

**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, 9 July 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. Elk Haven E Concept ..... *see attachment*
2. PUD Ordinance Discussion ..... *no attachment*

### **PLANNING COMMISSION BUSINESS**

5. Review and approve minutes of 5/14/09 and 6/11/09 Commission Meetings ..... *see attachment*
6. City Council Update
7. *Other Business*

### **ADJOURNMENT**

### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 2 July 2009 and delivered to each member of the Planning Commission on 2 July 2009.

Planning Commission Coordinator *Maissa Bassi* Date: 2 July 2009

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# ELK RIDGE PLANNING COMMISSION MEETING

July 9, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, July 9, 2009, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Dayna Hughes, Weston Youd, Kelly Liddiard, John Houck, Paul Squires  
*Absent:* Kevin Hansbrow, Jason Bullard  
*Others:* Shawn Eliot, *City Planner*  
Marissa Bassir, *Planning Commission Coordinator*  
Krisel Travis, Michael Travis, Rob Dean, Sean Roylance

## OPENING ITEMS

### OPENING

Dayna Hughes, Chair, welcomed at 7:10 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. ELK HAVEN PLAT E CONCEPT

Shawn Eliot pointed out where the Elk Haven development is located within Elk Ridge City on the map. The city has been working with Elk Haven for the past four years. The applicant is looking at doing a phase 1 of plat E. There is the lower half that is the continuation of the city where there is access and the upper half (phase 2) will come in at a later date, instead of doing it all at once, which was the original proposal. The last time we met with the applicant, they were told to work with the property owners to move the road further to the south. It was going through 50% slopes on the mountain. A year ago there was a positive meeting that took place with the property owners. Shawn Eliot went over the cuts and grades on the maps that he handed out. Code says that you do 8% grade with short stretches of 10% for 300 feet. The developer's lots are all close to half an acre now, which is fitting in with the new code. The other part of the code is if you do half acre lots, you have to keep your lot on 20% or less slopes. Incidental slopes are allowed. Out of all the changes, there is only one lot that is questionable – lot 24. So that should be discussed. On another rendition of Elk Haven, there was a 15% road grade and they toned it down to ten. A 10% grade is the maximum our code allows. This development originally had flag lots, which were not approved, and a lot of 1/3 acre lots. The new code only allows 1/2-acre lots so they re-drew it and only ended up losing one lot in the process. They do have the 40 percent open space because of the hillside. The code states that there can only be 16 lots without a second access – meaning that there needs to be another road coming into the subdivision if the development exceeds the maximum. Elk Haven E is proposing 24 lots on one access; a stub road – meaning it is expected that the road will continue on eventually. When the hillside zone was being written, it was proposed to the city council that they allow 20 lots on one access and it was denied. After doing research, it was discovered that the information the council had to base their decision on was incorrect and there was actually more lots/houses that could fit on a stub road than a cul-de-sac. When surveys were done with other cities, a bunch of them didn't have any restrictions on how many houses could be on a one access road. Lehi allowed up to 50 homes on one access, which is a lot. But Elk Ridge has the whole west side of town that has 80 homes on one access. Obviously, that's not good. Plat E is asking for an adjustment in the code to allow more than 16 homes.

Shawn Eliot said Kent Haskell, public works, is very opposed to cul-de-sacs in general because of the snow plow issue. So he proposed that they do a loop road – an all weather access road. Elk Haven E did talk with the Nebo School district about school bus routes and they said they wouldn't have a school bus go up there because there are plenty of other stops to accommodate that area. So the loop road would mainly be for emergency vehicles.

Dayna Hughes commented that she thought there was a stipulation that all of the road system had to be in before any of the phases could be done.

Shawn Eliot said that was the stipulation. The issue was that they didn't want any development up above. The point of it all was that the area they want to start with is right next to town and wouldn't require any road in between and it's not that much steeper up the hill. Since it's the lower part, I don't think it's an issue.

Dayna Hughes asked if phase 1 would be connecting to hillside drive. It was confirmed. Dayna Hughes noticed there is not a Lot #9. Krisel Travis said it was a numbering mistake so there are really only 23 lots total.

58 Shawn Eliot explained that the applicant proposed an all-weather access road that ran between lots 14 and 15 on the cul-de-sac and looped  
59 down to the main road. The problem with that is there still wasn't a dual access. Kent Haskell, public works, wasn't too concerned about  
60 the dual access as he was with the snow plow route. Another idea was to take the road to Gunderson's driveway and out Canyon View  
61 Drive. The issues with that, is that it is about a 15% grade on the curve and some of the land is on the county and they don't have control  
62 over the land – Gunderson's own the land and I don't know how amiable they are to development. The other option was just making a  
63 street that comes down and follows the grade as you go down the hill. We think it is feasible. The issue is it would run through the coun  
64 land and we would want to work on annexing it. We have a land owner in the past that has said they don't want them to annex it. So that  
65 would be an obstacle.

66 Kelly Liddiard stated that all this road is going to be used for is city vehicles or fire trucks. Shawn Eliot confirmed and said Kent Haskell  
67 does not want it gated.

68 Weston Youd asked if there is a road through the cul-de-sac, does it suffice as a secondary exit point. Shawn Eliot said that is a question  
69 to ask because there isn't any definition in the code.

70 Kelly Liddiard said going back to making that road a stub street without another access... Right now, we allow 16 lots and we need to  
71 bump that up seven additional lots to make that work for them. At the end of the road, they can put a bulb on there big enough for a truck  
72 to turn around. It sounds easier to do. The road is going to go up through there, eventually, hopefully. Why not just make a bulb big  
73 enough for the truck so he doesn't have to back up?

74 Krisel Travis introduced herself as an independent development consultant hired by Rob Dean and Craig Peay to help them get this  
75 subdivision going. Krisel called a lot of cities to ask what kind of codes they had for this type of a situation. She described what she was  
76 doing and asked how that would fit in their city. She got varied answers and some couldn't tell me the reasoning behind their code. Cedar  
77 Hills was 9 lots. Alpine allows 20 lots. American Fork, Orem, and Mapleton are all a part of and letting the international fire code dictate  
78 how many lots can be on one access. Because that is the emergency we are guarding against is a fire and getting services in and out. The  
79 international fire code allows 30 lots in any subdivision, as long as there is a turn around spot within so many feet. There are tables that  
80 you can see on the handout. Single-family – 1 & 2 family residential on your handout, it says you cannot exceed 30 lots and then there are  
81 some exceptions. They will allow more lots if the homes are fire sprinkled. And it's her understanding that there is a code that everything  
82 is fire sprinkled anyway. So she thinks that it fits well within the guidelines. They would propose, rather than an access road....because  
83 of the county requirements and the land owner problems that would make the connection to Canyon Drive really make it impossible. They  
84 would like to propose to allow the 30 lots, although they only have 23 lots. They would propose the choke cherry, which serves as one  
85 turn around. And down between lots 14 & 15 where they proposed the extra roadway, they would propose a hammerhead. They would  
86 follow the detail they show on the front page and the 120 foot so if the fire truck didn't want to go down to the bulb, which they would  
87 have at the end of that cul-de-sac at whatever width, is needed.

88 Dayna Hughes asked if that is enough of a radius for a snow plow to turn around. The handout indicated 96 feet, but code says 120 feet,  
89 which Elk Haven E is good with.

90 Kelly Liddiard asked if they were going to eliminate lots 14 & 15 for the hammerhead turn-around.

91 Krisel Travis indicated they would not eliminate those lots. Between lots 14 & 15 there would be an easement incorporated with their  
92 driveways and the hammerhead would extend to the point of 70 to 100 feet so you have clear turn radius and the width would be 20 feet.  
93 The two driveways would abut the turn-around.

94 Shawn Eliot said he has seen this done in Provo where there is just a bulb out where one side of the road is curved and the other is straight.  
95 You would want to design it so once the main road is complete and goes through, they can come back and reclaim the rest of their yard.

96 Kelly Liddiard said he has seen this in Pleasant Grove and they have just held off selling one lot and put a driveway in there so they can  
97 turn around.

98 Krisel Travis explained this would be taken out of the frontages. They thought they could adjust the frontages 10 feet on all the adjacent  
99 lots so they could accommodate this turn around and still not have any problems.

100 Shawn Eliot asked what the how many feet from the cul-de-sac to the bulb.

101 Krisel Travis said it is approximately 440 feet to where we would have the second turn around and about 400. So from hillside to the end  
102 is about 900 feet. So we propose an interim because the fire code indicates you can't go more than 500 feet without a turn around. So we  
103 would propose the hammerhead and then the bulb at the end to serve these 23 lots.

104 Dayna Hughes asked Shawn when he re-drew the road with the 8 and 10 percent grade – that's in our code and there is not a code chang  
105 needed, correct?

106 Shawn Eliot confirmed and said the only code change needed is the 23 homes on one access.

107 Further discussion took place of what the development used to look like. The depth of cuts and fills that took place with the roadway. Elk  
108 Haven E is only proposing the 1<sup>st</sup> phase because they need the other plats to develop in order for them to do phase 2.



Dayna Hughes asked if the road would be owned by Harris' or Elk Haven's road.

Krisel Travis said it was a public road that would have to be developed in order for the other phases to be developed.

Dayna Hughes said this road is not a done deal. She would like to keep this road in perpetuity.

Krisel Travis did talk to all the owners and they are in agreement for the development. The road will probably not get changed.

Kelly Liddiard talked about the bulb and how it's not a natural cul-de-sac so it wouldn't have to be held to the standard of 120 feet. They could make it 150 feet and that would be ok. Kelly thinks they shouldn't make an access road because it's just ridiculous to cut through the hills for that. He said they should make the loop road or bulb as big as needed so Kent Haskell can turn his snowplow around.

Dayna Hughes asked what the deal was with the gate.

Krisel Travis responded that if they did a secondary access then they didn't want the public using it and they didn't feel the snow plow needed to maintain it. The road is to get out in the case of an emergency. It would be a crash gate if there was going to be a secondary access. Dayna Hughes was thinking it might be a gated community, but was corrected that it was not.

Further discussion took place regarding an access road, the grades, land owner's consent and feasibility. Dayna Hughes stated that the first priority is to not do an access road. The cul-de-sac bulb should be large enough for Kent Haskell to plow and be able to turn around.

Weston Youd said having the mid-point turn around and the bulb at the end of the street is the least complicated situation, but it does require them to change the limit of houses on the street.

Dayna Hughes asked Shawn Eliot what he would propose the limit be changed to for one access. 23? Shawn Eliot replied no. It shouldn't be an odd number.

Krisel Travis responded that she didn't want the limit changed to their number just to make it look like they changed it for this development. That's why she suggested 30 units, which is typical. American Fork, Orem, and Mapleton all let the international fire code dictate how many lots can be on one access. Provo runs off of how many trips a day would be generated. If it's over 250 trips, then it would have to have two accesses, which equal out to be about 35 lots. Eagle Mountain doesn't allow any development without a second access, but they do the crash gate temporary road base road that is 25 feet wide for fire truck access.

Shawn Eliot said he is hearing 30 lots is a good number from the fire code. When places like American fork and other places are different from Elk Ridge because we are a heavily forested area and it's steep. Kent Haskell is worried about the snow issue rather than the fire issue. The fire issue is really the reason why we are asking for a secondary access.

Krisel Travis interjected that the fire code allows for it if those homes are fire sprinkled.

Shawn Eliot said so if we go with 25 lots, it's more of a compromise because of the terrain that we have, but it still addresses their issue.

Dayna Hughes moved on to talk about lot 24. She asked if there was anything that needed to be addressed.

Shawn Eliot said we need to address whether it fits the code or not. Shawn's opinion is that it is border line because it's on a steep slope,

Krisel Travis pointed out that it is a 19% slope. The only spot that is a troublesome is the strip of red on the map that is only 10-15 feet wide. The home would sit on a higher point of the road.

John Houck asked if there was the 30 foot easement in effect. Dayna Hughes indicated that is only if the home is on a corner.

Shawn Eliot indicated that the home could be set back 20 feet from the road with permission in the hillside zone.

Weston Youd said the building envelope with the easement from the road is going to put that right there by the red line, right? Krisel Travis said it could be, but most of the homes there would be custom designed.

Shawn Eliot said since there is an uphill road, there is the possibility of doing a basement garage. Dayna Hughes stated that there would be retaining walls. Shawn said you could build the home into the mountain.

Krisel Travis explained that rather than having a walk out basement, you will have a basement that retains the hillside. It would be like park city homes that you would see.

John Houck said he has seen homes built on stilts in Santa Monica, California and he thought they were terrible down there. So he advises to be very careful. He's not a geologist so he doesn't know what kind of formation is behind there.

Shawn Eliot said they have had the geotech analysis done and there will be more once they start building. He said the whole purpose of the code when we allowed the 1/2 acre lots, or you can do acre lots, and build on these with no problem. The code is if you do 1/2 acre lots,

you need to keep it in the green area (10% slope or less) as much as possible. You can't build on the red according to our current code in a one acre subdivision.

John Houck said he would think that a little bit less than a ½ acre shouldn't be a consideration. He doesn't think lot 24 should be made into a big deal. John Houck said he would, definitely, choose less than 30 lots for one access.

Weston Youd said that he is of the opinion of the number per exit is, right now, too restrictive. 25 lots seem like a good compromise. 30 lots are a little generous with respect to our terrain and weather. He thinks 25 is a good number for our code going forward. As for lot 24, it is a concern, but because it is border line and it's the only lot of its kind, I think we can probably be comfortable moving forward with it.

Kelly Liddiard said he doesn't think that lot 24 is an issue. We are talking such a minute amount there and someone is going to look at the lot and design a house to fit it. We need to change the number of lots to 25 and it will bring other things into compliance. Like Weston said, 30 is being too generous.

Paul Squires thinks 25 lots on one access would be fine. His only concern is as you are going up the road to the bulb, how would it be blocked off. Shawn Eliot replied with by trees for now.

Shawn Eliot said one of the issues that we are going to have is that this is the access up to our water tank and when this road goes through, we are going to be sitting pretty, but until then they are still going to have to use that.

Dayna Hughes says she agrees with what everyone has said. Lot 24 is ok and everyone seems to be comfortable with changing the code to 25 lots with only one access. I'm a little concerned about the look of that hammerhead. Is the hammerhead really necessary if we have the two turn-arounds with a cul-de-sac?

Weston Youd said when Krisel said it was between lots 14 & 15; you are throwing that right at that 10% grade.

Krisel Travis said that is an old design. The updated map has an intersection with a 4% grade and 8 and 10 on the other side. So it flattens it.

Weston Youd wanted to confirm that the driveways for lots 14 & 15 would be a shared driveway. It will be a huge piece of concrete and there will be retaining at the back of it.

Kelly Liddiard is concerned that someone will build a multi-million dollar home and then have people turning around in their driveway, especially a huge heavy fire truck on the concrete. He thinks that there should be a bulb cul-de-sac and have it 150 feet so everyone can turn around.

Weston Youd explained that right now, there is not a turn around requirement based on the number of lots.

Dayna Hughes thinks the hammerhead is not needed and aesthetically doesn't want it. The turn around radius would have to be at least 120 feet and also the radius of the cul-de-sac. She thinks this looks great and is excited to see development again.

Shawn Eliot showed the map of Elk Haven A, B, C, and D. He explained plats A and B got preliminary approval and had an extension that expired May 2009. Plats C and D preliminary approval was up in August 2008 and they came in May 2008 and got an extension along with Plats A & B. The city council approved the year extension from the time they approved it so they all expired in May 2009.

Shawn Eliot Mid June, Karl Shuler called and had concerns about Plat E going forward mainly because they are breaking it up into two phases and their fear is that if Karl gets their development going and then Plat E isn't ready to do the second phase to bring the road up the mountain then they won't be able to get their road connected. So at that time he also asked about what to do with their approvals and Shawn told them that their approvals had expired in May. So he was on the last council agenda for a request of extension for Plats A through D. The council tabled it and there was some discussion as whether the code was up to a year extension every time or just one time. Also, it was dependent upon whether the code had changed since then. We have changed the code since then and it was mainly because some of the things that was in this development – the ridgeline, steep roads, and building on steeper slopes. They tabled it for more information and wanted to get the planning commission's thoughts. Shawn also took their plat maps and re-drew the roads to where the new code would apply. Basically, the open space requirement of 40% was met; they still kept the exact same amount of lots. If the council does not extend it, then they would have to abide by the new code and start over in the process. If the council does give them an extension, then they will not have to abide by the new code. The concept was approved with 4% grade intersections and 10% grades and the planning commission was trying to get them to lower it, but it didn't happen.

Dayna Hughes said that it is a no-brainer that the council shouldn't give them an extension because it says the council can extend up to one year and it has been more than a year.

Weston Youd said that if the code changes then they cannot give them an extension, correct? Shawn Eliot said he doesn't know that it says "can't", but it's up to the council. "Your findings will be that there has been no change to the code". The code has changed significantly.

Shawn Eliot said the other thing that is an issue is the ridgeline. The building envelopes used to go right up to the 20% slopes. The ridgeline ordinance is trying to keep you in the green area so you don't build these tall rock walls. This re-drawn proposal moves the road

over a little bit to keep them back from that ridgeline. So he gave it to Karl Shuler and the others and we'll see at the next council meeting to see what they are thinking. Obviously, they would like an extension. Their argument is that there are cities that allow two years and there are cities that are changing their code to allow more years because of the economy.

Dayna Hughes asked how much it would cost them to start over. No one knew.

Sean Roylance interjected with the council's thoughts. He said the council was concerned about the extension and that we shouldn't extend it because we wanted Shawn Eliot's and the commission's opinion. The council didn't have the benefit of this map at the time. The map was done since and that is why we wanted to wait for Shawn. Karl Shuler did say they are into it \$70k so far, however, there were a whole lot of rounds they went where they were trying to completely bypass the code as it was. So he would expect it to be a fraction of that. Nevertheless, you are still talking tens of thousands of dollars to get back to the same point.

Krisel Travis said it could be about 30-40k because you are on a hillside and it costs more to do all that analysis.

Sean Roylance said they did play the economics card and he thought there was some sympathy there. So that's why they didn't want to make a decision then and wait for more information.

Weston Youd is concerned that we are already painted into a corner with the fact that the code has changed and that they cannot extend. Is this a moot point? Code says that you cannot extend if the code has changed.

Shawn Eliot said the council can still do it. It's just that it leaves us open to a lawsuit. The council can change the code to extend for two plus years, as well.

John Houck asked why we couldn't have them change to the new code and give them a two year extension.

Shawn Eliot responded that they would still have to go back and redesign it. At the TRC meeting the other day, it takes a lot to get all these lots in another year to be to the point where they are ready to build. In a year, they would have to go to final and then they would have another six months for final and then that would be it. And then they would have a year to get the roads constructed. With the amount of lots we already have in town just sitting, he knows that it's going to take awhile. The council asked them if they will be back in another year if they give them an extension. There were some lots of concern and the new code would just make them open space so we wouldn't have a problem.

Dayna Hughes thinks that being a developer you roll the dice and sometimes you win big and sometimes you lose. The economy has turned and they have lost a lot of money. If everything had gone along as we were intending... those lots are probably going to sell for a third of what they would have sold for. That's how it goes when you are a developer. Her opinion is that the council doesn't grant another extension - that's what the code said. There's a reason that it's a year so these things don't go on and on. We want to see new development, but there's a reason the code is written the way it is and she thinks we should stick to the code.

John Houck sympathizes with developers because he used to be one. He explained that he had a development of 120 lots and in the process the county came to them and said they had to make their homes co-generation where they had to make them gas and solar in order to build a house. That cost the engineering firm a lot of money to go through the process to make them co-generation. It was unbelievable. It took us two and a half years to get approval and then take out loans increased up to 24% that year so they tried to extend it. Then they came back and wanted us to make condos and it just wasn't working so they got rid of it. John also said he thought that the council should give Elk Haven A, B, C, and D an extension, but also make them come up to code. Dayna Hughes explained that they either have to change code or not give them an extension. He meant to change the code so longer extensions can be given and in this case, make them come up to code.

Paul Squires agreed with Dayna that a year is a year and if they have already extended a year, they shouldn't be extended another year.

Kelly Liddiard sympathizes with them regarding the economy. That reason alone, he would say give them another extension, but he thinks with the code change and if we give them an extension then we are violating our own code.

Sean Roylance interjected that seeing the current code applied to the development is great how well it worked. We went through all that effort to get the code changed and it worked.

Weston Youd said the code states what it states and we can't grant an extension whether we want to or not. We are working to make our codes as rock solid as possible and one of the things you do to test that is follow the code. If the code says you can't grant an extension if the underlying code has changed then I think we are obligated to have them apply to re-file.

Dayna Hughes told Sean Roylance that the Planning Commission is unanimous in suggesting that they not be granted an extension, but they need to go back and apply the new code.

2. PUD ORDINANCE DISCUSSION

Shawn Eliot explained that about a year ago it was brought up to fix the PUD code and it has been pushed aside until now. Tuesday night Rockworth construction is presenting to the city council that Salisbury homes is proposing to buy out everything, including their subdivision. He presented to the council that the city take over this park. We met with the bank and some of the developers and asked what we do to get the park fixed and what do we do to get the city to take it. Their comment was to waive the park impact fees. That we to the council and they said they would look at waiving some of the fees, but maybe not all of them. Now they are proposing to give the city, not only, the park, but they do not want to do an HOA. They wanted to somehow work it out that whatever we do with the open space is turned over to the city. He showed the open space that wouldn't be a park on the map. If we were to take it over, we are not doing natural grasses and wild flowers. We've seen what that does. If we took over the park, our open space per resident quota would be fulfilled with the current residents we have now. That doesn't include any new development.

Dayna Hughes asked if they do away with the HOA, won't we have to go back and review all the requirements for fencing and other stuff. Their answer was always "that will be a part of the HOA".

Shawn Eliot explained that since there were public roads, the city was always going to do the snow removal. He also told Salisbury to keep the open space next to the town homes and incorporate it into the development. Also the town homes should be kept as an HOA. So that issue might be off the table. So it's just a little part that won't be an HOA. So if we change the PUD, it will not affect this development because the development agreement says they have to use the code that was in place in 2005. This is for PUDs going forward. It is rezoning to half acre land and doing that to half acre with the annexation from Payson. He would like to rewrite the code for it to be an overlay zone instead of an actual zone. It takes the underlying zone designation and allows you to go from that density with bonuses and doing a big park would be a big bonus.

Dayna Hughes said that accomplishes how our PUD doesn't work. Because the way our PUD works right now, we are giving everything away at the beginning and there isn't any negotiation. This takes it back to the base and then the developer gives to the city.

Shawn Eliot explained that the biggest problem with our PUD now there is a zone called the 12,000 PUD zone and then there is a PUD code and they clash against each other. One says single family homes only, yet they are building town homes. One says there have to be setbacks and the other doesn't. He would propose a 12,000 zone and write it as close to what was created as much as possible. They are grandfathered in anyway. Our number one reason for a PUD is to get usable parks. They should be public parks and not private. So he'll get to work on it.

3. REVIEW AND APPROVE MINUTES OF MAY 14, 2009 & JUNE 11, 2009

**DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE AND ACCEPT THE MINUTES OF MAY 14, 2009 WITH THE MENTIONED CORRECTIONS. VOTE: YES – ALL (5), NO – NONE, ABSENT – KEVIN HANSBROW, JASON BULLARD**

**DAYNA HUGHES MOTIONED AND WESTON YOUNG SECONDED TO APPROVE AND ACCEPT THE MINUTES OF JUNE 11, 2009 WITH THE MENTIONED CORRECTIONS. VOTE: YES – ALL (5), NO – NONE, ABSENT – KEVIN HANSBROW, JASON BULLARD**

4. COUNCIL UPDATE

Sean Roylance asked who was running for city council. It was confirmed that Weston Young and Paul Squires were running for City Council. Sean offered his help with their campaigns to go door to door to talk to the citizens.

The animal code was discussed and what the position of the city council is on how it was created.

Sean Roylance said the other issue is that the city is down a quarter of a million in revenue to the city because of reduced taxes and lack of development/building. So when things were going good, the city had roughly a quarter of a million coming in from development. He wants to take the opportunity to see what the city can get by on because one day the city will be built out and if the city's in this situation again and haven't discovered how to live within the means then the city will become defunct and possibly merge with Payson. We have cut back, but we are still looking at a shortfall of at least \$50k. In August, the council is doing a truth and taxation hearing to consider raising property taxes. There's some people that are in favor of it and some that are sitting on the fence. Sean is a fence sitter and he is very hesitant to raise taxes. The council will have to get creative and cut in places that really don't want to be, such as wages.

5. OTHER BUSINESS

Shawn attended a meeting earlier tonight regarding the annexation of a part of Woodland hills overlooking the canyon. He said they were talking about adjusting the boundaries so it is not the middle of the road, but the right of the road so Elk Ridge still owns the road so the city boundary line can be a straight line. At the gate to Loafer Canyon, there is a developer who is proposing 12 lots in Woodland Hills so it will be a give and take. The developer is proposing to fix the road so that will be nice. He is also proposing to take the sewer and water



all the way up and then it could loop so those in the canyon don't have problems. So the water could be tied in and really have a good water system. It was just talked about – whether it happens or not is another thing. It could go within the next six months.

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

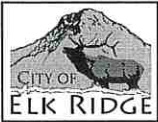


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Planning Commission Coordinator







## **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, 13 August 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**

1. Durability Retainer Public Hearing ..... *see attachment*

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

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

2. PUD Ordinance..... *review at meeting*
3. General Plan Review..... *bring previous handouts*

#### **PLANNING COMMISSION BUSINESS**

4. Review and approve minutes of 7/9/09 Commission Meeting ..... *see attachment*
6. City Council Update
7. *Other Business*

#### **ADJOURNMENT**

#### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 6 August 2009 and delivered to each member of the Planning Commission on 6 August 2009.

Planning Commission Coordinator

*Marissa Bassi*

Date: 6 August 2009

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# ELK RIDGE PLANNING COMMISSION MEETING

August 13, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, August 13, 2009, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Dayna Hughes, Weston Youd, Jason Bullard, John Houck, Kelly Liddiard, Paul Squires  
*Absent:* Kevin Hansbrow  
*Others:* Shawn Eliot, *City Planner*  
Marissa Bassir, *Planning Commission Coordinator*

## 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.

## PUBLIC HEARING AND ACTION

### 1. DURABILITY RETAINER PUBLIC HEARING

Dayna Hughes, Chair, opened the public hearing at 7:05 pm.

Shawn Eliot provided an overview of the issue by going through the code and indicating the changes in red. Last January, state law changed and set a new durability retainer and engineering inspection fee that can only be kept for one year, instead of two. We didn't like this because it takes a year; year and a half before the road starts caving in. We made those changes at that time, but then we never took it to the city council because it was in the middle of the legislature and they were talking about changing it some more. Quoting from the code, "the developer shall also pay an administration fee of .01% of the 6% collected for the engineering inspection bond". The purpose was for the office to collect money on the paper work. The problem was the .01% was just picked out of the air and thought it would cover costs. Rocky Mountain subdivision, which is down by the stake center, only paid \$150 for the administrative fee and it was a problem because we put something like \$1000 into it. So it was felt that the administrative fee was just too low. So we took out the percentage for the administrative fee and put that it is set forth in the city fee schedule. Then when it needs to be changed, the city council can just change the city fee schedule, which is a lot easier to change than having a public hearing to change the code every time. The administrative fee within the city fee schedule is .05% of the 6% bond.

Weston Youd asked if we were still required to have the one year timeframe for the bond.

Shawn Eliot responded that there are certain circumstances that allow the city to say it is a year and a half or two years. We wanted to say we are a hillside community and wanted to blanket it city wide, but our lawyer said we couldn't do that.

Dayna Hughes, Chair, closed the public hearing at 7:08pm.

**WESTON YOUNG MADE A MOTION AND JOHN HOUCK SECONDED THAT THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE THE PROPOSED CODE CHANGES IN THE ATTACHED CODE CHANGING THE DURABILITY RETAINER REQUIREMENT FROM TWO YEARS TO ONE AND REMOVING THE PERCENTAGE FOR ADMINISTRATIVE FEES. THE COMMISSION FINDS THAT THE PROPOSED CHANGES ARE REQUIRED FOR THE CITY TO COMPLY WITH STATE LAW. VOTE: YES – ALL, NO – NONE, ABSENT – (1) KEVIN HANSBROW**

## DEVELOPMENT CODE/STANDARDS REVIEW

### 2. PUD ORDINANCE

Shawn Eliot went over the presentation from last year as to why they wanted to re-write the PUD ordinance. The PUD code is written as an overlay zone as it should be overlaid on a typical zone. It allows PUD's city wide. It uses the base density of the underlying zone as its base and then you can calculate what kind of bonus density is allowed. It requires 25% open space. It allows bonus density for

amenities. So if you add in fancy signage or if you have more open space than required. A problem is that if the density bonus isn't used, there isn't much leverage for the city to require amenities. Shawn Eliot then pointed out on the map where the PUD is within the city. When the current PUD came before the Planning Commission three years ago, the developer never went past what he had to do as the minimum. He didn't enter into any amenities. Therefore, things like fencing or the siding of the home or even the open space couldn't be required.

Paul Squires asked if the developer was doing the round-about or the sign.

Shawn Eliot replied that he had to annex the land in as a part of the developer agreement, the city council said they wanted this and this. At annexation, you can do that. You don't even have to follow your code on anything. If he wants to come into the city, you have negotiation rights. So the city council required the round-about, a wider main entrance to the road (108 feet), and some kind of entrance monument. The trees came later. The city had a hard time trying to leverage anything. We ended up with natural wildflowers and grasses for the open space areas that turned out to be weeds because we had no right of requiring xeriscaping. The city has a PUD zone and an R-1-12,000 PUD zone. It's written like a zone and not an overlay zone. It uses normal setbacks from houses. It requires use of the PUD ordinance though to use it. It only allows for single-family homes. The contradiction between these two codes are that in the R-1-12,000 PUD zone, it requires setbacks from homes, whereas, the PUD waives them all. It's confusing because the two codes are meant to work together. The R-1-12,000 PUD zone only allows single-family homes, but the PUD allows multi-family homes. PUD can only be on 15 acres or larger, whereas the R-1-12,000 PUD allows for a smaller area. Using the highest density zone as the base of our PUD zone doesn't give us much incentive. So we only allowed PUDs in the 12,000 square foot zone, which is the highest density zone in the city. In the history of our city, we have had that density over in Dayna's neighborhood and he thinks they are all about 13,000 square feet and some that are 10,000 sq ft. Currently, our zoning doesn't allow for those other than this one. Allowing the PUD city wide was not really intended. So it is proposed to address the problems of the codes, merge the current PUD code and R-1-12,000 PUD zone codes to fit what is in the ER Meadows development.

Jason Bullard asked what code the development would fall under. Would they be able to use the current code?

Shawn Eliot replied that once the development is approved they are approved. And they have already been approved under the current code. So the development under the development agreement, which was the annexation portion, said they get to go with the code that is on the books when they signed that agreement and the city was actually working with them to change the code at the time. Ironically, they didn't go with that anyhow. We can't change the code and make them adhere to the new code.

Jason Bullard commented that they are going to be able to go with the highest density possible.

Shawn Eliot said they already have their units approved and how many they can have so it's not a bad thing. They could have gone a lot denser than what we allowed, but city council just wouldn't let them. So the code as written, they didn't even enter into the density bonus side, which means that they got into such densities that they had to do all these amenities. If they would have, we would have seen a lot smaller lots and apartments.

Jason Bullard asked if they have the capability to put multi-family homes there.

Shawn Eliot answered yes and they are going to do town homes. But they are only proposing 72 town homes and now they are down to sixty something. Most of them are the single-family, close together. Originally, it was an apartment complex back then. The reason they allowed it is because we are required by the state to have an affordable housing plan. By allowing that, they felt we were getting close to that. Now that Salisbury has taken it over, he is putting the townhomes on hold and going forward with the single family homes so we may see something very different there anyhow.

John Houck said they got financially in trouble there and stopped their building. Does that allow us to change things?

Shawn Eliot replied that we can't because there is a developer agreement. It would be different if the zone was already there and they came in to us to develop under that zone, if they get to final and are recorded then that is done. But half of that development is not final. There is still the other half.

Weston Youd commented that the main thing we are doing here is to make sure going forward, not necessarily try to fix what happened there, but so it doesn't happen again to these other areas.

Shawn Eliot said the way the draft code is written is that the one portion is not in the city and they are now approaching us and wanting to annex in. And there has got to be a main road and this road will come over to become Loafer and "T" into it. That's in the general plan. It is zoned as half acre lots and then they are allowed to go down in density to get enough lots to justify them putting in these improvements then everyone is getting what they want. Or you can zone it acre lots and come down to half-acre. In theory, it works out to about 1/3 acre lots with some open space.

The other area is in Payson and the city has been talking with them to bring that into our annexation area. It was in our annexation area before the sewer. And then when the sewer got discussed, Payson said they wanted it to end right at Elk Ridge Drive/1600 W. So in talking with their council there is a lot of agriculture until you get to Payson again and they semi-agreed.

The way the draft code is written right now is that they have to have 20 acres. So the only other place in the city that would work is Cloward's land by the park.



Dayna Hughes asked if that land gets annexed if the city sets the zone.

Shawn Eliot replied no. The city code says it is either set by the general plan, which the plan already says half acre lots and the city council can choose to use either that zone or what the majority of the adjacent zone is. If they come in and want to adjust it from that zone, they would have to go through the planning commission.

Dayna Hughes asked if half acre lots as a base density would achieve what we want as far as amenities go that we didn't have before.

Shawn Eliot said he thinks so. He passed out some draft code that they are going to review.

Dayna Hughes said she remembered Shawn coming to her often regarding the Randy Young situation and saying we weren't getting anything. She said she had just come in to the Planning Commission and didn't even know what a PUD was at the time. She said Shawn kept saying we don't have any negotiating power and we aren't getting anything in return. He kept pushing the developers, but the developers knew they didn't have to do anything so it was just a brick wall. We just kept coming up against this brick wall as far as parks and landscaping. That was when Russ Adamson was chair and he was really pushing for parks and we just couldn't get anywhere. So what we are trying to do is break down this wall so we can pass through and get some of these amenities. She asked Shawn Eliot - from his analysis from what's out there right now, how did we do?

Shawn Eliot replied about 50%. So there is room for improvement.

Dayna Hughes asked what Shawn would have liked to have seen.

Shawn Eliot said that they could have gone a whole lot further and if they wanted to push the council, our code said they probably could. So their zone density right now doesn't even go as low as they could have.

Dayna Hughes said that at one point Shawn Eliot was encouraging them to do that so we could have some leverage to bargain some more land back or to bargain the amenities. So basically the city got a little, tiny park.

Shawn Eliot said the city got a 5 acre park. Then the rest of the open space, which is 25 acres, was natural grasses and wildflowers. We got trails and lighting on the trails. We also got sidewalks, which was a big push. We are supposed to have some leverage, but we didn't. Most of the leverage was done on the City Council level at the time of annexation.

John Houck said he was in one of these planning situations before where they had the HUD people come in and they told him they had to have so many homes. He went along with it and put apartment buildings in a very classy residential area. He put the HUD housing in and then the prisons let all the people out after they served their time and let them buy these at zero interest, which deteriorated the whole area and ended up with drugs. But when you are talking about low income housing, we all already own low income housing if anyone here owns anything.

Dayna Hughes interjected that it is considered moderate income housing, not low.

Shawn Eliot said if Bob Allen comes tonight we will go over the affordable housing plan and that will tell us what level these homes have to be at for cost wise, how many we need, and how many we already have. There are areas in the old town where there are homes that qualify already as fitting the bill.

Shawn Eliot provided a background on Salisbury Homes and said they were taking the city council on a field trip to Spanish Fork in two weeks.

Shawn Eliot said we talked about creating a PUD overlay zone similar to the senior housing and hillside cluster, which are the ones that we have done in the past year or two, so that it is not contradicting each other. This zone can go on top of the other zone, but it still has to adhere to the rules of that zone, unless in the PUD zone it says you can change this part of it. It's a lot easier to use than how we have it now. It allows an overlay zone in larger based density areas that would net density areas more in line with the current development.

Shawn Eliot made a table for Elk Ridge Meadows PUD. The underlying zone is basically 15,000 square feet. If the council hadn't agreed to allow them to do the PUD, they would have went back to a 15,000 sq foot zone, which is our normal zone. The development size is 117 acres. After the roads were taken out, they had 88 acres. That comes up with 2.18 units per acre under the current zone or 257 units. He just wanted to show what they could have gotten if they didn't do the PUD. Since they did the PUD, they ended up with 59 acres to develop (without parks) and it bumped them up to 2.6 units per acre with 306 lots. They gained 50 lots by doing a PUD. The average lot size was 8377 sq ft. It's a little deceptive because that includes the townhome part of it. The smallest lot is actually 8200 sq ft on the plat map where most of them are closer to 10,000 sq ft.

Dayna Hughes confirmed that the town homes are bringing down the average.

Shawn Eliot said the amount of lots they could have was agreed upon at the development agreement's stage. It was not done at the zoning stage. So it was all locked in when they went to design their townhome development and had to make it work with what was left.

Shawn Eliot continued to explain that with the proposed code, in the current half acre lot zones, if you were to take the PUD, there are 1.63 units per acre or 192 lots. If you apply a PUD overlay zone, which he is proposing at 2 units per acre, which is a lot less density than the 2.6 units that Randy has now, he would get 206 lots. He gained 43 and they average at 10,800 sq ft. So with all the calculations, the are negotiations to drop one zone or get close and have some large and small lots. Developers can only do town homes if they are on a 12,000 sq foot zone. A 15,000 sq ft zone, which is right here by the park, average units per acre would be 2.18 or 257 lots in the current zoning. In the proposed code, it would go up to 2.5 units per acre or 295 lots. It's not as many lots as in the half acre zone. These conditions could apply to the Haskell property surrounding the proposed city hall property, Hansen annexation and then Elk Ridge Meadows that we currently have. If we were to get all of those as PUD, then we would have more than what our park plan asks for.

Shawn Eliot read the following from the proposed code.

"Legislative Intent – Clustering of lots, well designed neighborhoods and streetscapes, a variety of housing units, and creating park space are all a priority of the general plan. A Planned Unit Development (PUD) Overlay development can allow for more density by allowing smaller lots, and in some areas, multi-family units, in return for development amenities and parks. The main focus of the PUD is to gain park space." It's like Highland's PUDs. That's their main goal is a city park. And we know that we are going to have a hard time buying it ourselves so we are going to let development come in to actually pay for it.

"Zone Requirements – Developments in utilizing the overlay zone are required to adhere to the underlying zone requirements, gain council approval and be larger in scale." This is just a preamble.

"Planned Unit Development Zone Regulations – All developments utilizing the Planned Unit Development Overlay zone must also adhere to the requirements of the underlying zone as well as other codes applicable citywide. Exceptions include the requirements and exceptions listed in the Planned Unit Development Overlay Zone. These include lot size, density, and building envelope setbacks."

"Overlay Zone Approval – Use of the Planned Unit Development Overlay zone must be approved by the city council. If an applicant is denied the use of the overlay zone, the development will revert back to the underlying zone requirements. It shall be the city council's sole discretion to decide if a project should be allowed to use the Planned Unit Development Overlay within the intent of the ordinance as noted above." They don't have the right to use it. Like in the R-1-15,000 zone - if they are zoned that land right now and as long as that fits the rules, they can do it. We don't have a say to add a park or a trail. Whereas, in this one, since we are giving them more density than what's allowed therefore we can say do it this way. We have more latitude. But if we don't like it then we have them go back and use the old zone and they don't lose anything.

"Minimum Development Size – A Planned Unit Development must include 20 or more acres. The development may include multiple phases to achieve the 20 acres required." Right now, our PUD is 15 acres. So we increased it a little to match the hillside cluster overlay zone.

Dayna Hughes asked if there is any delimitation about how big a phase needs to be. Do we need to put it in there?

Shawn Eliot said no. That may lock them in because of geography or something else. It doesn't matter.

"Housing Design Mix – A mix of housing elevations with varying siding types is required. Vinyl siding can be used on up to 25% of a structure. Hard siding types, such as brick, stucco, composite board, stone, etc. can be used in full or in combination to create a mix of elevations." This is our problem with the PUD right now. As a planning commission we wanted to make sure they had nicer units down there. Well, they didn't enter into the density bonus. Randy Young said they would put it into the CC&Rs and we have no way to enforce CC&Rs. As we speak the CC&Rs are being amended by the new owners. Since they are the majority owners they can do it. We are giving you enough density; we are not making it a part of a bonus or anything it just has to have a mix.

"Multi-Family Development – Multi-family housing is considered town homes and condominiums. Multi-family housing is only allowed in a PUD when the underlying zone allows 12,000 sq. ft. lots." As a part of this, we need to work on the 12,000 zone to make it a zone instead of a PUD zone. But we aren't worrying about that right now.

"Overall density – Overall density is based on the underlying zone. In designing a development, undevelopable land on 30% or greater slopes, ravines and drainages, earthquake faults, or other undevelopable lands identified by the planning commission, must first be removed from the total acreage of the development to arrive at a net acreage. Land for roads, trails, and the required 25% parks/open space can be kept within the net acreage calculation. The following table illustrates the dwelling units allowed in a PUD based on the underlying zone minimum lot size. The dwelling units per acre (DUA) would be multiplied by the net acreage to arrive at the amount of lots allowed in a development."

John Houck asked if there was anything in the code to tell what size of home they can have. Are they 5,000 sq ft condos?

Kelly Liddiard said he didn't think we could say that.

Shawn Eliot said he thinks there is a size and there has to be a minimum building envelope. You can't have smaller than 4,000 sq feet. Shawn said he read that part to his boss and he said it was unconstitutional to have that. We do have it, but it's not applicable to multi-family homes. The market sort of dictates that so he wasn't sure that we could do that. He does know CC&Rs can do that. But this is a PUD so we might be able to mandate the sizes.

252 "PUD Dwelling per Acre". This is just a table showing the density per acre. If you have a half acre lot zone, you get 2 units per acre,  
253 instead of them trying to figure out a complicated formula to get to what they were doing and he thought it was a lot easier.

258 "Development Phasing – A PUD shall include a phasing plan which specifies the timing of public improvements and residential  
259 construction. This plan must be submitted to the planning commission at or before the submission of the preliminary plan. The phasing  
260 plan shall include the number of units or parcels to be developed in each phase, the approximate timing of each phase, the timing on  
261 construction of public improvements and subdivision amenities to serve each phase whether on or off site and the relationship between  
262 the public improvements in the current subdivision and contiguous land previously subdivided. Phasing of a public park can occur if in  
263 the first phase of a development, the land for the park is deeded to the city." If the developer is going to leave the park until the end, they  
264 need to deed the land over in the first phase because we don't want them to walk away after the first phase. Then the city ends up with  
265 nothing. But yet, they are not going to want to build it in the first phase because it is expensive to build in the first phase. If the city takes  
266 ownership of the land, then at least we get some kind of guarantee.

265 Dayna Hughes asked if we are assuming the city is going to own all of these parks and maintain them and not the HOA.

265 Shawn Eliot said this is why they are trying to get away from a PUD with lots of little open spaces. We just want one big park. He put in  
266 the proposed code that a city park has to be 20% and the rest of the 5% can go towards the smaller development. The reason for doing  
267 this is because we don't want to own little pocket parks and small open space. That was the issue at the city council the other night.  
268 Whether the developer wants us to take over the PUD park or not. The council is lukewarm about it, yet we have a deficit in parks. The  
269 direction by the council was to write a plan that gets us parks, not PUDs.

270 "Subsequent phases must be approved by the planning commission with an emphasis that the timeline represents a balance between  
271 economic and community needs. A developer must request approval by the planning commission a revision of the overall phasing plan  
272 which may be necessary due to conditions such as changing market conditions, inclement weather or other factors. Failure to revise an  
273 outdated plan can result in a lapse of PUD approval." This doesn't make sense and Shawn is going to go re-write it. The developer is  
274 going to show a phasing plan with the amenities that happen and the planning commission is going to review it. Whereas, if they show  
275 you a plan with the parks out in Timbuktu and the condos are first, you can deny it and tell them how you want it.

276 "Open Space Requirement – It shall be required that at least 25% of a PUD be dedicated as open space. Open space cannot be a part of  
277 individual lots. Any area 25 feet from a dwelling cannot be counted toward the 25% open space requirement." This is controversial  
278 because our current code says 30 feet from a dwelling. What it's trying to say is that you can't have townhomes and have a little strip  
279 between them and count them as open space because they wanted bigger, usable open space. Our current PUD, nobody knew that part of  
280 the code so they allowed them to go right up to all the buildings. "Ravines, drainages, fault lines, unstable soils, can be included within  
281 open space areas. All slopes of 20% or greater (unless approved by the planning commission to be included as part of a lot) must be  
282 included within open space areas. Unique land features could require more than 25% of the development be dedicated as open space."  
283 Shawn Eliot said if there were 30% slopes, the planning commission is going to say make it all open space.

284 "All open space areas shall be maintained by the owner of the project if held in single ownership, a homeowners' association if sold  
285 separately, or dedicated and accepted by the city for maintenance purposes. All open space areas must provide emergency vehicle  
286 access." This is from the current code.

287 "Park Space – The 25% open space requirement shall include park space. A minimum of 20% of a development open space shall be as a  
288 public city park." That contradicts what was read above where it says you can do all three. It needs to be decided. One is just talking  
289 about open space in general. So all open space other than the city park can be three different ways. Either the HOA or the city. Whereas,  
290 the one says it will be a city park. Now that ties the city council hands and says we will go after a 20% of a development via City Park.  
291 With 20 acres as a minimum development size, that would be four acres. The smallest park could be four acres if the development is only  
292 20 acres total.

293 Dayna Hughes asked if that development was to come in under the proposed code, how big would the park be.

294 Shawn Eliot replied that if Randy Young's development came in, it would be about 6 acres, which is a little bigger than the current 4.6  
295 acres. It wasn't making sense to Shawn because the way he was thinking, it would be only 5% of the 25% could be non-park open space  
296 and the rest had to be park open space.

297 Dayna Hughes asked if the 5% was enough for the trail system.

298 Shawn Eliot said if you have a trail system outside of the park...that's the other issue. Right now, the city staff such as Kent Haskell, are  
299 semi-ok with taking over the park, however, they are not ok with the trails because they don't want all of that space on each side of the  
300 trail. So the proposal to the council the other night was to put property lines right up to the trail. And he brought up the fact that you  
301 don't want fences straight up on both sides of the trail for 200-300 feet long. So they are still discussing it. What we are trying to say is  
302 we want a big park. Do we want to have small trails throughout the development or do we want to adhere to the trail plan.

303 Dayna Hughes said we got a little bit of both. We got a park, but we also had to have open space for the wildflowers and the natural  
304 grasses and the trails.

305 Shawn Eliot said we got 25 acres of non-park and 5 acres of park.



Dayna Hughes said we would probably rather gotten a bigger park, but we still need the open space for the trails.

Shawn Eliot said the trail plan is the trail plan and it really isn't being used for open space. Our plan says some main roads aren't supposed to have driveways on them and this makes the developer have to put in internal roads to service some homes, which can be more costly. We could propose that the road has some open space to open it up and not have a fence right on the sidewalk.

Dayna Hughes suggested hammerhead driveways.

Shawn Eliot said that is only recommended if it can't be done any other way. But if we are going to plan a nice, big development, it's going to be like another one they previously did. The problem is that Kent and staff won't want to take care of a road like that. But his argument to the council was that once there are 300 homes there, there will be a little more tax base so we can afford to do a little bit more.

"This space can intersperse the natural terrain with turf grass areas. Amenities in the park can include play areas, soccer, football and/or baseball fields, trails, benches, picnic areas, pavilion, bathrooms, gazebo, parking area, and any other features approved by the planning commission. Parking will include 1 stall per 5,000 sq. ft. of park space. The following table shows the minimum improvements in park space based off the acreage of a development applied to a points system. Multiple features can be added to gain the required points needed. The planning commission shall work with the developer in determining the appropriate mix of park amenities and can adjust items in the table in negotiation with the developer."

Shawn said if the development size is less than 30 acres, it must have 60 points. All the features on the left of the table are values. Shawn tried to make it add up so there were little things, as well as big things. It's also something they need to work with the planning commission on. So with Randy, there was a shopping list that he could put in his development, but there wasn't any rule as to how many or what and so he did the minimum - wildflowers. So this gives us room to negotiate and not just have the bare minimum.

Dayna Hughes suggested having bathrooms as a minimum on all acreage.

Jason Bullard commented that any park that has a playing field should have a bathroom requirement.

Shawn Eliot said maybe there could be a fee in lieu of a park if they didn't want to do a park in the development so the city could use the money for parks elsewhere. Right now, we collect park impact fees because that development has an impact and those fees go to help with that impact. We currently have a park deficit. Our general plan says that for every 1,000 people we need 5 acres of park, but we only have 7 acres total and that includes the drainage basin. With our current population, we should have 12 acres of park. If we had 12 acres, then those impact fees could go to purchase land for a park, but state law prohibits since we are under the quota.

Jason Bullard asked if it was possible to put a dollar amount instead of the point system and they pay the city and we have figured out what it takes for what we want a park to look like and they have the option to pay just the amount that we budget for something like that.

Shawn Eliot said the hard part is that when there is different cycles if the cost of things go up and we have the actual dollar right now and then it's double two years from now how would you adjust for that.

Weston Youd commented that is why there must be a good balance of the must include features. They can't just do 60 benches because they would have to do a playing field, a pavilion, and a play area.

Further discussion took place on the balance of park features, requirements and development money. The goal is to make nicer parks and have each park be designated as a specialty sport, such as "the baseball fields" or "the soccer fields".

Dayna Hughes suggested taking out the pavilion with tables as part of the point system and put in more acreage of fields. The biggest use of the big parks will be for the sporting events.

Jason Bullard said he would like the planning commission to be able to control what kind of park it would be and make sure there is proper parking and restrooms. He said he could do without the tables and pavilions in order to have a football field.

Weston Youd asked if they could put it in the code to submit the park plan to the planning commission.

Shawn Eliot said you want to have some tables and pavilions in addition to the fields, but they are the minor things. He will re-write it to emphasize that the park is meant to help facilitate the sports programs of the city. Therefore, heavy emphasis will be on that.

### 3. GENERAL PLAN REVIEW

The general plan review was postponed due to the absence of Bob Allen, Mountainland Consultant.

### PLANNING COMMISSION BUSINESS

### 4. REVIEW AND APPROVE MINUTES OF JULY 9, 2009

Corrections were suggested by the planning commission to the minutes of July 9, 2009 and the changes were made.

WESTON YOUNG MADE A MOTION AND KELLY LIDDIARD SECONDED TO ADOPT THE MINUTES AS STATED WITH THE DISCUSSED CORRECTIONS FOR JULY 9, 2009 PLANNING COMMISSION MEETING. VOTE: YES – ALL, NO – NONE, ABSENT – (1) KEVIN HANSBROW

## 5. CITY COUNCIL UPDATE

Shawn Eliot reported that Elk Haven Plats A-D was denied of an extension because the code had changed and the council wanted them to adhere to the new code. Krisel Travis was there for Elk Haven Plat E and probably wasn't the best timing to have her come for her request because of the prior development discussion and denial. She was asking for 23 lots on one access and denied her and stuck with the current code of 16 lots for one access.

Shawn Eliot also reported that the city council passed the animal code with 6 chickens and kept the conditional use permit. They removed the animal rights out of the 20,000 sq ft zone up above. We actually had 15,000 & 20,000 zone and said if you got a conditional use permit you could have a pony, goats, etc. They took it out and left it in the zones it is currently in and left it in the hillside zone. But then they allowed ponies as a hobby animal in the end, but they didn't allow goats. It will take effect immediately. They will have to fill out an application and submit their management plan. Roosters are not allowed.

Dayna Hughes asked when Lisa Denning is in non-compliance.

Shawn Eliot replied September 8<sup>th</sup>, but the mayor has told us to allow for another month. So October 8<sup>th</sup> is the date. When someone applies for a conditional use permit, they will come to the planning commission with their management plan and they have to have their coop 25 feet away from the neighboring structure. A conditional use permit is where the planning commission can put conditions upon them in order to obtain the permit. Unless they go against the code, then the planning commission can deny them a permit.

Dayna Hughes explained that if someone is in non-compliance and we receive a complaint then Shawn Eliot will call her and says she is out of compliance. If she doesn't comply, then the planning commission can pull her conditional use permit and she cannot have any chickens.

Shawn Eliot explained that we would try to mitigate with her to bring her into compliance.

Dayna Hughes said if she keeps her chickens after we tell her she can't have them anymore, then she is legally in violation of the law.

Kelly Liddiard explained if we pull the conditional use permit and she is not getting rid of them, then it is an administrative citation and it still puts her in court.

Shawn Eliot said there are fines in the nuisance code. The mayor has asked Shawn to go over those citations and fines so it reflects a "per day" fine instead of just a one-time fee.

Shawn Eliot continued to report that the city council held the truth and taxation hearing and they voted to raise taxes with a 3/2 vote. There were only 7 or 8 people there. There were complaints that while the newsletter is a great tool, it is too vague and instead of just saying there is going to be a hearing, it should talk about why it was proposed to raise the taxes. It would limit some of the rumors going around.

Shawn Eliot said that Salisbury Homes came in and wants to give the park to the city. We have done numerous studies on how much it would cost the city to take it over maintenance wise. We proposed that they don't start fixing it up until 25% of the lots are occupied and then at 50% they would turn it over to the city. City Council is lukewarm on the idea. Some of them still feel that it is an HOA. Others are feeling that we need a city park for the deficit in parks. At the city hall property, they are talking about building a park right now. It doesn't make sense if Salisbury is willing to give us a park. It's still up in the air. There is a field trip scheduled for the next city council to go see Salisbury development in Spanish Fork. 4:30 pm on August 25<sup>th</sup>. It's also meet the candidate's night, as well.

## 6. OTHER BUSINESS

Dayna Hughes said that Kevin Hansbrow, planning commissioner, is way below on his attendance and would like to warn him to come into compliance within the next 90 days. Dayna recommended talking to people about being on the planning commission.

John Houck mentioned that he may have some conflicts with his schedule in the future.

The next meeting will be the second Thursday in September, which will be September 10<sup>th</sup>. Dayna Hughes will not be in attendance.

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 9:00 p.m.



Planning Commission Coordinator



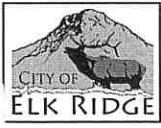


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**CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**

t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

**NOTICE OF PUBLIC MEETING - PLANNING COMMISSION**

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

**COMMISSION MEETING AGENDA**

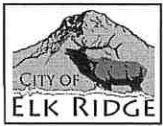
**CANCELLED**

**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, 21 August 2009 and delivered to each member of the Planning Commission on 21 August 2009.

Planning Commission Coordinator *Marissa Bassin* Date: 21 August 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 PUBLIC MEETING - PLANNING COMMISSION - AMENDED

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

- Meeting Date - **Thursday, 10 September 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

1. Brockbank Hobby Animal Permit (Miniature horse) ..... *see attachment*
2. Clawson Hobby Animal Permit (Chickens) ..... *see attachment*

#### OTHER ACTION ITEMS (none)

#### DEVELOPMENT CODE / STANDARDS REVIEW

3. PUD Ordinance ..... *review at meeting*
4. ~~General Plan Review~~ ..... *bring previous handouts*

#### PLANNING COMMISSION BUSINESS

5. Review and approve minutes of 8/13/09 Commission Meeting ..... *see attachment*
6. City Council Update
7. *Other Business*

#### ADJOURNMENT

#### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 3 September 2009 and delivered to each member of the Planning Commission on 3 September 2009.

Planning Commission Coordinator *Marissa Bassin* Date: 9 September 2009





# ELK RIDGE PLANNING COMMISSION MEETING

September 10, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, September 10, 2009, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Weston Youd, Jason Bullard, Kelly Liddiard, Paul Squires, Kevin Hansbrow

*Absent:* Dayna Hughes, John Houck

*Others:* Shawn Eliot, *City Planner*

Marissa Bassir, *Planning Commission Coordinator*

Sean Roylance, *City Council*, Derrek Johnson, *City Council*, Michael Brockbank, Robin Clawson, Erin Clawson

## OPENING ITEMS

### OPENING

Weston Youd, Co-Chair, welcomed at 7:00 PM. Opening remarks were said by Paul Squires, followed by the pledge of allegiance.

### APPROVAL OF AGENDA

There were not any changes made to the agenda.

## PUBLIC HEARING AND ACTION

### BROCKBANK HOBBY ANIMAL PERMIT (MINIATURE HORSE) PUBLIC HEARING

Weston Youd, Co-Chair, opened the public hearing at 7:06 pm.

Mr. Brockbank said he submitted plans for a miniature horse. The management plan was submitted with the information that was requested, as far as, he understands.

Weston Youd confirmed that he has had the miniature horse for a long time and asked if there are any complaints against him.

Mr. Brockbank replied there are not any complaints from neighbors.

Paul Squires asked if there have been any changes with the corral. He asked Mr. Brockbank if the corral had been moved.

Mr. Brockbank answered that they had it in the back and then they moved it to under the scrub oak. They also put some rock down. In looking at the management plan, it adjoins the dirt road so there is not any adjacent neighbor.

Weston Youd asked what the future of the dirt road is.

Kelly Liddiard replied that road is Salem Hills Drive and it will go through.

Mr. Brockbank added that his daughters take good care of the defecation and they haven't had any issues with neighbors so far. The horse gets a lot of exercise because he gets taken out every day. Mr. Brockbank expressed his appreciation for adopting the ordinance and accepting miniature horses.

Planning Commission Assistant (Marissa Bassir) asked how often the corral is cleaned.

Mr. Brockbank answered that it stays clean.

Derrek Johnson said he lives a couple of houses away and he never smells anything. They take fantastic care of it.

Planning Commission Assistant (Marissa Bassir) stated from the ordinance that it should be cleaned weekly.

Mr. Brockbank replied that it is cleaned, at least, weekly.

Paul Squires commented that he walks by Mr. Brockbank's home almost every day and there isn't a problem.

Weston Youd, Co-Chair, closed the public hearing at 7:11pm.

**KELLY LIDDIARD MOTIONED AND KEVIN HANSBROW SECONDED TO ACCEPT THE PERMIT AS PROPOSED BY MICHAEL BROCKBANK. THE PLANNING COMMISSION FINDS IT MEETS THE REQUIREMENTS SET FORTH. VOTE: YES – ALL, NO – NONE, ABSENT (2) DAYNA HUGHES, JOHN HOUCK**

#### **CLAWSON HOBBY ANIMAL PERMIT (CHICKENS) PUBLIC HEARING**

Weston Youd, Co-Chair, opened the public hearing at 7:12 pm.

Mr. Clawson said he applied about two weeks ago and paid the fee of \$50 and submitted his management plan with the measurements from properties. He said they have never received a complaint from any of their neighbors.

Kevin Hansbrow said he was curious as to whether they kept the setback from the owner's house in the ordinance.

Weston Youd questioned whether there was only a setback from the neighbor's house or both the owner's and the neighbor's house.

Planning Commission Assistant (Marissa Bassir) indicated that the setback was only from the neighboring house.

Kelly Liddiard asked Mr. Clawson how big the lot is.

Mr. Clawson responded that he has a third of an acre.

Paul Squires – asked how many chickens they own.

Mrs. Clawson replied that she believed they have ten, but by the end of the week they will have six.

Paul Squires commented that he can hear their chickens, but he likes it. The one thing he doesn't like is chickens on the loose, which they do not do. There is another individual that does have their chickens on the loose.

Weston Youd said Kevin was able to find the clarification and the only limitation is that the coop must be closer to your house, than the neighboring structure.

Weston Youd, Co-Chair, closed the public hearing at 7:15pm.

Kelly Liddiard asked how big the coop is.

Mrs. Clawson responded that there is about a 15 foot chicken run underneath. It has two stories and she didn't know how big it was.

**KEVIN HANSBROW MOTIONED AND KELLY LIDDIARD SECONDED ACCEPT THE PERMIT FOR THE CLAWSON HOBBY ANIMAL CHICKENS AS STATED. VOTE: YES – ALL, NO – NONE, ABSENT (2) DAYNA HUGHES, JOHN HOUCK**

Jason Bullard asked Shawn Eliot if there was anybody going to the property to verify the information provided so there isn't any falsifying of information.

Shawn Eliot replied that there isn't currently because he knows all the people that are applying, but if the planning commission wanted to take a field trip or as individuals go check it out, that would be permissible. The nuisance code would take care of any issues by neighbors.

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

#### **PUD ORDINANCE**

Shawn Eliot said at the last meeting the first half of the code was reviewed, which was legislative intent, zone requirements, and open space. In the open space, it was suggested that there be some changes regarding parks. Under 10-11E-30, which is the open space requirement, he added, "the main purpose of utilizing the PUD is to provide parks and sports facilities for the city." In talking about this, it was determined that we don't want little open spaces and little pocket parks. Right now, the city is negotiating whether they are going to take over the park in the PUD after it is fixed. Pros versus cons - there will come a time when Salem doesn't want Elk Ridge in their sports program anymore and we will have to start our own. There was some concern by the council that we wouldn't get to that point. Salem has about 6,000 people and they are letting us be a part of their sports program, which is another 2500. Elk Ridge is

projected to be 7-8,000 people in the end. He thinks with those demographics that they should get to that point. Maybe there needs to be a little more education. Maybe when the planning commission is done with this ordinance, they have a joint session with the council to talk about it.

Jason Bullard said if Elk Ridge doesn't put those sporting facilities in now, then we would never be able to put them in.

Shawn Eliot said the park space in phase 2 in the PUD is 5 acres. The open space, which is just one large piece of open space, is over six acres. So one of the things talked about was possibly putting some sports facilities in there so it wouldn't be maintenance of landscape. It would be more hard surfaces. This is for future projects and, potentially, the green area at the top of the map and the area by the orchards.

Shawn Eliot "The 25% open space requirement shall include park space. The planning commission shall decide the appropriate percentage of park space versus other open space, but generally 20% of the acreage set aside as open space should be in the form of a park."

Jason Bullard said if we have five acres, no matter what, 20% of that is going to be slides, etc.

Shawn Eliot said, generally, 20% of the acreage set aside and it has to be 25% of the total acreage. They can give more than 25%. He was just allowing a little wiggle room if they have a real steep slope area and it also says anything over 20% that's not part of a lot needs to be open space. It says the planning commission will be making that decision. So the developer needs to give the argument to work that. Later in the code, it says that the developer may have to give more than 25% if you have enough steep slopes that it is just not buildable because that is part of the overall PUD the bonus of getting extra density for parks.

Kevin Hansbrow said he isn't a fan of having the word "generally" in code. He said the code should have at least a minimum percentage so they know it has to be over some threshold – just something so we aren't fighting with them that it says generally and not something it has to be.

Shawn Eliot said he didn't want to lock it at 5% other and 20% park, but if that's the way the planning commission wants to go, then he will do it. The thing is that he didn't want to get too descriptive because then it doesn't allow any negotiating.

Jason Bullard commented if the planning commission is deciding anyway, does the word "generally" really matter at this point since they will be determining it anyway?

Weston Youd said it is good guidance so that if someone is coming to develop then they can read that and know they should plan on having 20% set aside.

Shawn Eliot said the problem there has been in the past is that the code is too vague and not understanding the code. He wants to make this code pretty cut and clear for us to use it.

Sean Roylance asked if he was doing a 20 acre development, he would have to put at least 5 acres aside for the open space and one acre of that would have to be a park.

Weston Youd corrected that four acres would have to be a park. 25% has to be set aside and of the 25%, we would like 80% of the 25% is park.

The way the proposed code was reading, it was not interpreted the way it should read. Shawn Eliot will make the correction.

Shawn Eliot read "Park space can be interspersed with natural terrain and turf grass areas." So in some areas, such as steep slopes, it would remain the natural grasses.

Jason Bullard asked if it limits the amount of natural grasses because if someone has a lot of natural they are trying to count and that equals...

Shawn Eliot said the limit is that in the end, (1) they have to negotiate with the planning commission what the park ultimately will be. (2) There is a matrix table saying what has to be in the park. The developer cannot put soccer and baseball fields on steep slopes so the limitation will be that they have to fit those things in. It would be hard to put a percentage of how much can be that.

146 Weston Youd commented that the planning commission will have the ability to negotiate with the uniqueness of each request and  
147 petition.  
148

149 Shawn Eliot read "Amenities in the park can include, play areas, soccer, football, and/or baseball fields, trails, benches, picnic areas,  
150 pavilion, bathrooms, gazebo, parking area and any other feature approved by the planning commission. Parking shall include 1 stall per  
151 5,000 sq ft. of park space." (This is an average Shawn found for a park). "The following table shows the minimum improvements in  
152 park space based off the acreage of a development applied to a points system. Multiple features can be added to gain the required points  
153 needed. The larger the development, the more emphasis shall be given to sports facilities. The Planning Commission shall work with  
154 the developer in determining the appropriate mix of park amenities and can adjust items in the table in negotiation with the developer."  
155 The last time the planning commission reviewed the table; Shawn changed the playing fields, baseball, football and soccer and put a  
156 number that they must have in there. For less than 30 acres development, they have to have at least two fields of baseball, football, or  
157 soccer. The planning commission wanted more of an emphasis on those from last time. In the end, he added it all up for the features  
158 with the "x" and the points associated with it and there are enough points above just what's required to still have some other features. It  
159 seems to work out.  
160

161 Kevin Hansbrow commented that the PUD that just came before us with the townhouses (Horizon View Farms) that just had all the  
162 walking paths and natural grasses. Would they fit into this?  
163

164 Shawn Eliot said that is a part of the overall PUD development so their open space requirement was actually met in phase 2.  
165

166 Kelly Liddiard commented that if there is an 80 acre development, you have to put in 8 football fields?  
167

168 Shawn Eliot said it has to be 8 something - football, baseball, soccer, but it needs to add up to eight. Any combination of those three.  
169 Again, it says that the planning commission can decide.  
170

171 Kelly Liddiard commented that is quite a bit.  
172

173 Jason Bullard said it is a big development. 80 acres.  
174

175 Weston Youd said he would lose 10% of it to - about  $\frac{1}{4}$  of an acre per field.  
176

177 Shawn Eliot commented that there are two soccer fields in Shuler Park, but the park in the PUD has room for two soccer fields. They  
178 were supposed to do two soccer fields, but for some reason there is only one. It's gone now, but maybe there will be two in the end.  
179 Anyway, it was 120 acres total and we only got a park with two soccer fields, but then we got a lot of open space that is 5-6 times larger  
180 than the park with nothing in it.  
181

182 Jason Bullard asked if that can be changed and Shawn Eliot replied yes.  
183

184 Shawn Eliot said soccer fields are relatively cheap. Baseball fields are a little more because of the backstop and the diamond. I don't  
185 know that a football field is anything more than a soccer field.  
186

187 Weston Youd questioned that if he put down a patch of grass and said it was a soccer field and a football field. Give me 40 points.  
188

189 Shawn Eliot said it is more providing the space for them in the park. So this development below had to do a lot of leveling because it  
190 was a slope so there was some money put into it.  
191

192 Kevin Hansbrow asked if we want to say the official size of the field because that would be a fear that someone put in a miniature field.  
193

194 Weston Youd said the planning commission should catch that when they are proposing their plan.  
195

196 Kevin Hansbrow said it is the question of the planning commission actually catching it because things have been missed in the past.  
197 How long ago has it been since that PUD came through? 3 years? He said he came onto the planning commission towards the end of  
198 and there have been so many things that we have missed since then. That's why, if it isn't in the code, then it could be missed. Who's  
199 to say any of us will even be here when a PUD comes through.  
200

201 Jason Bullard asked if we can just put that it must be the official size of the field without mentioning dimensions.  
202

203 Shawn Eliot answered that they can put "must be the official size" because there is an official size of a soccer and football, but there  
204 isn't for baseball. There are different sizes.

208 Kevin Hansbrow commented that the field doesn't look like it is that big. You can't play baseball and soccer at the same time because it  
209 is too small.

210 Weston Youd said he likes it because the planning commission can work with them to get the appropriate mix of fields based off of the  
211 city's needs.

212 Shawn Eliot read "The planning commission shall work with the developer in determining the appropriate mix of park amenities and can  
213 adjust items in the table in negotiation with the developer."

214 Jason Bullard asked if we should be the official decision on what the park actually is,  
215

216 Kelly Liddiard commented that volleyball should be added.  
217

218 Shawn Eliot said he will add volleyball and change it to say that the size and types of fields will be determined by the planning  
219 commission.  
220

221 Jason Bullard had a question about the parking. If there is a large park like the one Kelly brought up, and we end up with a soccer and  
222 football field, which is a nice sized park. If we have games going on a Saturday morning and the population actually gets to 6,000, those  
223 fields will be used and filled up. There will only be about 45 parking spaces for five fields, basically? That's not even close to being  
224 enough. His thought would be to eliminate a requirement of a field so there is adequate parking so it is being utilized properly.  
225

226 It was established that Shawn Eliot needs to do a little more homework on the parking because he doesn't have a good feel for it.  
227  
228

229 Erin Clawson, public, brought up the issue of lighting. Shawn Eliot said there is more that needs to be added to the code and lighting is  
230 part of that, but it's not there yet.

231 Weston Youd asked if the city takes ownership of fields.  
232

233 Shawn Eliot said it does say all open space should be maintained by the owner of the project withheld in single ownership, homeowner's  
234 association if sold separately, or dedicated and accepted by the city for maintenance purposes. All open space areas must provide  
235 emergency access.  
236

237 Weston Youd said he doubts that there will ever be some developer who wants to maintain a baseball park and light it in the summer.  
238 He thinks that it is scripted right.  
239

240 Kelly Liddiard commented that running lights are a big expense. If you are talking about walking lights and security, that is one thing.  
241 But if you are talking about lighting the ball diamond, that is expensive.  
242

243 Weston Youd said as a city, we will come in and put in the lighting.  
244

245 Kevin Hansbrow said the PUD developer should put in the safety lights in the parking lot and the trail and play area.  
246

247 Weston Youd said when the city does negotiate a park, we might want to say they don't need to put in the lighting, but at least have it  
248 stubbed for lighting for ball diamonds.  
249

250 Kelly Liddiard commented that Elk Ridge will never put lighting in because of the huge expense.  
251

252 Kevin Hansbrow said if the population increases to 6-7,000 people then it might be a possibility.  
253

254 Jason Bullard said that's where a park would be turned into something more maybe 15-20 years down the road.  
255

256 Kelly Liddiard mentioned that there should be something in the code to talk about lighting pollution.  
257

258 Shawn Eliot said he will put something in for the pollution for the general lighting, but not if it is just being stubbed – that can be dealt  
259 with later. Shawn Eliot made notes to add future field lighting, security lighting, parking and the field sizes. He also noticed that there  
260



isn't basketball in there. Shawn asked if the commission would like to add basketball to the table and make soccer and football a combined use.

Jason Bullard commented that it needs to be worded in a way that if a development comes in and we end up with three nice soccer/football fields with small concession stands, bathrooms and parking. Then a new development comes in afterward we are able to look at that and know what we are missing and what we are looking for.

Shawn Eliot said the planning commission will determine the appropriate mix of what's in the city and what is needed.

Kelly Liddiard said basketball would be one of those options.

Shawn Eliot asked if the points for soccer, baseball and football have 20 points each. Or should football and soccer be combined?

Weston Youd said that they should be combined because developers are going to spin it that the football field is a soccer field so they get 40 points.

Shawn Eliot read "Other open space areas not within the park can be allowed and can include landscape strips along roadways, entrance features, trails, roundabouts, steep sloped native areas, etc. Small pockets of improved open space as parks are not allowed." It is basically to allow if there is a trail along the road or a major road.

"Subdivision Design Requirements – Single Family – When developing a PUD the following must be considered for each single family phase of the development." Not talking about townhomes - talking about individual lots. "Minimum lot size of a single family unit development is based on the underlying zone minimum lot size. Table 10-11E-30-2 shows the underlying zone minimum lot size with a minimum lot size for a PUD overlay in the corresponding zone."

Shawn Eliot said if the underlying zone is 20,000 sq foot or half acre lots, the 10,000 sq ft is the minimum lot size. He collected information and figured out what density they would need to make the development work based off of other PUDs. So we have to allow them to get enough density to afford to put in a park. The smallest lots in the current PUD are about 8,000 sq feet. It wouldn't be that all of the lots are 10,000 sq feet because of the lay of the land, but they would be allowed to have lots that small.

Kevin Hansbrow asked if down in the canyon when you first come up, would be a PUD and then it would go up to the acre lots. Because right now it's showing acre lots going all the way down, right?

Shawn Eliot replied no. It's half acre.

Kevin Hansbrow asked if they are talking about making them available for PUD.

Shawn Eliot replied yes. What it shows on the plan now, which is future because it's not annexed into the city, the hashed green on the map is future half acre lot. Shawn pointed out the open space. So the problem is that in the current code, we cannot just require them to make it open space if they came in under our current code. We would have to buy it from them or do something to allow for extra density. When he talked with Hansen's who own part of this property, they talked about putting in a park where we have planned on the map, but letting it go down into the canyon and doing some kind of trails or ATV thing. For a half acre lot zone, the dwelling units per acre are 2 units per acre overall. But then when you do a single unit development you can go down to a small 10,000 sq ft lot, but if you did the whole development at 10,000 sq foot lots you would have more than 2 units per development so you couldn't do it. So it will be a mix of different sizes in the end. Third acre lot zone would be 8,000 and a 12,000 lot zone would be 7,500 sq ft.

Jason Bullard asked why it is necessary to cut it almost in half.

Shawn Eliot said the only way to make it work out was if park facilities were required. In the current PUD, they came in at 12,000 sq ft, which is what they were allowed right off the bat. Then if they wanted to be even denser, then they had to put in certain amenities. They never hit that threshold where they would have to put in bonus density. The parks and other things couldn't be required. The one park they did was at their graces and obviously, they had to put something in or they wouldn't sell their development. So you can see that our current code is broken because we didn't have the leverage to say if we were requiring 25% open space, we want something done with it other than wildflowers and natural grasses.

Jason Bullard asked if he was figuring something wrong and if they could actually double their development.

Weston Youd replied no because they are giving us open space. So the number of houses stays the same, but the lots are smaller and they are interspersed with open space and parks.

310 Jason Bullard asked why a developer would want to exchange that for that.

Kelly Liddiard answered to sell more houses.

Kevin Hansbrow said they get some more lots, but they are getting some and we are getting some. We are at a give and take at that point. We are saying you can get a few more lots, but not double.

314 Shawn Eliot showed a table of the current PUD and what would happen under the proposed code.

315 Additional conversation took place regarding the benefits of a developer doing a PUD and the benefits the city receives.

316 Shawn Eliot said the building envelope is cut and dry. The minimum now is 4,000 square feet. Lot Frontage is 80 feet, which is what  
317 the current PUD has. Front setback is 25 feet. He thinks the current PUD has 20 feet as a front yard. They have it set to stagger the  
318 homes to make it a bumpy look. In the table, he had a front setback exception of 20 feet and asked the planning commission which they  
319 would like 20 or 25 feet. Right now, the current setbacks are waived and they can do whatever they want and they did. They did 20 and  
320 25 ft front setbacks and 5 ft side setbacks. In the proposed code, nicer sidings are required. They have to have varying elevations so  
321 they don't all look the same.

322  
323 Kevin Hansbrow thinks the proposed setbacks are fine. He also asked if "affordable housing" could be added and put limits on it,  
324 instead of building 4,000 sq ft homes and calling them "affordable".

325  
326 Shawn Eliot indicated that some cities require the developer to have certain percentage of the homes be affordable housing. It's not  
327 something Shawn knows how to do and it's something the city needs to have a little more expertise in doing. He was going to talk to  
328 Bob Allen who is writing up the General Plan for affordable housing. The state requires affordable housing and the city can be sued if it  
329 doesn't have it. Shawn said there are homes in the old part of town that are considered affordable housing and puts us at our quotas.  
330 There are a lot of accessory apartments that put us at quota. He thinks the city is where they need to be, but as the population grows, the  
331 city will need more. That is what the PUD development is supposed to do.

Kevin Hansbrow said he just hates to see the PUDs just being huge houses on tiny lots.

335 Shawn Eliot commented that, right now, it's just going to go by market, which is downsizing houses.

336  
337 Kelly Liddiard asked if there is an ordinance as far as a limit for the number of people living in a house.

338  
339 Shawn Eliot said, basically, they have to be a family, which is a married couple. Then you are allowed to have so many non-related  
340 people, which he thinks is three.

341  
342 Kevin Hansbrow asked what the definition of family is.

343  
344 Kelly Liddiard stated that the Federal Fair Housing Act says blood relatives are considered family. The reason he is talking about all  
345 this is because Shawn is saying a lot of these PUDs are going to end up being cheaper and then you get investors that buy them and rent  
346 them out and end up having a lot of people per house. It is something that needs to be addressed because there will be people that will  
347 move in thirty people. It usually becomes an issue with parking.

348  
349 Jason Bullard said he would like to hear everyone's opinion about the 20 or 25 foot front setback. His opinion is 25 feet because it  
350 appears from a developer standpoint the further you set it back, it appeared that yards looked bigger and it also allowed for more space  
351 behind vehicles for people pulling out of their driveways.

352  
353 Kelly Liddiard questioned if the sidewalk was included on the setback.

354  
355 Shawn Eliot responded no. There is a nine foot right-of-way from the curb to the property line.

Kelly Liddiard confirmed that it's from the house side of the sidewalk or curb to the house. The only reason he asks is because his truck  
is 23 feet and it will fill that 25 feet right up.

360 Jason Bullard said he will be in the sidewalk in some cases if you don't pull all the way up.

361  
362 Shawn Eliot said if you only have 20 feet, you will be in the sidewalk.

363

Kevin Hansbrow indicated that he likes the staggered look. Weston Youd agreed.

Shawn Eliot said most cities for their normal developments are 25 feet and Elk Ridge is 30 feet, plus the nine feet on top of that for the right-of-way. So it is almost 40 feet in the normal part of town, which is pretty big. In PUDs, they usually are a little smaller. But there is a truck issue. It is required that they have staggered elevations so the houses would not look all the same or are in a straight line.

Kelly Liddiard said he thinks the minimum should be 25 feet.

Kevin Hansbrow said they will already be on tiny lot; their whole yard will be their front yard. There won't be much of a backyard. It depends on the size of house they put in, as well.

Shawn Eliot went on to side setbacks, which are 8 feet on each side because he thought 5 on each side seemed pretty small. But in driving around, they are all doing the 5 foot side setback. The reason he listed 8 feet was because 8 feet is required for the public utility easement. He continued moving on to parking. Parking requirements for the homes are in the current code. This is an overlay so anything that is in the code, it is also required. Does the code need to be different for a PUD for single-family or multi-family, which he is thinking more the multi-family unit that hasn't been reviewed yet.

Shawn Eliot continued to neighborhood and park monument signs. Usually, with PUDs they have neighborhoods that are named or have a theme so he added that to the code. Common areas in the multi-family areas – there should be some verbiage of what should be there. Major transportation corridor, landscaping and lighting are some other things that need to be discussed. There is a lighting standard in the PUD. It is all the night sky down facing lights without a dome. The landscaping is kind of a touchy subject. Because right now with the negotiation with the PUD below, Salisbury, who has an option on the majority of it, they found out in the code front and back landscaping is required before occupancy meaning the developer has to pay for it all. The lots that have been developed there only have front yards. In the new landscape code that was recently passed, he put in there that for large scale developments and PUDs the common area had to be landscaped before and permits were issued. Single-family homes in that development would be under the same requirement as any other home in the city.

Weston Youd said to make them landscape it.

Kevin Hansbrow said to landscape, at least, the front yard. I think front with fences is sufficient.

Shawn Eliot said that Salisbury said they would have to bow out because they can't do full landscaping. And Shawn wrote them back asking if it was just the front yard landscaped. Salisbury said that's better, but they would like to not have to do landscaping at all.

Jason Bullard said that if that is left open, then there will be a lot of non-landscaped yards for a definite of two years and then another six months of warning them to get it done.

Weston Youd thought all visible property from the road must be landscaped.

Kevin Hansbrow said if they don't want to landscape the backyard, they can just have a fence to obscure it.

Shawn Eliot said the codes contradict because one says to landscape all yard and the other says to landscape within two years. The new landscape code needs to be changed to say front yards in PUDs.

Jason Bullard suggested changing the timeframe to one year for the developers to put in the yard.

Shawn Eliot said that in the current landscape code, 24 months is the time allowed for residential landscape. That's from occupancy. In the current code, "commercial and large residential developments – if it contains individual lots, upon completion, only common areas in the subdivision will be subject to this requirement and individual will be required to follow front and rear yard landscape requirements." So take that out and put landscape what yard is seen from the street.

Kelly Liddiard said front yard and common areas.

#### PLANNING COMMISSION BUSINESS

#### REVIEW AND APPROVE MINUTES OF AUGUST 13, 2009

No corrections were suggested by the planning commission to the minutes of August 13, 2009.

**KELLY LIDDIARD MADE A MOTION AND PAUL SQUIRES SECONDED TO ADOPT THE MINUTES AS STATED FOR AUGUST 13, 2009 PLANNING COMMISSION MEETING. VOTE: YES – ALL, NO – NONE, ABSENT – (2) DAYNA HUGHES, JOHN HOUCK**

## 5. CITY COUNCIL UPDATE

Sean Roylance asked what the planning commission thought about acquiring the park with the cost of maintenance. It will be finished and there has to be a certain amount of occupancy.

Weston Youd said the city needs park space as a requirement for the general plan. If it fulfills this requirement easier and for free, then it is a good idea. There will have to be parks somewhere and maintain them with the budget so why not if it is for free.

Jason Bullard asked how much acreage in the park.

Shawn Eliot replied that it would put us over the 12 acres needed. There are six acres for the park and seven acres of open space where there could be other facilities, such as a bathroom and parking lot.

Sean Roylance reported that the city council voted to raise property taxes this year. They will go up around \$50-100 annually. Also, looking at putting in curb and gutter to fill in the gaps within the city because of the big rain storm we had in the middle of summer where about a dozen basements were flooded. Most of them could have been avoided if there was curb and gutter.

Shawn Eliot said the city is building a salt shed on the city hall property and when that is done, they were going to work on the curb and gutter.

Sean Roylance said the city council learned that the city can pay back the remaining \$600,000 on that \$1.5 million dollar bond. So there is some interest to do that, which will cut out \$55,000 a year that the city is paying on that bond, which is twice the amount of what will be received by raising taxes.

Kelly Liddiard asked if that was the remaining amount on the bond.

Sean Roylance said \$900k was spent on acquiring the city property. Part of the money was going to be used to acquire the golf holes, but that fell through. They talked about building a public works facility. They are using part of it for the shed. There is still a possibility that there will be a public works facility there, as well as, perhaps, city offices, but a big part of it could be a park. There is plenty of land to put in a park with some buildings.

Weston Youd commented that is a good place to put a park because it is flat.

## 6. OTHER BUSINESS

Paul Squires commented that he hikes in the hills and there is a test pit there that is about 10 feet deep and it's really dangerous. It needs to be filled in.

Weston Youd asked if the second meeting for September is needed. It was discussed and concluded that the meeting for September 24, 2009 will be cancelled.

**ADJOURNMENT** – Chair, Weston Youd, adjourned the meeting at 9:00 p.m.

  
Planning Commission Coordinator

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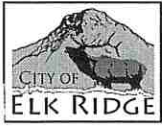
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## **CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**

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

### **COMMISSION MEETING AGENDA**

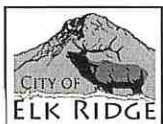
**CANCELLED**

#### **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, 18 August 2009 and delivered to each member of the Planning Commission on 18 August 2009.

Planning Commission Coordinator *Mavis Bassin* Date: 18 August 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 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 October 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

1. Denning Hobby Animal Permit (Chickens)..... *see attachment*
2. Gould Hobby Animal Permit (Chickens)..... *see attachment*
3. Money Hobby Animal Permit (Chickens) ..... *see attachment*
4. Lawrence Hobby Animal Permit (Chickens)..... *see attachment*
5. Teeple's Hobby Animal Permit (Chickens) ..... *see attachment*

#### OTHER ACTION ITEMS (none)

#### DEVELOPMENT CODE / STANDARDS REVIEW

6. PUD Ordinance..... *review at meeting*
7. General Plan ..... *review at meeting*
8. Nuisance Code and Procedures ..... *see attachment*

#### PLANNING COMMISSION BUSINESS

9. Review and approve minutes of 9/10/09 Commission Meeting ..... *see attachment*
10. City Council Update
11. *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, 1 October 2009 and delivered to each member of the Planning Commission on 1 October 2009.

Planning Commission Coordinator

*Marissa Bassin*

Date: 1 October 2009



# ELK RIDGE PLANNING COMMISSION MEETING

October 8, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, October 8, 2009, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Weston Youd, Jason Bullard, Paul Squires, Kevin Hansbrow, Dayna Hughes, John Houck  
*Absent:* Kelly Liddiard  
*Others:* Shawn Eliot, *City Planner*  
Marissa Bassir, *Planning Commission Coordinator*  
Rick Thayne, Lucretia Thayne, Robin Money, David Teeple, Lisa Denning, Ken Lutes

## OPENING ITEMS

### OPENING

Weston Youd, Co-Chair, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

### APPROVAL OF AGENDA

Planning Commission Coordinator stated that the Goold's are unable to attend the meeting and need to be removed from the agenda.

**WESTON YOUNG MADE A MOTION AND KEVIN HANSBROW SECONDED TO ACCEPT THE AGENDA AS SUCH WITH THE NOTED EXCEPTION OF THE GOOLD PUBLIC HEARING. VOTE: YES – ALL (5), NO – NONE, ABSENT (2) – DAYNA HUGHES, KELLY LIDDIARD**

## PUBLIC HEARING AND ACTION

### DENNING HOBBY ANIMAL PERMIT (CHICKENS) PUBLIC HEARING

Dayna Hughes, Chair, opened the public hearing at 7:17pm.

Dayna Hughes asked what the plan for the development west of the Denning residence.

Mrs. Denning replied that her in-laws own the land and they are currently not in a situation where they are looking at building on it.

Dayna Hughes asked if her chicken coop was mobile.

Mrs. Denning replied that her coop is mobile.

Shawn Eliot asked how far the coop is from the fence or property line.

Mrs. Denning replied that it is right on the fence line.

Dayna Hughes said she doesn't have any neighbors on that side, but once she gets neighbors she will have to move it and that's why Dayna asked if it was mobile.

Lucretia Thayne asked if it is her in-laws and they don't care; would she still have to abide by that code.

Shawn Eliot replied there would have to be a complaint from the neighbor for enforcement to happen.

John Houck asked how far the coop is from the owner's home.

Mrs. Denning replied that it is about 8-10 feet from the garage.

Dayna Hughes stated that it is certainly closer to the Denning home than the surrounding homes.

Dayna Hughes, Chair, closed the public hearing at 7:18pm.

Dayna Hughes asked Mrs. Denning how many chickens they currently have.

Mrs. Denning replied they currently have 9 and she has someone who is going to take 3. The people are just waiting to get their coop built and then they will be moved.



Dayna Hughes stated that she would then have 6 chickens and be in compliance.

Jason Bullard asked Mr. Eliot what the amount of space guideline is that they have to put between the property lines.

Shawn Eliot said all that was put in the code was that it had to be so far away from the adjacent dwellings, not property line. So they could set it right on the property line.

**WESTON YOUNG MOTIONED AND KEVIN HANSBROW SECONDED TO ACCEPT AND APPROVE THE DENNING CONDITIONAL USE PERMIT FOR HOBBY ANIMALS AS REQUESTED. VOTE: YES – ALL (6), NO – NONE, ABSENT (1) KELLY LIDDIARD**

Paul Squires made the suggestion to Mrs. Denning that when the chickens are out in the yard, someone should be out there with them as they were in the road and he almost ran over two of them.

#### **MONEY HOBBY ANIMAL PERMIT (CHICKENS) PUBLIC HEARING**

Weston Young, co-chair, opened the public hearing at 7:07pm.

Mrs. Money indicated that her chicken coop is 18 feet long, 6 feet high and 5 feet wide so it's adequate space; good distance from neighbors. They are on 2 acres.

Weston Young, co-chair, opened the public hearing at 7:08pm.

Dayna Hughes confirmed the permit was for chickens and ducks. She asked how many of each.

Mrs. Money said she had 4 chickens and 2 ducks. They have 4 chickens at her daughter's therapist's house and her daughter drives to Payson every day to take care of them. Hoping eventually, someday, she'll be able to give them up or they'll be able to bring them home.

Jason Bullard asked how detailed the plans are supposed to be when submitted.

Shawn Eliot said when she got her application, it wasn't as detailed as the code indicates it is supposed to be and that is why it was revised. In a perfect world, they read the entire code and are educated, but nobody does that. So putting on the distances from the coop and a management plan is part of the requirements, but it was not disclosed at the time. The fact that they have had chickens and ducks for ten years and the only complaint was the roosters is good. The reason for the maintenance plan of how you're going to feed them and such is so it doesn't become a nuisance.

Jason Bullard confirmed that the new application is more detailed and asks for more specific distances and so forth.

Paul Squires asked if the chicken's wings were clipped.

Mrs. Money declared that the type of chickens she has are not capable of flight. The two duck's wings are clipped. She also has avian netting over the garden area, which is 50'x70'.

Dayna Hughes asked Mr. Eliot if the wings have to be clipped.

Shawn Eliot indicated the code says they cannot take flight and leave the property.

**KEVIN HANSBROW MOTIONED AND JOHN HOUCK SECONDED TO APPROVE THE MONEY CONDITIONAL USE PERMIT FOR HOBBY ANIMALS. VOTE: YES – ALL (6), NO – NONE, ABSENT (1) KELLY LIDDIARD**

#### **LAWRENCE HOBBY ANIMAL PERMIT (CHICKENS) PUBLIC HEARING**

Weston Young, co-chair, opened the public hearing at 7:08pm.

Rick Thayne stated that he and his wife are their neighbors and they are highly supportive of the Lawrence's.

Lucretia Thayne stated that she spoke with Roger Fleenor about chickens and he didn't have any problems with it and didn't seem to indicate any health issues within their family. She doesn't know what kind of issues one could have with chickens, except allergies. And they used to have chickens all the time because she didn't like their rooster. She doesn't see any health issue there.

Weston Young read the memo from Mayor Dunn concerning Shana Fleenor and the Lawrence's chickens.

88 "Shanna Fleenor has talked to me today and desires that her and her husband's answer to the request by the Lawrence's to raise chickens  
89 and or ducks be "no". Mrs. Fleenor stated that her husband has had health concerns from an episode of the Hanta Virus and they do not  
90 want ducks or chickens near them that could compromise Mr. Fleenor's health." Mayor Dunn

Rick Thayne asked if there was any research done to indicate an increased risk of Hanta Virus with the presence of chickens in the coop  
that is twenty feet away.

93 Lucretia Thayne stated that if one considers the fact that the Lawrence's chickens would be in their backyard, most diseases that she  
94 knows of that could possibly be passed by chickens, one would have to be in close contact with them. She's had a lot of allergies in her  
95 life and she is not concerned even if chickens were bothering her now if they were behind the Lawrence's house. Her personal opinion  
96 is that she cannot see any logic in that.

97 Kevin Hansbrow said the Fleenor's house is across the street and far away from the chickens.

98 Lucretia Thayne stated the chickens are behind their house and if there wasn't a conditional use permit, the Fleenor's wouldn't even  
99 know the Lawrence's had chickens.

100 Rick Thayne said at the risk of sounding like I'm dis-spiriting Mrs. Fleenor's testimony, the quotation said "she and her husband were  
101 opposed" as he, himself, told Lucretia personally, that he had no objections. So that contradiction concerns him.

102 Lucretia Thayne indicated that during their conversation they had talked about the fact that he had Hanta virus and Mr. Fleenor didn't  
103 seem to have any concerns about animals. The dogs and cats around probably present a greater health hazard than chickens in the  
104 neighbor's backyard.

105 Dayna Hughes asked if anyone from the Lawrence family was representing. No one was there.

106 Dayna Hughes, chair, is now present and presiding.

107 Dayna Hughes, chair, closed the public hearing at 7:12pm.

108 Dayna Hughes thought Mrs. Fleenor's comments in writing needed to be addressed. If the Fleenor's were an adjacent neighbor, she  
109 would be really concerned. But because of how far away it is and the Lawrence lot is huge and all fenced, she doesn't see how six  
chickens are going to be detrimental to the health of Mr. Fleenor.

111 Weston Youd asked if there was anywhere in the code where approval is required of adjacent and/or near properties.

112 Shawn Eliot said the reason notices are sent to the adjacent properties is so they can bring up an issue. But since this is a conditional use  
113 permit, it's hard to just deny it because of the issue. Conditions are supposed to be added if there is an issue and they can be something  
114 like don't put the coop on the side of the property where the people are who have a problem. As Dayna said, it is across the street and  
115 over one house. It's pretty far away.

116 Dayna Hughes asked if anyone knew if the Lawrence's coop is mobile.

117 Mrs. Denning replied that she thinks the coop is mobile because Mrs. Lawrence asked how to make the coop.

118 Dayna Hughes asked if they could move their coop as far away from the Fleenor property as possible just to accommodate their  
119 concerns.

120 Mrs. Thayne replied that they have been doing some landscaping and they are putting rock back there so it might not be possible.

121 Weston Youd said if they moved the coop then it would put them closer to another neighbor, therefore, he thinks the current location  
122 satisfies the needs of their adjoining property owners. The Fleenor's, who are not an adjoining property, would be less impacted no  
123 matter where the coop is located.

124 Dayna Hughes indicated that she agreed with Mr. Thayne because she has never seen any study that shows any connection between the  
125 Hanta virus and avian flu. So she doesn't think that is a valid argument, unless, they want to bring that data to our attention.

126 **PAUL SQUIRES MADE A MOTION AND KEVIN HANSBROW SECONDED TO APPROVE THE CONDITIONAL USE  
127 PERMIT FOR THE LAWRENCE FAMILY FOR A HOBBY ANIMAL. VOTE: YES (5), NO (1) JOHN HOUCK, ABSENT –  
KELLY LIDDIARD**

*\*John Houck was opposed to the approval of the conditional use permit because he believed the Fleenor family should be present and  
he liked the idea of postponing the approval.*

131 **TEEPLES HOBBY ANIMAL PERMIT (CHICKENS) PUBLIC HEARING**

132 Dayna Hughes, chair, opened the public hearing at 7:13pm.

Mr. Teeples is representing.

Dayna Hughes asked the planning commission assistant if there were any issues with this application and she replied there weren't any that she knew of.

Kevin Hansbrow asked if there was anything in the code that indicated that it had to be closer to the owner's house than or as close as the neighbors.

Shawn Eliot responded that in the end it was added that the coop had to be closer to the owner's house than the neighboring houses. It looks like they are all around 100 feet. The reason for that was so they didn't put the coop right next to the property line.

Dayna Hughes stated that the coop is 100 feet from the Teeples house and, at least, 100 feet from the neighbors. She also asked if there was a plan for feeding and cleaning.

Mr. Teeples didn't have a plan because he said he hadn't had chickens before and he didn't know how much of a mess they would make, but he was estimating weekly or bi-weekly.

Dayna Hughes said the coop has to be cleaned weekly.

Shawn Eliot said they just had to keep it clean and not become a nuisance.

Planning Commission Assistant stated that in the application it states "weekly".

The public discussed whether it was necessary to have a management plan when applying for the permit. Some applicants complained that that was not in the packet.

Planning Commission Assistant indicated that the application have changed since some of the applicants have applied and so they didn't know about the extensive management plan. It's a work in progress.

Dayna Hughes, Chair, closed the public hearing at 7:16pm.

Jason Bullard asked Mr. Teeples if he took the measurements.

Mr. Teeples said he measured to his fence, which is about 100 feet and then estimated the rest to his neighbor's home. The coop is right in the middle.

Jason Bullard confirmed that the coop is in the middle of every house. His concern is someone brings a plan and is estimating about 75 feet and in reality it is only 25 feet. Then the planning commission approves it. And then the neighbor comes in and says that is not in the right place and the planning commission approved it without verifying the measurements are correct.

Weston Youd said it isn't in the code that the city has to verify it.

Shawn Eliot said it isn't hard to verify it on aerial maps so if the planning commission wanted to make it a condition on the vote that the measurements are verified. The other thing is that the neighbors did get the notice and they are not here.

Jason Bullard recommended sending a copy of the plan to the neighbors when they are notified.

Dayna Hughes said if the coop is built, then the neighbors can see where it is.

Shawn Eliot said in the future, he will be more diligent in going out and verifying the location and measurements.

**JOHN HOUCK MADE A MOTION AND KEVIN HANSBROW SECONDED TO ACCEPT THE CONDITIONAL USE PERMIT FOR THE TEEPLE FAMILY CONTINGENT UPON SHAWN ELIOT VERIFYING THE MEASUREMENTS. VOTE: YES – ALL (6), NO – NONE, ABSENT – KELLY LIDDIARD**

**NON-AGENDA ITEM:**

**PRESENTATION BY PAUL SQUIRES (OAK HILLS PLAT D)**

Information for the Planning Commission - Paul Squires brought up the issue for the city council meeting where Corbett Stephens has to present concerning RL Yergensen's rock wall and vegetation compliance. He provided a background of the project and references. After Paul's research, he determined that RL Yergensen is in default because he did not re-vegetate with enough of the appropriate plants and has not maintained the wall. Paul asked for the support of the planning commission that he is in default and he will write a letter to the city council. The planning commission supports Paul in his findings.

**DAYNA HUGHES MADE A MOTION AND WESTON YOUNG SECONDED TO MOVE THE NUISANCE CODE AND PROCEDURES DISCUSSION TO ITEM #6, PUD ORDINANCE TO ITEM #7, AND GENERAL PLAN TO ITEM #8 ON THE AGENDA. VOTE: YES – ALL (6), NO – NONE, ABSENT – KELLY LIDDIARD**

NUISANCE CODE AND PROCEDURES

Shawn Eliot started to explain the reason for the nuisance code and where he came up with the proposed code.

Dayna Hughes gave an example of her having 7 dogs and they are loose on the street and the city receives a complaint. She asked Shawn to explain the process.

Shawn Eliot explained that the process is, first, he would write a letter to the owner telling them they have a nuisance and they need to clean it up within 30 days. The next step is to go to the city council and they will call them in and determine they are out of compliance. Then a certified letter is sent.

Dayna Hughes said he skipped the part where the enforcement officer and the owner try to come to an agreement. She asked where that part belongs. She asked if that part is after it goes to the city council.

Shawn Eliot replied that he was talking about the current code. The reason there needs to be a new code is because the city council bows down and doesn't enforce it. They are the legislative planners. They shouldn't be working on administrative issues. So under the new code, you give the owner a finding that there is a nuisance and they have two weeks to clean it up. If they don't clean it up in two weeks, then they can enter into a voluntary correction agreement, which is a contract between the owner and the city that says they will clean it up at a certain date agreed by both parties.

John Houck said there are arbitrary time limits for each thing. For example, if he has trash in his driveway, does he have two weeks, a month or what?

Shawn Eliot said it is two weeks for everything. The voluntary agreement is where the owner and city worked out a timeframe. The whole code is geared toward trying to get voluntary compliance, not to fine them.

Jason Bullard asked what if the owner doesn't respond.

Shawn Eliot said if they don't respond, then after two weeks, the city will cite them. Shawn is suggesting a fine of \$50 per day, but that could change. Orem has a fine of \$100 per day. The council will decide. If they get it cleaned up within two weeks after the citing, they will not be billed. After the two weeks, the city is able to clean it up and would then bill the owner. Or the city could send them to court. The code does allow going straight to the citation if there is an emergency or if the city cannot find the owner.

Jason Bullard asked when they would have to pay after being cited.

Shawn Eliot replied that after two weeks the city would send them a bill and it is payable within 15 days of the bill being mailed.

Jason Bullard said earlier Shawn said if they get the notice and the city doesn't hear from them within 2 weeks and then two weeks later, they clean things up and they are two weeks late. Have they received a bill already?

Shawn Eliot replied that the owner has two weeks after initial contact before the billing begins, so yes they would have received a bill. If the owner cleans it up within three weeks of initial contact, there is no mercy. They would still have to pay the bill for that one week. The owner would have to go to the attorney and he has the authority to adjust it.

Dayna Hughes asked what the "teeth" in the fine is.

Shawn Eliot replied that they would go to court.

Jason Bullard said it is an actual ticket just like a policeman would write you a ticket for speeding.

Shawn Eliot said he created a form for the citation, but would like to have something like a ticket with a carbon copy.

Jason Bullard asked if the citation would have to be served by someone with authority.

Shawn Eliot replied the code states it can be served by certified mail or the city can take it. The police officer/sheriff is giddy to go serve these.

Jason Bullard asked who gets to decide how much time the owner has to clean it up when they come in for a negotiation.

Shawn Eliot replied the enforcement officer, which is Shawn or Corbett Stephens for building issues.

Jason Bullard asked if an actual timeline should be written so there aren't people coming back to say, "Well you gave so and so 4 months to clean it up and only gave us a month". Shouldn't there be a guideline to say something like 5 weeks?

244 Shawn Eliot said the problem with putting that in the code is that the city is locked in and there is always going to be a different  
245 situation, such as a financial hardship so you may allow a bit longer. There is a section for habitual nuisances so if they clean up and  
246 then let it happen again.

247  
248 Dayna Hughes asked if Shawn Eliot is going to be patrolling.

249 Shawn Eliot said that is to be determined because he is only paid for four hours a week and don't have a lot of time for patrolling. He  
250 would like to have Corbett Stephens, building inspector, to help patrol because he is full time. There needs to be guidance. There were  
251 also some volunteers.

252  
253 Shawn Eliot wanted the opinion of the planning commission about the issue of cars and RVs.

254  
255 Dayna Hughes explained that she was a little confused on the boats, trailers, and RVs.

256  
257 Shawn Eliot Parking 4-2-1-30-31 – "Storage or parking of trailers, boats, all terrain vehicles, or recreational vehicles between the front  
258 of a residence and a street." That is a nuisance.

259  
260 Dayna Hughes confirmed that you cannot park any of the above in front of your house.

261  
262 Jason Bullard asked if he was saying that you cannot park a four-wheeler in front of your house.

263  
264 Weston Youd interjected that you couldn't store it there.

265  
266 Shawn Eliot said it says there is a part where there is a reasonable amount of time where they can park there to clean it and service it.  
267 Those that are parked there for the day or two days will not have any action taken. It will be the ones that have an RV, four-wheeler, a  
268 trailer and they park it there. Some cities do allow all of that and some say park it to the side. There is a code that says they can't have a  
269 fence taller than 3 feet from the front of the house to the street. That is so there is a line of sight as cars drive down the street. It is part  
270 safety and part clutter. The question is: Are you ok with one in their driveway? He wrote it as the vehicle needs to be to the side of the  
271 house and out of the way.

272  
273 Dayna Hughes asked if the issue was parking on the street. The issue is really parking them on the driveway for storage.

274  
275 Shawn Eliot said an RV is a motorized vehicle. In the current code it states that if you have a vehicle that is not running or it's not  
276 registered, it is a nuisance. If someone has a fifth wheeler that is up on blocks and doesn't have a motor, technically, our code indicates  
277 that is not allowed in the driveway.

278  
279 Dayna Hughes rebuttals that it is a trailer.

280  
281 Shawn Eliot said a trailer can be defined as a fifth wheeler or the trailer that people pull their toys on.

282  
283 Dayna Hughes said she doesn't think anybody within the city would want two RVs parked in their neighbor's driveway.

284  
285 Kevin Hansbrow said the current code doesn't even allow one in the driveway, right now.

286  
287 Jason Bullard confirmed that you can have an RV beside your house.

288  
289 Shawn Eliot said the only reason he put that in the code is because it is in the line of sight issue.

290  
291 Paul Squires said in the landscape ordinance, it states the RV can be enclosed in a sight-obscuring fence.

292  
293 Shawn Eliot said part of it is an esthetic issue. If everyone in the neighborhood has an RV in their driveway, it doesn't look like houses  
294 with front yards. It looks like an RV lot.

295  
296 Kevin Hansbrow said it should probably be said that if someone complains about it. If it is a line of sight issue because if someone lives  
297 in a corner and their neighbors don't have a problem with them having it and it isn't a line of sight issue. It seems like it should be  
298 something of a nuisance issue.

299  
300 Shawn Eliot said it is an esthetic issue.

301  
302 Weston Youd clarified that Kevin would like to make it a safety issue, rather than an esthetic issue.

303  
304 Kevin Hansbrow said if someone called and complained of it being a nuisance. If it's not blocking the line of sight then it shouldn't  
305 be an issue. In Kevin's opinion, he thinks it's a little extreme.

306  
307 John Houck said it really makes it hard. He loves his neighbor, but he has a big trailer in his driveway and he doesn't like it there, but at  
308 the same time he doesn't want to cause any friction.



Dayna Hughes said just an FYI; the complaints can be made anonymously. No one has to sign a complaint.

Jason Bullard asked if there will be a code enforcement officer that is going to pick it up without complaints.

Dayna Hughes agreed to keep the code the way it is.

Shawn Eliot said if they didn't like the code, at least, only have one trailer.

Kevin Hansbrow said he isn't saying he wants to let them have an RV lot, they can have one, but if it's not a safety issue and it's not a complaint issue, then it doesn't need to be esthetic.

Dayna Hughes said her guess is that the city doesn't have the resources to go after people what's going to happen is that all of these are going to be complaint driven.

Further discussion took place concerning whether the issue was a safety concern or an esthetic concern. Allowances were to be made for people who have corner lots and don't have any room to put an RV on the side of the house.

Paul Squires recommended having someone buy some of the property next to the town hall site and have RV storage or rental business.

John Houck indicated this topic is déjà vu for him with another city and they really didn't put any teeth in something like this and the whole neighborhood became full of trailers and RVs and off-road vehicles. It was just a mess and then all of a sudden the bad elements started to move in and it got even worse. He said the proposed code is written well and tells them what they can't do.

Shawn Eliot said he would like to add that for any lot if there is not a reasonable place to store the trailer on the side of the house or if there is an extenuating circumstance.

Dayna Hughes asked what about a tent trailer that is only five feet tall.

Shawn Eliot said the current code doesn't allow anything other than a motorized vehicle.

John Houck asked what kind of tolerance we have for more than one family living in a home. There is a family that has about four families living with them due to the economy and the lack of jobs. They have cars in the driveway and in the street.

Shawn Eliot said the current code's definition of a family is blood, marriage, foster, etc. and says that three single non-related people can live together as roommates, but one of the tenants has to be the owner.

Jason Bullard asked if there was a state law that prevents ten families living together if even if they are related – for health reasons.

Shawn Eliot didn't know about any state laws preventing this.

John Houck said he was more worried about the vehicles.

Shawn Eliot said they cannot park in the street between November 1<sup>st</sup> and May 1<sup>st</sup>.

John Houck said they are still going to do it.

Shawn Eliot said the snow plow guy will put tickets on cars.

Dayna Hughes gave some technical/grammar recommendations for Shawn Eliot to correct.

## PUD ORDINANCE

Shawn Eliot began going through the list that the planning commission provided the last time they met. He had that the parking was insufficient with one parking stall per 5,000 sq feet and he changed it to every 3,500 sq feet. He mentioned the aerial of the Payson ballpark had 500 parking stalls. It came out at 3,000 square feet per parking stall. Salem's park came out at 5,000 square feet per stall. It seemed reasonable at 3,500 square feet.

Dayna Hughes said when she was reading the minutes; she wanted to know what a soccer field was and what a football field was.

Shawn Eliot said he indicated that he added soccer/football field. So it could be both and it would not count as double points. He also added a basketball court and bathrooms had to be included on all parks. He did also add security lighting.

Dayna Hughes said that Kelly Liddiard had brought up a volleyball court.

Shawn Eliot said he also added a volleyball court.

Dayna Hughes said there was an issue with the baseball field lighting where the developer was going to stub it in and the city would pay for the lighting. Was the city going to pay for it?

Shawn Eliot replied that he didn't add that in. He only added the security lighting. It's all a negotiation issue anyhow. For the field lighting, it's quite expensive. But for just general lighting around the basketball courts or the playground, he didn't want to get into the details of that. He thought it was better to just add it as part of the negotiation with the developer.

Jason Bullard said through the verbiage that was used, someone decides they want to put in this and this; ultimately, the planning commission still has the final decision, right? He confirmed that the commission can say what is really needed instead of the developer putting in a field that isn't needed.

Shawn Eliot confirmed Jason's thoughts. He stated the following from the code. "The planning commission shall review current recreation facilities in choosing mix of facilities." Prior to that it says, "The planning commission shall work with the developer in determining the appropriate mix of park amenities and can adjust items in the table in negotiation with the developer."

Jason Bullard asked if the following should be added – based on what the planning commission decides for future need or use.

Weston Youd asked if that would be a part of the general plan. The general plan would guide that discussion.

Shawn Eliot said the general plan does too, but that last sentence "The planning commission shall review current recreation facilities in choosing the mix". It's basically saying what we have and what we need. Since the planning commission is over the general plan...

Jason Bullard said the lighting situation that was discussed is if baseball diamonds were put in, and if the city grew over the next ten years, and we wanted to turn that ball field into something that had lights.

Weston Youd said the current recreational needs are not in football, but we need baseball fields. So that's what we would work with the developers.

Jason Bullard said in the case that the requirement, such as a baseball field, is more expensive than what the developer has chosen so the city could give him enough space to create one more property or two more properties. He asked if they could do that.

Dayna Hughes said it is a negotiating experience and that was not done last time. The builder pretty much drove the requirements and should have been the other way around.

Shawn Eliot asked if the planning commission had read the proposed PUD ordinance. He said he adjusted the setbacks for single-family because it was discussed that they were off. Also, he worked on the section of multi-family, which basically says twin homes and town homes.

John Houck asked if that was the 12,000 foot minimum for the PUD.

Shawn Eliot confirmed it is the PUD zone which is 12,000 sq feet. So now the planning commission will have to hold a public hearing.

Dayna Hughes said to set the public hearing for November 12, 2009.

#### GENERAL PLAN REVIEW

Shawn Eliot began by saying that Bob Allen could not be in attendance. He handed out a copy of a draft of the general plan. He asked that the planning commission read through it, especially the goals and policies and whether they are in agreement or not. He was going to go through and re-format the entire document. Next meeting he should have a final draft.

The planning commission will review the final draft of the General Plan November 12, 2009 and schedule a public hearing for the first meeting in January. There will possibly be a joint session with the City Council when it is taken to them.

#### REVIEW AND APPROVE MINUTES OF SEPTEMBER 10, 2009

Corrections were suggested by the planning commission and the changes were made to the minutes of September 10, 2009.

**WESTON YOUNG MADE A MOTION AND DAYNA HUGHES SECONDED TO ACCEPT THE MINUTES AS EDITED FOR SEPTEMBER 10, 2009 PLANNING COMMISSION MEETING. VOTE: YES – ALL (5), NO – NONE, ABSENT – (2) KELLY LIDDIARD, KEVIN HANSBROW**

#### CITY COUNCIL UPDATE

Shawn Eliot said the city council is looking at putting in curb and gutter on a neighborhood down off of Columbus. Whether it happens or not is yet to be determined because there are a lot of upset people over the issue.

Dayna Hughes asked if the city was going to put it in.

Shawn Eliot replied yes and have the owners pay it back over a year. The city council did say they were going to be working on the curb and gutter down on Weston Youd's place in Loafer Canyon.

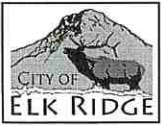
Shawn Eliot said the council has been having closed sessions to discuss the park in the PUD and the open space areas. They finally gave Shawn to go negotiate with the developers, Salisbury and Rockworth. So in talking with Salisbury – there is an assurance bond where it was guaranteed that they would have an improvement there and it's not so the assurance bond company is willing to pay the city \$118,000 to fix up the park. So the city is waiting to see if they are going to call on that bond. They can call on it and fix it up, but it is still going to require an HOA because that is the original agreement or they can call on it and once they hit 50% occupancy of homes, then the park would be turned over to the city. The reason for the 50% is what taxes would be generated at that point. Salisbury was also willing to put \$114,000 into fixing the park. So part of that negotiation was that they give us that \$114k. They seemed ok with it. The one thing that will be loss is the park impact fees, which happen to equal a total of \$114k. This would be money that we could use quickly without strings attached. It was discussed that they come up with a plan to put in parking and bathrooms and other recreational things to the open space area adjacent to phase 2. The strip of open space is not wanted by the city because it would just be a maintenance nightmare so it was suggested that they make those into three lots and the city gets the proceeds from those lots. Again, they seemed ok with it, but they will make a plan and present it on Tuesday. We also negotiated with Wentworth, which he wanted all impact fees waived as well as all building permit fees because of the construction climate right now. Shawn doubts that will happen.

#### OTHER BUSINESS

**ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 9:00 p.m.

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





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

t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

### **NOTICE OF PUBLIC MEETING - PLANNING COMMISSION**

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

- Meeting Date - **Thursday, 22 October 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, 21 October 2009 and delivered to each member of the Planning Commission on 21 October 2009.

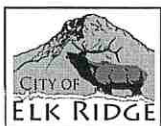
Planning Commission Coordinator *Marissa Bassi* Date: 21 October 2009



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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, 12 November 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**

1. Tuttle Conditional Use Permit for Hobby Animal (Pigeons) ..... *see attachment*
2. Brown Conditional Use Permit for Hobby Animal (Chickens) ..... *see attachment*
3. Gould Conditional Use Permit for Hobby Animal (Chickens) ..... *see attachment*

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

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

4. General Plan ..... *review at meeting*

#### **PLANNING COMMISSION BUSINESS**

5. City Council Update
6. Review and approval of October 8, 2009 meeting minutes ..... *see attachment*
7. *Other Business*

#### **ADJOURNMENT**

#### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 6 November 2009 and delivered to each member of the Planning Commission on 6 November 2009.

Planning Commission Coordinator *Marissa Bassin* Date: 6 November 2009

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# ELK RIDGE PLANNING COMMISSION MEETING

November 12, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

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

## ROLL CALL

*Commissioners:* Weston Youd, Jason Bullard, Paul Squires, Dayna Hughes, John Houck, Kelly Liddiard  
*Absent:* Kevin Hansbrow  
*Others:* Shawn Eliot, *City Planner*  
Marissa Bassir, *Planning Commission Coordinator*  
Sean Roylance, *City Council*, Ken Tuttle, Cathy Goold, Ken Lutes

## OPENING ITEMS

### OPENING

Dayna Hughes, Co-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.

## PUBLIC HEARING AND ACTION

### TUTTLE HOBBY ANIMAL PERMIT (PIGEONS) PUBLIC HEARING

Dayna Hughes, Chair, opened the public hearing at 7:05pm.

Dayna Hughes asked if there was a map provided.

Ken Tuttle, applicant, declared there wasn't a map; however, Shawn Eliot came and looked at the property. He said he was told to be able to respond to the questions.

Shawn Eliot explained that the Tuttle's have a large lot (1 1/3 acres) up on Lake View Drive, all the way down to Salem Hills Drive. The pen is located in the middle of the property. It is sort of hidden in the trees. The mayor had commented that Ken Tuttle had the pigeons for about 30 years and he had never known they were there.

Dayna Hughes asked if they keep the pigeons to feed to the falcons.

Ken Tuttle responded that years ago when he trained big falcons, he used the pigeons to train the falcons. He doesn't have big falcons anymore. They are homing pigeons. He just has them for hobby. He does have a falcon, but not one that eats pigeons.

Shawn Eliot took a copy of the code over and they inspected the area together. It's a very nice, attractive coop and it fits all the requirements in the code. Distance wise – it's very far from adjacent neighbors.

Jason Bullard asked Shawn Eliot if it is written in the code that there must be a map with the application.

Shawn Eliot said a management plan was put on the application as a requirement. Under the hobby animals for the miniature horses and for larger animals, the management plan is talked about. But on the conditional use permit it was recommended to the city council that a plan is required. There was a little confusion in the beginning because the first few applicants did not receive the application that required a plan.

Jason Bullard said the application was off, but the requirement that we requested was to be an application and a map submitted. That wasn't changed when it went to city council, right?

Shawn Eliot thinks that when he read through the hobby animals – chicken part and the smaller animals, he doesn't think that there has to be a maintenance plan. It was just for the larger animals. We could approve his conditional use permit contingent upon him completing a map and having it on file.

Jason Bullard declared that he is ok with making the approval contingent upon providing a map, but he thinks if there is going to be an application and the rule to provide a map, he thinks it should be consistent with all applicants. He has three applications and the other two have detailed measurements and plans for the file. He realizes that Shawn Eliot took a look at it, but what's fair to everyone is that he provides a map.

Ken Tuttle, applicant, declared he filled out the application according to the instructions. He said if the application changed, it wasn't his fault.

Shawn Eliot said that is true and that he didn't know he was supposed to do a plan. Shawn reiterated that the code doesn't require it, but it is in the application to have it so the planning commission has some information to go by.

Dayna Hughes, Chair, closed the public hearing at 7:11pm.

Dayna Hughes indicated that situations come up and new ordinances and guidelines come into play. Evidently, the ball was dropped on this application and didn't give the applicant all the information that was needed.

**DAYNA HUGHES MOTIONED AND JASON BULLARD SECONDED TO PASS THE TUTTLE CONDITIONAL USE PERMIT FOR HOBBY ANIMALS, WHICH INCLUDES PIGEONS IN THIS CASE AND ASK THE APPLICANT TO BRING IN WITHIN THE NEXT TEN DAYS A DIAGRAM SHOWING THE DIMENSIONS OF THE LOT, HOW MANY FEET THE COOP IS AWAY FROM HIS HOME AND OTHER STRUCTURES AND PROPERTY LINES. VOTE: YES – ALL (6), NO – NONE, ABSENT (1) KEVIN HANSBROW**

#### **BROWN HOBBY ANIMAL PERMIT (CHICKENS) PUBLIC HEARING**

Dayna Hughes, Chair, opened the public hearing at 7:11pm.

Dayna Hughes indicated there is a diagram, but there isn't anyone representing the Browns.

Dayna Hughes, Chair, closed the public hearing at 7:11pm.

Dayna Hughes asked if Shawn Eliot visited this property and if it met the requirements.

Shawn Eliot said he did, but no one was home. He said he could see it from the road and that it met the requirements.

Dayna Hughes said her only concern was that the owner is going to be out of the state for two years and the applicant is listed as the mother, Robin Brown. Should that be switched so the mother is the owner?

Jason Bullard commented it would be a big deal if a citation needed to be sent at some point.

Shawn Eliot said it's the owner of the property in the end that would be cited for something like that. He doesn't think it's that big of a deal.

It was discovered that Spencer Brown is not leaving the state and the above conversation did not apply.

**WESTON YOUNG MOTIONED AND JOHN HOUCK SECONDED TO ACCEPT THE BROWN CONDITIONAL USE PERMIT AS WRITTEN. VOTE: YES – ALL (6), NO – NONE, ABSENT (1) KEVIN HANSBROW**

#### **GOULD HOBBY ANIMAL PERMIT (CHICKENS) PUBLIC HEARING**

Dayna Hughes, Chair, opened the public hearing at 7:11pm.

Dayna Hughes, Chair, closed the public hearing at 7:12pm.

Shawn Eliot commented that he did go meet with the applicant and inspected the chicken coop. He said it was a very nice coop. All the chickens had names and were very happy.

Catherine Gould, applicant, commented that they only have four chickens.

**WESTON YOUNG MADE A MOTION AND KELLY LIDDIARD SECONDED TO ACCEPT THE GOULD CONDITIONAL USE PERMIT AS WRITTEN. VOTE: YES (6), NO - NONE, ABSENT – KEVIN HANSBROW**

#### **GENERAL PLAN REVIEW**

Shawn Eliot indicated he has three elements to go over. He is working on simplifying the general plan and making it easier to understand and implement the goals in the general plan. The state law requires that there is a transportation element, land use element and moderate income housing element. Additional elements are the city's choice. The city has an annexation element, which Shawn thinks goes hand in hand with the land use element. There is an environmental element, which is talking about the sensitive hillsides. He questions having an environmental element because the land use element is filled with hillside environmental issues. There is also a trails, parks, and open space element, which is new. He thinks that is a good element to have if that is the emphasis the city wants. The last element is the economic development element. Again, in the land use element, the commercial side does talk about economical-type



things. He questions if there needs to be an economic development element in the plan. Public facilities element is also included in the current plan. There is a capital improvement plan, which is the impact fee study that was done a year ago. It is supposed to be out for five years of what we are doing with our public facilities. He questions if it is needed in the general plan also, especially, since this group isn't really big into dictating where the next water tank is going. He would like guidance from the planning commission so he can condense the current document.

Dayna Hughes thought the economical development element is necessary.

Shawn Eliot said the public facilities element is the largest, but not the most important because for the most part the city has an up-to-date water and sewer system.

Dayna Hughes asked if it is important for the city council since they will also be using this plan in addition to the planning commission.

Shawn Eliot said we need to ask is that what the capital improvement plan is supposed to do.

Dayna Hughes asked Sean Roylance, city council, for some guidance. She asked what is needed.

Sean Roylance said he is all for eliminating anything that is not needed. In his opinion, the current general plan is useless because it is so big. Cut out what we can and whatever is left, make it as short and as simple as possible so it is something that we can make use of and refer to going forward. As far as the public facilities and that stuff, he doesn't know if that needs to be in the general plan or not.

Shawn Eliot passed out the land use element, transportation element.

Jason Bullard asked if there should be public facilities, even though it's extremely small.

Shawn Eliot said in the land use element it does talk about public facilities so it does give a little bit on how it must be properly zoned for.

Jason Bullard asked about commercial.

Shawn Eliot confirmed commercial is in there as well.

Weston Youd thinks commercial should be treated in that economical development so it's not arbitrary. Commercial – you could say that a commercial zone is provided, but if you have an economical development portion, then you can dictate the type of business allowed and not be at risk for who knows what kind of business into town.

Shawn Eliot stated that the three elements required are land use (finished), transportation (finished), and moderate income housing element, which he is working on. Everything else is an elective, which are community vision, annexation, environmental element, which in his opinion, probably isn't needed; economic development, park and recreation element. Those are all the elements. He started by reviewing the community vision. He asked everyone to take it home and read through the goals and make sure they are accurate.

Land use element – Shawn Eliot questioned what number to use for the population in the year 2060. The number listed is 7,300 people, but the study done by Mountainland indicated 9,000 but was found to be erroneous because northern land that Salem has annexed was included. The number could be refined.

Jason Bullard asked if those numbers have all the park and open spaces figured in.

Shawn Eliot replied that what it takes in is the slopes and any known parks. When done on a county level, the zoning is generalized. Elk Ridge isn't too hard. The census data is nine years old. It is based off of when Elk Ridge had 1,800 people and there are 2,500 people now. Continued with reviewing the land use element. Shawn pointed out on the current map the differences on the land use map.

Shawn Eliot continued to the transportation element – Roadway Classification. The Regional Arterial is a new classification for the city. The Provo to Nebo Corridor study was just finished and one of the things it looked at was a new belt route road, not a freeway. It was just a four lane arterial road. He pointed out where this road would be on the map. This idea is out 40 plus years. It is being proposed for connectivity or if the area does grow as projected, then a lot of homes won't have to be torn out when the road needs to be instigated. When it was modeled from Elk Ridge up to the freeway, this road was the best road traffic-wise. So that road is included on the transportation map. It is 150 feet of right of way, which is pretty wide. Almost 90 feet of it is open space. The trail area is 36 feet wide each. And there is a 15 foot medium in the middle. They wanted to plan a road that is big enough and have things set back enough. He then went over the arterial roads coming into Elk Ridge. They did remove the minor collector roads. He asked that the planning commission go through all of the elements and come back with comments.

John Houck asked if the members of the planning commission could go outside of the Elk Ridge community to seek additional help from others.

Dayna Hughes said yes, Shawn Eliot goes out and gets advice from other cities to know what is best for our city.

163  
164 John Houck commented that there should be an environmental element because of some of his experiences as a contractor and the  
165 different species that may be endangered and can't have building on those species territory.

166  
167 Shawn Eliot said there is an environmental element that should cover that and, more than likely, this will not affect the city.

168  
169 **CITY COUNCIL UPDATE**

170 Sean Roylance said the council's continuing concern is the budget. There was a significant shortfall in terms of income compared to  
171 what we normally get in past years. Income to the city totals around a million dollars. This last year is only about \$750,000. So it was a  
172 25% hit to the income. The city is used to spending a million dollars and there has been some cuts, but he thinks it is safe to say that  
173 there haven't been enough. The tough cuts are coming. That's affecting all sorts of decisions. The employee's health insurance has  
174 been downgraded. The city council has agreed with the developers of phase one and phase two to take over the open space of those two  
175 phases. The reasoning is if the city doesn't take it and the HOA goes defunct, which it probably will pretty quickly, the property would  
176 go back to the original land owners. Eventually, they could develop and lose the open space. Another reason is that the city wouldn't  
177 have control over the open space. There wouldn't be public access as long as it is private property. The park will be restored at no cost  
178 to the city. The developer's are going to pay the city approximately \$110k to take the park over. The city will not take over the park  
179 until there is 50% occupancy of the subdivision. The park will be improved at or before 25% occupancy. According to Salisbury, 25%  
180 occupancy is about 20 homes. They think they will be able to do 40 homes next year. Sean is happy about the deal.

181  
182 Sean Roylance said the new city website was done in April and the current administration didn't have it as a high priority to load the  
183 content. He said he was assured by the new administration that it would be a priority.

184  
185 **REVIEW AND APPROVE MINUTES OF OCTOBER 8, 2009**

186 Corrections were suggested by the planning commission and the changes were made to the minutes of October 8, 2009.

187  
188 **WESTON YOUNG MADE A MOTION AND PAUL SQUIRES SECONDED TO APPROVE THE MINUTES OF OCTOBER 8,**  
189 **2009 ELK RIDGE CITY PLANNING COMMISSION MEETING WITH THE CHANGES AND COMMENTS AS JOHN**  
190 **HOUCK OUTLINED. VOTE: YES – ALL (6), NO – NONE, ABSENT – (1) KEVIN HANSBROW**

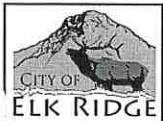
191  
192  
193  
194 **OTHER BUSINESS**

195 Paul Squires reported that he did a survey on the wall of RL Yergensen and reported to the city council his findings, which indicated the  
196 re-vegetation was not completed properly. RL Yergensen took some of Paul's advice and did cut up some roots and plant them. Paul  
197 indicated that the motion needs to be more descriptive and detailed so there isn't problems in the future.

198  
199 Weston Young plans to resign as vice-chair of the Planning Commission as of January 2010.

200  
201  
202 **ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:25 p.m.

203  
204  
205  
206  
  
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, 10 December 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**

1. R-1-12,000 PUD Zone and Planned Unit Development Amendment..... *see attachment*
2. Rescinding of Storage of Junk & Debris Code..... *see attachment*
3. Conditional Use Noticing Time Period Amendment..... *see attachment*
4. Greenvue Estates/Fairway Heights Subdivision Amendments/Oak Brush Cove Sub. .... *see attachment*

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

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

5. General Plan ..... *see attachment*

#### **PLANNING COMMISSION BUSINESS**

6. Review and approve minutes of 11/12/09 Commission Meeting..... *see attachment*
7. City Council Update
8. *Other Business*

#### **ADJOURNMENT**

#### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 3 December 2009 and delivered to each member of the Planning Commission on 3 December 2009.

Planning Commission Coordinator

*Marissa Bassi*

Date: 3 December 2009





# ELK RIDGE PLANNING COMMISSION MEETING

December 10, 2009

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, December 10, 2009, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Weston Youd, Jason Bullard, Paul Squires, John Houck  
*Absent:* Kevin Hansbrow, Kelly Liddiard, Dayna Hughes  
*Others:* Shawn Eliot, *City Planner*  
Marissa Bassir, *Planning Commission Coordinator*  
Sean Roylance, *City Council*, Garren Holman, Erin Clawson, Ken Lutes

## OPENING ITEMS

### OPENING

Weston Youd, Co-Chair, welcomed at 7:00 PM. Opening remarks were said by John Houck followed by the pledge of allegiance.

### APPROVAL OF AGENDA

There were not any changes made to the agenda.

## PUBLIC HEARING AND ACTION

### R-1-12,000 PUD ZONE AND PLANNED UNIT DEVELOPMENT AMENDMENT

Weston Youd, Co-chair, opened the public hearing at 7:06pm.

Weston Youd, Co-chair, closed the public hearing at 8:06pm.

John Houck had a question on the public utilities easement. 10-11E-60-6 Side Setback/Interior Lots-SF – It only allows 8 feet for a side setback. Is that enough? He's fine with the easement.

Shawn Eliot said for the size of lots, it's not that small. Elk Ridge is 12 foot side setback, but most cities are 8 feet. In the current PUD code, all setbacks are waived and they can do whatever they want. This was put into place to have a little control.

Weston Youd explained that it will be a minimum total of 16 feet between the homes.

John Houck said he didn't look at it that way. So he is ok with 16 feet in between homes. He also asked about the parking lots for multi-family housing. John wondered if the parking lot would be right on the street and how it would look. How is that esthetically going to look?

Shawn Eliot explained that with the senior housing development has parking right along the street so they were required to put in a berm and a hedge so it would break down the look of a lot of cars. Shawn is going to add something to require that it looks esthetically pleasing and the lot is obscured.

John Houck asked why there isn't a minimum lot size. There is a multi-family development and no minimum lot size.

Shawn Eliot explained that in a PUD there are so many lots per acre so there wouldn't be an excessive amount. Multi-family is specific that twin homes and town homes are only allowed.

Weston Youd said there is a square footage requirement so the lot size can't be too small.

John Houck indicated the square footage requirement is a minimum of 900 square feet.

Jason Bullard asked if they could just take the line out that says there isn't a minimum lot size. If there are requirements on everything else, why would that statement be there?

Shawn Eliot said the reason it is in the current code is to allow them to do multi-family developments. With single-family housing there are lot sizes. Multi-family housing usually don't have a lot.

Jason Bullard argued that if you sit down with a map and a lot size and the requirements, you can find out what you can do there.



49 Shawn Eliot indicated that square footage would be done rather than lot size.

50 Jason Bullard again asked why then would you want that statement indicating there isn't a minimum lot size.

51 Weston Youd said then a person can own just the footprint of the building and not the lot. The lot is owned by the development. The  
52 dwelling is owned by the individual. That is why there is a zero-lot line. So the structure is owned by the owner and the association  
53 owns the property.

54 Shawn Eliot said most of the multi-family housing that he has seen, the person does own the land under the home – it's a zero lot line.  
55 But by doing that it's more the square footage of the footprint...it's not an actual lot that is thought of when building a single-family  
56 development.

57 Jason Bullard asked if this code would allow for a multi-family to go right next to a different kind of property without having a setback.

58 Shawn Eliot answered no because all dwellings in a multi-family development must set back 30 feet from any adjoining property,  
59 including any other phase in the PUD development. It is typical.

60 Jason Bullard asked if that meant that there has to be a minimum lot size to build a building on a lot with a setback.

61 Shawn Eliot said it is the building, though.

62 John Houck said 12,000 square foot lot.

63 Shawn Eliot said that's not on the multi-family housing though.

64 Weston Youd said that's the PUD for single-family.

65 Shawn Eliot said it depends on the underlying zone. If it's a half-acre lot zone, then you can go all the way down to 10,000 square feet.  
66 They can't all be 10,000 square feet because of the size of the land. There is going to be a mixture of different housing types. In a half-  
67 acre lot zone, 2 units per acre are allowed if doing a PUD.

68 John Houck quoted 10-7-C-8 Page 10 – multiple story dwelling shall meet or exceed the following. It doesn't say how high.

69 Shawn Eliot said there is a building height ordinance that would cover that. The PUD is just an overlay zone over the current zone.

70 Weston Youd indicated that the building height ordinance would supersede that.

71 John Houck would like to have 10-7-C-8 explained. 900 square foot for the minimum on a two story?

72 Shawn Eliot said the multi-family is 900 sq feet for the main level for a two story.

73 Weston Youd explained a two-story can have 900 sq foot main level and then 900 on top, which equals out to be 1800 sq feet between  
74 the two floors. So if it is tall, it can be a little smaller.

75 Shawn Eliot explained that there is an R1-12,000 PUD zone, which is unique. There is a zone attached to the PUD zone and then also a  
76 PUD code that is supposed to work together, that don't. It is proposed that there be just an R-1-12,000 zone and allow a PUD overlay  
77 zone. The proposed general plan indicates that the R-1-12,000 zone is the only place in the city where there can be a PUD. Going  
78 forward, there are still half-acre lots that can be bigger developments so that they work well with the code and get amenities.

79 John Houck asked about off-street parking. They must provide two parking spaces per unit. It doesn't say a garage or an enclosed area  
80 for each space.

81 Shawn Eliot quoted "not less than two off-street parking spaces at pertinent to a dwelling shall be enclosed within a garage or other  
82 closed structure".

83 John Houck asked if it could just be one-car and have the other outside.

84 Shawn Eliot said it says "not less than two" so there has to be a two car garage. All of the zones have the exact same language. It could  
85 be worded better.

86 **JOHN HOUCK MOTIONED AND PAUL SQUIRES SECONDED TO ACCEPT AS NOTED IN THE STAFF**  
87 **RECOMMENDATION FROM THE MEMO WITH THE ADDITION OF 10-11E-70-3 "PARKING SHALL BE OBSCURED**  
88 **FROM AN ADJACENT STREET WITH LANDSCAPING SUCH AS BERMING VEGETATION OR FENCING". VOTE:**  
89 **YES-ALL (4), NO-NONE, ABSENT (3) – KELLY LIDDIARD, DAYNA HUGHES, KEVIN HANSBROW**

90 *Memo dated 12/10/2009 – "The planning commission in reviewing the proposed changes to the Planned Unit Development Code and the*  
91 *R-1-12,000 PUD Zone code find that the new PUD code and the reformatting the R-1-12,000PUD code into a normal single family*

residential zone will allow the planning commission and city council to foster better PUD developments and provide for the recreational activities that will be needed with a growing population. The commission also finds that this change is in keeping with the general plan to create a variety of housing types and park space. The commission also finds that with the proposed changes that the Large Scale Development Code it is no longer needed and that the Mountain Home Development Code should be relocated in the development code with the addition of an approval process and the change to standardize road grades. The planning commission recommends to the city council that they approve the above mentioned changes."

#### RESCINDING OF STORAGE OF JUNK AND DEBRIS CODE

Weston Youd, Co-chair, opened the public hearing at 7:09pm.

Weston Youd, Co-chair, closed the public hearing at 8:06pm.

Shawn Eliot gave a description. The city council passed a new nuisance code – there is a municipal code that has the nuisance code in it. There is also a part in the development code that talked about nuisances – about junk in yards. It's duplicative in that it is in two different places. This code contradicted things that were in the old nuisance code. So it says there can be two such items of any kind of junk in a yard, including household furnishings, appliances, etc. It says it is an establishment of a junk or automobile wrecking yard. Purposes of complying with this section, there can only be two such items on one property. It is not needed to recommending rescinding. It is code cleanup.

Further discussion took place as to what is allowed in the new nuisance code.

**JOHN HOUCK MOTIONED AND JASON BULLARD SECONDED TO ACCEPT THE MEMO AS STATED BY THE STAFF. VOTE: YES – ALL (4), NO – NONE, ABSENT (3) KELLY LIDDIARD, DAYNA HUGHES, KEVIN HANSBROW**

*Memo dated 12/10/2009 "The planning commission after reviewing the proposed rescinding of 10-12-7 Storage of Junk and Debris of the development code and reviewing the portions of the new nuisance code that cover junk accumulation and distressed vehicles, finds that the rescinding of 10-12-7 will take away any confusion of having contradicting code in different locations of the municipal and development code, that the new nuisance code is more appropriate in disallowing junk accumulation and the storage of distressed vehicles in open areas, and that nuisance code is a more appropriate location in the municipal code to address these issues rather than the development code. The planning commission recommends that the city council rescind 10-12-7 of the development code."*

#### CONDITIONAL USE NOTICING TIME PERIOD AMENDMENT

Weston Youd, Co-chair, opened the public hearing at 7:09pm.

Weston Youd, Co-chair, closed the public hearing at 8:06pm.

Weston Youd read the memo background. "With the creation of the Hobby Animal code staff has found an outdated requirement in the Conditional Use code. About four years ago, the state changed the requirement for public hearings from 14 to 10 days for amending code and general plans. For subdivisions it went to a 3 day notice. State law for notification of Conditional Uses states that it is per the city code, meaning there is no specified amount of time to notice people. At the time, the city changed all the noticing code requirements to match the state law, but neglected to address if the 14 day requirement for Conditional Uses (which was used only because changing code required 14 days) should be changed."

Shawn Eliot said that state law says for a conditional use is that they are noticed based off of whatever is in the city code. It is proposed to make the notice time period consistent with other notices time periods.

**JASON BULLARD MADE A MOTION AND JOHN HOUCK SECONDED TO ACCEPT THE RECOMMENDATION OF THE STAFF TO CHANGE THE CONDITIONAL USE NOTICE FROM 14 DAYS TO 3. VOTE: YES – ALL (4), NO – NONE, ABSENT (3) KELLY LIDDIARD, DAYNA HUGHES, KEVIN HANSBROW**

#### GREENVIEW ESTATES/FAIRWAY HEIGHTS SUBDIVISION AMENDMENTS/OAK BRUSH SUBDIVISION

Weston Youd, Co-chair, opened the public hearing at 7:10pm.

Garren Holman provided a background. The proposal was to purchase some property owned Dan Steele and Matt Cahoon. There has been a new development because the properties are located in two different subdivisions. In order to purchase the property, there has to be a new development, which is now Oak Brush Cove subdivision. There was a conflict with the two developments in the past with the drainage. The drainage channel on the two plats weren't connecting in the past. When Holman's house was built, he was asked by Elk Ridge City to assist in that by helping to channel the water around his house. His understanding was that there was an 8-foot easement on his property, as well as on the other two properties, which later discovered that it was not on the plat. It must have been something that was talked about at planning commission meetings while building the home. The conflict by Mr. Holman purchasing the property,

in talking with the mayor and Corbett, it seems to be an issue with the developer and that it wasn't planned for the drainage easement for the waters to drain under the road onto the old golf course. So when Mr. Holman came up with the new plan with CIS, professional landscaping, they put a drainage and utility easement of 8 feet on Mr. Holman's property and 8 feet on the proposed property line. The other two parties have not signed the purchase of the property because they do not like the development with the drainage being put in place. Part of the reason Mr. Holman was purchasing the property was to take care of issues. The drainage channel was built right on the property line as directed by the city. Since the conversations of purchasing the property began, Mr. Holman has been asked to remove that drainage from the other party's property if he doesn't purchase the property. If Mr. Holman is purchasing a liability then he wanted to move the liability with the drainage and utility easement. So Mr. Holman has to decide now if he doesn't purchase the property, which is the case right now because it hasn't been approved by the two parties now that the design has been done. Then what is going to happen with the current drainage and property line. Is he going to have to remove the drainage like his neighbor has asked him? Part of the drainage is there, as well as some other vegetation that has been put into place with some rock and bark around a catch basin. Mr. Holman would like to know the city's ruling is on the drainage if he doesn't purchase the property because in purchasing the property, he can't do that without removing drainage and utility easement that he deems necessary as a developer. Mr. Holman has to show the easement on the plan or he will be liable in the future. Currently, there is a 10 foot easement on either side of the property. The drainage between lot 2 & 3 aren't connecting.

Shawn Eliot said Mr. Holman has had drainage problems in the past because his backyard is in a natural drainage channel. So the city allowed him to build a home in a natural drainage, which is not right, but it is in the past. When they platted both plats, Fairway Heights, which is the longer lots, showed a drainage easement. In Greenview Estates, they show a drainage easement across Cove Drive between the two homes across the street. But they forgot to connect the dots through this lot.

Garren Holman said the city issued a permit to the builder and they put in the drainage. Part of the reason this is happening is because the two parties would like to put in a fence down the property line and would like the drainage removed. Plus, Mr. Holman thinks they just don't want the liability. Mr. Holman would like to know what to do and be validated.

Shawn Eliot Mr. Holman has already talked to the mayor and staff and they don't find any records to find out who made those decisions all those years ago.

Mr. Holman wasn't sure that was the case. The last time Mr. Holman spoke with the mayor and Corbett Stephens, building inspector, they didn't know what the city's stand is on it and they would have to consult an attorney. At that point, Mr. Holman doesn't want to have a fence. He wouldn't offer to purchase the property. He thought it would resolve the whole issue. In the conversation with the mayor and Corbett Stephens, they indicated that the developer created the problem and is at fault. Now that Mr. Holman became a developer and put the three lots together into a new subdivision, he deemed it necessary to put in an easement to take care of the channel. If it's going to be on Mr. Holman's property, then it really isn't a drainage easement, it is part of his property. Matt Cahoon signed off on it, but Dan Steele didn't because he didn't like the words "drainage and utility easement" and also didn't like it on the new property line. Mr. Holman's plan was not to do anything other than just purchase the property. He thinks the two parties are thinking in the future if anyone else buys the property then it becomes a liability to them. His opinion is that they are still liable because their water will then drain to Mr. Holman's property. The question is what they are doing to get their water off their property over to this drainage.

Shawn Eliot asked if the current two subdivisions have the drainage down the middle of those two lots.

Mr. Holman said his understanding is that it does say that.

Shawn Eliot said the current plat says just ten foot side setbacks.

Weston Youd asked if Mr. Holman was purchasing the two lots.

Mr. Holman confirmed he was only purchasing about 15 feet from each lot. There are currently houses on all lots, but they are further up on the hill. He said the land is all just critical zoned - Oak brush. Mr. Holman would like to know where the city stands because he would like to settle this without getting an attorney, unless he has to know what to do.

Weston Youd indicated that even if he purchases that 15 feet, those home owners on lots 2 and 3 are still obligated to account for that drainage.

Shawn Eliot said the issue is that the original plat doesn't have any mention of drainage on it at all.

Mr. Holman indicated that he doesn't understand because what he has documented is that he has to show how the water is going to drain around the house.

Shawn Eliot said that in the end, the city approved the plat map and there is not any drainage easement. Shawn explained that he has a drainage easement right through his backyard. It is specifically on the plat map that it cannot be touched and have to allow for the natural drainage. So it was an oversight when this was platted. The developer didn't turn it in as such.

Mr. Holman asked if he is now a developer, isn't it his responsibility to figure out how he is supposed to get that water around.

Shawn Eliot indicated that Mr. Holman's problem is that he is trying to work with his two neighbors and if they are adamant that they do not want a drainage on their property, then they can hold you up on it.

195 Weston Youd explained that the property owners still have to address the fact that their drainage is going into Mr. Holman's yard. Even  
196 if there isn't a drainage channel, they are still obligated to keep the water on their property or figure out a proper drainage system.

Mr. Holman indicated that when Matt Cahoon bought the property it was already in place. When Dan Steele bought his property, Mr. Holman's drainage was already there. It wasn't on the map, but the city asked Mr. Holman to put it in.

199 Shawn Eliot explained that legally, there isn't drainage there. There is a natural drainage. He doesn't know how to answer Mr.  
200 Holman's question of what he should do because it is a legal issue.

201 Mr. Holman indicated he has talked with an attorney and the attorney said Mr. Holman has a lot in his favor, but Mr. Holman is not sure  
202 he wants to go down that road yet. The city would have to be involved and they would have to get an attorney and it would cost  
203 everyone money. Mr. Holman was told that utility easements can also be drainage easements.

204 Shawn Eliot indicated if the easements are identified as both a utility and drainage easement it can be used as both.

205 Mr. Holman doesn't think there is any hostility with his neighbors; they just want to get it right. Mr. Holman has a rock wall and in his  
206 opinion, it would be better to set it back if they put a fence up. Part of it is just not the drainage. Part of it is to get some additional  
207 property. But the drainage is the issue that the neighbors brought up with Mr. Holman decided not to purchase. He originally, made an  
208 offer to purchase more property and the neighbors came back and said they wouldn't take less than \$3 per square foot. Mr. Holman  
209 decided that was too much and agreed upon less amount of property. During the whole process, the neighbors were asking Mr. Holman  
210 to remove things. In Mr. Holman's opinion, the two neighbors were just trying to position themselves to get more money. Mr. Holman  
211 has already spent \$2,400 because of the city requirements. He is already into the project \$3,000-\$3,500 less the price of the property.  
212 He's tried a lot of things and is kind of at an end.

213 Weston Youd asked if the planning commission could just request a drainage plan from all property owners that don't have one.

214 Shawn Eliot asked where the natural drainage is and if it is going right down through Mr. Holman's property.

215 Mr. Holman indicated it is not going through Dan Steele and Matt Cahoon's properties directly. He showed on the plat map where the  
216 drainage goes, which is by the lay of the land into a catch basin and then channels down underneath the road.

Shawn Eliot asked where the water has come from in the past. Out of the ground or was it flowing from other properties?

Mr. Holman indicated from this past summer, when there was that huge rain, there was a river coming down through the property line  
219 between lot 2 & 3 and went into his catch basin, which then goes through a 12" pipe underground. It didn't plug up. It worked like it  
220 was designed. The only time there is drainage is when there is a major storm or spring run-off. Otherwise, it is usually dry.

221 Shawn Eliot indicated that a pipe that is buried wouldn't need to be labeled on a subdivision plat because it is not drainage. It is a buried  
222 pipe. It's already in the utility easement.

223 Jason Bullard asked if Mr. Holman removed the drainage and put it on his property, what would the requirements for lots 2 & 3 be at  
224 that point to drain their property.

225 Shawn Eliot explained the code says the property owner has to keep their water on their lot. So the fact that the water is draining onto  
226 Mr. Holman's property is, technically, illegal. But it is a natural drainage. The city is at fault for allowing someone to build in the  
227 middle of a natural drainage. So the problem should be fixed. It sounds like the city tried to fix it years ago, but it wasn't done in the  
228 legal format.

229 Jason Bullard suggested that it sounds like legal advice is needed, which the planning commission cannot do. In Jason's opinion, if the  
230 drainage is coming from their property and Mr. Holman didn't do anything about it and just let the drain stand where it is, he believes  
231 it's going to be the other owner's issue then to make it right. Then it would be their burden to go to an attorney and say there is drainage  
232 on their property and it was never platted that way. They would have to go through that process. And if it came to that, they are going  
233 to look at the numbers and see that the worse case scenario is going to be that Mr. Holman is going to have to move the drain and they  
234 will discover the cost for them to fight that, plus, add drainage back to their property to keep their drainage from going to Mr. Holman's  
235 property, it seems the amount of money they would spend to do what they want is going to be much more than for Mr. Holman.

236 Weston Youd asked if the catch basin is all on Mr. Holman's property.

237 Mr. Holman indicated that it is overlapping on other properties. The property owners want to put a fence on the property line, which  
238 would put it right in the middle of the drainage that is built. Mr. Holman asked, as a developer if he needs to worry about the drainage  
239 because if he takes it off the plat, then the property sale goes forward. But then what is Mr. Holman liable for.

240 Shawn Eliot said that normally, drainage is put on the plat to keep development from encroaching upon it. The development is already  
241 there. So from what Mr. Holman is describing is that he has on lot surface water coming into his lot. Drainages are usually coming  
242 from upstream and they are passing through lots. In reality, that is what that drainage used to do until the road was put in. There wasn't  
243 any covert put under the road so Mr. Holman is just getting their water. The property owners are not responsible for water that comes



244 onto their property and then exits their property. They are responsible for water created on their lot. Shawn is saying that he doesn't  
245 think that Mr. Holman needs to show a drainage easement on the plat because it is not the whole long drainage that has been preserved.

246 Mr. Holman asked if he doesn't purchase the property, does he have to remove the catch basin and drainage because he anticipates the  
247 neighbors asking that next.

248 Shawn Eliot said he thinks that is a legal question. If a manmade drainage can be put in a public utility easement, it was put there in the  
249 utility easement because of the drainage problem. Shawn doesn't know if the city told Mr. Holman if he could put the drainage  
250 anywhere in the easement.

251 Mr. Holman said he was told by the city that he had 8 feet on each side to work with. It's all verbal and he doesn't have a record of it.  
252 Mr. Holman has submitted a file of pictures and video and also, two city planning commission meetings where it was discussed.

253 Shawn Eliot said if the city comes back and says that Mr. Holman can have the drainage there, then that should be the end of it. If it's in  
254 a public utility easement and the city rules it is ok to put the drainage in a public utility easement, he would think that would be the end.

255 Weston Youd, Co-chair, closed the public hearing at 8:06pm.

256 **JOHN HOUCK MOTIONED AND PAUL SQUIRES SECONDED TO TABLE THE ISSUE UNTIL FURTHER REVIEW.**  
257 **VOTE: YES – ALL (4), NO – NONE, ABSENT (3) KELLY LIDDIARD, DAYNA HUGHES, KEVIN HANSBROW**

## 258 GENERAL PLAN REVIEW

259 Shawn Eliot gave the planning commission the community vision, transportation, and land use elements last meeting. Now he has the  
260 whole general plan for review.

261 Shawn Eliot explained that the general plan is to be referenced when you make finding for approvals because the approvals should fit  
262 with the general plan. If it doesn't fit with the plan, then the applicant should be making adjustments.

263 Jason Bullard said if the plan is brief and doesn't go into any details specifically, then it is of no use, then what is the purpose.

264 Shawn Eliot explained that there are other issues within the general plan, such as neighborhood clean-up, city celebration, parks and  
265 recreation, etc.

266 Jason Bullard said the document isn't needed in order to have those things, though.

267 Shawn Eliot said the state law indicates that there must be a transportation element, land use element, and affordable housing element. It  
268 is up to the city to have more. The planning commission chose to have an economic development element. Should there be an economic  
269 development committee. The reason for a general plan is to try to implement the elements, either through the zoning ordinance or  
270 through committees. From the old general plan, everything was kept, except public facilities. If some of the elements are too long then  
271 they might not be useful and overwhelming.

272 Jason Bullard expressed that he thought the transportation element was put together very well and addressed everything that it should and  
273 it was very specific on where the city wanted to be and how to bring the roads together.

274 John Houck said he had a question about the cul-de-sacs.

275 Shawn Eliot quoted under Trail, Sidewalks, Bike, ATV Facilities - "Connections between neighborhoods at the end of cul-de-sacs can  
276 also help." It also says "for more information see the Parks, Open Space and Environment Element of this plan", which the planning  
277 commission has not seen yet. The code, as well as hillside code, states that at the end of cul-de-sacs, there will be some kind of  
278 pedestrian easement so people can move between neighborhoods. Shawn also indicated that at the end of Cove Drive there is a  
279 pedestrian easement where a trail is supposed to be, but no one ever put one in.

280 Weston Youd expressed that he thought the presentation of the plan is perfect because it doesn't tie the city into a set thing, such as  
281 "trails will be everything". But it does show the direction the city desires to go.

282 Shawn Eliot explained that planning doesn't like cul-de-sacs because people have to drive to their neighbor's house, but now, there  
283 should be trail connecting cul-de-sacs to resolve that issue. Families like cul-de-sacs because they are safer.

284 Weston Youd explained the use of the general plan is for future development and efforts for the city. Moving on to the Land Use  
285 Element... Weston liked the fact that hillsides are already identified, even in the proposed annexation pieces.

286 Some commercial zoning discussion took place. If there was ever any commercial, it wouldn't be a gas station/convenience store. It  
287 would more likely be a dental or law office. There is a commercial zone, but Shawn Eliot asked if it wouldn't be more appropriate to  
288 zone commercial where some of the big/main roads would end up at the entrance to the city.



304 Weston Youd said according to the plan, the commission wanted to have the commercial business centralized and part of the city center.

305 Jason Bullard commented that more commercial could be added later in addition to what there is currently.

310 Shawn Eliot said the commercial zones are one of the codes that need to be worked on because it says things that might not be needed or  
311 wanted. It is a lot easier to land use it meaning future planning as commercial now and work with the people when they come in than it  
312 is when they are already proposing a subdivision and it is decided that the city wants that land to be commercial. Shawn thought there is  
313 more opportunity by the main roads than in the center of Elk Ridge.

314 John Houck indicated if a person is going to build a business, they would want it closer to the big cities.

315 Weston Youd stated that Dayna Hughes (Planning Commission Chair) will need to guide this discussion, but in his opinion, he would  
316 like to work with the city council and designate an economic development committee specifically, to identify what the city's commercial  
317 approach is going to be. Because if nothing is done, then it will either be lost or it will be overrun with ideas that are necessarily not  
318 wanted. It should be done within the coming year.

319 Shawn Eliot commented that commercial will probably not happen until there are more housing units, depending on what is going to  
320 happen on the north end of town. That might be within the next five years. It's unknown. The one thing is that as a city, it is best to  
321 market as wanting commercial.

322 Weston Youd said if there is a plan in place, then the city can market that plan.

323 Jason Bullard said that having commercial in the plan and leaving like it is. - If someone did approach the city to do commercial, at least  
324 it is there and the city is open to it.

325 Shawn Eliot commented that another thing about having the commercial in the plan is that it locks up Haskell's land.

326 Jason Bullard stated from the Land Use Element Objective 4A "Prepare the necessary plans and codes which will encourage commercial  
327 growth". Why would this be telling us to prepare something? Why wouldn't it be prepared and then put it in?

328 Weston Youd pointed out that this is the tenure going forward.

329 Shawn Eliot replied that the above statement is telling the city to get the commercial plan together if the city really wants commercial.  
330 Many cities have an economic development director and they are actively trying to get people to come build in their city. A lot of  
331 ordinances for cities are oftentimes are so cumbersome that it detracts businesses from building in their city. He isn't saying that Elk  
332 Ridge's code is that way because it's hardly been used. But there could be ways to make it more attractive.

333 Jason Bullard asked if the parks should be included on goal #3 of Land Use - "Create and sustain well designed, family oriented  
334 residential areas with a mixture of housing types and amenities".

335 Shawn Eliot said parks are everywhere.

336 Weston Youd pointed out that parks are in the community vision - goal #2 "include well planned parks and open space areas", which is  
337 then broadcast to all the other elements.

338 Shawn Eliot said it is under land use - when developing, there is an emphasis on parks. But then there is a park and open space element  
339 that puts extra emphasis on parks.

340 Jason Bullard said under goal #1, policy 1 "Planned Land uses should complement existing development and environmental conditions."  
341 Is "complement" the right word to use there? Or should it be more specific on what the word complement means? What the city may  
342 think complements something and what the developer things complements something may differ.

343 Weston Youd thinks that the city will get the ultimate say on it because it is in the code.

344 Shawn Eliot asked if it should be reverse. "It should not adversely affect surrounding development." People will then say that it does  
345 adversely affect the development. It's the same. Hopefully, one day the city will all come together.

346 Jason Bullard asked if the city center will ultimately be the item that sets the standard for everything around it, commercially.

347 Shawn Eliot said if the city center does happen and it becomes the center of the town, yes, it will become the focal point. Especially,  
348 with an elementary school kiddy-corner to it.

349 Weston Youd asked about the lighting standard and pollution for the commercial zone.

350 Shawn Eliot indicated that it is not in the general plan and there isn't anything about it in the commercial zone code. He knows there is a  
351 light standard for the PUD zone and it is also enforced with the senior housing and it is the night sky compliant downward facing lamps.

The old general plan does talk about street lighting, but there isn't any street lighting in Elk Ridge. It is not very favorable with the citizens.

Weston Youd moved on to the community vision element and commented that it is spot on and he liked it.

Shawn Eliot went on to explain the layout of the general plan and questioned if he had done enough on the survey. He did a brief overview of each of the seven elements – Community vision, Land Use, Economic, Transportation, Moderate Income Housing, Parks, Open Space and Environment, and Annexation Policy. Shawn also went into details on where the proposed open spaces and trails are to be located on a map. He also went over the possible annexations surrounding Elk Ridge.

The timeline and a public open house was discussed and it was decided to let the chair, Dayna Hughes, make the decision as how to proceed since the co-chair, Weston Youd, is resigning to serve with the city council. A joint work session with the city council was also discussed.

#### CITY COUNCIL UPDATE

Sean Roylance said the big topic of discussion was the part of the nuisance code that talks about trailers not being allowed to be parked in front of the house, in the driveway or along the street. There were 49 situations in the city where people were violating the code – some were for different violations. There were a few that were not in favor of the code so they went around and raised a fuss to try to challenge the code. So it will be taken into consideration the next few months.

#### REVIEW AND APPROVE MINUTES OF 11/12/09 COMMISSION MEETING

Members of the planning commission suggested some corrections and the changes were implemented.

**JOHN HOUCK MOTIONED AND JASON BULLARD SECONDED TO ACCEPT THE PLANNING COMMISSION MINUTES OF NOVEMBER 12, 2009 WITH THE MENTIONED CHANGES. VOTE: YES – ALL (4), NO – NONE, ABSENT (3) KELLY LIDDIARD, DAYNA HUGHES, KEVIN HANSBROW**

#### OTHER BUSINESS

Weston Youd recommended getting the two vacancies of the planning commission filled and asked that the planning commission members make suggestions.

As of December 11, 2009, Weston Youd resigned as a full-time member of the planning commission.

**ADJOURNMENT** – Co-chair, Weston Youd, adjourned the meeting at 9:55 p.m.

  
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Planning Commission Coordinator