would be Corbett and I. I have gotten complaints about animals, but again I'm surprised at how little we get. So I have gone and so has Corbett. The sheriff has gone also. It's not just the sheriff. The sheriff charges us a lot to do it.

Kelly Liddiard – Animal control is going to take care of dogs running at large and that kind of thing. When it comes down to kennel or something like that is a nuisance and it is going to come back to the city.

Todd Holsman – I just moved here a few months ago from Las Vegas. A couple of the reasons I moved here was to be closer to family and to be in a rural for my girls. And Elk Ridge is a rural area...look around we don't have curb and gutter, we don't have stoplights, we don't have stores. This is a rural area. I'm for the chickens, but I don't know if I plan on having them. I haven't made up my mind yet. Your summary that summarizes everything – most cities allow it. All the cities on here are much larger than Elk Ridge. They allow it and there are not many problems. So I think that's what it comes down to. My opinion, there's not many problems. The problems with dogs are minimal and I think there are exceptions. People have come up here against it. I sympathize with them, but I think it is exceptions to the rule. I don't think the rest of us should be punished because there are always bad apples in everything.

Dayna Hughes, Chair, closed the public hearing at 8:06pm.

Ed Christensen asked if someone could volunteer in assisting in the patrolling of the code. Dayna Hughes said we haven't gotten to that point yet. We would have to first decide what we are going to do and then discuss the enforcement options.

Dayna Hughes – I heard three problems, **we can't control the dogs that we have**, which we all know and if you think you are telling us something we don't know, we know. Everyone knows that lives here. We aren't doing a good job controlling the dogs, but we are trying. We are hoping to get better. **People don't want to complain about their neighbors.** I don't like to do that, but I have. When I saw a neighbor of mine was violating a code, which was a big deal, for years, I turned them in anonymously. I kept writing letters until it was resolved and they complied and it was resolved. Nobody ever knew it was me and that is how it can be done. **The reality of the enforcement.** At this point, we don't know how this is going to go, but right now today, is it reasonable that Shawn and the Sheriff, who we have to pay, can do a good enough job to enforce these extra animal issues that we have. If we could talk about those three points, that would be helpful.



John Houck – I've always been an advocate of the less government, the better government. Some of the comments that were made, I feel were very good, however, there is a trade-off here. So many places you can go and abuse one person to another. It has always been a part of government to take care of those people that abuse the other people. So if there is no abuse, then there is no reason for law or something to be passed. But if there is an abuse then you must go that way. Government should be as limited as possible and I commend the people that are feeling that; that don't want more government, but sometimes you don't have a choice if things are happening. If you have a person next door making bombs, then you want to be able to do something about it and you can't say, well it's freedom here let's just sit here and let that person make the bombs in their garage. So you have to lay out both sides. That's kind of the feelings I got from listening to the comments. They want these regulations done and the other people don't want any regulations at all and there has to be some kind of in-between – giving and taking.

Kevin Hansbrow – I am obviously, on the planning commission because I feel like I can look at both sides. Although, I understand that Linda Cooper had said the enforcement has been an issue it sounds like we need to come up with a better way. Obviously, if she is getting calls that are not getting passed on, it sounds like we need to come up with a form that will be turned into somebody. It shouldn't go straight to animal control. If animal control needs to be called it sounds like it would need to be Shawn's decision whether it is an animal control issue or an issue he can resolve himself. As far as, neighbors complaining, I kind of got a backward sense here people were saying neighbors won't call to complain, but in the same breath they would say they have complained 3 or 4 times or that they have received a bunch of calls. So obviously, neighbors will complain. It's one of those things unfortunately that we do too often is to complain about each other. I think we need to realize that this isn't going to be something solved overnight. It's going to take time for Shawn and those people to figure out some stuff. And as far as I moved up here and I thought there would be only dogs and cats, I feel that although that is something that is very reasonable, I think we need to show a little tolerance. Some people might be allergic to dogs or cats. They might be able to deal with birds over dogs or cats. There are a lot of issues that we face. I have an autistic son. Some animals are a better therapeutic animal than others. I understand people's feelings against these things. I think the reason there are limits on dogs and cats because we need to be able to control our nuisances. Whether you find it as a nuisance or not, other people might. So that is why there are limits to these things. I have a dog that likes to dig up my flower garden, but I show patience and love. It's my neighbor and I love my neighbor. I think that is, unfortunately, something that we are not doing. We are not showing the love and compassion. I'm not saying that we need to put up with dogs or birds flying into your yard, but that's why we have this system. That's why you can call and make a complaint. I realize that complaints haven't been handled in the past, but we are hoping to change that. The people were in control in the past aren't necessarily, in control now. Shawn's only been in his position for a short time. Things will change. I would like to see people to allow us to figure out a system and don't give up on calling. Just because you call and complain doesn't mean your neighbor is going to loose all their chickens overnight. They have a right to make the situation better. If you call and the animals aren't gone doesn't mean you shouldn't call anymore because it doesn't work. It means you went and resolved the issue and maybe they are back doing it again and then we can look at maybe taking away their permit to have those animals. It's not something that is going to be solved overnight. That's not the way it works. I think there are a few changes that need to be made. The setbacks need to be closer to the animal owner's house than the neighbor's house because that makes a lot of sense. I also think there should be no large animals on the half-acre or more lots, except for the designated zones for that.

Kelly Liddiard – As far as the no control of now, I agree with that. There are a lot of animals out running around and it's probably dogs. With that, because Elk Ridge is growing and its infrastructure is not there and it needs to have. It's going to be a while before it happens. So that is something that is a work-in-progress and something we have to handle a little longer. We probably need to be a little more proactive when someone calls. I'm hearing that we are getting a lot of calls a day and then we don't have very many calls – I don't know what that is. But we need to make sure the process is there and it is taken care of or at least some sort of a contact made and the issue is taken care of. As far as the enforcement thing goes, it is not a big deal. We are making this to be a lot harder than what it is. It's like what Shawn is already started doing – he's going around sending out letters and so on to people with property issues, whether it be landscaping or too many vehicles. I am one and I got a letter. That problem has been taken care of. The other thing is that on both sides whether for or against, you are concerned with your own property rights. Everybody has property rights and they have the right to do what they want to do on their own property. The idea behind the ordinance is that we are trying to protect everybody's rights. We are going to allow you to have your animals, but you need to keep it to a minimum and don't get out of control so you don't infringe on the other neighbor's rights. That's why we are trying to come to a happy medium. We are not saying get rid of all your animals, you can't have them. We have to help everybody's rights. So we are not trying to take one side or the other. You have got to understand that. As far as the other thing on animal control, I come from law enforcement issues so you understand, animal control is criminal enforcement. They are going to enforce anything that is of criminal nature whether it is a dog bite, a dog running at large, your chickens running at large, etc. That's their area. When it comes down to unkempt yard or kennel or too many cats that is a zoning ordinance or nuisance ordinance. That is administrative and can be enforced by the city government. They all end up in court it just depends on what side whether it's civil or criminal court. I am comfortable with the ordinance as written other than the changes we talked about tonight – setbacks and no large animals.

John Houck – I would like to see another clause in here. If we put a clause in here that basically said you have a right of six animals, but if you all of your neighbors approve then a seventh animal would be ok. Everyone surrounding the house would have to approve. You've got to allow people to make adjustments to set rules.

Kelly Liddiard – Why do you want to create a grey area?

Further discussion took place concerning the bending of the rules and whether or not to allow additional animals with the approval of surrounding neighbors. The definition of neighbor is to a point that is too ambiguous to address the impact.

Jason Bullard – First of all, since I've been working with the planning commission, they have really gone around on this to try to do the best they can; to try to accommodate both sides. It's been great to hear that everyone here has been concerned about everyone's opinion. I don't feel that anyone has pre-decided their answer before hearing everyone. With that said, what I think is the biggest issue I've heard tonight is the issue of enforcement. Without enforcement, none of this is probable to create any rules if we can't enforce them. I heard the gentleman in the back to volunteer, which is an amazing thing to do something like that if it can be done. In my opinion, as far as the animal issues, I came from 26 acres and I had one dog. And when I moved here, I moved to a half acre lot by the golf course. And we had to bring our dog from 26 acres to a half acre and we had to tie him up here. We've lived here in Elk Ridge for about six months and we just got rid of him a month ago because we didn't want to offend our neighbors because he was whining and wasn't used to it. The fact that neighbors needs to control their animals and care about what their neighbors think precludes everything that we are talking about because that is the right thing to do. As far as the property owners of these properties, when we bought our 26 acres we spent three years trying to find it because we didn't want to move next to a confinement. We didn't want to move next to cow pastures and anything that might create odor. We spent a lot of time looking for that property. I feel compassionate to the people here who own property in town and have no interest in living next to animals. So I hear that argument with that side with the rules that are already in place that says the animals were not allowed; chickens were not allowed. I asked a question earlier to the commission is this chicken issue something that has been an issue because of survival with the economy the way it is. My concern is will this grow to something where we have animals/chickens on every lot. If that's the case, then everyone would approve of this issue. Then there is the ones that do not want animals on their lot or next to their lot because they don't want to worry about their neighbors taking care of them, or hearing or seeing it or even having to deal with it. In my opinion, I would not be in approval of it the way it is written, but I do agree definitely with the setback issue. I think that makes it a better law here, but I think there are still issues with neighbors who have bought properties here because of the fact that they did not want animals in their yard or their neighbors yard. In coming here and building their home and their yards I think is what they don't want. I feel that if someone wanted animals, they should have considered that when purchasing their property; that you had those rights when you came and if you were interested in farming or raising animals for business – I think that should have been a consideration. I'm not opposed completely against it. I think we really need to look at those numbers and how we are going to enforce it. If there are issues with enforcement now, to go and open this up to this many different animals and people saying I want to raise this or that, I think creates a big demand for enforcement. As Kelly, said, it's not easy and to get neighbor coming against neighbor and trying to be polite and call it in, it does create a lot of animosity towards neighbors and it does make live difficult, in my opinion.

Paul Squires – In answer to the question about the numbers, exceeding the code, we already addressed that issue by if you have or want additional animals, you would have to apply, attend a public hearing and the neighbors are notified. That is already in place. I've been here six years and when I bought my property I had to sign a covenant and restrictions on the property and I had to comply. I've since found out that that is not enforceable. I was the one who pushed the landscaping issue and really felt strongly about it because when we bought our home, I was following the covenants and restrictions that I was in and now there are people that are violating it and I felt that that was wrong. I pushed the issue and discovered that it was enforceable and those people have been notified that are not in compliance. And there has been a new code written since then and sent to the council and was adopted about enforcing the landscape issue – giving those people two years to come into compliance. As far as animals go, I recently, retired and as a retirement present, I got a golden lab retriever. I'm trying to be as responsible as possible to follow the code and be an example to my neighbors that might see me walking around town. When my dog leaves the yard, he is on a leash. I also carry plastic bags so I can pick up any defecation while walking. I try my best to be in compliance and a good neighbor to the people around me. I know it's frustrating to hear that people have complained and nothing has been done. There have been a lot of things that have changed in the last year and a half about the new codes. We take to heart the comments that are made in these public meetings and we really try to come up with solutions the best we can. I have no feeling one way or the other. I have no problems with chickens. The chicken's wings should be clipped. We all know there is a leash law up here and I see a lot of dogs in kennels and fenced, but there has only been one occasion where there was a loose dog and it approached me. A lot of these things aren't big issues.

Kelly Liddiard – He mentioned the calling in on the neighbors and that sort of thing....as far as people calling in; you would be absolutely amazed at what people call in for. They call in all the time for anything. So it's not a problem with people calling in. The other thing is with neighbor against neighbor, the letter from President Benson in saying you need to do brotherly love and go talk to the neighbor will not work in this day and age. Besides being in law enforcement, I'm a member of two different HOA's, the president of one because I do not live on the site. Everybody else tries to enforce rules or communicate to neighbors that there is a problem; they end up having vandalism to their cars and their yards. It does not work. As soon as you go to your neighbor, I don't want to hear your dog barking anymore, that neighbor hates you for the rest of your life. That's why law enforcement needs to be in there.

Weston Youd – Several have mentioned that things or laws don't change. This is the process by which laws change and when laws don't change by people saying they like things the way they are and they go through this process. This is the process that we go through and thank you for being a part of that. Thank you for saying you want or don't want something to change. For the commission, I would like to state that we are very concerned about enforcement and I do not want to diminish its importance, but we are here to look at a code that is replacing a new code. I know we have gotten complaints that have not been enforced. Put the enforcement question and weight it appropriately. We are trying to improve a piece of code that will make enforcement easier, more transparent and clear. We know of roosters in the neighborhoods that are against code. We know of miniature horses that are in the neighborhood against code. We are trying to clarify that code so enforcement can be better applied and the guidelines to residence can be easily understood. I, myself, when we look at the code, think we have made a compromise and that is exactly what we should have done. We had a petition to change it, aggressively, to some degree. We looked at the neighboring cities and communities and what were and weren't working for them. I think we came to a pretty good conclusion. Realize that this is changing all over. If you Google animal laws, chicken laws...it's interesting to see. Kansas city, Missouri, a very large city, is changing their laws to allow chickens in their areas. New York City, Chicago, very large cities and they are going through the same thing. I don't want to say we are of that

magnitude, but we all know each other and it's probably easier than some of those cities. As it stands, I think our limitations meet what the objective was. I do agree that the addition of the limitation of large animals in R-1-15,000 and R-1-20,000 should be applied. I agree that setbacks must be greater to an adjacent properties building than the one of the owner. I don't know how we are going to word that, to say that the setback, once established, must be closer to the residence building than the neighbors building. Overall, I think with those two exceptions that this is something while not perfect addresses the need that we've been faced to satisfy.

Linda Cooper – Instead of vague words like should or could, use words so that it can be enforced, such as must. Whatever the code, please make it enforceable.

Shawn Eliot – I've been doing this for a year and a half with Elk Ridge and didn't know for the first six months that I was the planner/enforcement officer because I was hired as the planner. And I only work 8 hours a week total for the city. Now I work more than eight hours for the city, but I get paid for 8 hours. I live here and I love it here and I want to make here better. As part of your motion, this group can suggest ways to better handle enforcement meaning maybe the city needs to put together a working group of the players that are in enforcement such as me, the sheriff, Corbett. Maybe we get volunteers to help out with this. I don't think we are ever going to get to the level that we are going send people out after old ladies and beat them up on their front steps. Since we've been talking about landscaping, we have an interest in trying to make this place better. It's not always going to be perfect. The other issue I want to bring up is on the cats. The reason we brought up cats in this whole discussion was because we were asked by the council to look at cats because a certain council member had an issue with cats. I think the information that was brought up on cats is correct that most of the cities don't limit cats. The others that do limit don't do much to enforce it. I think we ought to at least look at it and is it really reasonable to worry about cats or not. The reason we do limit dogs is because dogs are pretty mobile and active. In our nuisance code now and the one we've updated, we say that dogs must be contained your property and if they get out, you are responsible for what they do. Every city has that. We say the exact same thing for cats. Cats get out a lot more often than dogs do. The reason it's there is so that if there is damage done and someone files a complaint then they have a code to go after them. But definitely, we don't go out and say that cat went over the fence and issue a ticket or something.

Kelly Liddiard – The way you usually catch them as far as roaming, is a cat trap. If it keeps going over to someone's house, then they set a trap and then the cat is taken to the animal shelter. Then the owner of the cat has to go down and pay to get it out.

Shawn Eliot – The city does have cages now and we've offered that for people to come use them.

Dayna Hughes – We've been talking about this for a long time and we've been trying to do the right thing. We want to make everyone happy, but that's not going to happen. That's what I want to do. Unfortunately, that's not going to happen on this particular issue. I have three things competing – my head, my heart, and my gut. My head looks at the proposed code and I've been in on it the whole time and made suggestions. One thing that has been really nice about our commission is that we can talk things out until we pretty much unanimously agree on something. We argue a lot, but we usually talk it out so we don't have a lot of contention on the commission, which is great. My head sees that this is perfectly legitimate. It makes perfect sense. It's a compromise. You can call it a win/win or you can call it a lose/lose, but it is a compromise. The choice was no to chickens. The sheriff is going to come after the chickens and start citing things or allow chickens everywhere. This is what we have come up with. My heart says I feel your pain on both sides. I feel the pain of those that want to have six little chickens and raise them and have their kids take care of them. And heaven-forbid, in a disaster or something, you would have some animal husbandry skills and you would be able to help provide for your family, not that six chickens are going to necessarily do that. But you also have rights. People have rights to do, not anything with their property, but I want people to be able to do what they want with their property, but then on the other hand, there are those people that chose to live in a zone that was zoned not to have pets. Now we all know zones change. I think that is a pretty big deal if you bought a home in a particular zone, I think everyone in this room would probably say they did have a choice – they chose to live in an animal right zone or they didn't. And now we are changing it for those people who chose to not. We are saying you chose to live in a place that doesn't have animals. Now you are going to have animals – live with it, complain; complain. My gut says that this is not a good idea. My gut says that all we are going to do is create problems. We are not going to solve problems, even though, that is what we are trying to do. We are trying to solve the problem, but we are not going to solve the problem. We are going to end up with many more problems and we need to come up with a way, first, to control the dogs.

Shawn Eliot – If you want to change parts of this, can we go over those parts and figure out how to do it? YES.

Kelly Liddiard motioned to table it and go over those issues to get it right. Unless, you think we could do it now. Dayna said she wanted to get it done and on to city council.

Weston Youd commented that the large animal and the setbacks have been pretty unanimous and should be changed. Large animals on R-1-15,000 and R-1-20,000 zones should be excluded. The setback to adjacent buildings must be equal to or greater than the setback of the residence. So if I have a fence that is 20 feet from my house, but 15 feet from my neighbors house, I can't put my coop on that fence line because the coop is technically 15 feet from my neighbors house, but 20 feet from mine. The distance from the neighboring structure must be equal to or greater than the distance from my house.

Robert Wright – Is there a setback from the coop or dog run?

Shawn Eliot – Yes, 40 feet for dogs from the residential structure.

Robert Wright – It must be at least 40 feet from your neighbor and closer to your residence.



Bob Allen – Whatever the setback is, 40 feet – you say the setback must be at least 40 feet and no closer to a neighboring residence than your own residence.

**WESTON YOUNG MADE A MOTION AND KELLY LIDDIARD SECONDED TO APPROVE THE NEW ANIMAL CODE WITH THE FOR MENTIONED CHANGES, WHICH ARE SETBACKS CLARIFICATION AND THE RESTRICTION OF LARGE ANIMALS WITHIN THE R-1-20,000 AND R-1-15,000 ZONES AND SUBMIT THIS TO THE CITY COUNCIL FOR THEIR APPROVAL AND THAT THE CITY COUNCIL ADDRESS CONCERNS REGARDING THE ENFORCEMENT OF THIS CODE. VOTE: YES – (4), KEVIN HANSBROW, KELLY LIDDIARD, WESTON YOUNG, PAUL SQUIRES, NO – (3), JASON BULLARD, DAYNA HUGHES, JOHN HOUCK, ABSENT – NONE (0)**

Kevin Hansbrow would like to make a note - obviously, complaints are not being passed on to the enforcement officer. We are concerned that their duties with respect to enforcement of code be highlighted with this.

Jason Bullard asked if the commission could request that it not be passed unless the city council appoints, whether it be a volunteer or someone who is appointed to handle enforcement. Where I come from, there were officers that weren't paid, but were sworn in to do the job. The commission was unsure with this request. Bob Allen advised that although it was a great idea for volunteers, he thinks it is a city litigation nightmare. If the individual(s) is sworn in and it is official, then it could work.

## DEVELOPMENT CODE/STANDARDS REVIEW

### 2. GENERAL PLAN UPDATE

Bob Allen – We are to the point now where we need your input on the general plan. I brought to you land use, transportation or circulation, and parks/trails/open space. I've gone through it and Shawn has gone through parts of it and I just want to read through it with you and get your input.

“Land Use Element Introduction: The Land Use Element is a primary tool to make the community vision a reality. The distribution, density, usage and preservation of real property throughout the city will ultimately determine its future. Special care should be used to assure all land use decisions are made in concert with this portion of the plan and the vision element.”

“The vision is to have a well-planned rural community with land uses that preserve and enhance its unique natural setting by providing:

- Well designed, family oriented residential areas with a mixture of housing types and amenities, well integrated into the unique natural terrain and features of the community. (We tried to really mix in natural stuff because that is what we heard a lot of in the survey)
- A small commercial core surrounding the future town hall site with minimal impacts on surrounding uses and well designed buildings and streetscapes.
- In a rural, beautiful and safe community with open spaces, wildlife habitat, and placement of development in the most suitable locations.”

Dayna Hughes – Can you change it to “proposed future town hall site”?

John Houck - I don't like the “small commercial core surrounding the future town hall site with minimal impacts on surrounding uses” – commercial stuff.

Dayna Hughes – Well we have a commercial zone.

Jason Bullard – Is that where they plan on building the new city hall?

John Houck - I don't think there should be commercial up here.

Bob Allen – So you want to change to be “proposed”. That's the smallest change. I know I have said it before and I don't know how many people feel a commercial area is good and how many feel it is bad - about half and half according to the survey. Something to remember is we are not talking about putting a Wal-Mart or Walgreens there. We are talking about an office complex or something small, but well designed. I would propose that you have a definition of what the commercial buildings should look like.

Weston Young – This is just saying if we want it, we have to write the code to make it that way. The general plan is the goal.

Bob Allen – My reason for putting this in here is this when I look at a city as a planner – we just did work on Kamas and they have a lot of commercial and it is the hub of that valley and Park City. We just did the economic development subbing and they are trying to figure out how they can be better. We had very recognized consultants come in and the thing they said that when they come to Kamas, there is nothing to say that I am the heart of Kamas. This is downtown Kamas and this is who Kamas is. I'm not promoting that you go anywhere near what Kamas is, but you have the opportunity where you have a full site for a town hall, a park that is a part of that.

When you add in maybe one or two small commercial buildings, you create a downtown, city center - places where people gather and things of that nature. I understand you may not want it. If you want to take out the commercial, I don't have a problem with that. That would be something that I think Elk Ridge could use.

Bob Allen – “Preserving the vision is what the Planning Commission, with input from the City Council and residents, has worked diligently to accomplish within this General Plan. Populations Projections – in the year 2060- 7300 people.” There is land development to get that big.

“Available Land and Annexations” – one thing I’ve done with this plan compared to the last plan is I’ve narrowed it down and shortened it. “There are approximately 1,590 acres within the boundaries of the city. Likely annexations would add an additional 261 acres for a total of 1,851. This should be adequate to meet the population growth totals for the community.”

“Land Use Categories – Elk Ridge encourages the orderly and efficient distribution of land uses in the City. A full range and mix of land uses including open space, residential, commercial, and sensitive lands are provided within the City. Each of these uses combined should meet the vision statement above.”

“Residential Land Uses include a range of residential classifications including low, medium and high density. Density is expressed in lot sizes for primarily single-family dwellings. Zoning regulations may also allow a limited number of non-residential uses, such as places of worship, neighborhood parks, schools, home occupations, governmental buildings in residential areas.” (Bob Allen) In case you wanted to know, federal law says you have to let those things happen in residential areas.

“Throughout the community survey and visioning process, the integration of residential land uses into the natural terrain and preservation of natural features such as open space is a critical element of the community vision. Great care should be taken to implement that vision through the development process. For current zoning refer to the current City Zoning Map.

- *Rural Residential (RR-1)*: It is the purpose of this category to provide a location within the City for a residential and agricultural environment, including the keeping of livestock. Low-density residential neighborhoods that are essentially spacious and un-crowded create conditions favorable to family living.
- *Residential (R-1-20,000)*: This category covers land initially subdivided for one-half acre or larger lots. Representative of uses within the zone are single-family dwellings co-mingled with parks, playgrounds, schools, churches and other community facilities designed to serve the residents of the city.
- *Residential (R&L-1-20,000)*: This category is essentially the same as the above zone with the addition of limited animal rights. Residents and developers within this designated area should bear in mind the proximity of animals to dwellings.
- *Residential (R-1-15,000)*: This allows slightly smaller lots and is characterized by quiet residential conditions favorable to family shall also be characteristic of this category.
- *Residential PUD (R-1-12,000-PUD)* This category provides locations where Planned Unit Development and increased densities are appropriate. These should also be considered receiving zones for Transferable Development Rights. The purpose of the Planned Unit Development section is to allow and encourage a flexible, efficient and imaginative development pattern. Essential characteristics of PUD are:
  - Creative Development Design
  - Mixture of Housing Types
  - Significant Amenities
  - Parks/Open space
  - Reduced Infrastructure Costs”

“Residential Land Use Goals – Goal: to provide well designed, family oriented residential areas with a mixture of housing types and amenities. Objective: Regularly review and update city code that promotes well planned residential uses.

- **Implementation:** Review and amend development standards to reflect the land use vision and high quality development.
- **Implementation:** Develop architectural and landscape design standards.
- **Implementation:** Amend the PUD ordinance.
- **Implementation:** Amend park and recreation standards.
- **Implementation:** Require development to provide amenities as part of development agreements (parks, trails, open space, recreation facilities) through impact fees, exactions and density bonuses.”

“Objective: Maintain and enhance the appearance and quality of existing residential neighborhoods.

- **Implementation:** Update landscaping and yard maintenance code and increase enforcement.
- **Implementation:** Ensure all city-owned property is well maintained.
- **Implementation:** Organize city clean up day.”

“**Commercial Land Uses** provide a variety of goods and services to the people who visit, live, and work in Elk Ridge. It is the purpose of the commercial area to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained, and protected.”

“Commercial development is an integral part of the Elk Ridge City Center surrounding the new town hall. Complimentary architecture, landscaping and streetscapes will create a sense of space that emphasizes the community vision and strengthens the community identity. The city center will become the civic, economic and recreational heart of the community.”

“Special care must be taken to ensure adequate buffering where commercial and other land uses meet. All nuisances should be mitigated to ensure the quality of surrounding neighborhoods.”

- “*General Commercial (C-1)*: A zone where appropriate retail and service facilities are encouraged that will satisfy the needs of Elk Ridge.”

“Commercial Development Goal: To enhance the development of the proposed city center by providing a vibrant commercial core surrounding the new town hall site with well designed buildings and streetscapes, which have minimal impacts on surrounding uses.”

“Objective: Prepare the necessary plans and codes which will encourage commercial growth.

- **Implementation:** Develop design guidelines that will compliment the proposed new town hall structure and community vision.”
- **Implementation:** Adopt form based commercial code based upon design guideline that encourage traditional commercial development, such as parking to the rear of buildings, ample landscaping, large windows, and pedestrian friendly site planning.”

Weston Youd – I think we should also add signage to the pedestrian friendly site planning.

“Objective: Provide adequate infrastructure that will meet the needs of commercial growth.

- **Implementation:** Review capital facilities plan to insure proper water, sewer, electrical, and communications are in place.
- **Implementation:** Review street standards to ensure adequate commercial traffic but maintain pedestrian safety and convenience.”

“Objective: Ensure proper buffering and nuisance mitigation between commercial and other uses.

- **Implementation:** Review code for proper nuisance mitigation standards.
- **Implementation:** Allow only commercial uses that have minimal nuisances and enhance the community vision.”

Bob Allen – Special Uses is all about critical environment. It’s a lot of blah, blah, blah about how we want to keep the hillside and most of this is from your current general plan. So we might want to go through and clean some of it up.

“Sensitive Lands Goal: Accomplish the community vision through the preservation of natural features and proper placement of development and the adequate public facilities.”

“Objective: Preserve essential natural features while accommodating residential development.

- **Implementation:** Regularly review zoning codes within sensitive areas for effectiveness. Encourage the use of the Transfer Development Rights Program. Find opportunities for further environmental analysis within these areas by qualified individuals. Encourage clustering and other preservation design techniques. Require access points to public land surrounding these areas. Explore the use of a conservation subdivision ordinance.

Objective: Ensure the proper design and placement of public facilities.

\*For additional policies and implementation strategies please see the Public Facilities Element of this plan.

Weston Youd – Do we want anything on environmental impact? I don’t know it may be in here.

Bob Allen – The code is really going to say we are requiring “X” analysis before you can develop. We can put that in there to say we have extensive policy for environmental analysis.

Shawn Eliot – Our new hillside code does require that.

Weston Youd – I want to make sure. That’s basically what I am thinking of is that our hillside code falls back on environmental impacts like water shed, drainage, and so forth.

Bob Allen – So we put in there that we require extensive environmental analysis within the sensitive lands area and then let the code dictate what that is.

“General Land Use Policies – The following land use policies shall apply citywide.

1. Only land uses that strengthen the unique character of Elk Ridge should be allowed within the community.
2. The relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.
3. Developed areas should be protected and revitalized by promoting new development and the adaptive reuse of existing community resources.”

Bob Allen – Basically, when a new land use decision comes before you, this should be a checklist for you. There are 9 policies. I won’t read through them all. Read through it and we will go through it at the next meeting on June 11.

## PLANNING COMMISSION BUSINESS

### 3. CITY COUNCIL UPDATE (NONE)

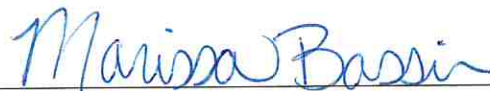
### 4. REVIEW AND APPROVE MINUTES OF MARCH 26, 2009

The planning commission meeting minutes for March 26, 2009 were reviewed.

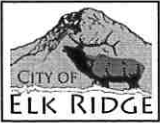
**JOHN HOUCK MOTIONED AND DAYNA HUGHES SECONDED TO ACCEPT THE MINUTES FOR MARCH 26, 2009 AS NOTED. VOTE: YES – ALL (7), NO – NONE (0), ABSENT – (0) NONE**

### 5. OTHER BUSINESS (NONE)

**ADJOURNMENT** – Chairman, Dayna Hughes, adjourned the meeting at 9:35 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 May 2009**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION MEETING AGENDA**

**CANCELLED**

### **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 May 2009 and delivered to each member of the Planning Commission on 22 May 2009.

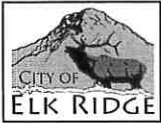
Planning Commission Coordinator *Marissa Bassin* Date: 22 May 2009

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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**

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 June 2009**
- 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 (none)**

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

1. General Plan Update..... *review at meeting*

#### **PLANNING COMMISSION BUSINESS**

2. City Council Update
3. Review and approve minutes of May 14, 2009 Commission Meetings ..... *see attachment*
4. *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 June 2009 and delivered to each member of the Planning Commission on 5 June 2009.

Planning Commission Coordinator \_\_\_\_\_ Date: 4 June 2009

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# ELK RIDGE PLANNING COMMISSION MEETING

June 11, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, June 11, 2009, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Dayna Hughes, Weston Youd, Jason Bullard

*Absent:* Kevin Hansbrow, John Houck, Kelly Liddiard, Paul Squires, Shawn Eliot

*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Bob Allen, *Mountainland Consultant*

## OPENING ITEMS

### OPENING

Dayna Hughes, Chair, welcomed at 7:00 PM. Opening remarks were said by Weston Youd, followed by the pledge of allegiance.

## APPROVAL OF AGENDA

There were not any changes made to the agenda.

## DEVELOPMENT CODE / STANDARDS REVIEW

### 1. GENERAL PLAN REVIEW

Bob Allen started with the review of the future land use map to get approval. There are some changes compared to the old future land use map, which have been marked. The first thing he pointed out was the commercial area around gooseneast drive and the proposed potential city hall site and asked if everyone agreed to have that area a commercial zone. He indicated that last time John Houck made it known that he is not for commercial zones.

Dayna Hughes stated that commercial is in the code and we can't just say arbitrarily that we don't want commercial. Or can we?

Bob Allen said the planning commission can say whatever they want in the general plan. Even if it is zoned as commercial, you can change it.

Weston Youd said our general plan up till now has said it is the desire to have a commercial presence in the city.

Bob Allen explained that now is the time to change those directions if that is no the way the planning commission wants to go. His recommendation is that commercial is a good thing and that Elk Ridge should have it.

Dayna Hughes said that when the survey was done, it was about 50/50 so I think we should leave the commercial the way it is.

Bob Allen pointed out the location of the commercial zone on both sides of Elk Ridge Drive. He also suggested adding more commercial on the northeast corner. Part of his reasoning is because there is a proposed round-about and it seems that it will be the central location and it would be a good idea to have commercial on three corners, instead of just two corners. The suggested portion is currently not zoned as commercial. He also explained that the zoning map is law and the future land use map is what we would like to see in the future. Technically, the zoning map is usually the same as the future land use map, but that isn't always the case because Elk Ridge hasn't grown to that point and it takes time to develop. If it is in the general plan, it doesn't mean that it is law. It just means this is the guide and what we would like to see. If it comes about then we will change the zoning to match it.

Dayna Hughes didn't see any reason in adding a future land use to the northeast corner. She doesn't think Elk Ridge would get commercial anytime soon.

Bob Allen said that Elk Ridge is up to currently around 2200-2300 people. It has the potential to grow to 7000 people and that's a pretty big city. It was implied that Bob thinks commercial is essential for that big of a city.

Jason Bullard voiced that we was in favor of adding to the commercial with his own business. There is a big potential in the office space, such as attorneys, instead of a convenience store.

In discussion, Bob Allen said the indicated placement might not be the ideal place for commercial, but it is thought that you could really do that type of thing in a way that wouldn't be as bad as you think it would be.

Dayna Hughes said it's great for the city because it brings in tax base. We have eaten up quite a bit of commercial space within the past 3-4 years – re-zoned it. So there were more commercial zones then than there are now.

Bob Allen suggested a potential opportunity for commercial on I 1200 and the extension of Elk Ridge Drive goes up to the highway – great location for a convenience store. We know I 1200 is going to be a pretty big facility at some time. Maybe there's a possibility for storage units there - something that is out of town a little, but able to capture that traffic that's going past there. Light industrial is probably a good likelihood and it is something that should be, at least, planned for and kept in mind.

Weston Youd commented about the potential round-about. He asked if only part of the round-about is commercial, how do you use that other part – is somebody's driveway going to be there? He doesn't see how that will work.

Bob Allen said a round-about is not really the ideal intersection, but it can be very well done. It can be whatever you want it to be.

Dayna Hughes asked the current status of Elk Ridge Meadows Phase 3.

Weston Youd answered that they were meeting with the bank that owns it and they were talking about the park trade-off with the city.

Bob Allen commented that in talking with Shawn, they were trying to figure out what the current situation is for all of Elk Ridge Meadows.

Bob Allen explained they changed the area on Elk Ridge Drive where the golf holes were from public facilities because what he understands is the park is pretty much dead. It is identified as a future park area on the map. From what Bob understand, the Payson negotiations are done and there isn't going to be a park. They are changing it to residential from public facilities. Bob never thinks it's a good thing to remove park space, but if it's not going to be a park, then residential is a good option – R-1-15,000 zone. It's owned by city, but it's not a park.

Weston Youd commented that if that isn't Elk Ridge City's land, then Payson is just considered a land owner. If public facilities land is owned by not the city, can that even be possible. Bob explained that churches are public facilities. Dayna Hughes and Weston Youd both agreed that they would like to find out the story because they don't want to give up the park. Dayna Hughes thinks that section should be tabled until there is more information available, however, if it is lost as a park, then residential is the best option.

Bob Allen went on to explain more changes to the future land use map with some minor clean up in some areas, including the hillside area. On the right side of the map, on the other side of Loafer Canyon Road was changed from 20,000 sq ft to hillside residential. It was R&L-1-20,000. Also, he changed the border with Salem and the Payson area and took it out of the PUD ordinance area because the PUD ordinance needs to be changed before it is used again. The biggest thing that Bob thinks needs to be changed is the 12,000 square foot minimum for a lot – they should start at 20,000 square feet and make them earn that 12,000 square footage and have more open space and amenities.

It was discussed that the PUD ordinance be moratorium until it is addressed. Bob Allen didn't think it is too critical that a moratorium is done this second because the land is not within Elk Ridge right now. The area would have to come in through annexation. The PUD ordinance is something that must be looked at and made beneficial to the city so when the time comes for those annexations, then a strong ordinance will be in place.

More park space on the future land use map was discussed and was thought to be put on the map even if it needs to be removed later.

#### PARKS, TRAILS, AND OPEN SPACE

Bob Allen explained the park and open space need. In the year 2006, the population was roughly 2300. If Elk Ridge's standard is 5 acres per thousand people, which is relatively standard, then Elk Ridge will need to have 11.48 acres. The existing supply is 7.05, which is a very generous estimate. Technically, Elk Ridge should have 5 more acres right now, which may be helped by acquiring the

89 PUD park. The future city hall and the ball park will also assist in getting the required acreage. 7,000 people in Elk Ridge should have  
90 a total of 35 acres of open space/park space. It's difficult to get that in a hillside community.

93 Bob Allen read: "The city recognizes the need for two different types of parks. While these categories are not nor are they meant to be  
94 strict design standards, they should be used as guidelines for the acquisition, distribution, and improvement of park space.

95 Neighborhood parks provide basic recreational opportunities that are easily accessible to local residents. They will likely be smaller  
96 (less than 5 acres) and more widely distributed. Community parks concentrate a broad range of recreational activities for major  
97 portions of the town. Community parks should be located where they are accessible from relatively long distances. Each should be  
located where they are accessible from relatively long distances. Each should be larger (5 acres or more) and able to accommodate a  
variety of activities."

98 Further park discussion took place and what park impact fees can be used for. Also, discussed was the potential acquisition of the  
99 abandoned golf course holes, but don't have the money. Pocket parks were discussed as a negotiation tactic with developers.

100 Bob Allen read: "Implementation: formally adopt standards for both neighborhood and community parks. Identify and purchase  
101 locations for future parks. Encourage large developments to dedicate land for parks and trails in lieu of the park impact fees. Regularly  
102 update park impact fees to reflect current acquisition and construction costs. Form park and recreation committee to make  
103 recommendations of park recreation, trails, and open space issues." It was discussed that anytime you can get land instead of money,  
104 it's good because you can always turn land back into money, but it's hard to turn money into land.

105 Bob Allen moved onto Trail by reading the following: "Equally important to parks and open space are the sidewalks, trails and paths  
106 that connect them. 58.2% of survey respondents supported a planned trail system within the community. These corridors should allow  
107 for not only access to all main destinations and recreational facilities in the city, but also provide linkages to regional trail systems."

108 "A non-motorized trail or path is a facility designed for use by pedestrians, bicyclists, horses and other non-motorized modes of  
109 transportation. The system is designed to provide non-motorized access to all areas of the community and linkages to local regional,  
110 state and national non-motorized facilities. Each facility may be different and should be incorporated into all new subdivision designs."

113 Dayna Hughes brought up whether the plan should delineate between horse trails and non-horse trails. Further discussion took place on  
114 where to put trails and where to put horse trails because they should not be one in the same because horses are spooked easily. It was  
discussed to place trails where people would walk to, such as city hall and parks. And place horse trails somewhat adjacent to those  
trails, but only where it seems horses would go, such as animal rights zones, Loafer Canyon and hills.

## 115 TRANSPORTATION

116 Bob Allen explained that there are a lot of different sizes of roads throughout Elk Ridge in the general plan and it was cut down to four  
117 different pieces. There is the regional arterial 11200 south, which is going to be a big regional facility anyway and we don't have a lot  
118 of say in it anyway.

119 The road proposed for the middle of Elk Ridge Meadows phase 3 was a concern for Dayna Hughes because she was concerned the  
120 major arterial would cause issues of crossing from one park to the school and a comment was made by Weston Youd that there would  
121 be traffic calming, but there wouldn't be stop signs so the flow can keep going because it is a main arterial. A main arterial is not only  
122 bigger, but it is safer. The requirements are increased as far as safety measures are concerned.

123 The minor collector roads are being removed from the map because there isn't a need for it. There will be just collector roads, which  
124 are basically main residential roads around town.

125 In the current plan, Loafer Canyon Road is an arterial street. It was thought that that was not a good idea at least in the long run  
126 because really Loafer Canyon only services people that live on the road or people that are willing to go down the "dog leg", which isn't  
127 very suitable for high amounts of traffic. So Loafer Canyon will change to a collector road. Also, the upper part of Elk Ridge Drive  
128 will become a collector road instead of arterial. Bob Allen explained that there is not a traffic count that automatically changes a  
129 collector to an arterial. It is decided whether it is a collector or arterial. Dayna Hughes asked what it means - does it get plowing?  
Bob Allen said the right-of-way is wider on an arterial. It will have increased speeds - 30-35mph. On an arterial, it is advised to avoid  
stopping and keep the flow moving. A collector is the same, but they will have to stop to get onto an arterial. Local streets are always  
going to have to stop to get onto a collector street. On the regional arterial, they do not have any stop signs and they don't even allow a  
crosswalk because it is an arterial.

134 Bob Allen handed out a natural hazard map and it is a very rough draft. Everything in yellow is a moderate potential for a wild land  
135 fire. Orange areas are high potential for fire. Brown outline with the hash marks is the Utah county landslide potential areas.

Dayna Hughes commented that our code states that everyone has to have fire sprinklers in their homes now, but our map says there is low potential for wild land fire. She thinks fire sprinkler code will have to be revisited. Weston Youd said it was said in city council that the international building code has mandated sprinklers in residential areas regardless and it will trickle down to the community area eventually so we are just ahead of it.

Bob Allen continued with the explanation of the natural hazard map. The brown outline with brown hash marks is all land slide potential. Bob thinks land slides and wild fire is Elk Ridge's biggest potential hazard.

Dayna Hughes asked if the natural hazard map has any backing for when developers come in and the commission sees they are building in a potential hazard area and the commission says, oh, our map says...

Bob Allen said it depends on what the commission would like to do. They can put together a zone that is like the sensitive lands like the HR. If there is a high potential for landslides in the area, the commission can require the developer to do an additional geologic survey, and engineering to make sure the building is stable. Or any identified fault line; the commission could require the building to be, at least, 50 feet away from it. The map is just more of an FYI so people are aware.

Bob Allen passed out another element for the next Planning Commission Meeting. The natural environment is the next element that will be discussed.

Weston Youd suggested seeing the snowfall amounts in the winter for Climate and something to address snow removal for city and/or community planning.

Bob Allen read the following: "While extreme events such as tornados and avalanche within the city are unlikely, increased elevation makes Elk Ridge susceptible to higher than normal snowfalls." Bob said he would add "consideration for snow removal should be taken into account to all development, actions, and so forth."

Economic development is still left to review and moderate income housing and then the community vision. Then the general plan will be complete.

Dayna Hughes said on July 9<sup>th</sup>, the planning commission will review the environmental, economic development and probably a draft the community vision.

## PLANNING COMMISSION BUSINESS

### 3. CITY COUNCIL UPDATE

Weston Youd gave an update for City Council. At the Elk Ridge developers meeting, Chris and Rick Salisbury are going to meet with the mayor regarding phase 4. They are worried about the assurance bond. The city is going to forward it in attempt to salvage some of the landscape. The bank wants to push for moving forward the assurance bond. The Salisbury's want to be able to waive some of the park impact fees in exchange for the park and it would become a wash. The open space in phase 4 – the natural grass option that they had didn't work so they are going to look at landscape and update it. They are thinking about some sort of negotiation where the city will take over the park and waive the impact fees if the park is brought back up to an acceptable condition. And the city wants them to foot the bill to revive the park. They would also like to change the minimum square footage from 1400 square feet to the PUD to our city code of 1200. So there is nothing we can do to change that and they will meet our code if they go down to 1200. According to Rick Salisbury, the market is supporting smaller homes.

Bob Allen doesn't agree that they should be allowed to reduce the size by 200 feet. He said there should be a development agreement in place that they are bound to in some degree. If they are dropping 200 square feet, then there is going to be a lot of re-alignment. They may have to redo the whole design. If you are re-negotiating the whole thing, then make it beneficiary to the city, as well.

Weston Youd said he thinks a lot of it is between the bank and the city right now. Rick Salisbury wants to help the banks position so he can start building.

Weston Youd reported that the Noland subdivision durability bond lapsed and asked to have the deposit returned to her and they city council said yes.



186 **4. REVIEW AND APPROVE MINUTES OF May 14, 2009**

187 There was not a quorum to make a motion on the minutes for May 14, 2009 so it was postponed to the next meeting.

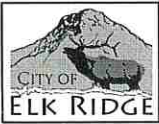
191 **5. OTHER BUSINESS**

192 Dayna Hughes, chairman, officially cancelled the June 25, 2009 meeting. Next meeting will be held on July 9<sup>th</sup>.

194  
195 **ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:40 p.m.

196  
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198 \_\_\_\_\_  
199 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, 25 June 2009**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

**COMMISSION MEETING AGENDA**

**CANCELLED**

**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, 25 June 2009 and delivered to each member of the Planning Commission on 25 June 2009.

Planning Commission Coordinator *Marissa Bassin* Date: 25 June 2009

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