

**CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**  
t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

## NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 14 January 2010**
- 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. Oak Hill Estate Plat E Proposed Zone Change (*please visit site prior*) ..... *see attachment*

### OTHER ACTION ITEMS (none)

### DEVELOPMENT CODE / STANDARDS REVIEW

2. General Plan ..... *bring copy passed out previously*

### PLANNING COMMISSION BUSINESS

3. City Council Update
4. Review and approve minutes of 12/10/09 Commission Meeting ..... *see attachment*
5. *Other Business*

### ADJOURNMENT

### CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 7 January 2010 and delivered to each member of the Planning Commission on 7 January 2010.

Planning Commission Coordinator *Marissa Basin* Date: 7 January 2010



# ELK RIDGE PLANNING COMMISSION MEETING

January 14, 2010

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, January 14, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Jason Bullard, Paul Squires, Kevin Hansbrow, Kelly Liddiard, Dayna Hughes  
*Absent:* John Houck  
*Others:* Shawn Eliot, *City Planner*  
Marissa Bassir, *Planning Commission Coordinator*  
Sean Roylance, *City Council*. Ken Lutes, *mayor*, Bob Allen, *MAG*, Tyson Stevens, Fred Gowers, Nelson Abbott

## OPENING ITEMS

### OPENING

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

### APPROVAL OF AGENDA

There were not any changes made to the agenda.

## PUBLIC HEARING AND ACTION

### OAK HILL ESTATE PLAT E PROPOSED ZONE CHANGE

Dayna Hughes, chair, opened the public hearing at 7:09 pm.

Shawn Eliot explained the proposed zone change is located on Hillside Drive just east of Mahogany Way. The lot was subdivided a little over two years ago by RL Yergensen. When it was subdivided, the zone was not considered. The lot is divided down the middle between two zones, HR-1 zone and R-1-15,000 zone. The R-1-15,000 zone allows 1/3 acre lots and there aren't as many restrictions towards grading – cuts and fills. The HR-1 zone only allows 1-acre lots and there are more limitations on cuts and fills. The indicated lot is 1 1/2 acres. If it was on flat ground and in the R-1-15,000 zone, there could probably be close to three lots, but it isn't on flat ground. Mr. Eliot showed the lot on Google earth where the commission could see the actual size and grade of the lot. There has been a driveway created on the lot where it leads to a flat ground for a building. The applicant is proposing to change the entire lot to the R-1-15,000 zone. In the future, the applicant is looking to subdivide into, at least, two lots. The downside of changing the zone is that there isn't the protection of the HR-1 zone, as far as cuts and fills. The characteristics of the lot have already been dug up on the lower part of the lot.

Mr. Fred Gowers, applicant, provided a background of the lot. The lot was established in the subdivision created in 2006 and the applicant also purchased the lot from Mr. Yergensen in 2006. The building pad was already graded at the time. He explained that the lot was previously zoned as the CE-1 zone. In 2008, the HR-1 zone was created and the CE-1 zone on the lot was then changed to the HR-1 zone. The applicant had, originally, planned on building one single-family home on the lot, but times have changed and he would like to subdivide to make two lots to recover some costs. Mr. Gowers claims the CE-1 zone was originally, covering a small portion of the back corner of his lot and then the HR-1 zone was created and the boundaries were changed to where it went right in the middle of his lot.

Shawn Eliot indicated that he didn't think the boundaries changed, but would do some research of old zone maps.

Tyson Stevens asked if the zone's acreage requirement had changed.

Shawn Eliot indicated the CE-1 zone was written for 1-acre lots.

Tyson Stevens said there seems to be a contradiction if there is a one-acre requirement for the zone and there is a 1 1/2 acre lot that was created.

Mr. Gowers indicated there are only 3 areas on the lot where a home could be built because of the hillside terrain and requirements. He also indicated there isn't a need to disturb the native vegetation.

Dayna Hughes closed the public hearing at 7:21 pm.

Kelly Liddiard questioned the slope on the backside of the lot and where the house would be located with the large rock wall that Mr. Yergensen built.

Mr. Gowers answered that there couldn't be a home built on the backside of the lot.

Kelly Liddiard then countered that Mr. Gowers indicated that he would build two homes and asked where the second home would be located if the first home was built on the already created building pad.

Mr. Gowers showed on the map where a home could be built.

Shawn Eliot then asked Mr. Gowers where the driveway would be located to get to lot 1B.

Mr. Gowers said he had been working on a preliminary plat and he showed one of the ideas he had. The upper lot could have a circular driveway on 100-foot tongue of that lot going west or the driveway could be brought from the northeast corner across the face and across another face with a similar circular driveway.

Kevin Hansbrow asked if there was a maximum length on a driveway.

Shawn Eliot indicated there has to be a fire hydrant within 250 feet. There can't be more than 500 feet from the road to the back of the house. He thinks Mr. Gowers would be within it.

Jason Bullard confirmed that the lot was 1 1/2 acres. If he changed the zoning, he asked how many lots he could technically fit.

Shawn Eliot answered that under the code, he could fit three. However, with the slopes, it physically won't work.

Jason Bullard asked if the zone was changed, if that relaxes that part of it – that he could go and chop it up and make another lot?

Shawn Eliot indicated that there has to be a 100-foot frontage for each lot on a city street. His lot is too deep and he wouldn't be able to get all those frontages. There isn't any way he could get three lots, unless there were flag lots, which the city doesn't allow.

Mr. Gowers indicated that there could be more lots if the hill was eliminated.

Kelly Liddiard was concerned about the slopes of the lot and whether he was going to cut through the slopes to build another lot.

Mr. Gowers said the slopes are too steep and it is impractical to try to build anything there.

Kelly Liddiard asked if there are such steep slopes, then why they would take it out of the hillside zone.

Mr. Gowers indicated that the steep slopes of that hill are not within the HR-1 zone.

Jason Bullard questioned the driveway situation because putting in a circular drive – technically, there would be two lot owners using the same drive, which it would be like a flag lot.

Kevin Hansbrow questioned the grade of the driveway. There would be a lot of cutting to get the maximum grade of 12%.

Mr. Gowers indicated that either of those driveways could be done between 6-8% grades.

Kelly Liddiard said the other option is to build one home on the Hillside Drive side and leave the rest.

Mr. Gowers indicated that the way he is going is to subdivide into two lots. He hasn't quite decided what he will be doing for the lot yet.

Dayna Hughes pointed out that the discussion of the subdivision shouldn't even be brought up at this point because a subdivision would have to go through the planning commission later.

Shawn Eliot explained the only reason it was brought up is because it has to be decided to relax the rules and regulations with the HR-1 zone not knowing what is going to be built. Yet, most of the lot has already been dug up.

Paul Squires explained that when Mr. Gowers purchased the lot, he asked if Mr. Yergensen had sold under the pretenses that it was already re-vegetated. Because that property is not in compliance yet.

Mr. Gowers said that Mr. Yergensen had told him that he had re-seeded the areas that had been graded. He didn't say it was re-vegetated, he said it was re-seeded.

Paul Squires said Mr. Yergensen had told the commission that he would re-vegetate it and it was discovered to not be done at this point.

Further discussion took place about the devastation of the hill and the vegetation.

**JASON BULLARD MOTIONED AND KEVIN HANSBROW SECONDED TO DENY THE REQUEST TO CHANGE THE ZONE FROM HR-1 ZONE TO R-1-15,000. VOTE: YES – ALL, NO – NONE, ABSENT – JOHN HOUCK**



94 Jason Bullard explained he denied the request because the planning commission cannot guarantee, if the zone is changed, what will  
happen to that hill and how many lots will be allowed. It cannot be guaranteed of how much the hill will be destroyed to make those lots  
work.

98 Kevin Hansbrow further explained that to get a driveway to work for lot 1B, it would create further scarring of the hillside, which has  
already been dug up.

99  
100 **GENERAL PLAN REVIEW**

101  
102 Previously, the general plan was sent home with the commissioners and they came back with their corrections and suggestions. Minor  
103 changes were made to the document, such as grammar, spelling, and errors.

104  
105 It was discussed that there would be an open house to the public on February 11, 2009 and the Public Hearing will be held on  
106 February 25, 2009.

107  
108  
109 **CITY COUNCIL UPDATE**

110  
111 Sean Roylance said at the past Tuesday meeting, there was an audit presentation. In Sean's opinion, he thought it was good news that the  
112 city's budget is going according to plan. A year ago there was a significant withdrawal from savings to balance the budget. This year,  
113 the budget is on pace so that won't have to happen. The mayor is spear-heading many cost-saving things where the city will, potentially,  
114 have \$100k or more surplus this year to put back into savings, even with a limited income compared to years past. Sean asked if the  
115 planning commission would like to change the meeting schedule to once a month and the planning commission agreed. It will be the 2<sup>nd</sup>  
116 Thursday of each month, except for February, there will be two meetings scheduled. The other topic of discussion was the number of  
117 planning commissioners. It was discussed to do five commissioners with an alternate commissioner. The quorum was also discussed to  
118 drop it to three. It was voted upon by the commission to leave it the way it is.

119  
120 Shawn Eliot also said that he presented the new website to the city council and it should be ready within a few weeks. Also, he said he  
121 presented the PUD and had the council take it home to review.

122  
123 **REVIEW AND APPROVE MINUTES OF 12/10/09 COMMISSION MEETING**

124  
125 Members of the planning commission suggested some corrections and the changes were implemented.

126  
127 **DAYNA HUGHES MOTIONED AND PAUL SQUIRES SECONDED TO APPROVE THE PLANNING COMMISSION**  
128 **MINUTES OF DECEMBER 10, 2009 AS AMENDED. VOTE: YES – ALL (5), NO – NONE, ABSENT (1) JOHN HOUCK**  
129  
130

131  
132 **OTHER BUSINESS**

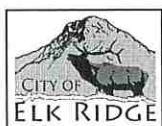
133  
134 **ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 9:12 p.m.  
135  
136  
137  
138

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

1

1

1



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

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

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

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

- Meeting Date - **Thursday, 11 February 2010**
- Meeting Time - **Open House - 6-7:30pm Commission Meeting - 7:30pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

#### **OPEN HOUSE**

**6:00 - 7:30PM** General Plan for Public Review

#### **COMMISSION REGULAR MEETING AGENDA**

##### **7:30 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 (none)**

##### **PLANNING COMMISSION BUSINESS**

1. Reinstating of Kevin Hansbrow as full-time Planning Commission Member
2. Voting of Planning Commission Chair/Vice-Chair
3. Planning Commission 2010 Schedule
4. City Council Update
5. Review and approve minutes of 01/14/10 Commission Meeting ..... *see attachment*
6. *Other Business*

##### **ADJOURNMENT**

##### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 4 February 2010 and delivered to each member of the Planning Commission on 4 February 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 4 February 2010

1

2

3

# ELK RIDGE PLANNING COMMISSION MEETING

February 11, 2010

## OPEN HOUSE

An open house was held for the viewing of the proposed General plan from 6pm – 7:30pm.

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, February 11, 2010, at 7:30 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Jason Bullard, Paul Squires, Kevin Hansbrow, Kelly Liddiard, Dayna Hughes

*Absent:* John Houck

*Others:* Shawn Eliot, *City Planner*  
Marissa Bassir, *Planning Commission Coordinator*  
Sean Roylance, *City Council*

## OPENING ITEMS

### OPENING

Dayna Hughes, Chair, welcomed at 7:25 PM. Opening remarks were said by Dayna Hughes followed by the pledge of allegiance.

### APPROVAL OF AGENDA

There were not any changes made to the agenda.

## PLANNING COMMISSION BUSINESS

### REINSTATING OF KEVIN HANSBROW AS FULL-TIME PLANNING COMMISSION MEMBER

**DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO REINSTATE KEVIN HANSBROW FOR ANOTHER 5 YEAR TERM. VOTE: YES-ALL (5), NO-NONE, ABSENT (1) JOHN HOUCK**

### VOTING OF PLANNING COMMISSION CHAIR/CO-CHAIR

Dayna Hughes, Chair, read the duties of the Planning Commission Chair, as follows.

- To call the commission to order on the day and the hour scheduled and proceed with the order of business.
- To announce the business before the commission in the order in which it is to be acted upon.
- To receive and submit in the proper manner, all motions and propositions presented by the members of the commission.
- To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result of the motions.
- To inform the commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the chair shall have the right to call upon legal counsel for advice.
- To authenticate by signature, when necessary, or when directed by the commission, all of the acts, findings and orders, and proceedings of the commission.
- To maintain order at the meetings of the commission.
- To move the agenda along, hold down redundancy by limiting time allowed for comments in necessary, set guidelines for public input, and reference handouts and procedures during meetings.
- Recognize speakers and commissioners prior to receiving comments and presentations.

Duties of the vice-chair: The vice chair, during the absence of the chair, shall have and perform all of the duties and functions of the chair.



Dayna Hughes stated that she will not be willing to meet with developers outside of the scheduled planning meeting nor take on the duties in which the current planner is already doing. She does not feel she has the skills or abilities and it is not listed as a duty in the role of the planning commission chair.

**KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED TO NOMINATE DAYNA HUGHES AS THE PLANNING COMMISSION CHAIR.**

**DAYNA HUGHES ACCEPTED THE NOMINATION. VOTE: YES-ALL (5), NO-NONE, ABSENT (1) JOHN HOUCK**

**DAYNA HUGHES MOTIONED AND JASON BULLARD SECONDED TO NOMINATE KELLY LIDDIARD AS THE PLANNING COMMISSION CO-CHAIR.**

**KELLY LIDDIARD ACCEPTED THE NOMINATION. VOTE: YES-ALL (5), NO-NONE, ABSENT (1) JOHN HOUCK**

Sean Roylance commented that his assignment as a city councilman is the planning commission so if the guidelines are changed to where the planning commission chair will meet with the developers, it would, technically, come from him.

#### **PLANNING COMMISSION 2010 SCHEDULE**

Dayna Hughes went over the planning commission schedule indicating there will only be one meeting per month – second Thursday of each month. There will be two meetings in February.

#### **CITY COUNCIL UPDATE**

Sean Roylance reported that the website is done and is now live. All code is on the website and if anything needs to be updated, Marissa Bassir or Shawn Eliot will be able to do that. An account will also be created for Kara Cook for sports and if anyone from the planning commission feels they would like to maintain a page.

The middle of last year, the expenses were cut and the budget was balanced where there was a little more income than expected. Six months into the fiscal year, the city is in the black \$33,000. The outlook for the year is about \$125,000 saved for the year. The city council is working to get the savings that was used last year replaced with the money saved.

Erin Clawson, Councilwoman, is working hard on trying to complete the renovation of the city offices and looking for volunteers and donations so we can look good and save money.

#### **REVIEW AND APPROVE MINUTES OF 01/14/10 COMMISSION MEETING**

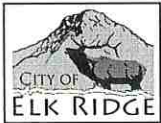
**KELLY LIDDIARD MOTIONED AND JASON BULLARD SECONDED TO APPROVE THE PLANNING COMMISSION MINUTES OF JANUARY 14, 2010 AS WRITTEN. VOTE: YES – ALL (5), NO – NONE, ABSENT (1) JOHN HOUCK**

#### **OTHER BUSINESS**

**ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:00 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, 25 February 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION REGULAR MEETING AGENDA**

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

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

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

1. General Plan

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

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

2. Paul Squires – Landscape Ordinance/Noxious Weeds

#### **PLANNING COMMISSION BUSINESS**

3. City Council Update
4. Review and approve minutes of 02/11/10 Commission Meeting..... *see attachment*
5. *Other Business*

#### **ADJOURNMENT**

#### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 18 February 2010 and delivered to each member of the Planning Commission on 18 February 2010.

Planning Commission Coordinator *Marianna Bassin* Date: 18 February 2010



# ELK RIDGE PLANNING COMMISSION MEETING

February 25, 2010

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, February 25, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

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

## OPENING ITEMS

### OPENING

Dayna Hughes, Chair, welcomed at 7:10 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

### APPROVAL OF AGENDA

Dayna Hughes suggested Paul Squires agenda item be removed due to his lack of attendance. Motions were also removed because of lack of a quorum. The City Council update was also removed because there wasn't a city councilman present.

### GENERAL PLAN PUBLIC HEARING

Dayna Hughes opened the public hearing at 7:12pm

There was not any public in attendance.

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

Dayna Hughes indicated the mayor would like to make some edits to the general plan and then it will come back to the planning commission for action before it is sent to the city council.

Shawn Eliot found an error in the general plan under objective 2-A "Encourage preservation of natural terrain, vegetation, and agricultural land within and surrounding the city." This was a duplicate objective and was located on Objective 1-A. So it was changed to "Maintain current parks, plan for new parks and open space, and obtain land for future parks and open space." Shawn also edited and consolidated some of the maps to make them all consistent in color.

### REVIEW AND APPROVE MINUTES OF 02/11/10 COMMISSION MEETING

Review and approval of February 11, 2010 minutes was tabled to the next planning commission meeting.

### OTHER BUSINESS

Shawn Eliot suggested cancelling March 11, 2010 meeting due to lack of agenda items and the fact that he will not be in attendance. If an item comes up, a later meeting in March will be scheduled.

Dayna Hughes cancelled March 11<sup>th</sup> meeting and Marissa, coordinator, will notify if there is going to be another meeting in March.

Dayna Hughes made the suggestion of moving on to update the development code, which is made up of the subdivision ordinance and the zoning code.

Shawn Eliot would like to start working on the zoning code and consolidating some of it.

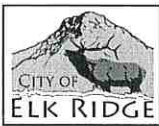
**ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 7:25 p.m.

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

7

10

11



**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 April 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## **COMMISSION REGULAR MEETING AGENDA**

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

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

### **PUBLIC HEARINGS AND ACTION**

1. General Plan

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

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

2. Development Code..... review at meeting

### **PLANNING COMMISSION BUSINESS**

3. Planning Education – Shawn Eliot
4. City Council Update
5. Review and approve minutes of 02/11/10 & 2/25/10 Commission Meetings..... *see attachment*
6. *Other Business*

### **ADJOURNMENT**

### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 2 April 2010 and delivered to each member of the Planning Commission on 2 April 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 2 April 2010

1

1

1



# ELK RIDGE PLANNING COMMISSION MEETING

April 8, 2010

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, April 8, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

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

## OPENING ITEMS

### OPENING

Kelly Liddiard, Co-Chair, welcomed at 7:09 PM. Opening remarks were said by John Houck followed by the pledge of allegiance.

### APPROVAL OF AGENDA

Kelly Liddiard reviewed the agenda and it was decided to remove the development code review and any action items until a quorum (4) was present.

### GENERAL PLAN

Shawn Eliot reviewed the changes suggested to the general plan. One of the major changes suggested was to remove a duplicate policy (#7) under the Land Use element Goal #1 (page 21). Duplicate policy located on page 22, objective B, policy #3 remained. All other changes were grammar or spelling corrections.

The approval of the general plan was postponed to the next planning commission meeting in May 2010.

### REVIEW AND APPROVE MINUTES OF 02/11/10 & 2/25/10 COMMISSION MEETING

Review and approval of February 11, 2010 and February 25, 2010 minutes were tabled to the next planning commission meeting.

### CITY COUNCIL UPDATE

Shawn Eliot said Payson Council and Elk Ridge City Council are holding a meeting on Tuesday, April 20<sup>th</sup> to discuss the annexation of the orchard area (the Haskell property). When the council talked a year ago, they seemed ok with the proposed annexation, but now they have a new mayor and city council so they want to meet again. There is an interlocal agreement that states Elk Ridge will not annex that area and the city didn't know there was that agreement. Payson's planner wants to then have a meeting with the citizens regarding their east side plan. So that will put things on hold. The city will go forward with approving the General plan with the annexation part pending Payson's decision.

### OTHER BUSINESS

Jason Bullard asked if there were any plans to stripe the roads.

Shawn Eliot replied that he talk to the council member. The council is going to put a lot of money into re-paving the roads this year and it was suggested to stripe the roads. The main roads were striped at one point, but they have been re-paved or worn away.

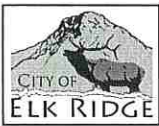
Jason Bullard said he thinks it would naturally slow down traffic.

Next meeting is scheduled for May 13, 2010.

**ADJOURNMENT** – Co-Chair, Kelly Liddiard, adjourned the meeting at 8:55 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, 13 May 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION REGULAR MEETING AGENDA**

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

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

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

#### **OTHER ACTION ITEMS**

1. General Plan – Final Approval

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

2. Development Code..... review at meeting

#### **PLANNING COMMISSION BUSINESS**

3. City Council Update
4. Review and approve minutes of 02/11/10, 2/25/10, & 4/8/10 Commission Meetings ..... *see attachments*
5. *Other Business*

#### **ADJOURNMENT**

#### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 6 May 2010 and delivered to each member of the Planning Commission on 6 May 2010.

Planning Commission Coordinator *Maura Bassin* Date: 6 May 2010

1

2

3

# ELK RIDGE PLANNING COMMISSION MEETING

May 13, 2010

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, May 13, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Jason Bullard, Dayna Hughes, Paul Squires  
*Absent:* John Houck  
*Others:* Shawn Eliot, *City Planner*  
Marissa Bassir, *Planning Commission Coordinator*  
Sean Roylance, *City Council*, Erin Clawson, *City Council*, Hayden Liddiard

## OPENING ITEMS

### OPENING

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

### APPROVAL OF AGENDA

Dayna Hughes reviewed the agenda and it was decided to move the General Plan to the end and Paul Squires would discuss his business during Planning Commission Business. Also, the proposed road business by John McMullin was added to other business.

### DEVELOPMENT CODE

Shawn Eliot passed out an updated Title 10 Development Code to each commissioner. The PUD Overlay, Hillside Zone, Senior Housing Overlay have all been added and the next step is to pull all the big chunks together, whether that means changing it or rearranging it so it is easier to use.

Dayna Hughes commented that no one had any idea what was in the development code.

Shawn Eliot said things are all over the place. There are three different approval processes for subdivisions in the code. So he reformatted the code with a table of contents and also put a line in the middle of the pages to make it more viable chunks. He is asking for some guidance for the next update steps. Shawn would like to see the zoning portion cut in half from 76 pages. There are a lot of duplicate items for each zone, which could be consolidated. It just needs to be reorganized.

Dayna Hughes suggested updating one section (about 20 pages or so) at a time starting with everything up to 10:8.

Shawn Eliot said he would like to do it by category, such as zoning, subdivision, etc. So he would like to start with zoning first.

Kelly Liddiard agreed that the updating should take place to make sure the code is up-to-date with state law.

Dayna Hughes agreed and consented to go forward with updating the development code starting with zoning.

### GENERAL PLAN

**DAYNA HUGHES MADE A MOTION AND KELLY LIDDIARD SECONDED TO APPROVE THE GENERAL PLAN AND RECOMMEND PASSING IT ON TO THE CITY COUNCIL FOR THEIR APPROVAL. THE NECESSARY STEPS HAVE BEEN TAKEN – PUBLIC HEARING, PUBLIC OPEN HOUSE. VOTE: YES – ALL(4), NO – NONE, ABSENT – (1) JOHN HOUCK**

### PLANNING COMMISSION BUSINESS

Paul Squires wanted to discuss the re-vegetation of the water tank because it is a time-sensitive issue and would like the support of the planning commission to go forward to the city council. Per Paul, the mayor would like the water tank hill re-vegetated and he went to Paul to get a plan. Paul said he couldn't officially do it, but he would find someone who could. Paul came back with a written plan to re-vegetate with native grasses, which would put it back a normal hillside setting.

Shawn Eliot commented that what a lot of people don't understand is that if it isn't re-vegetated with the native grasses, the noxious weeds grow and are more evasive.

Paul Squires took pictures and then drew in clusters of Gamble Oak on the mounds so that it would look like it was back to its natural state. Paul passed around some acorns that are rooted that he picked up from his grove of oaks. He stated that if the acorns were planted, it would be a good, inexpensive way to grow the Gamble Oak.

Erin Clawson, city councilwoman, volunteered to give the acorns to the mayor to expedite the process.

Kelly Liddiard asked how long it would take for it to become a sapling.

Paul Squires indicated a sapling would grow about 6-7 inches in the first year. If a clump is planted, there is a better chance of success rate. Within one season, it could grow 6-18 inches depending on how much water it receives.

Erin Clawson, city councilwoman, indicated that the only problem she could foresee was the fact that the residents by the tank wanted the city to hire a landscape architect to keep with the rendition of what the re-vegetation was going to be. Because the fence is the issue, she doesn't think that the residents are pushing for the landscape as much. Erin asked Paul Squires the timeframe to plant and she would find people to plant them.

Paul Squires indicated that the acorns can be planted 1-2 inches deep randomly on the hillside. If later it is decided that they don't want it, then the city can just pull them out. The mayor has the plan to re-vegetate with the native grasses. He also talked about the landscaping ordinance where current residents were supposed to have their landscaping done within two years and the two years is up in October 2010. And he asked the mayor not to cave on enforcing this ordinance. It was printed in the newsletter after the ordinance passed back in October 2008 and they had also printed it in the May 2010 newsletter so it was thought that was sufficient in letting the residents know the timeframe to get their landscape done. Paul said that unless it's publicized, residents will not know what the consequences are, it's not going to do any good. He indicated two neighbors he is having difficulty with getting them to comply.

Shawn Eliot indicated that if someone complains about a nuisance, then the mayor has him go talk to the resident.

Paul Squires said he is complaining about his two neighbors.

Sean Roylance, councilman, indicated the council's stand on the landscape issue is not to change it or let them off the hook. Sean's opinion is to be patient with them because one of the ways to enforce the code if they are in violation after October is to have the resident sign a contract where it says they will fix it within a certain amount of time that the city agrees to. At that point, then they will be fined.

Paul Squires did not agree. He thinks they have had ample time to get their yards landscaped and when October rolls around, they should start being fined.

Sean Roylance indicated that the ordinance was approved but didn't specify the timeframe, only that the once the timeframe is expired after they enter into a contract, whether it be 24 hours or 2 weeks, and at that point they haven't complied, then they can be fined on a daily basis. And that involves any nuisance. Sean is not aware of any council member that is backing off of this process.

Shawn Eliot confirmed that once the two years are up for the landscaping, it will then fall under the nuisance code.

Kelly Liddiard said the two years are for current residents.

Shawn Eliot confirmed that new residents are two years from occupancy. There is a list compiled of everybody who is either current or from occupancy.

Dayna Hughes asked if Shawn could notice anyone right now that they are in violation.

Shawn Eliot said they are not in violation until October. Right now, it is just giving the residents a heads up.

#### REVIEW AND APPROVE MINUTES OF 02/11/10, 2/25/10 & 4/08/10 COMMISSION MEETING

There were not any corrections made to the minutes of February 11, February 25, or April 8, 2010.

**KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED TO ACCEPT THE MINUTES OF FEBRUARY 11, 2010 AS THEY ARE PRESENTED. VOTE: YES – ALL (4), NO – NONE, ABSENT (1) – JOHN HOUCK**

**DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING FOR FEBRUARY 25, 2010. VOTE: YES – ALL (4), NO – NONE, ABSENT (1) – JOHN HOUCK**

**KELLY LIDDIARD MOTIONED AND JASON BULLARD SECONDED TO ACCEPT THE MINUTES OF APRIL 8, 2010 AS THEY ARE PRESENTED. VOTE: YES – ALL (4), NO – NONE, ABSENT (1) – JOHN HOUCK**



CITY COUNCIL UPDATE

Shawn Roylance, City Councilman, reported that the city council has been working on the fence issue surrounding the water tank. There are some residents that want as little fence as possible and others who want a lot more. At the moment, they have approved to fence around the tank and pump house leaving out the lower retention basin. They have approved a 7-foot black vinyl-coated fence with pigtailed on top. There are potential access points on top of the tank so the council is taking some security measures to those.

Jason Bullard asked if security is the issue, why isn't it enough to put security on the accesses enough.

Sean Roylance responded that that is what is being debated and to date, this is where it is at.

Shawn Eliot thinks the compromise looks good. It's the middle of what everyone wanted.

Sean Roylance also reported there is a discussion about installing a playground equipment piece in Shuler Park where the sand volleyball court currently resides. There is a possibility that the council will reach a decision within the next week or so. Some of the community that Sean has talked to was wondering what else could be done with the park impact money. Some suggestions were to develop a new park with some new fields. Sean brought it up in the council meeting and it was explained to him that most of the park impact fees were from the existing, older part of town so the feeling was that the money ought to go to this park. As there are more developments in the other parts of town, those impact fees will go to new parks.

OTHER BUSINESS

Shawn Eliot explained the letter and maps from Cole Engineering. John McMullin is the county second engineer and project manager for the Elk Ridge Drive extension. Donald Cole is the person who used to own Cole Engineering and is now retired. The proposal is to extend Elk Ridge Drive up through Salem. There are many different options. One is to take the main road around those houses everyone goes through. Second is to take it a little further out and improve Beet Road, which shares the sewer plant, all the way up to the Benjamin Highway. The third option was to take Elk Ridge Drive all the way straight through and connecting 400 North by the high school and connecting it. The fourth option does the same thing, only closer to the interchange, which is the option Mr. Cole liked. UDOT has a rule as to how close a new road can be to an interchange so the fourth option wouldn't work. The straight shot is the one that about 95% of the people wanted at the meeting last week. So the county will submit all these options to the Army Cor. Engineers and they are required to take the least damaging alternative to wetlands. One takes 7 acres and another takes 10 acre of wetland. Are there other mitigating factors as to why this is a better route? The speed would be at least 40 mph and they would most likely have to put in a traffic light. The Army Cor. has up to six months to review it and if it is approved, they are thinking the project would begin construction in spring 2011.

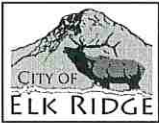
**ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:50 p.m.

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

1

1

1



**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 June 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

**COMMISSION MEETING AGENDA**

**CANCELLED**

**CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 3 June 2010 and delivered to each member of the Planning Commission on 3 June 2010.

Planning Commission Coordinator

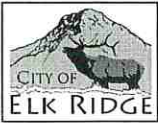
*Marissa Bassin*

Date: 3 June 2010

7

1

1



**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 SPECIAL MEETING - PLANNING COMMISSION**

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

- Meeting Date – **Thursday, 24 June 2010**
- Meeting Time – **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## **COMMISSION REGULAR MEETING AGENDA**

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

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

### **PUBLIC HEARINGS AND ACTION**

1. Code Amendment – Secondary Access Requirements for Subdivisions ..... *see attachment*

### **OTHER ACTION ITEMS**

2. Oak Brush Cove Subdivision Preliminary/Final Approval ..... *see attachment*

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

### **PLANNING COMMISSION BUSINESS**

3. City Council Update
4. Review and approve minutes of 05/13/10 Commission Meetings ..... *see attachments*
5. *Other Business*

### **ADJOURNMENT**

### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 17 June 2010 and delivered to each member of the Planning Commission on 17 June 2010.

Planning Commission Coordinator *Marissa Basin* Date: 17 June 2010

1

1

1



# ELK RIDGE PLANNING COMMISSION SPECIAL MEETING

June 24, 2010

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A special meeting of the Elk Ridge Planning Commission was held on Thursday, June 24, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Dayna Hughes, Paul Squires, Debbie Cloward  
*Absent:* John Houck, Kevin Hansbrow, Jason Bullard, Randy Jones  
*Others:* Shawn Eliot, *City Planner* (on phone)  
Marissa Bassir, *Planning Commission Coordinator*  
Sean Roylance, *City Council*, Erin Clawson, *City Council*, Krisel Travis, Jamie Towse, June Christensen, Sherrie Dalton

## OPENING ITEMS

### OPENING

Dayna Hughes, Chair, welcomed at 7:06 PM. Opening remarks were said by Paul Squires followed by the pledge of allegiance.

### APPROVAL OF AGENDA

Dayna Hughes, chair, reviewed the agenda and it was decided to skip the city council update, unless a city council person comes to the meeting. Also, they added an agenda item for the zip line in the community.

## CODE AMENDMENT – SECONDARY ACCESS REQUIREMENTS FOR SUBDIVISIONS

Dayna Hughes, chair, indicated that this item was discussed last year with Krisel Travis who is representing Elk Haven E. She asked Krisel if anything has changed.

Krisel Travis said nothing has changed as far as the subdivision goes. The lots were re-numbered, but the size and shapes of the lots are the same.

Dayna Hughes, chair, the issue discussed last time was to increase the number of lots without two points of egress from 16 to 20. The staff recommends because our code is a little confusing and contradictory, we simply go with IFC requirements. The IFC requirement is 30 and Krisel is asking for 20.

Krisel Travis indicated they would actually need 23 for what they are proposing, but they would like to see 30 to be in line with the IFC and it allows them some flexibility.

Dayna Hughes, chair, asked Shawn if 25, instead of 30, was recommended to the city council.

Shawn Eliot indicated that the planning commission said 25.

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

Shawn Eliot indicated there are three codes right now. The urban interface code (9-3-4) requires there has to be two accesses with an exception if the fire chief and the planning commission recommend it because of physical obstacles. It makes sense since Elk Ridge is a hillside community and there are some places that just can't physically be accessed. The second code is on page 2 under 10-9A-13-11, which is in the hillside code. Any development over 16 lots must have a secondary access. That was arbitrarily chosen by the city council when the Fitzgerald subdivision was being done. They were proposing 16 lots in a cul-de-sac. The planning commission recommended 20 for the hillside code and when they looked at the Fitzgerald subdivision, they decided to just go with the 16 lots. The third code is the IFC, which is adopted. The definition of the code is harder to obtain since it's not all in our code. The definition is 30 or fewer dwelling units allowed on one single access. If there are fire sprinklers in the home, then the fire chief and planning commission can allow more. Some of the betterments are required and some are not. They include a water line up to the water tank – they are proposing an 8" line, where the city would like a 10" line, but the city cannot require them to do a 10" line. One of the betterments is to carry the water line up the road and also to put in a gravel road. The curve in the access road is right at the end of hillside drive and part of the betterment is to reclaim that road and so that it is not accessible anymore.

Dayna Hughes confirmed that they would not be fixing that road; they would be eliminating that road.

Shawn Eliot said that in the current code it says that any dirt road that are now being reclaimed by development; they would need to re-vegetate it.

Krisel Travis added that the requirements are the water line, road and an access that goes over the top of that. They feel that because it will connect to a point that it could serve as a secondary access if it is looked at and if it was absolutely needed for the development. Then there is also the existing dirt road and the grades don't meet the requirements for a road access. But there are a couple of egress routes that could meet if needed. Other than that, they are happy with what the staff has proposed for the 30 lots and then working with the International fire code for that.

Dayna Hughes asked if Shawn is suggesting going with the international fire code and changing it to 30 lots.

Shawn Eliot explained that there is actually three items to look at. There is the interface zone code and he questions whether it should be in the interface code or the zoning code.

Dayna Hughes indicated Shawn is backing up his recommendation by saying he has talked to the fire chief, Seth Waite, and that there is a fire sprinkler requirement for all new dwellings. There are also vegetation setbacks that pretty aggressive, as far as fire issues go. He has also talked to Corbett Stephens, Building Inspector, and he is in agreement. The main reason for doing this is because there are three

codes that contradict and would like to have one place to go and have our code established. Everyone on a staff level feels comfortable with 30 lots, which is the IFC requirement.

Shawn Eliot said the planning commission and fire chief can recommend more.

Dayna Hughes read the following proposed code.

*"Secondary Access: Any development over 30 lots must have a secondary access road. The planning commission, with the recommendation of the fire chief, can allow additional lots in a development if the city planner and city engineer determine that future roadways will provide secondary means of egress. Any single access with over 30 lots must be designed with a loop road or other grid road type system to allow for better access of public services."*

Shawn Eliot explained they went from 10 to 16 lots because it was taken from the Payson code. There wasn't any significance to that number. The only reason a cap was put in the code was because of the left side of town up on High Sierra. Fire is probably not the biggest problem up there. It's more the fact that a school bus can't turn around there. There should be some kind of connectivity if the road is more than 30 lots so that buses can turn around.

Krisel Travis said that loop road says something different to her and she thinks what Shawn is defining is that it has to have some kind of connectivity and turn around.

Kelly Liddiard had the same question.

Dayna Hughes indicated that was after the 30 lots.

Krisel Travis would ask to maybe broaden it or change it to a turn-around or a turn-about.

Kelly Liddiard asked if it is a cul-de-sac or what they are proposing in phases and there is a dead end road, do they have to have a bulb or leave a lot empty to put a t-turnaround or something?

Shawn Eliot indicated that for any stub road they have to put in a temporary turnaround.

Kelly Liddiard asked if that would suffice for the school district.

Shawn Eliot replied no. He's just talking about a network of roads where there would eventually be connectivity. The school district's policy indicates they will not go down a cul-de-sac no matter the turn-around. Krisel Travis has contacted the school district and they were ok with the 24 lots so that kids could walk down, but that's not the case on the west side of town where there is 90 lots.

Kelly Liddiard said it would help the west side to get Salem Hills Drive through.

Paul Squires asked if the school bus would go on a gravel road.

Shawn Eliot replied no. They would get stuck in the winter time.

Dayna Hughes said that a problem that the city is stuck with and now are trying to make sure it doesn't happen again.

Dayna Hughes closed the public hearing at 7:34pm.

**KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE SECONDARY ACCESS CODE WHICH SHALL READ "SECONDARY ACCESS: ANY DEVELOPMENT OVER 30 LOTS MUST HAVE A SECONDARY ACCESS ROAD. THE PLANNING COMMISSION WITH RECOMMENDATION OF THE FIRE CHIEF, CAN ALLOW ADDITIONAL LOTS IN A DEVELOPMENT IF THE CITY PLANNER AND CITY ENGINEER DETERMINE THAT FUTURE ROADWAYS WILL PROVIDE SECONDARY MEANS OF EGRESS. ANY SINGLE ACCESS WITH OVER 30 LOTS MUST BE DESIGNED WITH A LOOP ROAD OR OTHER GRID ROAD TYPE SYSTEM TO ALLOW FOR BETTER ACCESS OF PUBLIC SERVICES." THE COMMISSION FINDS THAT THE CURRENT THREE CODES ARE CONTRADICTING AND DO NOT SERVE THE CITY OR DEVELOPERS WELL. THE COMMISSION ALSO FINDS THAT THE HR-1 CODE REQUIREMENT OF 16 UNITS WAS ARBITRARY AND INCORRECT AND THAT USING THE REQUIREMENTS OF THE INTERNATIONAL FIRE CODE COUPLED WITH OUR WILDLAND INTERFACE CODE IS REASONABLE IN A HILLSIDE ENVIRONMENT. VOTE: YES - ALL, NO - NONE, ABSENT (3)- JOHN HOUCK, KEVIN HANSBROW, JASON BULLARD**

#### **OAK BRUSH COVE SUBDIVISION PRELIMINARY/FINAL**

Dayna Hughes said it's very self explanatory and read the following from the background from the staff report.

"The applicant is requesting that the lot line between his property and his neighbors, Matt Cahoon and Daniel Steele, be adjusted to add more land to his property to facilitate handling a drainage problem behind his home. Since his lot and the others are in two separate subdivisions, they are proposing to vacate their lots out these subdivisions and create a new subdivision addressing the change. Essentially, the only physical change is the adjustment of the rear lot line between the three neighbors. The applicant already approached the planning commission in December 2009, at which time a public hearing was held. There were no comments from the public received and the applicant asked that the proposed subdivision be tabled in order to work out some changes requested by the other two applicants."

The proposal from staff is to approve it. "All three property owners are in agreement with the change. If all the lots were in the same subdivision, this change would be simpler with just a Lot Line Adjustment with no public hearing. Amending the current subdivisions and creating a new subdivision makes this a cleaner process for the city, county, and the title companies, but also requires a public hearing."

Dayna Hughes asked if we still have to do a public hearing.

Shawn Eliot indicated that the public hearing was done in December 2009.

Dayna Hughes asked how long a public hearing lasts.

Shawn Eliot said in his opinion, it would last with the application because all they did was table it. Typically, there is an understanding it lasts about a year. So the question is if they changed anything that we, ethically, should have to go to back to the public and the answer is no.

Kelly Liddiard said that what he gets out of it is that lot 2 and 3 of Fairway Heights is now going to become part of Greenview Estates subdivision?

Shawn Eliot said it is now Oak Brush Estates.

Kelly Liddiard confirmed that Oak Brush subdivision will just consist of those three lots.

Shawn Eliot said it is just weird how they are doing it because normally if lot lines are being adjusted, a lot line adjustment is done, but since it is between two different subdivisions, they could have done just an amendment to the subdivisions, but the engineer decided to create a new subdivision, which does the same thing. They would vacate the lots from the old subdivisions and create the new one.

Dayna Hughes asked if this had to go to the city council.

Shawn Eliot indicated it did have to go to the city council.

Paul Squires commented that the three property owners weren't in agreement.

Shawn Eliot explained that back in December the plat showed a drainage easement between the two larger lots in the Fairway subdivision, but the natural drainage does not go along the property line so the two property owners did not want an extra requirement put on their property so that's why they asked to table it because they weren't in agreement with the plat at that time. Since then the drainages have been taken off because of the natural drainage.

Dayna Hughes said so it's Shawn's representation that all three property owners are in agreement.

Shawn Eliot said yes and all three property owners had signed the application.

Kelly Liddiard asked what the long term issues in making a new subdivision in the middle of all this.

Shawn Eliot indicated it's nothing. Subdivision is just a legal thing. As a city, they have to have a subdivision ordinance that lets people come into the city and subdivide the land. It's a paperwork thing.

**DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED THAT THE PLANNING COMMISSION APPROVE THE AMENDMENT TO THE TWO SUBDIVISIONS BY VACATING GREENVIEW ESTATES SUBDIVISION LOT 5 AND FAIRWAY ESTATES SUBDIVISION LOTS 2 AND 3 AND CREATING THE OAK BRUSH COVE SUBDIVISION. THE COMMISSION ALSO RECOMMENDS TO THE CITY COUNCIL THE SAME. THE COMMISSION FINDS THAT THE PROPOSED CHANGES FIT CITY CODE, HAS NO NEGATIVE IMPACTS TO THE HOME OWNERS IN THE NEIGHBORHOOD, AND WILL HAVE A POSITIVE EFFECT FOR THE PROPERTY OWNERS INVOLVED. VOTE: YES – ALL, NO – NONE, ABSENT (3) – JOHN HOUCK, JASON BULLARD, KEVIN HANSBROW**

#### CITY COUNCIL UPDATE

Sean Roylance said the city celebration is coming up tomorrow. Derrek Johnson has been spending a lot of time arranging that. The city council has been discussing what to do with the park out there. First there was the discussion of getting a new large big toy, but then a couple of weeks ago, the existing playground equipment was vandalized. So they are taking a step back. Last he heard was that it was vandalism and as far as insurance is concerned, the previous mayor and Nelson Abbott sat down with the insurance company and were understanding that the playground was covered, but what was communicated and what was in writing were two different things so it was not covered. It was about \$20,000 in damages. As far as what to do going forward, he thinks what the city council is concerned about before replacing the playground equipment is how to prevent further vandalism.

Dayna Hughes asked if there was a possibility to get surveillance cameras on the park.

Sean Roylance said that was something discussed. Another possibility was to get some lights out there. There are a couple of lights that have been donated so they are going to get those put up and keep the area well lit.

Kelly Liddiard interjected that he is working on cameras at the university and that is a major expense. They have to be high quality or they are useless. For each camera to be installed is about \$1,000 plus storage because you have to maintain the data. Lighting is cheap and is better because it is a good deterrent.

Sean Roylance said the city has been considering getting a garbage truck and doing the garbage services. He is not sure where it is going yet. Initially, there was information on how much it would cost to join the waste district, but the numbers in the end came back significantly higher than communicated previously. He's not sure if the numbers are going to work out. The second concern is where does the city store the truck so it doesn't get in the way or upset neighbors. The city council also is considering a tax increase. It would have been small, but an increase nonetheless. The council decided not to do that. The city is in the black either way. Compared to other cities around Elk Ridge is in a good position.

Kelly Liddiard asked what the purpose of the tax increase proposal.

Sean Roylance explained that with property taxes, normally, there is what's called a certified tax rate that they give to the city and is designed to make it so the city's revenues from property taxes remain constant for inflation. The property taxes increase every year as it is anyway to keep up with inflation. Because a lot of cities are struggling for money, there is a one time opportunity with the state to make up for a percentage of people that haven't paid taxes in the past that the city could approve a higher tax rate to collect more money from those who do pay taxes. Now normally to increase taxes or to increase even further, the city has to have a truth and taxation hearing and the city wasn't going to do that. But the state said here's two rates – standard rate or the other rate for this year that would give you some extra income. In the end, the majority of the council was that the city is in the black either way so they voted not to raise it. The tax rate was raised last year and this year's tax rate is actually higher than last year's because property values have gone down so in order to keep that revenue the same, property taxes were automatically raised anyway. The city had to take \$200,000 from savings to cover the shortfall from a couple of years ago. At the current rate, if things go as projected, this year and then next year we take the two together and don't spend the money while in the black, then will be able to pay it back to where the city was a few years ago.

Kelly Liddiard asked if there is any word on the new road going out to the freeway.

Shawn Eliot indicated that they have chosen the preferred straight alternative to the Benjamin road. They are submitting the application to the Army Corp. and they should be doing it any day now.

Dayna Hughes asked for an update on the Salisbury Development – he has pulled out now?

Shawn Eliot said the area is called phase 2 and the bank went out of business. Salisbury did not own the lots. They had a contract with the bank to buy the lots individually when they needed them. Now the FDIC is looking for buyers and as of last week, they had three, which one of them was Salisbury.

Dayna Hughes commented that, hopefully, it isn't dead in the water.



Shawn Eliot said the other problem is that the city would use the surety bond to fix the park and now the surety bond company is contesting that. So the city might not get that. But now that it has gone to receivership of the FDIC, there are so many lots available for much lower amount of money. So maybe the city can negotiate with them to fix the park.

#### REVIEW AND APPROVE MINUTES OF 5/13/10 COMMISSION MEETING

There were not any changes made to the minutes of 5/13/2010.

**DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO ACCEPT THE MINUTES OF MAY 13, 2010 AS PRESENTED. VOTE: YES – ALL (4), NO – NONE, ABSENT (1) – JOHN HOUCK**

#### OTHER BUSINESS

##### New Planning Commission Member

Dayna Hughes introduced Debbie Cloward as a new official planning commission member. She has been sworn in and Dayna is very happy to have her.

Debbie Cloward explained that she is a long time Payson resident or her family is. She moved over to Elk Ridge in 1969 when her father no longer had orchard in Provo due to BYU's expansion. He began farming over here in 1957. Her family owns the Allred orchards. She loves the area. She lives down on Goosenest Drive across the street from Lewis and Veronica Field. She has lived in her home for 25 years.

##### Zip line in the Community

Dayna Hughes said she has had two people ask her questions about the zip line being constructed on Astor Lane within the neighborhood. Sherrie Dalton has called her several times wanting to know code and what's happening and can this possibly be allowed, etc. She will be attending the meeting. She also indicated that Shawn said on behalf of the city that there is not any code violation – the zip line is perfectly fine.

Shawn Eliot explained that the only code that could even address toward it is a generic line in the nuisance code that says if three citizens all complain about the same thing, then it can be considered a nuisance. It's a catch-all phrase. Shawn talked to the owner of the house, who lives in Pleasant Grove, and he was somewhat frustrated with the city to ask him to remove it. The owner was not aware of it since the house is being rented. The telephone poles they put in are shorter than the homes nearby. The renter says that once he gets the line up, it's going to be nine feet off the ground.

Kelly Liddiard said he can see them over the roof of the house and others agreed.

Shawn Eliot didn't think they were that tall.

Dayna Hughes said one of Sherrie Dalton's main concern other than the height of the pole, was the platform for people to stand on. Is there any concern about that?

Shawn Eliot said there is a 30 foot setback in the backyard for a home, but if your neighbor has a two-story home, you aren't going to be able to stop them from looking in your backyard so Shawn told the renter, that it would be better if he put it closer to the house instead of right next to the fence. His comment to Shawn was that he went to the neighbors and that she was the only one that complained that were adjacent to him.

Dayna Hughes said that some people were in favor of it and the renter offered to have the neighbors use it also.

Shawn Eliot said there isn't any specific code on height of structures like that. He argued that there is a tree taller than that. And obviously that is irrelevant.

Kelly Liddiard asked what the owner of the house said.

Shawn Eliot indicated that the owner felt that the city was blowing it out of proportion. So he told his renter that he didn't want any trouble with the city, but he doesn't care if they have it there, as long as they take it with them when they go.

Dayna Hughes asked if three people complain and it is considered a nuisance and he is halfway through building it, then what happens.

Shawn Eliot said they would have to take it out or they would start fining the owner, not the renter. They would probably give them two weeks to take care of it before fines started.

Dayna Hughes asked what happens when the renter disagrees that it's a nuisance and he goes around and gets people to disagree that it's a nuisance. How does that work?

Shawn Eliot indicated that he can appeal to the city council. They came to the city council the other night and it was during the public forum that the council doesn't make any comment on.

Dayna Hughes also indicated that it is located really close to the neighbor's fence.

Shawn Eliot said if they would have stuck it out their own back door, he doesn't think it would be as big of a deal.

Kelly Liddiard asked if that was the big deal if they are on the platform and they are going to be able to see in the neighbor's backyard.

Dayna Hughes said Sherrie Dalton's thing is when moving into a subdivision; a ten-foot zip line is not going to be built in your neighbor's backyard. Regardless, if it meets code or not. Jamie Towse was there.

Jamie Towse thinks it is just inconsiderate. She thinks it is ridiculous to be that close to the neighbors and she knows people can do what they want, but it is an eyesore. She thinks there aren't telephone poles in Elk Ridge for a reason and that's why everything is buried because they didn't want to see the telephone poles. That is what she sees directly out her bay window now is the telephone poles. Pretty soon she'll see platforms and people. For Sherrie, all of them will be looking in on her. All those people built fences for a reason and now they are all kind of moot.

Dayna Hughes indicated that the zip-line could be operated any time of day or night.

Kelly Liddiard said unless it becomes a nuisance as far as noise. They can play, but they have to be quiet. So if there isn't any ordinance with this thing, then what are we doing?

Dayna Hughes said all the planning commission is doing is gathering information. We will pass on the information to Sherrie Dalton that if she gets three or more people to file a nuisance with the city, then the procedure will be that Shawn will contact the owner saying

260 that a nuisance has been declared and that means that the zip-line needs to be taken down and they have two weeks to take it down and if  
261 they don't they will be fined every day. What is the timeframe for this owner to appeal the nuisance to the city council?

Shawn Eliot said he has two weeks. Actually, it's more than that it's more like 4-6 weeks. He asked if it would be a compromise if they moved it closer to the house. Or is it that the neighbors just don't want it no matter what.

Jamie Towse said it doesn't make a difference to her, it's still an eyesore.

265 Kelly Liddiard was concerned because he had a jungle gym with his house in Orem and it had a platform on it that was a foot over the  
266 six-foot fence and the kids could see into the neighbor's yard all the time.

267 Dayna Hughes doesn't want to go there because that is not what they are talking about. If the only problem the residents had was that  
268 people looking into their backyard; that is not a relevant argument. Everybody can look into everybody's backyard. The issue is that it  
269 is something you wouldn't normally find in people's backyard. You expect to find a jungle gym, even if it was tall. This is pretty  
270 uncommon for a neighborhood situation.

271 Kelly Liddiard agrees with that. If the zip-line is only supposed to be 9 feet off the ground, then why does he have to have 30-foot  
272 poles?

273 Shawn Eliot replied that he never did ask him.

274 Dayna Hughes indicated that the platform will be at 9 feet, but the poles will be higher. Just physics, you have to have the poles strong  
275 enough to hold that weight so it's not a 9-foot structure. Sherrie has taken some pictures. Should the planning commission look at  
276 code?

277 Paul Squires found code under Public Health and Safety Chapter 2 Nuisances. 4-2-1B "Any condition or use of premises or building  
278 exterior, which is deleterious or injurious to the public health, obnoxious or unsightly, which includes, but is not limited to keeping or  
279 disposition on or scattering over the premises lumber, junk, trash and so forth." The statement "obnoxious or unsightly", it is defined as  
280 a nuisance. (Old Code)

281 Dayna Hughes explained the process to Sherrie Dalton, who walked in late.

282 June Christensen asked about the excessive weeds on vacant lots.

283 Shawn Eliot indicated that he sent out weed abatement letters the previous week.

284  
285  
286 **ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:19 p.m.

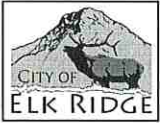
287  
288  
289  
  
\_\_\_\_\_  
Planning Commission Coordinator

1

1

1





## **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 July 2010**
- 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**

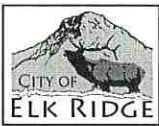
The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 30 June 2010 and delivered to each member of the Planning Commission on 30 June 2010.

Planning Commission Coordinator : Marissa Bassin Date: 30 June 2010

1

2

3



**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 regular scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 12 August 2010**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## COMMISSION REGULAR MEETING AGENDA

### 7:00 pm OPENING ITEMS

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

### PUBLIC HEARINGS AND ACTION

1. Thayne Conditional Use Permit – Assisted Living Center ..... *see attachment*

### OTHER ACTION ITEMS (none)

### DEVELOPMENT CODE / STANDARDS REVIEW (none)

### PLANNING COMMISSION BUSINESS

1. City Council Update
2. Review and approve minutes of 8/12/2010 Commission Meeting ..... *see attachment*
3. *Other Business*

### ADJOURNMENT

## CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 5 August 2010 and delivered to each member of the Planning Commission on 5 August 2010.

Planning Commission Coordinator *Marissa Bassin* Date: 5 August 2010

1

2

3

# ELK RIDGE PLANNING COMMISSION SPECIAL MEETING

August 12, 2010

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A special meeting of the Elk Ridge Planning Commission was held on Thursday, August 12, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Dayna Hughes, John Houck, Kevin Hansbrow, Jason Bullard, Randy Jones  
*Absent:* Debbie Cloward, Kelly Liddiard  
*Tardy:* Paul Squires  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Sean Roylance, *City Council*, Erin Clawson, *City Council*, Jamie Towse, Lucretia Thayne

## OPENING ITEMS

### OPENING

Dayna Hughes, Chair, welcomed at 7:02 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

Dayna Hughes, Chair, introduced the new alternate planning commission member, Randy Jones.

Randy Jones told a little bit about himself. He lives on Salem Hills Dr. He has lived in Elk Ridge for 14 years. He has never really had the opportunity to serve in any capacity in the city, but has been more involved as of late, getting up to speed and learn a little bit. He loves the city and what's going on. He looks forward to the opportunity to learn more and serve on the planning commission. His family is growing and moving out. He has two children and a wife still at home.

**KEVIN HANSBROW MOTIONED AND DAYNA HUGHES SECONDED TO MAKE RANDY JONES A VOTING PLANNING COMMISSION MEMBER THIS EVENING. VOTE: YES – ALL, NO – NONE, ABSENT – (3) KELLY LIDDIARD, DEBBIE CLOWARD, PAUL SQUIRES.**

## APPROVAL OF AGENDA

Dayna Hughes, chair, reviewed the agenda and moved other business to be second on the agenda after the Thayne conditional use permit moving minutes and council update to third and fourth respectively.

## THAYNE CONDITIONAL USE PERMIT

Dayna Hughes, chair, opened the public hearing at 7:08pm.

Lucretia Thayne explained that they have a conditional use permit application in for six chickens, which she would like to have for insect control and eggs. She has a very fine mansion for their chickens and a lovely garden for which they can eat the grasshoppers and it is very far from all the neighbors. Because her lot is so large and the way it is situated, it is not close to any of their neighbors. The closest neighbor is the Watson's, but she thinks it is well within the required distance and they are not concerned.

Randy Jones asked if there were any residents at the back of the Thayne's property.

Lucretia Thayne indicated there are residents, but they are well within any of the footage requirements because all of the other neighbors have large lots, as well. She also said Shawn Eliot went out and looked at it and he said it was fine.

Planning Coordinator also indicated that Shawn Eliot did go visit the Thayne's and that it did meet all the requirements.

Jason Bullard asked what the footage requirement was.

Sean Roylance indicated the setback is 25 feet away from any adjacent neighbors.

Planning coordinator agreed.

Randy Jones asked Ms. Thayne if six chickens was the maximum she would have.

Lucretia Thayne replied that is the maximum that is allowed within the code.

Kevin Hansbrow asked about how far she would guesstimate from the Watson's.

Lucretia Thayne pointed out on the map where the Watson's live and pointed out there was a shed, which is about 20 feet long, in between the coop and the home and she knew it was way within the parameters.

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

**JOHN HOUCK MOTIONED AND KEVIN HANSBROW SECONDED TO APPROVE THE CONDITIONAL USE PERMIT FOR THE THAYNES. YES – ALL (5), NO – NONE, ABSENT – (3) KELLY LIDDIARD, DEBBIE CLOWARD, PAUL SQUIRES**

## OTHER BUSINESS

### Development Process

Dayna Hughes, chair, indicated that she wanted to talk about some of the issues going on with the city council right now. She wanted to brainstorm some ideas for things that can be done differently, things that need to be changed; things that need to be enforced and recommend them to the city council to make their job easier. Two main points that two of the city councilmen had was that the

planning commission received an application for a code change and they were told by the planner that Seth Waite (Fire Chief) and Corbett Stephens (Building Inspector) had said the request to adopt the International Fire Code of 30 lots was fine with them. She thought the planning commission had discussed this and said that if they think the fire chief and the building inspector said its ok and the international fire code is adopted already, then let's go ahead and send it forward. The part where it gets sticky is that an elected official in the administrative body started working on the planning commission motion, and as far as she understands, that is not allowed. This is all what she has been told. If an elected official sees that there has been an error, which there was, because an elected official can look at it and asks the fire chief if he said it was ok and the fire chief replied that he didn't and that's not what he meant. There was a miscommunication and misunderstanding. It seems to Dayna that at that point, the correct procedure would be for the person who is in charge of the city council agenda, which is the city council with the mayor should send it back to the planning commission. The mayor is just not cart blanch with the agenda. The council persons can put items on the agenda.

Sean Roylance said it depends on what the code says. Currently the code says the mayor is in charge of the agenda or two city council members can call a meeting and set the agenda for that meeting. There is leeway for us to make changes to the way that it works, but as of right now, that is how it currently works.

Dayna Hughes indicated that the elected administrative official at this point is the mayor who has the planning commission motion. From what she understands from the last city council meeting is that there is no timeline that the mayor has that he has to present it to the city council, but she thinks the sticking point with some of the members of the city council was he took it and started working on it and talking to people and having letters written and things like that before it had been presented to the city council members so that they also knew what the status was.

Lucretia Thayne indicated that the mayor said they all got it at the same time.

Dayna Hughes indicated that she has other information that that was not true. He had it and asked Seth Waite to write a letter stating that was not what he said. He asked the building inspector to write a letter indicating that that is not what he said and held onto it and worked on it with the appearance of wanting to change the planning commission motion before it had gotten to the city council.

Sean Roylance clarified the city council gets it in the packets delivered before the meeting. Now some of them had known what was going on because of their attendance at the planning commission meeting previously. With that said, from his perspective, he doesn't want to worry about what went on.

Kevin Hansbrow indicated that it doesn't seem like an elected official should start work on the motion the planning commission recommended whether it is for approval or not. It doesn't seem that it should be worked on by just one person outside of the city council meeting. The planning commission puts forth their recommendation and it shouldn't be changed. He knows that the city council could change it, but that would be the entire body.

Jason Bullard said it should have gone from the planning commission to the city council to discuss and at that point, the mayor could voice his concerns with it. If the council agreed, then the council could send it back to the planning commission to work on it again. That, to him, would be the proper procedure, but it sounds like the opposite happened.

Paul Squires said he wasn't giving up as a planning commission member and there are some things he would like to see some things changed. Paul is going online and printing the whole code and he realizes that the code online is not complete because Jan said there are pending ordinances for codification. He suggested having one code book in the office that has all the current code and then anything that has pending amendments in the book as well. Then everyone could see what has transpired and there aren't any questions. There may be notes if anything is happening with the particular code. The planning commission has to keep themselves informed. He thinks it would solve a lot of problems. Everyone's code book is out of date. Everyone would be on the same page if there was just one code book to look to. He indicated there are some timelines in the code, things to be turned in, and the inspector has so many days to do certain things. In this case, there isn't many.

Dayna Hughes asked the planning commission coordinator if that was something she could do and work it into her duties.

Planning Commission Coordinator indicated that the book already exists. The book is in her office and she keeps it up-to-date. The pending ordinances are in there as well. The mayor's code book is also up-to-date, but it does not contain the pending ordinances. She also indicated from what she was told when the code was put online, Sterling Codifiers suggested throwing all the code books out and just keep one main book in the office. So if any planning commission member has a book, they should give them to her or throw them out. The city does not give code books out anymore. It is better to go to the website because it is more up-to-date. If you have questions, you can call the office and they can let you know what is pending. Also, it has been recommended and she didn't think it had gone to the council yet, but to get laptops and keep them at the city for the use of the planning commission, as well as the city council.

Dayna Hughes indicated that as part of the planning commission procedures, they do not bring their code books to meetings or rely on them in any way. They either do what Paul has done and print out the code or the planning commission tries to get laptops.

**DAYNA HUGHES MADE A MOTION AND RANDY JONES SECONDED THAT THE PLANNING COMMISSION RECOMMENDS TO THE CITY COUNCIL THAT BECAUSE CODE CHANGES AND AMENDMENTS ARE HAPPENING FASTER THAN STERLING CODIFIERS CAN KEEP UP WITH THE BOOKS, TO LOOK AT THE POSSIBILITY OF HAVING SEVERAL LAPTOP COMPUTERS WITH INTERNET ACCESS AVAILABLE TO THE PLANNING COMMISSION AT PLANNING COMMISSION MEETINGS SO THAT WE CAN LOOK UP CODE. VOTE: YES (4), NO (2) KEVIN HANSBROW, JOHN HOUCK, ABSENT - (2) KELLY LIDDIARD, DEBBIE CLOWARD**

The planning commission coordinator was tasked to get the steps for the subdivision process so the planning commission can review it and make sure they are all in understanding of the process and timeline.

Kevin Hansbrow clarified that if somebody applied for a code change, the mayor does not have any timeframe that he has to present to the council.

Dayna Hughes asked who presented that information on Tuesday.

Jamie Towse indicated that City Recorder, Jan Davis could not find the code that Councilman, Weston Youd and Councilman, Sean Roylance were saying that there was a certain Thursday or a date that one had to have it done by.



Kevin Hansbrow thought that state code would probably come in there.

Erin Clawson indicated that the recorder had looked at state code and did not find anything.

Jason Bullard did not remember any of them saying there was a certain time period. What he heard was that they were not saying there was not a set amount of time as there was a reasonable amount of time for a homebuilder or being able to get back with them.

Dayna Hughes commented that there was a conversation about set time and reasonable amount of time.

Lucretia Thayne indicated that it was said that it was supposed to be the next meeting and she knows the planning commission wants to go forward, but the problem cannot be understood, unless the previous problem is known. She said she went through and read the duties of the mayor. The mayor is an administrator and an executive and he may at any reasonable time, request the papers, data and stuff of any employee, agent, officer of the city and review them.

Dayna Hughes said that would be the planning commission.

Lucretia Thayne explained that what she hears them saying and per her, she might be misinterpreting it wrong, but somehow there was a flaw because the mayor saw a flaw in the report and as an administrator tried to deal with the data collection, information or whatever. She never heard anything to say that he wanted to change the planning commission's recommendation because he knows he can't do that. So her consensus from the six or seven people who are not city officials, none of them could see where there was anything wrong with him doing what they said he did. He didn't try to hide information or keep it. If there was a question, she would hope that an executive would ask what's going on. As an administrator executive, that is a perfectly logical step for him to take.

Dayna Hughes read the following. "The Utah courts consistently require a city or a town to follow its own ordinances in regulating land uses." That's the issue that is being discussed. Is the city following the proper procedure?

Dayna Hughes went over the development process. Subdivision is what they get most often so that is the example to go from. "Applicant meets with staff, mayor, and council member to explain concept". This states that the mayor is involved in the meeting before TRC. "The city gives advice of what would make the project a good project". She has talked to Shawn Eliot and it seems that he is disagreeing with this saying that the mayor should only get involved in any development process at the city council level. She asked Councilman Roylance if she is misunderstanding.

Sean Roylance indicated that what he heard from Shawn Eliot is very close to Dayna's comment. The important difference is that the mayor got involved in a political manner to steer it in a particular directions. As far as attending, observing, clarifying code then that is ok for him to be involved in that process.

Dayna Hughes asked what the difference is in giving advice and political maneuvering. "City gives advice of what would make the project a good project." She could see the mayor trying to steer the project to what he thought and it says in the process that that is perfectly fine.

Sean Roylance said theoretically, that a mayor or city council person could get in technically, as someone who is overseeing things and then they could potentially still steer things and at that point, there really isn't a whole lot the city can do. Trust has to be in place to trust the elected officials are going to do things appropriately.

John Houck asked how the city could prevent a conflict of interest in that.

Sean Roylance said (1) he didn't know, (2) he does know that Aqua Engineering had said that they have a process that it might be pretty good at dealing with some of these issues. They had suggested this at one point in the past because this is not a new thing; these types of concerns. The city recorder thought the city should talk with them.

Dayna Hughes stated "The Utah courts have consistently required a city or town to follow its own ordinances when regulating land uses." The state code specifically says this. That is what she wants to know is if the city is following their own code. This is a double check on the planning commission with any recommendations to the city council or apology indicating the planning commission was doing it wrong and then specifies how it will be rectified.

Jason Bullard said a lot of the people feel like some of the people making comments are saying that the planning commission opposes the mayor being involved and being active in going out, listening, hearing, viewing the project. He doesn't feel that way. The question was brought up how to prevent conflicts of interest and he thinks processes are put into place and if things are followed appropriately then things can be prevented. It's best for the planning commission to simply make a recommendation and it goes to the city council, they look at it and if anyone has an issue, they can work on it and talk about it. In his opinion, he thinks it should go to the city council and have the mayor voice his opinions and concerns there. If the others agree with his concerns, then it can go back to the planning commission to be looked at again. The planning commission needs to have the professionals in attendance too, such as the fire chief to voice their professional opinions. The procedures need to be looked at to see if it prevents that from happening.

Dayna Hughes asked if anyone would feel good about eliminating the pre-submittal meeting in the process. The applicant would submit an application and they don't talk to anybody. The staff determines if it is complete, which just means they have paid their fee. Then it goes to the TRC, which is made up of the planner, building official, engineer, mayor and a city council member. She thinks it would be a good idea if there were minutes taken for the TRC.

Planning Commission Coordinator stated that minutes are taken by her, but they are not necessarily distributed to everyone.

Erin Clawson indicated that Krisel Travis (Consultant for Elk Haven E) said she had a TRC, but there were not any minutes. The mayor said there wasn't a TRC meeting.

Planning Commission Coordinator indicated there were minutes taken for that meeting, and the problem is that Krisel says it is a TRC, but the mayor doesn't because the engineer wasn't there. Regardless, whenever there is a meeting whether it's a TRC or not, minutes are taken. Whether it is recorded or actually transcribed, that is different.

Jason Bullard asked if he understood correctly that the chair would like to remove any type of conversation with a developer who is interested in building and would like to talk to the mayor about his ideas.

Dayna Hughes thinks that is ok, but she thinks this needs to be removed from the development process. The mayor can talk to whomever he wants.

Kevin Hansbrow indicated that the planning commission has had people come in before and talk to them before they even started the process. He thinks it is just not a necessity for the development process.

Jason Bullard suggested maybe not allowing anyone to have a private conversation with the developer before going through the process, unless it is in a meeting where it has to be recorded.

John Hock did not think it was necessary to have the meeting recorded. If the developer wants to come in and talk to the mayor about his idea, it does not need to be recorded.

Jason Bullard said at that time, the mayor could say it is a good idea and set it up for a formal meeting. It seems that if things are written down or recorded, then sometimes, the city is put in a bad position. The city just needs to follow the process with the developer.

Dayna Hughes asked the city council members what their thoughts were about limiting the mayor's conversations with the developers.

Jason Bullard commented that from a developer standpoint, he would have appreciated the documentation because of promises made by mayors that were never done because of lack of documentation.

John Houck indicated that he was a developer who did a 265 acre development and the mayor was a family member so he talked to him about the development, but he still had to go to the planning commission and still go through the process to make it happen. He doesn't think there was anything where he had to pre-submit or talk to the mayor.

Jason Bullard said he wasn't saying that the developer had to talk to anyone; they can just go through the normal process.

Dayna Hughes thinks they are getting closer to an agreement that the planning commission should suggest to the city council that in the development process, the pre-submittal meeting portion should be eliminated.

Planning Comm. Coordinator indicated that she didn't think it was a necessity. It's there to just kind of get the concept out there and get any recommendations. It can happen.

Dayna Hughes said she thinks the process should begin at the TRC. After the application is filled out and checked by staff, the first time anyone meets is at the TRC.

Further discussion took place regarding the conversation between developer and the mayor/city staff. It only seems right to let the mayor have discussions with developers without record, none of it binding. It was discussed to leave the pre-submittal meeting in the development process and just make it optional.

Planning Comm. Coordinator commented that the pre-submittal meeting was put into the process to see if the developer's idea is worth our while to spend the money to get our engineer here to the TRC meeting. Notes are taken at those meetings, maybe not necessarily recorded. The pre-submittal meetings were put together because the city did not want to spend the money to get the engineer here just yet. However, the pre-submittal meeting is not a necessity.

Dayna Hughes polled a vote to make a recommendation to the city council meeting that the pre-submittal meeting is eliminated so the first thing an applicant does is to submit an application, the staff reviews it before anyone sees it, then it goes to the TRC. The option is that it is indicated in the pre-submittal meeting that a recording be kept. Eliminating pre-submittal had two votes. There was additional discussion before the vote of the adding of the recording to the pre-submittal meeting could take place.

Dayna Hughes wants to see as many people at the first meeting that don't have to be paid.

Jason Bullard recommended having concept or ideas go to the planning commission first. Anyone could come and listen. It could be on the agenda and then it would be recorded.

Dayna Hughes indicated that the planning commission cannot cross the line and start acting like planners. She then took a vote of who would like to see the pre-submittal meeting eliminated and all applicants begin at the TRC committee and who would like to see the pre-submittal meeting changed to read planning commission concept meeting – applicant meets with planning commission and anyone else who would like to come as an agenda item at a regularly scheduled planning commission meeting. Everyone (Jason Bullard, Dayna Hughes, Randy Jones, and Kevin Hansbrow) voted to recommend the latter, but John Houck voted to eliminate the pre-submittal meeting.

The applicant has the option of skipping this proposed meeting and going straight to the TRC.

Dayna Hughes will write the recommendation to the city council calling it the planning commission concept meeting (optional). The applicant meets with the planning commission and any other interested parties. Dayna Hughes wants to make sure that no one feels like the planning commission is trying to take over anything and its open to anyone.

#### **Planner Role**

Dayna Hughes prefaced by saying they will not be talking about Shawn Eliot, but just the planner's role for the planning commission. She quoted the following.

#### **2-1-5: EMPLOYEES; EXPENDITURES:**

*The planning commission may appoint such other employees and staff as it may deem necessary for its work and may contract with city planners and other consultants provided its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the city council. (Ord. 99-11-9-12, 11-9-1999, eff. 4-4-2000)*

Dayna Hughes explained at the city council meeting, there were four out of five members present who verbally, on the record, said they were in favor of having a city planner. There was Erin Clawson, Sean Roylance, Julie Haskell and Weston Youd. The mayor was of the opinion that the city did not need a full time planner.

Randy Jones said, in his opinion, the city can have one, but a full time planner isn't needed and they don't need to be living in Elk Ridge.

Dayna Hughes indicated the previous city planner only made \$10,000 a year. That is not a full time position.

Jason Bullard asked if someone could provide a list of the previous planner's duties. His understanding is that the previous planner was not only the city planner, but he was putting in street signs, he also checked code enforcement.

Dayna Hughes explained that there is an enforcement officer and zoning administrator. "The enforcement officer – there is hereby created the office of zoning administrator. The mayor with the advice and consent of the city council shall appoint one or more persons to act as zoning administrator. Powers and duties: It shall be the duty of the zoning administrator to review all applications for building permit and zoning approvals and to issue zone clearance permits for those projects and uses found to be in compliance with the development code." She asked if the previous city planner did all of that.

Planning Comm. Coordinator replied he went above and beyond. Jason Bullard agreed.

It was discussed that the enforcement of code was not being done. Others believed enforcement notices were being sent out, but perhaps nothing was done after that.

Dayna Hughes said she talked to Ray Brown who told her of a city that hired a person from a different city and had them be the code enforcement officer when they collected around 20 complaints or so and paid the person an hourly rate of \$14 per hour. They were used on an as-needed basis.

Randy Jones said he liked it being a person from outside the city so somebody isn't getting mad because it's their neighbor. It is a benefit.

Jason Bullard agrees with that, but he believes code is code and if you are not following it...why would you get mad at the code enforcement officer? He's like a policeman.

Dayna Hughes thinks everyone is in agreement that there needs to be an enforcement officer to enforce zoning codes outside of the purview of the city planner. The city planner does not enforce code.

Jason Bullard asked if there has been anyone else besides the recent planner who has enforced code.

Sean Roylance replied that the city did have the Sheriff deliver some enforcement notifications. Corbett also volunteered to do some.

Jason Bullard then asked if the previous planner was hindered by anyone in doing the enforcement.

Erin Clawson replied that she didn't think so.

Sean Roylance pled the fifth.

Jason Bullard said the reason he asked the questions was because if they are going to make a recommendation that we get a code enforcer, who does the code enforcer report to because he does not think the code enforcer should report to the mayor. He thinks the code enforcer should report to a body.

Erin Clawson indicated that any city employee would report to the Mayor.

Kevin Hansbrow commented that codes can be changed.

Jason Bullard said if the code enforcer only reports to one person...it would be better if they reported a list of the violations to the city council and some are against the rules, then it would be easier as a body to enforce rather than just one person. There is power in numbers.

Dayna Hughes asked if there was any member of the city council that would be willing to be over the code administrator. Of course, the mayor would still be in charge, but one of the council members would be the direct report.

Lucretia Thayne said she knows they don't want to hash the past, but what is being said is that the planning commission doesn't trust the mayor. Why would you trust the city councilman?

Jason Bullard indicated he is saying it would be better to report to a body. Put the violations in front of the city council on the agenda and they can look at them.

Randy Jones commented that the sheriff was going to go out and deliver them. His question is what is the sheriff's responsibility in this?

Erin Clawson responded that it is not the sheriff's responsibility. He has a legal responsibility. He volunteered, but he really shouldn't have done that.

Dayna Hughes commented that she has reason to believe that there is a potential for the highest elected official in the city to be biased. And to look at a list and perhaps not want to follow through because he or she is the highest elected official and want to be perceived a certain way, want to be re-elected. She wants to have another entity involved in this process besides the mayor.

Jamie Towse suggested that maybe have the code enforcer give reports of the people who were served to the city council and then come back the next meeting with a follow up?

Dayna Hughes suggested recommending to the council, when the enforcement officer has compiled their report of complaints, they first go to the city council and it's on the record and then the enforcement officer goes out and serves the violators, then reports to back to the city council.

Jason Bullard indicated that it should just be an item on the city council agenda once a month to review the violations, not with the intent to take people off, but to make it a public record. Then they can be served and the code will be enforced. Everyone will follow it and no one can say let's give them more time and it will then be forgotten.

Randy Jones asked if there is a number of violations to be collected before they will be served.

Kevin Hansbrow said even if there isn't any, they can still talk about it.

Sean Roylance commented that he really liked where this is going and that the planning commission has come up with some good ideas. The one thing the planning commission needs to be cautious about is that it is an administrative thing and the mayor is very much over the administration of the city. He does not know if it is possible though.

Dayna Hughes said it was worth suggesting it even if it doesn't go anywhere. She is just trying to help. She said she would include in the memo that the planning commission recommends that an enforcement officer be hired preferably from somewhat outside of the community who meets with the city council on a monthly basis to gather any code enforcement violations that come into the city and that becomes part of the public record and then that person does the code enforcement job.

Jason Bullard added that it should be the most qualified person for the job whether it is within the city or not.

Dayna Hughes quoted the city code: 2-1-5 Employee expenditures: *The planning commission may appoint such other employees or staff as may deem necessary for its work and may contract with city planners and other consultants provided its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the city council.* So does that mean the planning commission finds a planner and then we present how much money the planner requires to the city council and then the council approves it?

Sean Roylance responded that if the city council appropriates money for that purpose, the planning commission can contract with a planner of their choosing, but for a particular project. It is a project by project basis. To have a permanent part time planner is not under the planning commission's jurisdiction.

Dayna Hughes thinks that is a bad idea because the planning commission needs a planner that is consistent from project to project. She also questioned the money spent on Mountainland.

Sean Roylance indicated that he has never questioned it, but when it was set up, the council and mayor at the time felt it was money well spent.

Dayna Hughes would also like to suggest to the city council that they look at the Mountainland contract now that the general plan is done and it will be done for five years, perhaps if money is an issue, it is the planning commission's recommendation that they would



rather have that money go for a part time planner, than go to them. As far as numbers go, what Shawn Eliot was paid, is not the \$10,500. He made \$800/month from Mountainland and \$1000 from planner. So the \$10,500, according to him, is not accurate. So she is asking for suggestions on what to ask for as far as money. Or just say, would you please hire a planner?

Jason Bullard would like to suggest that what he thinks is the most qualified individual for the job, the recent planner to rehire him.

Dayna Hughes indicated that the recent planner does not want to come back under the current administration. But she does want everyone to be comfortable with she recommends to the city council so she will email to everyone first. She asked how the planning commission goes about asking the city council to hire another city planner.

Randy Jones recommended asking for a city planner that is also an engineer as well.

John Houck asked if there were some good engineers that are retired in Elk Ridge.

Dayna Hughes indicated that the planning commission wants a certified city planner, not just an engineer acting as a planner.

Sean Roylance recommended just telling the city council that the planning commission feels it is important to have a city planner.

Dayna Hughes indicated they don't feel that it is important, it is in the code.

Planning Comm. Coordinator said it was talked about in staff meeting to make it an agenda item for the city council to get a planner.

Further discussion took place concerning the request for a city planner and whether the most recent planner would come back or could re-apply.

Jason Bullard asked if the city council vote on the hiring.

Sean Roylance indicated he would have to look at the code, but there are certain positions where the code specifies advice and consent of the council.

Dayna Hughes will write a memo to the council. And she is under the impression and the feeling that the planning commission will not meet again until there is a planner if there is a subdivision. It will not be heard if it is a subdivision or code change until there is a city planner because it is not in the benefit of the city for the planning commission to advise on it without a planner.

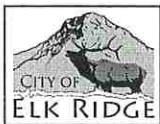
**REVIEW AND APPROVE MINUTES OF 6/24/10 COMMISSION MEETING**

There were not any changes made to the minutes of 6/24/2010.

**DAYNA HUGHES MOTIONED AND JOHN HOUCK SECONDED TO ACCEPT THE PLANNING COMMISSION MEETING MINUTES OF JUNE 24, 2010 AS WRITTEN. VOTE: YES – ALL (6), NO – NONE, ABSENT (2) – KELLY LIDDIARD, DEBBIE CLOWARD**

**ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:45p.m.

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



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

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

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

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

- Meeting Date - **Thursday, 9 September 2010**
- 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, 01 September 2010 and delivered to each member of the Planning Commission on 01 September 2010.

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

*Maura Bassin*

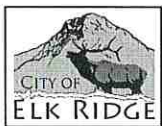
Date: 01 September 2010

1

1

1





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

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

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

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

- Meeting Date - **Thursday, 14 October 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION WORK SESSION AGENDA**

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

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

Planning Commission process training with Planner/Engineer

#### **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, 8 October 2010 and delivered to each member of the Planning Commission on 8 October 2010.

Planning Commission Coordinator *Maissa Bassir* Date: 8 October 2010

1

2

3

# ELK RIDGE PLANNING COMMISSION WORK SESSION

October 14, 2010

## TIME AND PLACE OF PLANNING COMMISSION WORK SESSION

A work session of the Elk Ridge Planning Commission was held on Thursday, October 14, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Dayna Hughes, Kevin Hansbrow, Randy Jones, Debbie Cloward, Paul Squires,  
*Absent:* John Houck, Jason Bullard  
*Tardy:* Kelly Liddiard  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Erin Clawson, *City Council*, Greg Magleby, *LEI Engineer*, Adam Castor, *LEI Planner*, Ken Lutes, *Mayor*, Lucretia Thayne

## OPENING ITEMS

### OPENING

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

Adam Castor introduced himself as the land planner with LEI and Greg Magleby who is the professional engineer. He described that he will go through a PowerPoint presentation about LEI, which will go through the development process and applications. He would like to see everyone get on the same page and be going in the same direction, then later on, they will start going through the code.

## APPROVAL OF AGENDA

## PLANNING COMMISSION PROCESS TRAINING WITH PLANNER/ENGINEER

[Refer to the PowerPoint presentation by LEI dated October 14, 2010.]

Adam Castor provided a background of LEI, which is full service.

Dayna Hughes asked if they were the city's engineer. She asked the status with Aqua Engineering.

Greg Magleby indicated that at this point, they were consulting in a planning capacity rather than an engineering capacity, but that could come at a later date. The engineering capacity is to be used on a project by project basis.

Adam Castor indicated that at this point, they are reviewing the code and making recommendations on some existing development applications that are currently in and also to make recommendations on the city code.

Greg Magleby indicated he previously worked with Elk Ridge over the past 17 years off and on, in an engineering capacity, as well as helping in the planning capacity.

Adam Castor went through the general application process, which included the following.

1. Technical Review Committee (TRC) Pre-application Meeting, optional
2. Neighborhood Meeting, optional
3. Planning Commission Review, optional (non-action item)
4. Application submittal and completeness review (non-action item)
5. TRC review and recommendation
6. Planning Commission
7. City Council

Adam Castor indicated that they want to have all the kinks worked out before it gets to the planning commission level. The application shouldn't be seen by the planning commission to work out issues with the code or issues or problems with the application. That should happen at the TRC. It should be an easy review so the planning commission can make the appropriate recommendations based on their review of the application.

Dayna Hughes asked if the Planning Commission Review was in place of or if it was the same as the concept meeting. But the concept was just feedback without a motion.

Adam Castor indicated that it was the same thing. The planning commission would just give input for them to go back and prepare a complete plan.

Lucretia Thayne asked if there were fees associated.

Adam Castor explained that fees were not applied until the actual application is submitted.

Greg Magleby explained the TRC and the pre-application meeting are very important steps to really pull out all the issues before it goes to planning commission. Building inspector, public works inspection, fire chief, city engineer, planner, the mayor, and Dayna, Chair, would be on TRC.

Kevin Hansbrow asked if LEI was involved at step one because if no fee is charged until step four, then how is the city paying them.

Greg Magleby indicated the TRC would have two components – one would be the action items, the second would be a very informal quick pre-application meeting. They don't intend those meetings to be doing the work for the developer.

Kevin Hansbrow said he understands the process and actually likes the process, but he would like to know how LEI is being paid with all the time involved.

Adam Castor said they have met with the city council and have adjusted some of the fee scheduling so it will help compensate for some of those early engineering efforts before all the fees get paid.  
The applications that would typically go through the general process are the following.

1. Conditional Use Permit
2. Development code Amendment
3. Lot line adjustment
4. Lot split
5. Road vacation
6. Subdivisions
7. Zone Change

The process is not going to apply to everything. It is more tailored to a large scale subdivision proposal and things like that.

Dayna Hughes asked if it was the planning commission's responsibility to hold or attend the neighborhood meeting.

Adam Castor confirmed that they did not need to hold the neighborhood meeting. It is the applicant's decision to make with the encouragement of us as planner and the TRC.

Greg Magleby indicated that in larger subdivisions, they see the neighborhood meetings working well, rather than the public having to address the planning commission to get their answers and have an informal meeting directly with the developers. He also indicated that the developer is the one that oversees the administrative work and they can hold it anywhere. This meeting gives the applicant a chance to propose what he wants to do and inform the public so they don't attend planning commission meetings misinformed.

Adam Castor reviewed the planning commission review, which is a meeting where the applicant meets with the planning commission to review his plan. There is not any action and it is made clear that the applicant is not vested until there is an application with a fee paid. This will be in the code. Any comments made by the planning commission in this meeting are not binding.

Upon completion of the recommended reviews, the applicant will submit the required application, all the plans and the fees to the city. During this time, the plans get reviewed in the office and within five business days, the city will let the applicant know if they are complete. If it is complete, then they will move on to the formal review by the technical review committee (TRC). If it is not complete, the application is returned to the applicant with a statement of what needs to be completed.

Randy Jones asked who actually reviews the plans to determine completeness.

Adam Castor replied that the zoning administrator, staff and city planner would review for completeness.

If the application has been submitted and is deemed complete, the TRC will review it and provide any recommendations, redline provisions; anything that needs to be relayed to the applicant to make sure the proposal is consistent with the general plan and meets the intent of the zoning ordinances.

Dayna Hughes quoted "multiple TRC reviews of the application may be necessary". She clarified that they are doing two TRC reviews and asked what the fee schedule beyond more than two reviews.

Greg Magleby indicated it would then be an hourly basis billed directly to the applicant.

Dayna Hughes said regardless of where they are, they get two reviews and then they pay per hour after that for the planner/engineer's time. It seems like in the past that some of the applicants have had more than two reviews and have not been compensated.

Kevin Hansbrow commented that it gives the applicant motivation to get their plans right.

Dayna Hughes commented that most of the things that are brought to the planning commission are not going to be issues that the planning commission needs to hash out and discuss. The planner and engineer will not bring anything to the planning commission until it is ready. That is the intent. Then, perhaps, if something is missed, then the planning commission can check in and make suggestions. In most cases, the job of the planning commission is to review and to, basically, approve what has been brought to the planning commission as the TRC has gone through it. Sometimes, she thinks the planning commission gets in the mindset that they are there to do the TRC's job; to go through it; to nitpick it; to codify it and if the TRC does what they are supposed to do, then really all the planning commission is doing is reviewing and, perhaps, making suggestions and then motioning.

Greg Magleby indicated that most of the projects the planning commission sees are going to be in compliance with the zoning. It is the planning commission's obligation to check that again, especially how it applies to the intent. The intent is really determined by the planning commission and the city council. The staff is really there to look at the "nuts and bolts".

Dayna Hughes asked if the planner and engineer would recommend overlay zones.

Greg Magleby replied they would recommend. There is a lot of discretion when those come into play.

Paul Squires commented that the planning commission could oppose on the design and/or change the design.

Greg Magleby and Adam Castor both agreed.

Dayna Hughes said even though it is very objective, there is still some subjectivity involved once it gets to the planning commission.

Greg Magleby indicated that they will give the planning commission all the recommendations, but they can't make the motion.

Dayna Hughes explained to the planning commission that it is their job to make motions based on their own findings. If they do not have an opinion or need more time to make a decision on a finding, the issue can be tabled.

Greg Magleby commented that if they are going to oppose a motion, they request that there is a reason given when opposing. Be very specific. It can't be a personal opinion.

Lucretia Thayne asked if the TRCs are open to the public.

Greg Magleby indicated that all the TRCs are open to the public and should be posted.

Dayna Hughes commented that just the final TRC will be posted, not the reviews – not the non-action items.

Kevin Hansbrow questioned the TRC telling the developer what the intent of the code is and not the planning commission. The developer may have questions on the intent of the code.

Greg Magleby answered that they are not there to interpret the intent of the code.

Kevin Hansbrow said the planner will present what they think about the intent of the code, but it is up to the planning commission to make the decision of the intent.

Greg Magleby said if the developer disagrees with what the TRC is saying the intent of the code is, that is when the issue comes to the planning commission.

Kelly Liddiard commented that if the TRC sends something to the planning commission, they should know how you came to that decision.

Greg Magleby indicated that a formal recommendation from the TRC would come to the planning commission.

Dayna Hughes said that obviously the planner and engineer would be there to address concerns and give background information.

Adam Castor explained that the recommendation will be very detailed and how they arrived at that recommendation.

Greg Magleby explained the TRC would have a motion with a second and a vote on the recommendation. There might be disagreement with the TRC and it will be noted in the recommendation.

Dayna Hughes suggested that contingencies are avoided at all costs when making a motion. The city has gotten into trouble before with contingencies because no one follows up on contingencies. The planning commission used to send things forth with ten contingencies that they had come up with and no one ever checked up on them. If that were to come to the planning commission, are they allowed to send it back to the TRC?

Kevin Hansbrow asked if the developer is allowed to go fix the contingencies and bring it back without having it go to the TRC. Fees?

Adam Castor said if it is an issue that really needs more input; the planning commission could remand it. Or the planning commission could simply ask them to fix it and come back.

Dayna Hughes asked if they would have to pay an extra fee if they already used their two reviews.

Greg Magleby indicated they would have to pay the extra fee.

Dayna Hughes asked once a motion is made by the planning commission and it moves to the city council, is there a time limit that it has to become an agenda item for the city council.

Adam Castor said he did not see anything in the code about that.

Greg Magleby commented that there isn't any timeframe, but due process. They have to show that there is valid reason for it not to be on the agenda.

Dayna Hughes commented that is a city council issue though. They would have to draft their own procedural code as to what the time limit is and they have not done that to her knowledge. She also asked what a reasonable amount of time would be assuming that there is a disagreement – that staff does not like the planning commission motion.

Greg Magleby said he has seen things take 2-3 months between the planning commission and the city council.

Dayna Hughes asked what is appropriate action is between that time. Obviously, nothing on the planning commission end. Certainly, staff or any other elected official wouldn't ever change a motion that was made by the planning commission. Our motion has to go forward exactly as they motioned it. Then additional information can be presented.

Greg Magleby agreed.

Adam Castor went over the responsibilities and duties of the planning and zoning administrator, who was listed as Corbett Stephens. It was discussed that all questions would be answered at a staff level first and involve the planner as a last resort for further clarification. The zoning administrator would contact the city planner directly. He would like to reduce the amount of time that is spent corresponding directly with applicants outside of TRC meetings or any other planning commission meeting to cut down the time and expenses incurred for that.

Dayna Hughes asked if the planning commission should see the TRC minutes. She said the planning commission has never seen TRC minutes.

Greg Magleby indicated that TRC minutes would come with the particular application. The planning commission needs to see the process that went into making a decision at the TRC level to know whether you agree or disagree.

Adam Castor went over the duties and responsibilities of the planning commission chair, which are to preside at all planning commission meetings; prepare a written agenda with the assistance of planner and city staff; understand and enforce planning commission by-laws and rules of procedure; ensure the attendance of members.

Dayna Hughes commented that the chair position is open in February. She also asked how she should work with the planning commission coordinator, Marissa, because it has been her job to email the members and make sure everyone is coming.

Greg Magleby thought Marissa could still be the contact, but the chair is the enforcer.

Debbie Cloward suggested that every time a member says they aren't coming, the chair gets a phone call.

Dayna Hughes didn't want to do that because people have a right to miss meetings every once in a while. She doesn't want to force anyone when it is a voluntary position.

Adam Castor said it is important that everyone understands that attendance is important.

Dayna Hughes announced that John Houck has resigned and she has the documentation. She would like to just make Randy Jones a voting full-time member and move John to the alternate position, but she was told she really can't do that. The city council has to appoint Randy as a full-time member and then appoint a new alternate.

Further discussion took place regarding the use of code books, which they shouldn't be using, and looking up code on the internet.

Dayna Hughes asked if the planner would be updating development code and cleaning up the code in the future.

Greg Magleby indicated they plan on reviewing code and it is up to the planning commission to make the decisions on what needs to be changed and how to do it. The planner and engineer can make recommendations on what needs to be clarified. They will be maintaining a list on what needs to be worked on.

Adam Castor went over the planning commission member's duties, which are attend and participate in planning commission meetings; understand by-laws and rules of procedure; understand development code and where to find ordinances within the code; review applications; recommend amendments to code; recommend approval to city council; approve, deny, or table applications. He also indicated that they would be doing a monthly training on development code to get everybody a full understanding of that particular section and flush out the issues and get them solved.

Dayna Hughes wanted to know what was on the next agenda and asked if Mr. Gowers would be coming back to the planning commission.

Adam Castor explained that Mr. Gowers has been taken care of for the time being with the city council. Mr. Gowers was asking if he could develop his northern lot under the R-1-15,000, which has already been excavated pretty extensively by Mr. Yergensen. The city



council denied him what a previous city council had told him he could do. The majority of the lot was in the HR-1 zone and he would have to abide by the more restrictive code.

Dayna Hughes clarified that he can build one house on that lot. The city has denied a zone change, but he can reapply. He can also apply for a lot-split to the planning commission.

Adam Castor indicated that Mr. Gowers didn't want to go through the process and pay fees knowing he would be able to build a house on both lots under the HR-1 zone.

Dayna Hughes asked what was going on with Elk Haven E.

Greg Magleby indicated that Elk Haven E will be coming with a code change regarding the number of lots on a single access. TRC has not made a motion on this yet. There is a TRC scheduled for next Friday.

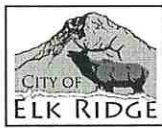
Adam Castor indicated there is also a conditional use permit application for Lee Haskell Assisted Living Center. He gave a brief description of the application. It is located off of Elk Ridge Drive and Olympic. He is asking for a conditional use for an assisted living center. Only action would be whether to allow that use in that zone. He would then have to come back through the subdivision process and the site plan process.

He also indicated that there is a conditional use permit for chickens from Dave Simmons who is a violator.

**ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:25p.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 SPECIAL PUBLIC MEETING - PLANNING COMMISSION**

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

- Meeting Date - **Thursday, 28 October 2010**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION REGULAR MEETING AGENDA**

#### **7:00 pm OPENING ITEMS**

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

#### **7:05 PUBLIC HEARINGS AND ACTION**

1. Haskell Conditional Use Permit – Assisted Living Center..... *see attachment*
2. Simmons Conditional Use Permit – Chickens..... *see attachment*

#### **7:35 OTHER ACTION ITEMS**

3. Elk Haven Code Amendment Request ..... *see attachment*

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

#### **8:00 PLANNING COMMISSION BUSINESS**

4. Review and approve minutes of 8/12/2010 Commission Meeting..... *see attachment*
5. City Council Update
6. *Other Business* – Traffic calming request to city council

#### **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, 21 October 2010 and delivered to each member of the Planning Commission on 22 October 2010.

Planning Commission Coordinator

*Mairessa Bassin*

Date: 21 October 2010



# ELK RIDGE PLANNING COMMISSION WORK SESSION

October 28, 2010

## TIME AND PLACE OF PLANNING COMMISSION WORK SESSION

A work session of the Elk Ridge Planning Commission was held on Thursday, October 28, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Dayna Hughes, Kevin Hansbrow, Randy Jones, Debbie Cloward, Paul Squires, Jason Bullard, Kelly Liddiard  
*Absent:* Dan Steele  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Erin Clawson, *City Council*, Greg Magleby, *LEI Engineer*, Adam Castor, *LEI Planner*, Ken Lutes, *Mayor*, Lucretia Thayne, Jamie Towse, Krisel Travis, Roger Dudley, Dave Simmons

## OPENING ITEMS

### OPENING

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

### APPROVAL OF AGENDA

Dayna Hughes reviewed the planning commission agenda and there were not any changes made to the agenda.

## HASKELL CONDITIONAL USE PERMIT – ASSISTED LIVING CENTER

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

Dayna Hughes indicated she really liked the idea of the assisted living center and commercial in Elk Ridge. This application was discussed in TRC and it was discussed that more information was needed because the current response time for an ambulance to Elk Ridge was 20 minutes, which was not acceptable for this type of development. More information needs to be gathered to make an educated decision.

Adam Castor explained there was a TRC on Friday, October 22, 2010 to discuss the conditional use application submitted by Mr. Haskell. The application was complete. Corbett Stephens said he had spoken with Mr. Haskell regarding the engineering plans that would be necessary for further review and approval and obtaining a building permit. Seth Waite, Fire Chief, brought up the initial concern of response from Payson to Elk Ridge being around 20 minutes for an ambulance. Assisted Living facility of the size concentrates a large number of people that may need ambulance service to come in an emergency. Additional questions were brought up regarding ambulance service – can Elk Ridge provide a faster service by providing its own ambulance service. Second, should the city consider a safety impact fee that would help cover the cost of providing an ambulance service? Also discussed the possibility of the applicant being required to pay for the impact fee. What type of liability does the city assume if an emergency takes place and something happens in that time that it takes for an ambulance to get to Payson and Elk Ridge and back to the hospital; potentially a 40 minute trip to get here to there. Additionally discussed was the possibility of the facility providing its own ambulance, if so, the volunteer personnel here would have to have an additional person because there has to be three people to operate an ambulance. It was decided during that meeting that the TRC recommend to the planning commission to table a decision on the conditional use permit application pending answers to the questions brought up during the TRC meeting.

Mr. Haskell was surprised that it takes 20 minutes to get down to the hospital.

Dayna Hughes explained it isn't from here to the hospital. The Payson ambulance crew has to have three people in order to run. They sit there in the bay until all three arrive. It can be shorter, but that is the information from Seth Waite, Fire chief.

Jason Bullard asked how many miles from Elk Ridge to the hospital.

The response was about three miles.

Kelly Liddiard explained that during the time that it takes the ambulance crew to get to Elk Ridge, the first responder from Elk Ridge is on the scene, but they are quite limited in what they can do as far as medical care.

Mr. Haskell commented that in the code under commercial zone, it states there can be a hospital there. Why would they put that in the code if an ambulance can't be supplied to go to a hospital?

Dayna Hughes explained that in the code, it is just all the uses that are allowed. The use is then worked upon. This conditional use is the first time there is a need for more ambulance coverage. How many residents?

Mr. Haskell indicated there is a possibility of 30 residents – 15 on the main floor and 15 on the second floor.

Dayna Hughes asked if there were any plans for the facility to have its own private ambulance on the premises.

Mr. Haskell said there would be a transport, but it is not a medical ambulance.

Kelly Liddiard commented that being in the business; another factor is the number of calls. The assisted living in Orem has an ambulance stationed at the facility because they are there almost every day.

Mr. Haskell asked if that was just an assisted living. He indicated that the facility would be type I and II assisted living. Type I is where the residents will be able to evacuate on their own. In other words, if something happens, they can get out of the building. Type II is where the residents can maneuver and do things, but in case of evacuation he/she would need one person to help them evacuate. It is not like there will be a lot of people that are diseased or sick.

Kelly Liddiard said the issue is not whether someone can evacuate on their own. The issue is if someone goes down and how to handle that.

Mr. Haskell indicated there are 2500 people in Elk Ridge and there are a lot of residents that are going to go down and there is ambulance service up there. He doesn't think there is a difference. Although, these are older folks and concentrating 15 people in one area, but the people that would be in there, would not be people that need to be in a nursing care facility. Has there been anyone in Elk Ridge die because the ambulance couldn't get there fast enough?

Dayna Hughes said there wasn't any situation she knew of.

Mr. Haskell then asked how they are coming up with this problem to begin with if it hasn't been a problem.

Kelly Liddiard commented that the facility is elevating a need for the ambulance. He would like to see an ambulance in Elk Ridge. He knows that Payson has one sitting down there that they would convey to Elk Ridge. He doesn't know the specifics on cost – that's something the city would have to look at.

Mr. Haskell indicated that he didn't think any time would be gained if there was an ambulance in Elk Ridge if there has to be three people to operate it. There would still be people waiting to get to the call.

Kelly Liddiard said it depends on how the policies are set up. If they are two people at the rig and then the third person could then respond to the scene with their own vehicle. It's not the best way to do it, but that can be policy.

Randy Jones asked if Mr. Haskell would consider having an ambulance crew on the staff.

Mr. Haskell said they could, but they haven't really thought about it. He doesn't know what the cost would be. There would have to be three people CERT trained.

Kelly Liddiard said that if they wanted to go paramedic, then they could only have two CERT trained, but he didn't think Mr. Haskell would want to spend that money. He also brought up having a safety impact fee to help the city purchase an ambulance. Mr. Haskell could help the city get to that with a study on impact fees.

Mr. Haskell said that is why they are there checking things out because of costs for utilities, building permits, etc. He has talked with Corbett Stephens, building official, and he has still not come up with a building permit fee. Apparently, there hasn't been any building in the commercial zone so he doesn't know what to charge.

Dayna Hughes asked if the city pays per call.

Kelly Liddiard indicated they do. Every time a 911 call goes to the Utah Valley Dispatch center, the city gets billed. He guessed that the charge is around \$47 per call. *(It was later discovered that there is a dispatch fee assessment every six months.)*

Dayna Hughes reviewed some possible solutions. First option: The city can buy an ambulance and have an ambulance staff.

Obviously, there are budget problems with that particular option. Second option: The assisted living center to provide their own transport for emergency calls.

Mr. Haskell indicated that they will have professionals there 24/7. There will be a physician on staff, but he doesn't have to be at the facility. Mr. Haskell thinks a lot of the emergency calls could be taken care of at the facility.

Kelly Liddiard commented if a resident falls down and breaks their hip, the CNA is not going to be able to treat that. It will be an EMS response.

Mr. Haskell said that since they will have the staff there, they will be able to avoid some of those emergency calls.

Dayna Hughes commented that the staff isn't going to be able to do IVs and the things that an ambulance crew is going to be able to do.

Mr. Haskell indicated there would be a registered nurse who would run the medical part of it that would be there part of the time.

Kelly Liddiard said that a registered nurse could start an IV.

Mr. Haskell thinks that with 30 residents there, the city will gain quite a bit of revenue from the building being there with taxes and so forth. He said that would probably offset the fee charged to the city every time there is a call for an ambulance.

Dayna Hughes said she would like to see data or information from a facility similar to the proposed facility. Maybe conclusions are being jumped to that don't need to be.

The Seville, Mountainair, and the Beehive house were talked about in where to gather information from.

Mr. Haskell said he would try to get some information for the planning commission.

Dayna Hughes indicated that she would like a planning commissioner to volunteer to get the following information. Average age, number of emergency calls, number of residents, etc. Safety is the big concern.

Mr. Haskell indicated that the state of Utah has a department that governs all assisted living facilities. Once they take a look at this, they will tell them whether it is safe or not to have that facility there.

Kevin Hansbrow recommended talking to local facilities, as well as the state. It can't hurt to have all the information.

Kelly Liddiard volunteered to get information from local facilities and will report back.

Mr. Haskell agreed with Mr. Hansbrow, but the proposed assisted living is unique. It won't be like any of the other assisted living facilities around because the others are closer to the hospital; they are smaller; they are bigger.

Dayna Hughes closed the public hearing at 7:27 pm.

**KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED TO TABLE PENDING ON THE NECESSARY INFORMATION INCLUDING NUMBER OF CALLS AND RESPONSE CALLS TO SIMILAR ASSISTED LIVING CENTERS OF LEVEL 1 AND 2 RESIDENTS AND DETERMINE IF THE RESPONSE TIME IS GOING TO BE DETRIMENTAL TO THE RESIDENTS. VOTE: YES – ALL (7), NO – NONE, ABSENT- (1) DAN STEELE**

#### **SIMMONS CONDITIONAL USE PERMIT – CHICKENS**

Dayna Hughes indicated that when the TRC met and reviewed the application and plan, they noticed the setbacks to the neighbor's house were too close. 20 feet as opposed to 25 feet, which is the code requirement. There is a letter from the Gibson's that they are fine with that.

Adam Castor explained that the application was deemed complete when it was reviewed along with the site plan. Based on the location of the coop, it is in violation of two codes. It is closer than 25 feet to a neighboring residential building. Also the primary residence is located about 40 feet away and 20 feet from neighboring residence. It needs to be closer to the primary residence than the neighboring residence. There are currently chickens and a conditional use has not been approved, which is another violation of keeping hobby



animals without a conditional use permit. A motion was made by the TRC to recommend denial of the application based on those violations.

Mr. Simmons indicated that he needs to comply. He understands that he needs to move the coop.

Adam Castor explained that he needs to move the coop and then reapply for another permit.

Randy Jones asked if he has chickens now that are a violation, does he have to remove the chickens and then reapply. Or can he keep the chickens?

Dayna Hughes asked the applicant, Mr. Simmons, if he had an agreement with the code enforcement officer.

Mr. Simmons said he did not have an agreement.

Planning Coordinator indicated that Mr. Simmons did have a voluntary agreement to apply for a permit by mid November.

Dayna Hughes said he was complying and going through the process and he is trying to fix the problem.

Mr. Simmons indicated the coop is currently there and they kind of share with the neighbors, the Gibson's. They were thinking of getting some chickens in her backyard. The coop is too close to their house and that is why he had her write the letter. He thought there could be a variance or something.

Kelly Liddiard said it would be easier for him to take care of it now where it is at the beginning of the process. He should take care of it now and get it right.

Lucretia Thayne understood that he has to re-apply. Does that mean he has to pay the fee again?

Planning Coordinator commented that it was discussed that the planning commission could waive the fee.

Adam Castor said because it is a simple review process, he thinks a fee could be waived in this case if he is willing to move the coop and come into compliance.

Lucretia Thayne asked if he has neighbors who want the coop where it is, they can't do that?

Dayna Hughes said code is code.

Kelly Liddiard indicated he is in violation of the code. He explained that if they sell their house next year, then it will become an issue again because they will have to move it.

Mr. Simmons indicated it is a portable coop so it won't be a big deal.

Dayna Hughes closed the public hearing at 7:33pm.

**KEVIN HANSBROW MOTIONED AND RANDY JONES SECONDED TO TABLE THE SIMMONS CONDITIONAL USE PERMIT FOR CHICKENS UNTIL HE CAN COME INTO COMPLIANCE BY NOVEMBER 11, 2010 AND THEN PRESENT BACK TO THE PLANNING COMMISSION. VOTE: YES - 6, NO - (1) JASON BULLARD, ABSENT - (1) DAN STEELE**

*Jason Bullard opposed because he thinks the permit should be denied because he said he is not real interested in taking care of it right away. He thinks it should be denied and the process should be started over.*

It was further discussed that he will need to move the coop by November 11, 2010 or his permit is denied and he will be cited and will need to re-apply. Otherwise, if he comes into compliance by the noted date, there will not be a fee.

#### **SINGLE ACCESS CODE AMENDMENT (NON-AGENDA ITEM)**

Dayna Hughes indicated she was at the TRC when this item was discussed and she has also discussed it with the city planner, Adam Castor. The motion from the TRC is to approve this amendment. This is not a public hearing. She has submitted an application to change the code.

Adam Castor explained that the current application that has been submitted was sent back to the planning commission by the city council on the August 10, 2010 meeting for further review and recommendation. On Friday, October 22, 2010, the TRC met and discussed some recommendations for code amendments, not directly related to the Elk Haven amendment request, but as recommendations to clarify the code as a result of that code amendment request. There is a long history of this code amendment request going from 16 to 30 lots so it was reviewed from the standpoint of clarifying the code to remove the conflicting information contained within the code. Right now, there are three different ordinances within the code that specify different number of building units allowable on a single access road. So the intent of the city planner was to provide the code recommendations that would help clarify that and let the number of allowable units be based on the minimum frontage required within whatever zone it would be in. In this case, it is the HR-1 zone, which would be 150 foot frontage. Because this current code amendment request is now back in the planning commission's hands, the TRC was unable to make a formal recommendation and review it on that code amendment request and provide a formal recommendation for tonight's meeting. So it wasn't really addressed. What were discussed were the code amendments that LEI provided and are proposing. The motion was made to recommend to the planning commission the recommendations as outlined by LEI.

The applicant is asking for a code amendment that would allow up to 30 units on a single access road. It is currently stated as 16. That number was generated based on a plat in the past. It was sort of an arbitrary number. The amendments that LEI is proposing would be to limit the length of a single access road to 750 feet and come into compliance with the international fire code, which was adopted this year by the city. That code is in place. There are provisions within that code to allow single access roads longer than 750 feet with special approval. The recommendation and code amendment would be that single access roads of not more than 750 feet and which are in compliance with the IFC. The existing code would be amended to include that language. That would control the number of allowable units on a single access road.

Dayna Hughes asked Krisel Travis (Consultant for developer of Elk Haven E) how long their single access road is.

Krisel Travis indicated it is 1700 feet. If Elk Haven is held to the proposed code, they would only be allowed possibly 5-6 lots. So there is a huge problem with the 750 feet.

Dayna Hughes asked where the 750 feet came from.

Adam Castor responded that it was from the fire code.

Dayna Hughes asked if the city is bound to follow the fire code.

Adam Castor indicated it has been adopted by the city.

Krisel Travis commented that the fire code also allows for special allowances.

Adam Castor said anything beyond 750 feet would require special approval.

Krisel Travis commented that the way that the amendment is written, exceptions would not be allowed.

Dayna Hughes clarified that the way the amendment is written, it is 750 feet or nothing. There are no special circumstances for anything beyond that without a secondary access.

Adam Castor said there are not any exceptions to 750 feet. A single access road of not more than 750 feet, which is in compliance with the fire code, may be approved by the city council after obtaining a recommendation from the fire chief and planning commission.

Kelly Liddiard said the 750 feet in itself is special.

Krisel Travis said with the hillside zoning, she believes it is 110 feet, not 150 as it was said before.

Adam Castor said in the HR-1 zone it is a minimum of 150 feet.

Krisel Travis indicated on a 750 foot road that turns out to be a lot less than was previously approved. So she feels like the proposed amendment is a huge step backwards as far as the hillside zone is concerned and the city spent a lot of time to write the hillside zone requirements and this would take it backwards.

Adam Castor said it would eliminate the question of how many lots are allowed on a road. Now whether it is the HR-1 zone or the R-1-12,000 zone, it doesn't matter. The length of the road determines the number of allowable units. That was the intent to clarify that and come into full compliance with the fire code.

Paul Squires asked why Elk Haven would have only five lots with the proposed amendment.

Krisel Travis indicated that because the way the code is written, it is from where it becomes a single access and that would be the intersection of Hillside and Oak, which is about 300 feet from the Elk Haven property line. So that would only allow about 400 feet of the Elk Haven property and with 150 feet of frontage, that is basically about 4 or 5 lots. It wouldn't even get up to the cul-de-sac without a secondary access. There is many places within the city that exist that have a lot longer distances and only have a single access. It has been that way for a number of years and up until this point it has been considered safe.

Jason Bullard asked if the planning commission is allowed to approve anything over 750 feet.

Kevin Hansbrow indicated that the International Fire Code states right now that allowances can be made for more. The city is following the stricter part of the International Fire Code.

Adam Castor said that under the HR-1 zone, a special approval of a cul-de-sac up to 1000 feet is available.

Jason Bullard commented that the only reason it is limited is because of the International Fire Code. There is no other reason on the table besides that. It does apply, but is this an area that is that big of a fire danger there? Is there any potential of future development that will come into play that will change that from a single access?

Kelly Liddiard replied yes.

Dayna Hughes asked just to clarify, even though it is not part of the issue, Elk Haven can't do dual access because they don't have the agreement of the other land owners?

Krisel Travis replied yes and no. They have explored all the close options. If the council and commission were to consider some kind of temporary road because the city currently doesn't have any code which allows temporary roadways, then there might be other possibilities to explore. Also, she feels that the 750 feet doesn't have to be there because the fire code says 750 feet is as far as they will go. It just causes confusion because then there can be special considerations for more than that. So the fire code, in her opinion, covers what is trying to be accomplished by the city.

Jason Bullard asked if the planning commission has received any official recommendation from the fire chief.

Adam Castor said he hasn't made an official recommendation, but he has provided that it is his opinion that the fire code is appropriate, especially in the HR-1 zone because of the fire danger. There is an exception, but not without the fire chief's approval.

Kelly Liddiard said one advantage for developers, as opposed to other cities, is that the new structures have to be sprinklered.

Krisel Travis commented that is an extreme advantage in a situation.

Dayna Hughes asked why the 750 feet is there because that is as far as a truck can go.

Adam Castor said it is all based on the maneuverability and the limitations of the apparatus that is used to fight fire.

Dayna Hughes said that in other words, if the road was 1000 feet long, their hoses would only reach 750 feet.

Kelly Liddiard replied that they can lay down more hose; it's the ability to manipulate the trucks.

Krisel Travis commented the fire code also addresses that because after so many feet, there has to be a turn-around.

Adam Castor indicated it was 150 feet. After 150 feet, there has to be a provision for the fire truck to turn around.

Kevin Hansbrow said that the reason that the fire code is the way that it is, is because like the problem that Woodland Hills has, they really only have two accesses. It's people getting out that are the problem. It's not necessarily just the truck being able to turn around.

Paul Squires asked since there is future development, is it possible to do a dirt road?

Krisel Travis said they are hoping to do that. They are hoping to work with the adjacent property owner where there is an existing road that accesses the house that sits on the Harris property and it acts as a driveway for another resident. They have looked at that. The steepness has prohibited that. She doesn't know what the grade is. (15%) But the fire code also addresses grade-wise what would have to be done. She is not saying that they are opposed to a second access, but a fire access – make it kind of a temporary provision and allow them to explore those options. The problem is that there is a huge ravine on both sides of the subdivision so it is a problem.

Dayna Hughes said each commissioner needs to decide if they are okay with the current proposed code change and if there are any suggestions that should be considered without getting any contingencies. She believes all the commissioners are in agreement that the amendment states that an applicant can come in and ask for a longer road.

Adam Castor stated under the current fire code they can.

Dayna Hughes indicated that this is just step one and this is given to the applicant, instead of all of the conflicting codes and it is confusing. The applicant will start their studies or applications upon the proposed code. Right?

Kevin Hansbrow indicated that the proposed code does not allow them more than 750 feet. They can't come in and get any special consideration.



Dayna Hughes clarified that there are two issues that the planning commission has to vote upon – the proposed code amendment by LEI and the application from Elk Haven for 16 -30 lots.

Kevin Hansbrow indicated that he doesn't like that it doesn't allow for more than 750 feet.

Dayna Hughes thought that there was an exception.

Adam Castor clarified that the exception would be where terrain features and other physical obstacles make provision of a secondary access impractical.

Kevin Hansbrow asked if a secondary access could be as simple as a fire road or does that have to be a paved road.

Adam Castor said it would have to be an all weather surface and it would have to support the weight of a fire apparatus and so it could be maintained.

Kevin Hansbrow said if there is snow on the ground, most likely they aren't going to have to worry about the people escaping because if there is fire, the chances of it spreading to where the brush is on fire and they aren't going to be able to escape...

Kelly Liddiard said that can't be assumed. Somebody's propane bottle could explode and take out the houses on either side of it.

Kevin Hansbrow said that is not the issue with the access. It's not a probable situation.

Paul Squires said whether they are fighting one fire or three, he doesn't think it makes a big difference. There is a lot of equipment and people moving around.

Jason Bullard thinks that one of the major issues that with code requiring sprinklers in the homes is major. That's the reason they are there. That alone, he thinks it allows some openness to changing the code a little bit to help with the development and the growing of the city. He has heard so many situations where a lot of developments are limited on probable causes that are very unlikely to happen. Where should the line be drawn on probability.

Dayna Hughes said that what the city should go by is the general plan and in the general plan, there is a health, safety and welfare section. Does this follow the intent of what is in the General Plan? For the newer members, some information that was provided for fire sprinklers was that of the homes that had sprinklers, there were zero fatalities and in many cases, the sprinklers put out the fire. She would like to see some verbiage in the code amendment that gives the planning commission and the city council a little leeway.

Kevin Hansbrow asked if there is anywhere in there the actual international fire code available.

Adam Castor indicated the information the commission has is the entire fire code as it relates to single access roads. So far the recommendation is to recognize all aspects of that part of the code.

Kevin Hansbrow said that the fire code allows there to be exceptions, but the LEI proposed code does not.

Dayna Hughes said they would have to add verbiage.

Krisel Travis suggested removing the 750 feet. If the "not more than 750 feet" is removed, then the international fire code is being recognized and fixing the problems that exists in the other codes.

Adam Castor does not agree with that.

Kelly Liddiard said it also should be noted that Corbett Stephens, Building Official, and Seth Waite, Fire Chief recommended that it is approved the proposed way of LEI.

Kevin Hansbrow thinks that the professionals are going to always go with the stricter code.

Jason Bullard asked if the International Fire Code takes into consideration fire sprinklers.

Adam Castor replied it does.

Dayna Hughes read the following from the fire code "*One or two-family dwelling residential developments: Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access codes and shall meet the requirements of section D104.3. Exceptions: Where there are more than thirty dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code access from two directions shall not be required. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development as determined by the fire code official.*"

Adam Castor said in the HR-1 zone, in order to get thirty units there has to be almost a half a mile of single access road. So under the fire code, that is going to take special approvals.

Roger Dudley said that it has to be understood that cities develop one increment at a time. If the code is made too restrictive, then it doesn't allow for that too happen. There has to be a point or development will stop.

Dayna Hughes commented that is what they don't want to do. Development is how the city grows and lives.

Jason Bullard would like to add that if it looks very probable that that area will be developing then he thinks that should be taken into consideration as well.

Dayna Hughes said it looked incredibly probable about two years ago and then the economy tanked.

Krisel Travis said that the code changed too, which caused them to have to go back and rethink things.

Adam Castor said that the recommendations made from LEI are a good way of reducing the confusion between the conflicting codes. He thinks that what has to be addressed is a consistent code that will eliminate that confusion and reduce the circling of applications. That was their intent with the proposed code amendment.

Dayna Hughes asked if Mr. Castor would recommend any exceptions.

Adam Castor said they strongly recommend not going beyond 750 feet for a number of reasons. Health, safety and welfare being the first and foremost. The fuel loads are high up there. Considering the sprinklers is a major advantage.

JASON BULLARD MOTIONED THAT THE PLANNING COMMISSION REWRITE THE CURRENT SINGLE ACCESS CODE TO SPECIFY WHETHER TO ALLOW FOR A LONGER ROAD. *(Never seconded and wasn't voted upon)*

Dayna Hughes agrees that the proposed code of 750 feet is too restrictive. She thinks that the hillside zone is very restrictive and she does believe the fire sprinklers are a mitigating factor.

Kevin Hansbrow said in the HR-1 code, doesn't it talk about the amount of clearing around their houses.

Adam Castor indicated that is actually in the Urban Wildland Interface code. There are some defensible space requirements that are listed in that as well.

Dayna Hughes asked if that is an overlay in the HR-1. (No) If a person lives in the HR-1 they don't have any specific clearing specifications as someone who lives out in a field.

Adam Castor said it is not technically an overlay, but the HR-1 zone does fall within the Urban Wildland Interface so those clearing requirements do apply.

Kevin Hansbrow asked if they also have exterior fire sprinklers in the hillside zone, wouldn't that make a huge difference.

Kelly Liddiard said the drawback to that is the cost.

Kevin Hansbrow said that he thinks the 750 feet isn't that bad. He thinks that exceptions should be allowed.

Jason Bullard doesn't disagree. He just thinks that it shouldn't be left so open to every situation being different.

Kevin Hansbrow said every situation is going to be different.

Jason Bullard said it is, but should the code be specific in every aspect.

Kelly Liddiard said 750 feet is the standard.

Adam Castor said that is what it comes down to is that it is to inconsistent right now.

Dayna Hughes asked if it would still be inconsistent if it was written exactly the way it is and added verbiage that said "exceptions can be made through the proper application channels".

Adam Castor indicated that would be consistent because it would apply to all of the zones within the city and every development application.

Dayna Hughes said then the planning commission would hear each application, look at its merits specifically.

**DAYNA HUGHES MOTIONED AND KEVIN HANSBROW SECONDED TO RECOMMEND TO THE CITY COUNCIL TO ADOPT THE CODE AMENDMENT WITH ALL THE CHANGES AS SUBMITTED BY LEI WITH AN ADDITION AT 2C WHICH WOULD BASICALLY READ "EXCEPTIONS CAN BE MADE ON THE LENGTH OF THE ROAD THROUGH THE NORMAL APPLICATION PROCESS". VOTE: YES - (6), NO - (1) RANDY JONES, ABSENT - (1) DAN STEELE**

Kelly Liddiard said exceptions can be made to the ordinance 9-3-4B. Not necessarily, the road, but you are making it 2C so you can make exceptions to the entire code.

Dayna Hughes thinks it will open it up to be able to look at things, make decisions. If it is adopted the way it is, it is closing it off.

*Commission member, Randy Jones, opposed because he thinks if there is a code that always has an exception, then there is always going to have people that are going to want to take that exception beneath their needs. There needs to be a code where that addresses what we want within the city and not leave it open to a lot of exceptions. If 750 feet doesn't work, then a length that works should be decided upon and put in the code.*

#### **ELK HAVEN E CODE AMENDMENT REQUEST**

Adam Castor explained that Elk Haven E is requesting a code amendment to the amount of lots on a single access with some provisions that were negotiated with the city.

Krisel Travis indicated that the city approached them in January of 2010. There were some roadway provisions, and a waterline. They were asked to grade an access road over the tank line, reclaim the current access road, secure a right-of-way easement where the roadway goes off of Elk Haven property, and improve the roadway between intersection of Oak and Hillside Drive. They agreed to most of those, except the code only requires an 8-inch water line and the city requested a 10-inch line to the water tank, which is below the Elk Haven property. They said they were okay with doing the waterline with the cooperation with the other property owners, but the city would need to pay for the upsizing to 10-inch if wanted. They were okay to reclaim the road, but ask the city to help police it to keep ATVs off of it. Then they were to obtain the right-of-way easements to get down through the new access roads and the other properties. 30 lots was based on the fire code and it got what we needed. It also helps the neighboring property that is owned by the Harris Family. Without their participation, Elk Haven cannot agree to these negotiations. It's too much money. Thirty lots get Elk Haven what they need and gives the Harris' a few also. The way the code was written by Elk Haven, it allows the planning commission to approve exceptions.

Dayna Hughes explained some background on this code amendment request. The planning commission was told by the previous planner that Seth Waite, Fire Chief, and Corbett Stephens, Building Official, were ok with going from 16 lots to 30 lots. So the planning commission recommended approval to the city council with 30 lots. Between the time that it left planning commission and the time it went to city council, it was discovered that Seth Waite and Corbett Stephens did not agree with it. When it went to city council, there were disagreements over who said what. City council sent it back to the planning commission to look at it again.

Jason Bullard said that since the single access code was changed, that changes where their application is at now.

Adam Castor indicated that under that length of road, there is no way Elk Haven will be able to get 30 lots or even 16.

Jason Bullard said that is why there is no reason for Ms. Travis to even move forward if the city doesn't make a decision on the length of the road. Otherwise, they are not going to be able to afford to do the development with just 5-6 houses.

Dayna Hughes indicated that it is in Ms. Travis' best interest to now take the newly updated code and go back resubmit for the number of homes or is that something that the planning commission still needs to decide on?

Kevin Hansbrow said he still wanted to see what they could do.

Jason Bullard asked if the fire chief has the final say.

Adam Castor indicated the fire chief has to make a recommendation to the city council with the exceptions.

Jason Bullard said that if he doesn't make the recommendation, then what the planning commission did doesn't matter?

Adam Castor indicated that is not right.

Jason Bullard asked if the council could override the fire chief.

Dayna Hughes thinks the council is the final say on everything.

Kevin Hansbrow would like to see something come back to the planning commission with maybe another access or fire access. He would like to see the street layout with the turn-around for the fire truck.  
Krisel Travis indicated that he would see all that in the final plat stage. They are just trying to get a code that would allow them to move to the next step.  
Dayna Hughes said they can say anything that it doesn't have to be 16 or 30. It can be 25. But if any number is recommended, the previously recommended code will override it anyway.

**KELLY LIDDIARD MOTIONED AND DEBBIE CLOWARD SECONDED TO TABLE THE ELK HAVEN CODE AMENDMENT REQUEST. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) DAN STEELE**

Dayna Hughes indicated that if the city council approves the proposed code, then at the planning commission's next meeting they will look at Elk Haven's code change request. The city council could rewrite it altogether.

**PLANNING COMMISSION MEETING MINUTES FOR AUGUST 12, 2010**

Corrections were suggested and the changes were made to the minutes of August 12, 2010.

**DAYNA HUGHES MOTIONED AND KEVIN HANSBROW SECONDED TO APPROVE THE AUGUST 12, 2010 PLANNING COMMISSION SPECIAL MEETING MINUTES AS OUTLINED. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) DAN STEELE**

**CITY COUNCIL UPDATE**

Erin Clawson reported that the city council talked about an administrative judge for the city and code enforcement, but nothing has been decided.  
Dayna Hughes asked about the fence around the tank.  
Erin Clawson indicated they had been doing more time sensitive things because of weather and temperatures. She didn't have an update of the fence. She indicated that the fence will go around the bottom perimeter, but it doesn't go out to the road.  
Planning Commission Coordinator indicated that her understanding was that Corbett Stephens was working on it.  
Paul Squires also commented that about 250 clumps of gamble oak acorns have been planted. He said there are more to be planted.

**OTHER BUSINESS**

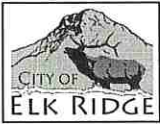
Dayna Hughes commented that she heard about a new law for how fire sprinklers are charged and said she was going to pass on the information to the planning coordinator to pass on to the fire chief. There were two instances where the line pressure of the air was charged too high and it acted as an accelerant and fueled the fire.  
Dayna Hughes also indicated that she received an email from Erin Clawson and Derrek Johnson regarding traffic calming devices.  
Erin Clawson further explained that Deputy Butters and her presented some different ideas for traffic calming, which would be additional stop signs in areas that he felt didn't have any traffic control that are a hazard; painting stop lines at stop signs. The budget for something like this for the remainder of the fiscal year is around \$2000. They did briefly discuss speed tables and residential raised crosswalks, which she does have pictures that she will bring next time. She hopes to have some kind of plan and budget that is being worked towards for traffic calming.  
Kevin Hansbrow asked if the deputy writes many tickets.  
Erin Clawson indicated that the deputy has written 47 tickets since June. There is a traffic study that she will make copies for the planning commission. The deputy borrowed a trailer that did a complete study of Elk Ridge Drive and Olympic and within the six days that it was there, there was a reading of over 10,000 cars. She would like the planning commission to look at the General Plan and see where speed tables would be appropriate if the city gets to that point. Stop signs are a given and she didn't think anyone on the council were opposed. There was some opposition on where they should be placed because of winter weather. She is just asking for support from the planning commission.

**ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:50 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, 11 November 2010**
- Meeting Time - **Commission Meeting - 7:00pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION MEETING AGENDA**

**CANCELLED**

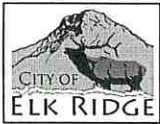
### **CERTIFICATION**

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, 04 November 2010 and delivered to each member of the Planning Commission on 04 November 2010.

Planning Commission Coordinator: *Marissa Bassin* Date: 04 November 2010







**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, 9 December 2010**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## **COMMISSION REGULAR MEETING AGENDA**

### **7:00 pm OPENING ITEMS**

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

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

### **7:05 OTHER ACTION ITEMS**

1. Simmons Conditional Use Permit – Chickens..... *see attachment*
2. Code Amendment – single access roads..... *see attachment*
3. Haskell Assisted Living Facility ..... *see attachment*

### **7:40 DEVELOPMENT CODE / STANDARDS REVIEW**

4. Traffic Calming/General Plan Discussion (Review General Plan) ..... *no attachment*

### **7:55 PLANNING COMMISSION BUSINESS**

5. Review and approve minutes of 10/14/2010 and 10/28/2010 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 December 2010 and delivered to each member of the Planning Commission on 2 December 2010.

Planning Commission Coordinator: *Marissa Bassin* Date: 2 December 2010 Amended date: 6 December 2010

7

1

1

# ELK RIDGE PLANNING COMMISSION WORK SESSION

December 9, 2010

## TIME AND PLACE OF PLANNING COMMISSION WORK SESSION

A work session of the Elk Ridge Planning Commission was held on Thursday, December 9, 2010, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Randy Jones, Debbie Cloward, Paul Squires, Kelly Liddiard, Jason Bullard  
*Absent:* Dayna Hughes, Kevin Hansbrow, Dan Steele  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Adam Castor, *LEI Planner*, Seth Waite, *Fire Chief*, Lucretia Thayne, Jamie Towse, Lee Haskell

## OPENING ITEMS

### OPENING

Kelly Liddiard, Co-Chair, welcomed at 7:10 PM. Opening remarks were said by Randy Jones followed by the pledge of allegiance.

### APPROVAL OF AGENDA

The agenda was reviewed and no changes were made.

### SIMMONS CONDITIONAL USE PERMIT

Adam Castor provided a background of the permit application. Last meeting, it was recommended for denial based on the current violations that were listed and discussed those issues. It was voted upon that if Mr. Simmons was in compliance with his chicken coop location by November 11, he would be allowed to resubmit an application and a site plan that showed compliance, he wouldn't have to pay an additional application fee. He did submit on November 11 a new site plan that does show compliance of the location of the chicken coop.

Kelly Liddiard said he remembered that it needed to be moved closer to his house.

Adam Castor indicated that was the case and it was moved closer to his house.

Randy Jones asked if there was any issue with the number of chickens.

Adam Castor said there weren't any issues.

Planning Coordinator indicated that Corbett Stephens is filling in as the code enforcer while Ray Brown is out of town. It was also suggested that if the motion is to approve the application, have a contingency to have the code enforcer to go look at the coop.

**JASON BULLARD MOTIONED AND RANDY JONES SECONDED TO APPROVE THE SIMMONS CONDITIONAL USE PERMIT WITH A CONDITION THAT IT BE CHECKED AND VERIFIED THAT IT MEETS THE CODE. VOTE: YES – ALL (5), NO – NONE, ABSENT – (3) DAYNA HUGHES, DAN STEELE, KEVIN HANSBROW**

### SINGLE ACCESS ROAD CODE AMENDMENT

Adam Castor indicated that this was discussed at the last planning commission meeting. It is based on recommendation from LEI to make a code amendment regarding single access roads. The TRC has reviewed and recommended that they be approved. During the last planning commission meeting this was discussed and there was a motion to recommend to the city council that they adopt the code amendments as recommended by LEI with an additional exception that the overall length of the road could be discussed through the normal application process. It was recommended by LEI a length of road not greater than 750 feet. It was discussed and decided that the 750 feet was too restrictive. The motion was made and voted on, however, the item was not properly noticed on the agenda and it was sort of mixed in the with the other code amendment request so the motion and the vote are null and void. It needs to be voted on again. The recommended code amendment from LEI supports the Transportation element of the General Plan. He read goal #2 from the Transportation element – “Minimize impact to our unique natural environment by requiring placement of facilities in the most suitable, lowest impact locations.” With regard to roads, following the contours, minimizing cuts and fills, etc. Objective B: “Dual access to areas in the higher hillside areas must be obtained.” Lastly, Implementation strategy says “DO NOT ALLOW ANY DEVELOPMENT in the upper part of the city without dual access.” The code amendment fully supports the general plan because it requires dual access. There is already a proposed exception – steep terrain or natural geographic, geologic. “Where terrain features or other physical obstacles make provision of a secondary access impractical, a single access of not more than 750 feet in length, and which is in accordance with the provisions of the IFC, may be approved by the city council after obtaining the recommendations of the fire chief and the planning commission.”

Jason Bullard thought that if the planning commission agrees to that amendment, they are pretty much stopping the development of that area from here on out.

Adam Castor said they are not stopping it, but limiting any single access road, dead end, or cul-de-sac at 750 feet, which is in compliance with the International Fire Code, as well. Beyond 750 feet, according to the fire code, requires special approval. It is treating each application on a case by case basis; that there is sufficient evidence for reasoning to allow a road beyond 750 feet. The motion was made to include an additional exception that the length of road beyond 750 feet be included in that language. It wasn't specifically written, but the fire code basically does that. LEI is trying to eliminate any confusion between the fire code and the city code whether it is in the HR-1 zone or the Urban Wildland Interface. It is just a code amendment to address the single access.

Jason Bullard asked if this language is preventing the developer up in the HR-1 zone from developing more houses.

Adam Castor said it is preventing anything beyond 750 feet without special approval.

Jason Bullard said that if there is a meeting and they grant special approval, the planning commission cannot approve for more than sixteen lots.

Adam Castor indicated that the planning commission can recommend it and the city council can approve it.

Jason Bullard was concerned that to get a dual access road, the other subdivisions has to be developed.

Adam Castor said they are trying to eliminate a lot of piece meal development, stub roads that may have the intention of going and connecting elsewhere, but terrain features may not allow it. There are a lot of things that are a factor - it jeopardizes civilian evacuation. It jeopardizes emergency response. It causes problems for school buses.

Kelly Liddiard confirmed that with the special exceptions, if that were to be approved, it comes with all the things, such as turn-arounds, etc.

Paul Squires asked if the fire chief approved it.

Adam Castor indicated that it was discussed at TRC where the fire chief was in attendance.

Paul Squires asked if there were any special recommendation like making the turn-around larger.

Adam Castor answered that there was anything beyond that because the fire code does provide minimum standards for putting in whether it be a hammerhead or a cul-de-sac at certain distances.

Randy Jones confirmed that if a development occurs and they only have a single access, the road can be no longer than 750 feet unless there is an exception.

Adam Castor said that is the exception. The language states that there needs to be a dual access provided and the exception is that if terrain features make that impractical, then the length of a single access road up to 750 feet may be allowed. The initial code amendment supports the general plan by requiring dual access for any new developments in the HR-1 zone and anything beyond that in the Urban Wildland Interface.

Mr. Lee Haskell asked what is considered upper Elk Ridge.

Adam Castor indicated anything in the HR-1 Zone and the urban wildland interface zone. He indicated on a map the area that is considered upper Elk Ridge.

The previous motion was reviewed in the October 28, 2010 minutes.

"Dayna Hughes motioned and Kevin Hansbrow seconded to recommend to the city council to adopt the code amendment with all the changes as submitted by LEI with an addition at 2C, which would basically read "exceptions can be made on the length of the road through the normal application process". Vote: yes - (6), No - (1) Randy Jones, Absent - (1) Dan Steele

**KELLY LIDDIARD MADE A MOTION AND PAUL SQUIRES SECONDED TO RECOMMEND TO THE CITY COUNCIL TO ADOPT THE CODE AMENDMENT WITH ALL THE CHANGES SUBMITTED BY LEI. VOTE: YES - (5), NO - (1) JASON BULLARD, ABSENT - (3) DAYNA HUGHES, KEVIN HANSBROW, DAN STEELE**

Commissioner Jason Bullard explained his vote that there needs to be a better way to look at it. He is looking at it from a developer's standpoint. If that property is owned and it is probably restricted to build on if the developer can only get 16 lots. His thought is that the developer is going to be responsible for the cost if anything has to be done; if it requires some grades, etc. He feels that if the developer is restricted and feels they can't do anything with the property then who will buy it. He is concerned about the development of that area and whether it is possible or not with the proposed code.

**9-3-4: ROADS:**

B. Exceptions: Where terrain features or other physical obstacles make provision of a secondary access impractical, a single access of not more than 750 feet in length, and which is in accordance with the provisions of the IFC, may be approved by the city council after obtaining the recommendations of the fire chief and the planning commission.

**10-9A-13-11 SECONDARY ACCESS:**

~~Any development over sixteen (16) building lots must have a secondary public access street (Ord. 08-4, 2-26-2008)~~

All development in the ~~urban/wildland interface area~~ **HR-1 Hillside Residential I Zone** shall have more than one access route which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two (2) access points. Looped roads with a single access are not allowed.

A. Exceptions: Where terrain features or other physical obstacles make provision of a secondary access impractical, a single access of not more than 750 feet in length, and which is in accordance with the provisions of the IFC, may be approved by the city council after obtaining the recommendations of the fire chief and the planning commission.

B. Specifications: All roads shall conform with the city development code, subsection 10-15C-2A of this code, streets and roads. (Ord. 69-12-10-10, 12-10-1996).

**HASKELL ASSISTED LIVING FACILITY**

Adam Castor provided a background on the application that was discussed at the previous planning commission meeting. On October 22, 2010, the TRC reviewed the application and the drawings provided and the application was complete, but at that time there were some issues that were brought up mostly regarding the number of calls for an ambulance that may be generated by a facility. The response time was a big concern. It then turned into a discussion of whether Elk Ridge could provide an ambulance service. If so, what would be needed to do that; what fees? Impact fees to cover the cost of providing that service. If there needed to be additional volunteer EMT on staff to operate the ambulance. It was recommended by the TRC that the planning commission table a decision on this application until further information is available to address some of those concerns. At the planning commission meeting on October 28, 2010, a couple of additional items were discussed - the number of emergency response calls to similar assisted living centers in the area and determine whether the response time is going to be detrimental to residents of the facility. Since the last planning commission



meeting, Seth Waite, Lee Haskell, and Kelly Liddiard have compiled some information in response to the questions and concerns brought up by the TRC and the planning commission. It was talked about at a staff level and it was decided to move it to an action item so the planning commission could take action on it because if the planning commission feels that the information provided tonight is sufficiently addressed, then the issues could be remanded back to the TRC to take a further look or they could make a vote if there is enough information.

Kelly Liddiard asked who supplied the invoice from Utah Valley Dispatch.

Planning Coordinator replied that there is only a flat fee for a year, not per call.

Seth Waite, Fire Chief indicated that is for the paging service. No matter what they do, the city only pays that flat fee amount. He said that if it gets to the point where there are so many calls they would then evaluate it and if they need to charge more, but right now it is a flat amount. The fees have never been an issue.

Kelly Liddiard reviewed his research. He contacted four different assisted living centers and Hearthside located in Spanish Fork was the most comparable to what is being proposed. In 2009, they had four medical calls and in 2008, they had nine medical calls. They did have some other calls for law enforcement. With 31 beds in two years time, 13-14 calls it is not concerning.

Mr. Haskell explained when he was talking to some of the facilities, the feeling he got was that because the residents have 24-hour care, CNA or RN, a lot of these people are in contact with them if they are sick or an emergency and a lot of the time the issue is taken care of right there before an emergency arises. He said the facilities did not see an increase in calls.

Kelly Liddiard said there were memory units in some of the facilities and he asked if Mr. Haskell was planning on having a unit for dementia and Alzheimer's.

Mr. Haskell replied there would not be any memory unit.

Kelly Liddiard said that wouldn't be a medical problem, but more of a law enforcement problem.

Debbie Cloward asked what the level 1 and level 2 mean.

Mr. Haskell explained that type 1 assisted living is where the resident should be able to evacuate the building on their own without assistance. Type 2 assisted living is where the resident needs at least one person to help them evacuate the building.

Randy Jones commented that there would have to be ten assistants to help them out.

Mr. Haskell said not necessarily. There could be one person assisting multiple residents, obviously not at the same time. So they are proposing a type 1/Type 2 facility. Those classifications are the state's classifications.

Randy Jones commented that it is not necessarily the ability to take care of themselves, but the ability to evacuate the building.

Mr. Haskell indicated if the resident can't get out on his own, then that resident would require more help than an assisted living facility.

Randy Jones said that Seth Waite, Fire Chief, made a comment in his remarks about the state agency having jurisdiction over whether this facility could be placed in the area. He asked Mr. Haskell if he asked the state for approval to build a facility in Elk Ridge.

Mr. Haskell indicated he has not contacted the state because he didn't want to waste any time if he wasn't going to get a conditional use permit from the Planning Commission.

Randy Jones commented that there was another comment about the Beehive house having first right of refusal. He doesn't know how that works.

Seth Waite, Fire Chief has not been able to verify that. Mr. Waite contacted the owner of Beehive Assisted Living, Craig Elder and he was under the understanding that Beehive owned the rights in Southern Utah County to do assisted living centers. Mr. Waite indicated it is rumor right now and he can't verify it. The owner also said there isn't a moratorium on assisted living facilities. The only moratorium with the state is on nursing centers and if there was going to be a Medicare-aided center; it has to be 150 beds or more. Or if anyone is trying to convert to Medicare subsidized centers, they cannot do it. Mr. Waite also talked with the Kami at the Utah Department of Health, Health Facilities Licensing, Certification and Resident Assessment Division and she said they have to have the plans and application submitted to them before it ever goes to the city. So it does not concern the city at this point.

Adam Castor explained that the conditional use permit is determined by the city. The question is whether the condition is right for the parcel. Mr. Haskell will have to go through the process with the state in order for him to come to the city with a site plan. A conditional use permit does not guarantee Mr. Haskell anything; he is not vested. There are a lot of other approvals he will need to obtain prior to building the facility.

Jason Bullard asked Mr. Waite, Fire Chief, if he had any concerns about the facility endangering anyone for its location.

Seth Waite, Fire Chief said he didn't have any concerns.

Jason Bullard then asked Mr. Haskell when possible tenants fill out their application is there something in there where it tells the applicant the distance of the hospital and estimated response time and they sign it and understand it.

Mr. Haskell indicated he would have that and that it was part of the state's requirements.

**RANDY JONES MOTIONED AND JASON BULLARD SECONDED TO APPROVE THE CONDITIONAL USE PERMIT FOR THE ASSISTED LIVING CENTER. VOTE: YES – ALL (5), NO – NONE, ABSENT – (3) DAYNA HUGHES, KEVIN HANSBROW, DAN STEELE**

#### TRAFFIC CALMING/GENERAL PLAN DISCUSSION

Lucretia Thayne presented some articles on traffic control as opposed to traffic calming. She indicated there were studies done where an engineer found that the less control with stop signs, etc. lead to fewer accidents.

Kelly Liddiard doesn't think that is true. The problem is if there is an uncontrolled intersection, the city becomes liable in an accident. That's what needs to be prevented.

Jason Bullard asked if Elk Ridge Drive has ever been striped.

Debbie Cloward indicated that at one time, there was stripes where the bus stops down on Goosenest Drive and Elk Horn Drive. She thinks it was good. The other thing they did was put up a caution sign for kids and for awhile there was flashing lights on it.

Jason Bullard said he meant striping to make lanes.

It was commented that there was striping at one time, but it has long since been covered by asphalt. If the lines are there and the road seems narrower, people will drive slower.

Adam Castor indicated there are some references for traffic calming in the General Plan and requiring developers to implement traffic calming devices in new developments. The objective is to study some alternatives or some solutions to the traffic-calming measures. Under the General Plan in the transportation element Goal #3 states "Minimize impact to residential neighborhoods by adhering to the road classification system layout and city requirements" and one of the implementation strategies is to "Study the best methods of traffic calming that will work in Elk Ridge".

Some traffic calming tools were discussed, such as painting lines, bulb-outs at intersections, speed bumps, speed humps, speed tables, stop lines at stop signs, additional speed limit signs and flashing yellow lights within school zones.

Paul Squires also suggested putting in reflectors on the asphalt in addition to the striping.

It was suggested to do a speed study in the research before any plan is created.

**APPROVAL OF 10/14/2010 AND 10/28/2010 PLANNING COMMISSION MEETING MINUTES**

There were not any changes made to the planning commission meeting minutes.

**PAUL SQUIRES MADE A MOTION AND RANDY JONES SECONDED TO APPROVE MINUTES OF 10/14/2010 AND 10/28/2010 PLANNING COMMISSION MEETINGS. VOTE: YES – ALL (5), NO –NONE, ABSENT – (3) DAYNA HUGHES, KEVIN HANSBROW, DAN STEELE**

**CITY COUNCIL UPDATE**

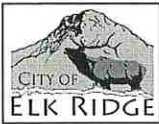
There was not a city council member present to provide an update.

**OTHER BUSINESS**

There was not any other business.

**ADJOURNMENT** – Co-Chair, Kelly Liddiard, adjourned the meeting at 8:10 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, 13 January 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## COMMISSION REGULAR MEETING AGENDA

### 7:00 pm OPENING ITEMS

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

### PUBLIC HEARINGS AND ACTION (none)

### 7:05 OTHER ACTION ITEMS

1. Elk Haven Code Amendment for Single Access ..... *see attachment*

### DEVELOPMENT CODE / STANDARDS REVIEW (none)

### 7:25 PLANNING COMMISSION BUSINESS

2. Planning Commission Duties/Responsibilities – Adam Castor ..... *see attachment*
3. Review/Approval of Planning Commission 2011 Schedule ..... *see attachment*
4. Review and approve minutes of 12/09/10 Commission Meeting ..... *see attachment*
5. City Council Update
6. *Other Business*

### ADJOURNMENT

## CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 6 January 2011 and delivered to each member of the Planning Commission on 6 January 2010.

Planning Commission Coordinator: *Marissa Bassin* Date: 6 January 2011

1

1

1

# ELK RIDGE PLANNING COMMISSION MEETING

January 13, 2011

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, January 13, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Randy Jones, Paul Squires, Kelly Liddiard, Jason Bullard, Kevin Hansbrow  
*Absent:* Dayna Hughes, Debbie Cloward, Dan Steele  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Adam Castor, *LEI Planner*, Mayor Ken Lutes, Erin Clawson, *City Council*, Weston Youd, *City Council*, Nelson Abbott, Ronald Dahlstrom, Sharon Dahlstrom

## OPENING ITEMS

### OPENING

Kelly Liddiard, Co-Chair, welcomed at 7:00 PM. Opening remarks were said by Randy Jones followed by the pledge of allegiance.

### APPROVAL OF AGENDA

Kelly Liddiard indicated that the petitioner on the Elk Haven Code Amendment action item has asked to be removed from the agenda.

**KEVIN HANSBROW MOTIONED AND KELLY LIDDIARD SECONDED TO AMEND THE AGENDA AS STATED.  
VOTE: YES – ALL (5), NO – NONE, ABSENT (3) DAYNA HUGHES, DEBBIE CLOWARD, DAN STEELE**

### PLANNING COMMISSION DUTIES/RESPONSIBILITIES

Adam Castor indicated that in preparation for the next meeting on February 10<sup>th</sup> where the planning commission will choose a new chair and vice-chair, he wanted to review the duties and responsibilities for the chair, vice-chair, coordinator, the planner, the administrator, and the city engineer. The duties and responsibilities come from the planning commission by-laws.

It is the understanding of the current city planner, Adam Castor, that chair, Dayna Hughes, is resigning as chair and will continue as a regular full time commission member.

Adam Castor reviewed the Power point presentation of the duties and responsibilities with the planning commission.

### PLANNING COMMISSION DUTIES AND RESPONSIBILITIES

#### *Planning Commission Chair*

*The Planning Commission Chair shall preside at all meetings of the Commission and shall provide general direction for the meetings.*

*Duties of the Chair are to:*

- 1. Call to order on the day and the hour scheduled and proceed with the order of business.*
- 2. Announce the business before the Commission in the order in which it is to be acted upon.*
- 3. Receive and submit in the proper manner, all motions and propositions presented by the members of the Commission.*
- 4. Put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result of motions.*
- 5. Inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel for advice.*
- 6. Authenticate by signature, when necessary, or when directed by the Commission, all of the acts, findings and orders, and proceedings of the Commission.*
- 7. Maintain order at the meetings of the Commission.*
- 8. Move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.*
- 9. Recognize speakers and Commissioners prior to receiving comments and presentations.*
- 10. With the assistance of the City Planner and the Planning Commission Coordinator, prepare a written agenda for each meeting as far in advance as possible and place such agenda in the hands of each member of the Commission prior to the commencement of the meeting.*

#### *Planning Commission Vice Chair and Temporary Chair*

*Duties of the Vice Chair: The Vice Chair, during the absence of the Chair, shall have and perform all of the duties and functions of the Chair.*



Temporary Chair: In the event of the absence or the disability of both the Chair and Vice Chair, a majority vote of the Commission at their regularly scheduled meeting shall determine which Planning Commission member shall serve as temporary Chair until the Chair or Vice Chair returns. In such an event, the temporary Chair shall have all the powers and perform the functions and duties assigned to the Chair of the Commission.

### **Planning Commission Members**

#### **Meeting Attendance:**

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

#### **Planning Commission Coordinator - Marissa Bassir**

It shall be the duty of the Planning Commission Coordinator to:

1. Post public notices of regular and special Planning Commission meetings, consisting of a quorum, 24 hours prior to the meeting.
  2. Attend every session of the Commission, to take and record the roll, to read any communications, resolutions or other papers which may be ordered to be read by the Chair of the meeting and to receive and bring to the attention of the Commission all messages and other communications from other sources.
  3. Keep the minutes of the proceedings of the Commission and to record them.
  4. Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission.
  5. Ensure Commissioners receive materials pertinent to regularly scheduled Commission meetings by the Friday prior to Planning Commission meeting.
- Additional duties may include:
1. Address development application questions and concerns to the greatest extent possible;
  2. Correspond with the City Planner on development application questions and concerns, and relay information back to those with questions and concerns;
  3. Process development applications;
  4. Assist the Planning Commission Chair and the City Planner with the preparation of Planning Commission and TRC meeting agendas;
  5. Correspond with the City Planner regarding the scheduling and coordination of TRC meetings;
  6. Participate in TRC meetings, keep the minutes of the proceedings, and to record them.

#### **Planning and Zoning Administrator – Corbett Stephens**

It shall be the duty of the Planning and Zoning Administrator to:

1. Address planning and zoning issues to the greatest extent possible;
2. Correspond with the City Planner and the Planning Commission Coordinator to resolve all planning and zoning issues;
3. Participate in TRC meetings and assist with the review of all development applications.

#### **City Planner – Adam Castor**

It shall be the duty and responsibility of the City Planner to:

1. Correspond with the Planning Commission Coordinator and the Planning and Zoning Administrator to resolve questions and concerns related to development applications and the Development Code;
2. Correspond with the Mayor on a regular basis to ensure that he is informed of all planning related matters;
3. Participate in TRC meetings and assist with the review of all development applications;
4. Assist the Planning Commission Chair and Planning Commission Coordinator with the preparation of all Planning Commission meeting agendas
5. Participate in Planning Commission meetings and present agenda items to the Commission;
6. Participate in City Council meetings and present agenda items to the Council;
7. Prepare staff reports for all major issues presented to the Planning Commission and City Council;
8. Review the Development Code periodically for inconsistencies and make amendment recommendations that will clarify any conflicting regulations and ensure compliance with the General Plan

#### **Technical Review Committee (TRC) – Mayor, City Planner, City Engineer, Planning and Zoning Administrator, Planning Commission Chair, and Fire Chief (as needed)**

It shall be the duty and responsibility of the Technical Review Committee to:

1. Review all development applications and plans for completeness and adherence to the Development Code and General Plan;
2. Hold initial meetings with developers and applicants to review and discuss development application requirements;

3. *Provide applicants with recommendations and redlines to ensure that applications are complete and that proposed developments will meet the requirements of the Development Code, and are consistent with the General Plan;*
4. *Make recommendations to the Planning Commission on development applications and requests.*  
*Ensure that all issues related to development applications are resolved prior to making a recommendation to the Planning Commission.*

Adam Castor reiterated that he put the presentation together so it would get the commissioners thinking about the changes that will take place at the next planning commission meeting next month and also to talk about the fact that the process is really where all the issues related to planning and development should be worked out, addressed, and discussed. A lot of the issues should be worked out at the TRC level. When development applications are submitted for just about anything, they will go to the TRC first.

Kevin Hansbrow commented that if the developer wants to go to the planning commission first, they have that option.

Adam Castor indicated that is stated in the process – it is only concept review by planning commission. So that gives the applicant the opportunity to present the project and ensure that it is in compliance with the development code and the General Plan. It is important that the issues get worked out at the TRC level first and foremost and then planning commission before it goes to the city council. When city council has the application, they have the recommendations from the planning commission and the TRC so that they are well informed and all the issues that may have come up throughout the development application process are addressed prior to getting to the city council. There have been a couple of applications that have gone back and forth from city council to planning commission and it is not an efficient process and doesn't accommodate the fees charged.

Paul Squires asked if it would be possible to get a report of the violations for code enforcement from Corbett Stephens as part of his duties. He would like some feedback of cleanup in areas or landscaping issues.

#### PLANNING COMMISSION 2011 MEETING SCHEDULE

Kelly Liddiard indicated that it had been proposed that the planning commission meet the 2<sup>nd</sup> Thursday of each month for the 2011 year.

**JASON BULLARD MOTIONED AND KELLY LIDDIARD SECONDED TO ACCEPT THE PLANNING COMMISSION MEETING SCHEDULE FOR 2011. VOTE: YES – ALL (5), NO – NONE, ABSENT (3) DAYNA HUGHES, DEBBIE CLOWARD, DAN STEELE.**

#### APPROVAL OF 12/09/2010 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to the planning commission meeting minutes.

**PAUL SQUIRES MADE A MOTION AND RANDY JONES SECONDED TO APPROVE MINUTES OF 12/09/2010 PLANNING COMMISSION MEETINGS. VOTE: YES – ALL (5), NO – NONE, ABSENT – (3) DAYNA HUGHES, DEBBIE CLOWARD, DAN STEELE**

#### CITY COUNCIL UPDATE

Erin Clawson, *City Council* indicated she attended the city council meeting via speakerphone in and out. The council tabled the code amendment recommendation from LEI until the meeting with Elk Haven E consultant, Krisel Travis.

Kelly Liddiard asked why the city council tabled it.

Erin Clawson deferred to Weston Youd, *city council*.

Weston Youd indicated the same code was being discussed twice simultaneously. The motion was to table it until Krisel Travis' Code amendment was addressed.

Kelly Liddiard commented that the developer already had an application in place and then the city is talking about amending the code. He asked if the developer comes in under the existing code at the time of application.

Adam Castor indicated that her application was submitted back in May of 2010. She would have come in under the code existing at the time. He also indicated that the planning commission recommended approval of the recommended code from LEI that was then moved on to city council.

Erin Clawson said she made a motion to accept the LEI code amendment and it was never seconded.

Adam Castor said it was tabled so it is still with the city council. At the time, her application was tabled until the city council made a decision on the code amendment from LEI. There are still two code amendments floating around. Krisel Travis called in earlier to have the code amendment from Elk Haven E removed from the agenda. He thinks she is very upset over how her code application has been handled and so she is now talking about bringing her attorney in. It's a complicated issue and that is why the process needs to be followed and efficient.

Kelly Liddiard asked if that hadn't been done.

Adam Castor indicated he didn't think it had been done since the issue had been to two planning commission meetings and three city council meetings. Based on the action on the LEI code amendment, the logical action in his mind would be to deny it.

Jason Bullard asked what his feeling was on the city council meeting.

Adam Castor said there are still a lot of issues that came up – dead end roads versus stub roads; the number of allowable lots on a single access road. It wasn't completely clear to him as to why it would have been tabled, other than the process and the fact that the developer's application had still not been acted upon.

Kelly Liddiard said in the minutes from December 9<sup>th</sup> that there was a discussion on the 750 feet and the IFC allowing an exception to that and he said that Adam Castor had told the planning commission that the exception is there. Later on, Adam Castor was telling the planning commission that it is 750 feet.

Adam Castor indicated that LEI's code amendment includes that if terrain features don't allow for a secondary access. All developments within the urban wildland interface area must provide dual access. The ordinance within the HR-1 zone says anything over 16 lots must provide secondary access. There are two different codes for the same area with an exception of 750 feet. There was some hang-ups over a cul-de-sac and stub road.

186 Paul Squires asked if a dirt road at the end of a stub or cul-de-sac be sufficient.

187 Adam Castor replied no. It has to be built to city standards in the building code.

188 Kelly Liddiard is concerned that he was misled at the last meeting. 750 feet is not even going to allow the 16 lots. Only 12 lots, if that.

189 Adam Castor explained that anything beyond 16 lots is going to require special approval anyway according to the fire code.

190 Kelly Liddiard asked if an applicant could come in and show their plan and they can only go a certain length and it will be a stub road because it will be continued later, can they go with the guidelines from the IFC to get more than 750 feet.

191 Adam Castor said no because the IFC is not an ordinance.

192 Kelly Liddiard said as the proposed ordinance as drafted refers back to the IFC.

193 Adam Castor explained that it does. It recognizes certain requirements and provisions of the IFC. He is recommending that 750 feet be allowed with an exception, but the "meat" of the ordinance is a direct reflection and implementation of the General Plan which says don't allow any development in that area without providing dual access. Right now, the city doesn't have the ordinance and the zoning regulations that support that.

194 Jason Bullard indicated at the last meeting it was voted to accept that ordinance. The developer is upset because the proposed ordinance will make it more restrictive now.

195 Adam Castor indicated it is not making it more restrictive. It is implementing our General Plan, which is making the developers provide dual access.

196 Kevin Hansbrow said that the plan has faults in places that have been there for so long. From the meeting on October 28<sup>th</sup>, he thought they could have 750 feet, but there could be more with an exception.

197 Adam Castor indicated that with special approval, the fire code does allow it.

198 Kelly Liddiard indicated that there is a double standard.

199 Adam Castor disagreed because the IFC is not the city's ordinance so if there is a stricter ordinance in place; that trumps the IFC. The IFC doesn't take into consideration zoning regulations, minimum lot frontages, etc.

200 Kelly Liddiard asked if the new proposed code that has been tabled by the city council is more restrictive than the IFC.

201 Adam Castor said it is because it requires dual access, which is what the General Plan says. If there are certain features that make it impractical then a single access code up to 750 feet would be allowed with special exception.

202 Erin Clawson commented that when the General Plan was done, it was done with specific things in mind to work with developers so they can develop, but also to be the best for the city of Elk Ridge. So it seems like there is an underlying tone to really go out of the way for the developer, such as making exceptions.

203 Kelly Liddiard said he is not trying to go out of his way for the developer. That is why he keeps saying to the planning commission that they are looking at the code and not worrying about the developer, Krisel Travis. He doesn't want her brought into the discussion.

204 However, he is concerned about that development and any other development in that part of town because they are going to be very, very limited due to the way the proposed code is written.

205 Erin Clawson asked if there is something wrong with it being limited if the terrain permits it being limited or is better to have it limited. Her concern is whatever happens in that area, she is not against development, and she just knows that it is inherited in the lower part of the city. She thought the general plan was great in taking it into consideration.

206 Kevin Hansbrow commented that no one will ever build up there with only being allowed 750 feet of road, which they can only get maybe 12 lots. It is almost being made to where they can't because to get the roads built it is very expensive.

207 Kelly Liddiard commented that if there is a certain amount of acreage owned, and they want to develop it and 750 feet is as far as it can go and then it can't be continued, the costs are probably so prohibitive because of the area where it's at that it probably will never be developed. Then the owner past the property is probably not going to develop because they are landlocked. His concern is that it will be detrimental down the road.

208 Adam Castor said it's going to force coordinated development in that area with multiple developers.

209 Erin Clawson asked if coordinated development is better.

210 Kelly Liddiard said it was good.

211 Adam Castor said it was not impossible to do it.

212 Kevin Hansbrow said he would like to see how it could be done because for everybody to get their ducks in a row; financing...it's not just them coming and saying they have a great idea. It is them having all the financing available. There is more to it than just here is a way that it could be done. Back when the economy was good, it was still almost impossible for it to get done. Why not the exception instead of just saying it is never going to happen.

213 Adam Castor hypothetically said that all the developers up there get coordinated. They bring in the plan where it connects the road. They have everything in place. They could still stub off with a cul-de-sac and develop other areas. What it is designed to do and what the intent is to stop somebody from going from the end of the road that is currently there that may have 30-40 lots and creating another stub road that may have 30 lots on it that is close to half-mile long. The lot frontages have to be considered.

214 Kevin Hansbrow said that exception has to be allowed to happen. Just because they allow the one exception doesn't mean they have to allow for another exception.

215 Kelly Liddiard said his confusion was that the exception in the proposed code is "up to" and not "over" 750 feet.

216 Kevin Hansbrow said doesn't think it has to be one way or the other. He is saying that to limit them and saying that is not how the city wants it. Then the developer will have to come through with another code amendment request. If there is an exception in there now, then it won't have to be fixed later to have an exception.

217 Adam Castor said that he understands that the exception doesn't guarantee that it is going to happen. The question is the planning commission wrote the general plan, is the general plan going to be amended to allow stub road development? If there aren't the ordinances to enforce it, then there is six months of going back and forth with the city council.

218 Kevin Hansbrow commented that they all still have to be expected. There isn't just a blanket exception on all the extra stub roads.

219 Adam Castor said there still has to be code in place that implements your general plan and if it's not practical with terrain features that is where the exception comes into place. It is not because someone wants 30-40 lots and they can't because it is limited to 750 and they can't afford to build the road. The petitioner has to prove that – not for financial reasons. That is not smart growth.



Kelly Liddiard said the fact that there are still questions with the exception, he doesn't think the code amendment or the current code is well-written the way it is. He also indicated that Randy Jones brought up a good point last meeting that if there are exceptions, where will it end?

Paul Squires commented that based on the economy, an exception should be made for the area.

Kelly Liddiard said the economy will rebound. It has done it for a thousand years.

Kevin Hansbrow explained that if a developer came to the planning commission with a smart plan and there are fire sprinklers to protect from fire issues. There is an exception made to have external fire sprinklers if they are going to make a stub road. He said with the exception there could be safety measures that have to be made. If a developer came in with a smart plan and the road was over 750 feet, right now, it could not be accepted. The code would have to be changed.

Adam Castor said the current code allows it, but the code amendment would not. It is only up to 750 feet. The possibility is there under the current code, but the more astringent code has to be applied.

Randy Jones commented that the General Plan also prohibits it.

Randy Jones was corrected that the General Plan is not code, simply a guide.

Erin Clawson commented that the General Plan should not be counteracted against. It was voted on by the council for reasons that were in there and because it was good.

Weston Youd said there are two ways to approach to support a general plan. If there is a developer who wants to use his land and has two options. One, they can make a cul-de-sac to fit the code. The code has to allow that because they have the right number of lots on a cul-de-sac. Whereas, if there is an option to stub the road and get three or four more lots, it will allow the general plan to take effect in the transportation element there should be a continuous road going through there. In the future, the transportation element of the general plan can go through it. If they just put a cul-de-sac then it won't be supporting the transportation element of the general plan. So that should be taken into consideration, as well. There are many sections of the general plan, not just the development section and all sections of the general plan must be taken into account.

Jason Bullard let's say there was a development that came in and they had a good plan and it was 850 feet in order to get two more lots. And that was the difference in being able to build the division and not build it, how bad would it be going away from the plan by going those extra 100 feet to get those two lots to make the development happen versus saying they can't do it and because the two lots aren't there totaling \$100-200,000 so they can't build it. That's where he was looking at the exception of being able to go further than 750 feet so they could look at each development individually. If the plan looked and fit; everything was good about it and the developer needed to, could the planning commission look at that and make an exception.

Adam Castor commented that it is still a dead-end road without a dual access. Is the planning commission comfortable ignoring the all-caps, bullet item in the general plan to not allow any development without secondary access by allowing stub road development or not. There are a lot of other issues, such as evacuation, ability for firefighters to get up there and that is the major concern.

Kelly Liddiard commented that it may need to be re-worked and possibly come back to the planning commission.

Erin Clawson indicated that there needs to be a code that everyone feels comfortable with and stick by. And have developers come in under that code. This is the code; develop in Elk Ridge or not.

Jason Bullard asked if it is going to come back to the planning commission, are they going to allow for "X" amount of feet. Can they go 1500-2000-9000 feet? Is there going to be a number on it? Or are they just going to say no and look at each one separately, which there again, that falls back to saying there really isn't a code or guideline. The planner wrote the code to fit the plan that was written. If the 750 feet is taken out and they want to look at each project individually, the planner is not going to come back and tell the planning commission that they can go to 1000 feet because it doesn't fit the general plan. The only other option is to leave it wide open.

Adam Castor said they can cap it at whatever is wanted, but it makes sense to address the fire code because anything beyond 750 feet requires special approval anyway.

Jason Bullard said when the code was read, the sprinklers did allow for a longer road.

Adam Castor also indicated more units on a single access if there are more than 30. He asked the planning commission to consider the fact that the International Fire Code doesn't take into consideration the lot terrains and it doesn't take into consideration lot frontages.

Kevin Hansbrow liked the proposed code as the rule, but he would like to see that there could be an exception made. He doesn't like that is the final...

Randy Jones commented that if one exception is allowed, why wouldn't they want to allow a second and then there is going to be a bunch of stub roads all over.

Adam Castor said that is why there is a general plan to guide. Do they want to force the development in that area of town to be coordinated so that dual access is provided?

Further discussion took place regarding use of cul-de-sacs and the code not allowing cul-de-sacs unless terrain features make it impractical to provide a dual access road. HR-1 Zone Code: *"The design of the road system shall provide for continuous circulation throughout the project. Cul-de-sacs and temporary dead-end roads stubbed for future development must have approval by the planning commission and are only allowed where unusual conditions exist which make other designs undesirable."*

Adam Castor indicated that good development would provide dual access. There shouldn't be a need for an exception. Leapfrog development is not allowed in the general plan. The proposed recommendation from LEI is to try to eliminate that kind of development because it is not safe. There are a lot of problems associated with it.

Kelly Liddiard asked what standard would be used for the exception. The general plan is the standard that should be followed. The general plan would be sidestepped if an exception was allowed and that is not good management.

Jason Bullard commented it would be nice if a developer came and they have a plan and the city has the guideline and trying to get a code amendment so they can go further. It gives the city the chance to make it the developer's responsibility to make it work it out with the other developers and then if it doesn't work, then it can be looked at again as an exception. If the exception is not there, then it is done.

Kelly Liddiard said it is a difficult area to develop because of the terrain and the many land owners in the area.

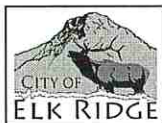
There was not any other business.

**ADJOURNMENT** – Co-Chair, Kelly Liddiard, adjourned the meeting at 8:20 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, 10 February 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## COMMISSION REGULAR MEETING AGENDA

### 7:00 pm OPENING ITEMS

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

### 7:05 PUBLIC HEARINGS AND ACTION

1. Linn Conditional Use for Hobby Animal (Miniature Horse) ..... *see attachment*

### OTHER ACTION ITEMS (none)

### DEVELOPMENT CODE / STANDARDS REVIEW (none)

### 7:10 PLANNING COMMISSION BUSINESS

2. Voting of Planning Commission Chair/Vice-Chair
3. Review and approve minutes of 01/13/11 Commission Meeting ..... *see attachment*
4. City Council Update
5. *Other Business*

### ADJOURNMENT

## CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 4 February 2011 and delivered to each member of the Planning Commission on 4 February 2010.

Planning Commission Coordinator: *Maissa Bassi* Date: 4 February 2011

1

2

3

# ELK RIDGE PLANNING COMMISSION MEETING

February 10, 2011

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, February 10, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Randy Jones, Dan Steele, Kelly Liddiard, Dayna Hughes, Kevin Hansbrow, Debbie Cloward, Nelson Abbott  
*Absent:* Jason Bullard  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Adam Castor, *LEI Planner*, Erin Clawson, *City Council*, Paul Squires, Deborah Squires, Jefra Linn, David Linn

## OPENING ITEMS

### OPENING

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

Dayna Hughes, Chair, introduced new full-time planning commissioner, Nelson Abbott. He was on the city council for a term. He replaced Paul Squires. He moved to Elk Ridge in 1998. He lives on Salem Hills Drive. He felt a disconnect and wanted to get involved again. It happened quickly.

**DAYNA HUGHES MOTIONED TO MAKE DAN STEELE, ALTERNATE, A VOTING MEMBER. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) JASON BULLARD**

## APPROVAL OF AGENDA

Dayna Hughes reviewed the agenda and the process of public hearings. She added that Paul Squires wanted to take 10-15 minutes.

## LINN CONDITIONAL USE PERMIT FOR HOBBY ANIMAL (MINIATURE HORSE)

Dayna Hughes opened the public hearing at 7:04 PM.

David and Jefra Linn were in attendance, but there was not any public in attendance for this issue.

Dayna Hughes closed the public hearing at 7:05 PM.

Adam Castor explained the conditional use application for the miniature horse.

*Applicant/Owner:* David/Jefra Linn  
*Location:* 144 So. Astor Lane  
*Land Area:* N/A  
*Zone:* Residential R-1-15,000  
*Adjacent Parcel Zones:* Residential R-1-15,000  
*Proposed Land Use:* N/A  
*Current Land Use:* Low density Residential  
*Adjacent Land Uses:* Low density Residential  
*Previous Meeting Dates:* N/A

### DESCRIPTION:

This is an application for a Conditional Use Permit for a miniature horse, received on November 30, 2010. The site is located at 144 So. Astor Lane, Elk Ridge, UT 84651. The applicant is seeking a Conditional Use Permit for the keeping of one miniature horse, as stated on the application.

### RECOMMENDATION:

A site plan and management plan was submitted with the conditional use application, which indicates the corral area is located closer to the owner's residence than neighboring residential buildings. The owner was to take ownership of the miniature horse on December 25, 2010. The city staff believes the applicant is in compliance with the Land Development Code requirements, and recommends approval of the application based on the submitted plans. It is also recommended that the code enforcement officer visits the site to verify compliance upon approval of the application.

Dayna Hughes asked if the building directly southeast was a residence.

David Linn indicated it is a residence.

Randy Jones asked if the adjacent property where the corral is also their property.

David Linn indicated that is also their property. It is connected with about 60 feet of fence.

Randy Jones asked about the neighbor's property line.

David Linn explained that is their next door neighbor and their property line has a fence.

Dayna Hughes commented that they have a weird lot. Is it buildable?

David Linn said that they cannot build on the lot. It is landlocked.

Kelly Liddiard just wanted to make sure that the code enforcement officer verifies the distances because driving by, it looks like the corral is pretty close to the 131 Astor Lane.

RANDY JONES MOTIONED AND DAN STEELE SECONDED TO ACCEPT THE PROPOSED CONDITIONAL USE PERMIT FOR MINIATURE HORSE BASED ON THE CODE ENFORCEMENT OFFICER FINDING ALL TO BE IN ACCORDANCE WITH THE CODE – VERIFY THE DISTANCES. VOTE: YES – ALL (7), NO – NONE, ABSENT (1) JASON BULLARD

#### VOTING OF PLANNING COMMISSION CHAIR/VICE-CHAIR

Dayna Hughes explained that it is her desire to step down as the planning commission chair, however, she would like to continue to serve on the planning commission, which is a first – every other chair has quit. She has worked with three different mayors and she doesn't seem to be able to "hitch her wagon" to the mayor so she doesn't have any desire to be involved in that part of the chairmanship's responsibilities. She has enjoyed serving and looks forward to a new chair. She reviewed the planning commission's terms, the rules of the alternate member and length of terms according to the planning commission bylaws. When a planning commissioner's term is expiring, the planning commissioner should have the opportunity to express whether they would like to be considered for another term. Debbie Cloward's term is done in February 2012 because she took Weston Youd's place on the commission, which ends in 2012.

*"The terms of appointments shall become effective immediately upon passage of a motion to appoint by the city council or at such other time as may be specified in said motion, and shall expire on February 1 of the scheduled year of expiration. At the expiration of terms of regular members of the planning commission (everyone, but the alternate) the mayor with the advice and consent of the city council may choose to reappoint a member to another term. If the city council chooses not to reappoint a regular member, the vacancy shall be filled by the alternate member."*

Dayna Hughes said in her opinion that the city council was not aware of the procedure and it was not done correctly. The city council did not have the opportunity to reappoint Paul Squires. The mayor did not give the city council the information that Paul Squires was up for reappointment and whether he wanted to be reappointed or not. Her advice to the planning commission was if the member wants to be reappointed; they should contact a member of the city council and let them know. With the information provided to the city council, they decided to appoint Nelson Abbott as a full-time member to replace Paul Squires.

Randy Jones asked if there was any recourse to redo it.

Dayna Hughes replied that it is up to the new chair whether he or she decides to pursue it. Dayna also stated that her term is up in 2012.

*"The terms of the regular members first appointed following the adoption of the ordinance codified herein shall be arranged such that the term of at least one member shall expire each year."*

The planning commission is set up for a member's term to expire every year. Randy Jones' term expires in 2013 even though he hasn't served a full five years. He is serving out term of the person who he replaced. Jason Bullard's term expires in 2014. Kelly Liddiard's term expires in 2014, as well. Kevin Hansbrow's term expires in 2015. Dan Steele's term as alternate expires in 2012 because the alternate's term is only a year. Nelson Abbott has been appointed for a full five years so his term ends in 2016.

Randy Jones asked for clarification on the alternate. If Dan Steele decides to stay as an alternate, the city council could reappoint him as an alternate for another year. So it is a year at a time.

Dayna Hughes replied yes. It has never happened though, because all the current members started out as an alternate and just moved up.

*"Alternate Members: The term of appointment of alternate members shall be for a period of up to one year and until their successors have been appointed. The term of the alternate member shall expire on February 1 of the year following their appointment."*

Erin Clawson asked if there is an opening for any reason and anyone can apply for that, right. Does the mayor have to bring to the city all applicants?

Dayna Hughes said no. The mayor brings to the city council someone that he has brought forward to nominate as a planning commissioner. A person can go to the city council and express their desire to be on the planning commission, but the mayor won't appoint him or her, the city council can recommend the person. The city council has all the voting power.

Randy Jones asked if there is only one alternate at any given time.

Dayna Hughes indicated that the bylaws say to have one, but there can be as many as the planning commission wants. However, it was talked about to go down to a five person commission and felt that they didn't want to do that.

Kelly Liddiard indicated they have had two alternate members before.

Dayna Hughes explained the process for voting in a new chair and vice chair. Any member can nominate as many people as they want for chair, but the person has to accept the nomination. If there is more than one nomination then it is discussed. If there is not, then it is voted upon. That person will then nominate a vice chair.

**DAYNA HUGHES MOTIONED AND KEVIN HANSBROW SECONDED TO NOMINATE KELLY LIDDIARD TO BE THE ELK RIDGE PLANNING COMMISSION CHAIR. KELLY LIDDIARD ACCEPTED. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) JASON BULLARD**

**KELLY LIDDIARD MOTIONED AND DEBBIE CLOWARD TO NOMINATE KEVIN HANSBROW TO BE THE ELK RIDGE PLANNING COMMISSION CO-CHAIR. KEVIN HANSBROW ACCEPTED. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) JASON BULLARD**

#### APPROVAL OF 1/13/2011 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to the planning commission meeting minutes.

**KELLY LIDDIARD MADE A MOTION AND KEVIN HANSBROW SECONDED TO ACCEPT THE MINUTES OF 1/13/2011 PLANNING COMMISSION MEETING AND APPROVE THEM AS WRITTEN. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) JASON BULLARD**

#### CITY COUNCIL UPDATE



Erin Clawson indicated that most of the city council meeting was closed so she can't discuss more than they were talking about personnel issues.

Dayna Hughes asked if anyone wanted to address where Elk Haven E is at.

Adam Castor indicated it was tabled until further notice. Krisel Travis requested the item to be removed from the agenda for the last planning commission meeting, which was done. Until they come back to request the item be put back on the agenda, it's not going to be addressed.

Dayna Hughes asked if anything was coming to planning commission.

Adam Castor said Lee Haskell is working on a submittal for a one-lot subdivision for his assisted living facility. Then there are just a few code cleanup amendments that will be on the agenda for next month to bring everything current.

#### OTHER BUSINESS

Paul Squires explained that he is not there to whine, but he wanted to be able to tell the planning commission some things that he is passionate about. He had great involvement of some things while he was on the commission. (1) He really spearheaded and pushed to the point of lawyers contacting him; the planning commission was able to close the loop on the landscaping ordinance for those houses that were built prior to 2006. There was an ordinance already in place, but it only covered the houses from 2006 forward and that was to have the yard landscaped within two years of the ordinance passing. There was nothing that covered the houses prior to 2006 so he really pushed to get that done. Right after it was passed; there was a lot of activity in the city and saw people doing landscaping. (2) He prepared for the planning commission several copies of the planned field guide for noxious weeds so that the city inspector or the enforcement officer could contact somebody who was not in compliance with the landscaping ordinance, which the cutoff date was October 2010. He prepared the guide so the home owner could not claim that noxious weeds are part of their landscaping. Hopefully, it is being used. (3) He is also really passionate about the protection of the ravines and he thinks a lot of the members on the planning commission felt the same way. The protection of the ravines and the wildlife quarters are now protected by code. Also, the signing of preservation agreements. Someone who has a 1 acre lot and they have the footprint of the house and there is so much space around the house for landscaping. Basically, the signing of a preservation agreement to agree to keep the rest or as much as possible of the acreage in its natural state to keep some of the beauty of the hillsides. (4) He was very worried about the protection of the ridgeline. The house has to be fifty (50) feet beyond the ridgeline so it is esthetically pleasing. (5) He did prepare large charts of about ten trees that are suitable for the elevation and climate that have the best success rate of living. A homeowner can come to the city offices and get recommendations for trees. A developer who has a plan where landscaping is part of their plan, hopefully, the planning commission will ensure that they are using that chart so they don't plant trees that will not survive. He also recommends that if there is every a trail system and trees are planted; he would suggest planting 2" caliper trees that are balled (burlapped) rather than potted. (6) He was also very involved with stopping the developers from turning hillsides into walls. There was going to be a continuation of the wall done by RL Yergensen, but he and the planning commission helped to stop that from happening. (7) He also thought to require developers and homeowners to re-vegetate trees and plants that had been removed during the building process. Re-vegetation has been done on the water tower and hopes to see some sprouting in the spring. (8) He also asked Adam to have some maps when referring to properties and developments to be well-educated on the issues. (9) Any good that has come in the last two years for the city has come as a result of volunteer efforts, the planning commission, the city council and especially the city employees. The city employees have a real attachment to the area and the desire to do the best for the city. He was really hoping that Mayor Lutes was there because on record he wanted to say to the mayor, "If he wants to be known as a man of integrity, he has to have some first".

Deborah Squires commented that night of the city council meeting where Mr. Abbott was being appointed to the planning commission, the Abbott's were called and told that it was being voted upon, but the way Paul found out about it was a letter a few days later.

Paul Squires indicated the letter came to him from the mayor stated that the city council had decided to replace him. He indicated that he knew that the last thing he did when the mayor was in attendance was that he made a motion that the planning commission be made aware of the status of homes that did not fall within that 2006 prior ordinance, which he felt was important for the planning commission because they worked so hard to have the ordinance passed, and the planning commission unanimously agreed; he knew that when that happened the mayor was upset.

Dayna Hughes expressed her appreciation for Paul and the service that he put forth on the planning commission. He brought great expertise, especially environmentally, to the planning commission. He will be sorely missed.

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 7:58 p.m.

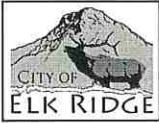
  
Planning Commission Coordinator



1

2

3



**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 March 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## **COMMISSION REGULAR MEETING AGENDA**

### **7:00 pm OPENING ITEMS**

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

### **7:05 PUBLIC HEARINGS AND ACTION**

1. Public Hearing and Approval Procedure Code Amendment..... *see attachment*
2. Conditional Use: Assisted Living Facilities Code Amendment..... *see attachment*
3. Regulations for Residential Facilities for Elderly Persons Code Amendment ..... *see attachment*

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

### **7:20 DEVELOPMENT CODE / STANDARDS REVIEW**

4. Sensitive Area Drainage Discussion ..... *see attachment*

### **7:35 PLANNING COMMISSION BUSINESS**

5. Review and approve minutes of 02/10/11 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 March 2011 and delivered to each member of the Planning Commission on 4 March 2011.

Planning Commission Coordinator: *Marissa Bassin* Date: 4 March 2011



# ELK RIDGE PLANNING COMMISSION MEETING

March 10, 2011

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, March 10, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

**Commissioners:** Randy Jones, Kelly Liddiard, Dayna Hughes, Kevin Hansbrow, Debbie Cloward, Nelson Abbott  
**Absent:** Jason Bullard, Dan Steele  
**Others:** Marissa Bassir, *Planning Commission Coordinator*  
Adam Castor, *LEI Planner*, Erin Clawson, *City Council*, Paul Squires, Lucretia Thyne

## OPENING ITEMS

### OPENING

Kelly Liddiard, Chair, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

## APPROVAL OF AGENDA

Kelly Liddiard reviewed the agenda and there were not any changes.

## PUBLIC HEARING AND APPROVAL PROCEDURE AMENDMENT

Adam Castor indicated that the two subjects make an internal reference to a chapter within the code that has been repealed. The information is all still there. It has just been moved to a different section of the code. It was in chapter 14 and has been moved to chapter 11. The first reference is within ordinance 10-9A-15-10 that pertains to the public hearing requirement for a preliminary plat in the HR-1 zone. A public hearing shall be held with the neighboring property owners in accordance with section previously 10-14-5 now 10-11F-4D of this title. This was actually brought to the city's attention by Sterling Codifiers when they did their last batch of codifying of city ordinances. It was reviewed with city staff and it was recommended that the planning commission make a recommendation for approval.

### DESCRIPTION:

This is a recommendation to amend Ordinance 10-9A-15-10 regarding the Public Hearing requirement for a Preliminary Plat in the HR-1 Hillside Residential 1 Zone. The code amendment is to clarify a reference to Chapter 14 of the code, which has been repealed. The code amendment reads as follows:

### **10-9A-15-10: Public Hearing:**

A public hearing shall be held with the neighboring property owners in accordance with section ~~10-14-5~~ 10-11F-4D of this title. This is a formal meeting. Concerns and comments from the public shall be taken. Staff and/or the commission shall address any comments that cite code violations or health, safety, and welfare concerns. Comments from this hearing can aid the applicant, staff, and the commission to address design elements of the development. (Ord. 08-4, 2-26-2008)

### RECOMMENDATION:

LEI and City staff have reviewed and discussed this code amendment and recommend that the Planning Commission make a recommendation for approval.

### FINDINGS:

#### **Elk Ridge Municipal Code**

The public hearing requirement for preliminary plats in the HR-1 Hillside Residential Zone is now described in Article F – Planned Mountain Home Developments (MHD) of Chapter 11. The procedure for approval, including the public hearing requirement, was previously written under Chapter 14 – Large Scale Developments, which has been repealed and is no longer part of the development code.

Adam Castor explained that the second part is to amend ordinance 10-12-28B. It is the actual procedure for approval for power radio antennas and cell phone tower facilities. Again, it is to clarify and correct the reference to chapter 14, which isn't there. It is now in chapter 11 under planned mountain home development article, which was in chapter 14, which has been repealed.

### DESCRIPTION:

This is a recommendation to amend Ordinance 10-12-28B: Procedure For Approval regarding low power radio service antenna facilities (cellular phone transmission towers and facilities). The code amendment is to clarify a reference to Chapter 14 of the development code, which has been repealed. The code amendment reads as follows:

### **10-12-28B: Procedure For Approval:**

Same as required for approval of a large scale development (see section ~~10-14-5~~ 10-11F-4 of this title).

### RECOMMENDATION:

LEI and City staff have reviewed and discussed this code amendment and recommends that the Planning Commission make a recommendation for approval.

### FINDINGS:

#### **Elk Ridge Municipal Code**

The procedure for approval of low power radio service antenna facilities (cellular phone transmission towers and facilities) is now described in Article F – Planned Mountain Home Developments (MHD) of Chapter 11. The procedure for approval was previously written under Chapter 14 – Large Scale Developments, which has been repealed.

Kelly Liddiard, chair, opened public hearing at 7:04pm  
No public comment.

Kelly Liddiard, chair, closed public hearing at 7:05pm.

**KEVIN HANSBROW MOTIONED AND DAYNA HUGHES SECONDED TO RECOMMEND FOR APPROVAL OF THE AMENDMENTS AS DESCRIBED IN PLANNING COMMISSION STAFF REPORTS 1A AND 1B. VOTE: YES – ALL (6), NO – NONE, ABSENT – DAN STEELE, JASON BULLARD**

**CONDITIONAL USE: ASSISTED LIVING FACILITIES CODE AMENDMENT**

Adam Castor provided a background, which included meeting with Lee Haskell late last year for his conditional use permit regarding assisted living facilities. His application generated a lot of questions and concerns about the specific type of facility within the city. LEI is recommending to amend ordinance 10-12-31, which is part of the supplementary regulations, which lists assisted living facilities and standards and conditions that go along with them as a conditional use in all zones of the development code.

Dayna Hughes asked if it is a new part of code. There has never been anything in the code about assisted living?

Adam Castor replied that the only thing that says anything about assisted living is that it is a conditional use in all zones based on the following standards and conditions. Then it lists a handful of conditions that would go along with a facility of that type. There are actually three parts to the amendment recommendation. 1) Clarify within the development code the two different types of assisted living facilities, per Utah Code, 2) list assisted living facilities as a conditional use only in the C-1 Retail Commercial zone, and 3) include assisted living facilities as a conditional use in the Permitted and Conditional Uses table within the C-1 Retail Commercial Zone. The first part would be to take the language from the Utah code that describes assisted living facilities and the differences between the two and insert that into the development code. It is recommended to take it out of all residential zones and putting it only in the commercial zone. There is a lot of traffic that comes in and out of an assisted living facility, which may not be compatible with a residential area so it would be reasonable to make it a conditional use only in the CE-1 zone, which is to the north end of the city. Because it is a conditional use in the CE-1 Zone, it should be added to the table of permitted and conditional uses. It is currently not in there.

**10-12-31: Assisted Living Facilities:**

**A. Assisted living facility means:**

- I. A type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and social care to two or more residents who:
  - a) Require protected living arrangements; and
  - b) Are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and
- II. A type II assisted living facility, which is a residential facility with a home-like setting that provides an array of coordinated supportive personal and health care services available 24 hours per day to residents who have been assessed under department rule to need any of these services.

**B. Each resident in a type I or type II assisted living facility shall have a service plan based on the assessment, which may include:**

- I. Specified services of intermittent nursing care;
- II. Administration of medication; and
- III. Supportive services promoting residents' independence and self sufficiency.

*Assisted living facilities are a conditional use in all zones the C-1 Retail Commercial Zone based on the following conditions and standards:*

**10-10A-2: Permitted and Conditional Uses:**

*Amend the Permitted and Conditional Uses table in the C-1 Retail Commercial Zone to include assisted living facilities as a conditional use.*

Randy Jones asked if Lee Haskell's current proposed property within the CE-1 Zone.

Adam Castor indicated that his property is in the commercial zone.

Kelly Liddiard commented that it is not going to affect Mr. Haskell's application if this is approved.

Dayna Hughes asked if the proposed code is straight up Utah code.

Adam Castor indicated it was from the Utah code.

Kevin Hansbrow said he would like to discuss item #3 on the agenda "regulations for residential facilities for elderly person code amendment" to know the differences. They seem to both coincide and he is not sure of the differences.

Adam Castor indicated the major difference between an assisted living facility and a residential facility for the elderly are overall the type of facility that it is. A residential facility for the elderly cannot be run as a business. It is limited to eight or fewer residents of the facility. They do charge a fee. It is from the Utah code and the Utah code indicates that it has to be listed as a permitted use in all residential zones, but it has to follow the zoning regulations of the zone that it is proposed to be in. Not as much parking as a business is required. There is not any parking requirements established for that type of a facility. He is not an expert and doesn't know all the differences, but the Utah code does specify some differences in the language that is being recommended and inserted into the city's code. He thought that more medical issues were dealt with in an assisted living facility because of the two types of uses. Type I is standard care. The residents can evacuate the facility without assistance. Type II provides an array of coordinated personal and healthcare services on a 24-hour basis. Another thing that was discussed on the conditional use application, perhaps inserting a box for the kind of type of facility so it is known.

Kelly Liddiard clarified that the residential facility for the elderly would be able to be in the residential area. Assisted Living is going to be like the Seville in Orem and the residential facility would be like a Beehive home.

Randy Jones was concerned that the Beehive home is still a business.

Adam Castor said it can't be run as a business. They do charge a fee, but that is only for necessities. "It may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility."

Randy Jones asked if that means that it is a non-profit organization.



Adam Castor agreed with Randy Jones. It has to be owned by one of the residents or family member of one of the residents so somebody doesn't come and build the facility and then collect all the fees from the residents. The city staff and LEI have reviewed both proposed amendments and would recommend approval.

Kelly Liddiard, chair, opened public hearing at 7:15pm  
No public comment.  
Kelly Liddiard, chair, closed public hearing at 7:16pm.

**RANDY JONES MOTIONED AND KEVIN HANSBROW SECONDED TO RECOMMEND APPROVAL OF THE  
CONDITIONAL USE: ASSISTED LIVING FACILITIES CODE AMENDMENT (2) AND REGULATIONS FOR  
RESIDENTIAL FACILITIES FOR ELDERLY PERSONS CODE AMENDMENT (3). VOTE: YES – ALL (6), NO – NONE,  
ABSENT – JASON BULLARD, DAN STEELE**

#### REGULATIONS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS CODE AMENDMENT

Previous discussion took place in the previous agenda item discussing the differences between an assisted living facility and a residential facility for the elderly. Refer to above.

##### 10-12-39: Residential Facilities For Elderly Persons:

A. A residential facility for elderly persons may not operate as a business;

B. A residential facility for elderly persons shall:

1. Be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;

2. Be consistent with any existing, applicable land use ordinance affecting the desired location; and

3. Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.

C. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

Kelly Liddiard, chair, opened public hearing at 7:15pm  
No public comment.  
Kelly Liddiard, chair, closed public hearing at 7:16pm.

**RANDY JONES MOTIONED AND KEVIN HANSBROW SECONDED TO RECOMMEND APPROVAL OF THE  
CONDITIONAL USE: ASSISTED LIVING FACILITIES CODE AMENDMENT (2) AND REGULATIONS FOR  
RESIDENTIAL FACILITIES FOR ELDERLY PERSONS CODE AMENDMENT (3). VOTE: YES – ALL (6), NO – NONE,  
ABSENT – JASON BULLARD, DAN STEELE**

#### SENSITIVE AREA DRAINAGE DISCUSSION

Nelson Abbott indicated he read the general plan and he was reviewing the sensitive areas map and it is identified on the map where the ridgelines and ravines are located and in looking at the map, there is an area kiddy corner from where he lives at the corner of Salem Hills and Hillside going south where there is a ravine and it is not identified as being on the map. Further down the map, the same ravine picks up on the map. He pointed it out on the map. He indicated it is a fairly substantial ravine. He wondered if it was intentionally left off the map. Some of it has been filled in by illegal dumping, but it is still a natural ravine.

Dayna Hughes commented that when the map was created, it was done off of a satellite image and it is possible that if it was filled in, it wouldn't show up on the image.

Kelly Liddiard commented that he knew of problems with the drain pipe in that area. If it is filled in, is it still drainage?

Adam Castor said existing ground topography would say that it is not drainage.

Dayna Hughes commented that back when they were looking at Dan Steele's area and the natural drainage, they had to go back to original terrain. It was her recollection that they went back to the natural topography. If it is filled in, then it isn't acting as drainage anymore.

Nelson Abbott explained that if it isn't identified as a ravine on the map, then they can come in and do what they want to do with that ground and fill it in and compound the drainage issues that are present right now and have been since he has been there.

Randy Jones asked if Nelson is currently having problems with water draining currently.

Nelson Abbott said that when they get heavy rainstorms, sometimes it will back up and come up over the road and run down into Brockbank's and Eppley's. There is a big corrugated drain pipe buried back there.

Adam Castor asked if there was a pipe put in and then backfilled.

Nelson Abbott explained that there is on the side where there are homes, but where it hasn't been identified as a ravine, he doesn't know if the city could require a developer or builder to address that issue if it isn't identified as such.

Dayna Hughes commented that the bigger problem is the runoff from the hillside – the road that is not a road anymore. That whole road just fills with mud and rocks.

Kelly Liddiard said he knew that Corbett has talked about the pipe going under Salem Hills Drive there.

Nelson Abbott indicated that they have gone up with the jet truck and cleaned it all out. But his main concern is whether or not it is identified as a ravine, then there is something going forward for when someone does want to improve that property, it is ensured that the drainage issues are addressed there.

Adam Castor indicated that existing slopes would help control that a little bit, but if it is flat enough through there and it is not identified as a ravine, then it could possibly be built on according to the code.

Randy Jones commented that as Salem hills drive goes through, there are mountains on both sides, there is actual road path for that road to go through and it doesn't have much slope on the actual road bed itself.  
Kelly Liddiard indicated that they cut through there to put the road in, but on the North side of Salem Hills Drive and the corner of Hillside it looks pretty flat.  
Nelson Abbott said it looks flat, but down in there is quite a slope. He can get in there and the road is eye level with him.  
Kelly Liddiard said if it is like that then it should probably be identified as a drain – full of scrub oak. So the map needs to be amended. It needs to be researched. Elevations need to be measured. The planning coordinator will put it on the agenda.

#### APPROVAL OF 2/10/2011 PLANNING COMMISSION MEETING MINUTES

There were a few changes made to the planning commission meeting minutes by Dayna Hughes.

**DEBBIE CLOWARD MADE A MOTION AND KELLY LIDDIARD SECONDED TO APPROVE THE MINUTES OF 02/10/2011 PLANNING COMMISSION MEETING AS CORRECTED. VOTE: YES – ALL (6), NO –NONE, ABSENT – (2) JASON BULLARD, DAN STEELE**

#### CITY COUNCIL UPDATE

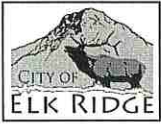
Erin Clawson indicated there is an opening on the city council currently if anyone wanted to apply for it.  
Randy Jones asked who vacated their seat.  
Erin Clawson replied that Derrek Johnson resigned.  
Dayna Hughes asked what the procedure is to vote a midterm member.  
Erin Clawson explained that according to state code is that anyone can apply and come before the council that night. The council votes and it can either be secret ballot and it is suggested not to be and the mayor does not vote and if there is a tie, casting lots would be applied (cut the deck, roll a dice, draw straws).  
Dayna Hughes asked when the meeting to decide.  
Erin Clawson replied March 22.  
Dayna Hughes asked if there are any applicants.  
Erin Clawson replied there are currently four applicants. She does not know who those are. Also, the city council voted to spend an additional \$15,000 to upgrade the Loafer Canyon well, which will save the city considerable money over time.  
Randy Jones asked what the upgrade included.  
Erin Clawson said a pump house, a new submerged pump and cleaning. Pretty substantial. The state is requiring it to be inspected and possibly cleaned. It saves the city a lot when it comes to pumping the water up from the Cloward Well. Weston Youd would like everyone he knows to volunteer for the city celebration committee and needs someone to chair it. The city will be paying the chair \$500. A meeting will be held at the city offices on March 17 for that committee.

#### OTHER BUSINESS

Paul Squires would like to offer his services as an alternate member for the planning commission.  
Kelly Liddiard said he is going to work on getting on the city council agenda to get Paul Squires as a member.  
Dayna Hughes indicated that the planning commission bylaws need to be changed first.  
Kelly Liddiard asked if that has to be done in the planning commission.  
Dayna Hughes explained that the planning commission bylaws have to be changed to add an additional alternate member so it would be an 8 and 2 alternate commission.  
Kelly Liddiard asked if that has to be a public hearing.  
Adam Castor indicated there needs to be a public hearing first.  
Kelly Liddiard asked that the planning commission coordinator put that on for the next agenda.

**ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:30 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, 14 April 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

**COMMISSION REGULAR MEETING AGENDA**

**CANCELED**

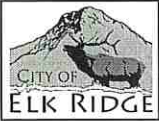
**CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 7 March 2011 and delivered to each member of the Planning Commission on 7 March 2011.

Planning Commission Coordinator: Marissa Bassin Date: 7 March 2011







**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 May 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## COMMISSION REGULAR MEETING AGENDA

### 7:00 pm OPENING ITEMS

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

### 7:05 PUBLIC HEARINGS AND ACTION

1. Water Conveyance Code Amendment..... *see attachment*
2. Abbott Conditional Use Permit Application - Chickens ..... *see attachment*

### OTHER ACTION ITEMS (none)

### 7:20 DEVELOPMENT CODE / STANDARDS REVIEW

3. Sensitive Areas Map Discussion

### 7:35 PLANNING COMMISSION BUSINESS

4. Review and approve minutes of 03/10/11 Commission Meeting..... *see attachment*
5. City Council Update
6. *Other Business*

### ADJOURNMENT

## CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 5 May 2011 and delivered to each member of the Planning Commission on 6 May 2011.

Planning Commission Coordinator: *Marissa Bassin* Date: 6 May 2011





# ELK RIDGE PLANNING COMMISSION MEETING

May 12, 2011

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, May 12, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

**Commissioners:** Kelly Liddiard, Dayna Hughes, Debbie Cloward, Nelson Abbott, Sharon Dahlstrom, Dan Steele  
**Absent:** Kevin Hansbrow, Randy Jones  
**Others:** Marissa Bassir, *Planning Commission Coordinator*  
Adam Castor, *LEI Planner*, Erin Clawson, *City Council*, Josh Abbott

## OPENING ITEMS

### OPENING

Kelly Liddiard, Chair, welcomed at 7:00 PM. Opening remarks were said by Debbie Cloward followed by the pledge of allegiance.

**KELLY LIDDIARD MOTIONED AND DAN STEELE SECONDED TO VOTE SHARON DAHLSTROM, ALTERNATE MEMBER, IN AS A VOTING MEMBER. VOTE: YES – ALL (6), NO – NONE, ABSENT – (2) KEVIN HANSBROW, RANDY JONES**

## APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

## WATER CONVEYANCE CODE AMENDMENT PUBLIC HEARING

Kelly Liddiard opened the public hearing at 7:06 PM.

Adam Castor explained that there was some discussion with city staff and LEI that was brought up by Jan Davis (*city recorder*), to look at the time of conveyance for water rights during annexation. He asked if the city has gone through an annexation before. (Yes)

Through the discussions with the city, LEI has come up with a recommendation for an amendment to the annexation ordinance that deals with water rights conveyance. It initially started as just looking at the time of conveyance and moving that and started looking at what would be required at the time of conveyance. The recommendation is intended to do three things – make the amount of water rights for both indoor and outdoor use more consistent with the state requirements; ensure the city receives the adequate amount of water rights based on calculations per the state requirements at the time of conveyance; and last is to move the time of conveyance from “prior to final action by the council” to a point in time after the annexation proceedings, but prior to any final plat approval. The reason for the amendment is because it is hard to determine how many water rights should be conveyed to the city at that time because it could be based on a concept plan that is submitted, which could change throughout time. It is hard to determine open space and the size of lots. A lot can change between the proceedings for annexation and final plat approval.

Nelson Abbott commented that the city has used a chart determining the amount of water rights needed for specific lot sizes. He asked if the amendment works with that chart.

Adam Castor indicated that it is close when they are looking at a ½ acre lot.

Nelson Abbott asked which is more generous, the amendment or the city chart.

Adam Castor replied that the city currently requires 1.3 acre feet of water per potential residential unit or lot or 2.6 per acre of development. If those numbers were applied across the board, they are right in line with state requirements for a 20,000 square foot lot. If there is anything under the 20,000 feet, say 8,000, those numbers are really high. The state, in some cases, will be getting more than double of what would be required by the state requirements. If it is more than ½ acre – up to an acre plus, the city is not getting enough by using that chart. There is a way that the state numbers can be applied. It is .45 acre feet of water per residential unit and it is 1.87 acre feet of water for outdoor use. The numbers can be used to calculate the outdoor use or the outdoor irrigable areas to figure out exactly how much is needed. It works for a 20,000 square foot lot, but it is hard to apply that number accurately for anything above or smaller.

Nelson Abbott doesn't think it will apply for really big lots.

Adam Castor said it is all determined by what is irritable and what's not. It comes down to a final plat issue. It would become an issue for a PUD if there are 12,000 or 8,000 square foot lots – three to four dwelling units per acre. The city could end up with a lot more water rights than would be required by the state. So the recommendation is to take those numbers out and use the state numbers and start to make those calculations based on the number of lots and size of the lots and outdoor irrigation.

Kelly Liddiard asked if that is how other cities are doing it.

Adam Castor indicated that he had looked at Spanish Fork, Payson and Salem. It is all consistent with state requirements. Some of them do have an actual chart based on the average number of units per acre, the numbers fluctuate because they are calculating the indoor use requirement per unit and then also the outdoor requirement fluctuates because they are applying that number to smaller lots versus bigger lots. It fluctuates depending on the overall lot size. He is trying to make it more consistent, easier to calculate and more accurate water rights required at the time of conveyance.

Kelly Liddiard closed the public hearing at 7:12pm.

Adam Castor said he was reading through it again and he said to make sure it is clear for everyone he wanted to add some things. Part A – “Water rights for indoor and outdoor use for each potential lot or dwelling unit shall be determined by the city using standard

engineering practices and state requirements.” “And” will go away. The next sentence will read, “Outdoor use will include, but not be limited to, the space contained within a building lot excluding the footprint, hard surfaced patio, walkway, not irrigated areas and roadway.” That is the determining factors for the outdoor irrigable space and that is where the 1.87 square acre/feet come into place. So calculating the lot area minus the building footprint, driveway, walkway, hard surfaced patios, etc. is where that actually gets determined. Item B – “Sufficient water to satisfy the projected needs of the development as determined by the city using standard engineering practices and state requirements.”

**DAYNA HUGHES MOTIONED AND NELSON ABBOTT SECONDED TO RECOMMEND FOR APPROVAL THE CODE AMENDMENT FOR WATER RIGHTS CONVEYANCE TO INCLUDE THE FOLLOWING A2-A: “WATER RIGHTS FOR INDOOR AND OUTDOOR USE FOR EACH POTENTIAL LOT OR DWELLING UNIT SHALL BE DETERMINED BY THE CITY USING STANDARD ENGINEERING PRACTICES AND STATE REQUIREMENTS” AND “OUTDOOR USE WILL INCLUDE, BUT NOT BE LIMITED TO, THE SPACE CONTAINED WITHIN A BUILDING LOT EXCLUDING THE BUILDING FOOTPRINT, HARD SURFACED PATIO, WALKWAY, NOT IRRIGATED AREAS AND ROADWAY” . A2-B: “OTHER USE REQUIREMENTS: SUFFICIENT WATER TO SATISFY THE PROJECTED NEEDS OF THE DEVELOPMENT AS DETERMINED BY THE CITY USING STANDARD ENGINEERING PRACTICES AND STATE REQUIREMENTS. OTHER USES MAY INCLUDE RETAIL AND COMMERCIAL DEVELOPMENT, AND PARKS AND OPEN SPACES”. VOTE: YES – ALL (6), NO – NONE, ABSENT – RANDY JONES, KEVIN HANSBROW**

#### **ABBOTT CONDITIONAL USE PERMIT APPLICATION - CHICKENS**

Kelly Liddiard opened the public hearing at 7:06pm.

Nelson Abbott will abstain from voting since he is a member of the planning commission. He explained their plan is to have chickens, unless there are hens that turn to roosters, and then they would get rid of them. He has constructed a coop that provides for six square feet per bird based on the number of birds he has currently. He designed the coop in a way to keep the predators out and keep the chickens in. He also explained that his son, Josh, is putting together a tutorial for a contest online for it and he has been taking pictures of the process. It is roughly 56 feet from his neighbor’s house, 90 feet from his neighbor’s to the east, 110 feet from neighbor’s across the street and he has done everything possible to keep predators out. The area where the feed will be, where they will eat will be off the ground to keep mice out. He also indicated his son will be helping with the maintenance. He has talked with his neighbors in the immediate vicinity and they are all on board with it.

Adam Castor indicated that the staff reports that Mr. Abbott is in compliance.

Nelson Abbott said he already talked with the code enforcement officer and he was going to go look at it.

Planning assistant indicated that the code enforcement officer was able to see it and he indicated that Mr. Abbott’s coop is in compliance.

Kelly Liddiard closed the public hearing at 7:18pm.

**DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE ABBOTT CONDITIONAL USE PERMIT AS STATED. VOTE: YES – ALL (5), NO – NONE, ABSENT – RANDY JONES, KEVIN HANSBROW**  
**NELSON ABBOTT ABSTAINED**

#### **SENSITIVE AREAS MAP DISCUSSION**

Adam Castor indicated that he brought some maps with him. He found some CAD information from Aqua Engineering, which turned out to be very helpful. Before the meeting, he went up to the area to exam it. He laid out the map to show the existing ground topography. He drew in lines that are representative of drainages and/or ravines. There is criteria in the development code that stipulates what a ravine actual is, but most actually qualify for it. The one in question is on the sensitive areas map and pointed to it on the map. Nelson Abbott was thinking it should continue further up. Based on the topography, it tells him that it shouldn’t. He said he observed that the water has naturally created two ditches that come down. He indicated that it doesn’t make sense to amend the sensitive areas map because there are already houses there so no one would be developing. Nelson Abbott was thinking it needed to be amended for further up the ravine. The ownership map claims ownership of Nebo Heights. He doesn’t know if there is something that can really be done because it is based off the topography map. He indicated that it is flat up there so it doesn’t need to be amended.

Dayna Hughes asked what would happen at the bottom of the hill with all the mud and rocks collecting.

Adam Castor explained that the two channels that catch water will continue to catch more in the road. It’s not very big – just a roadside, curb swell.

Nelson Abbott indicated that during Mayor Dunn’s term, there was a PRV valve off of Oak Lane that failed and water ran out so they went up and re-channeled the water back down into it while they were working on it.

Dayna Hughes asked if it the water still come off of Oak Lane – the debris. (Yes)

Adam Castor asked if it comes where Hillside dead-ends – running that way?

Nelson Abbott replied that it is coming down off the hill. He pointed out on the map where the water comes down.

Kelly Liddiard indicated that until they change the slope of the road, this will continue.

#### **APPROVAL OF 3/10/2011 PLANNING COMMISSION MEETING MINUTES**

There were not any changes made to the meeting minutes of March 10, 2011.

**NELSON ABBOTT MADE A MOTION AND KELLY LIDDIARD SECONDED TO APPROVE THE MINUTES FROM 03/10/2011 PLANNING COMMISSION MEETING. VOTE: YES – ALL (6), NO –NONE, ABSENT – (2) RANDY JONES, KEVIN HANSBROW**

## CITY COUNCIL UPDATE

Erin Clawson indicated that they did hire a new public works employee, Rex Davis, and he will be starting on Monday. Wayne Frandson will be retiring in September of 2012 so it is kind of a transition to get him up to speed. Weston Youd is planning the City Celebration with his great committee. They are doing some new things, which should make it really fun. There are some new athletic events for the youth this summer, T-ball, Field and Track, and a Youth Leadership team building thing. They have tentatively been discussing next year's budget. Jan Davis, city recorder, does such a good job with that. She thinks everything will be approved.

Dayna Hughes asked what the plan is for the new playground.

Erin Clawson indicated that James Mayfield was voted to take Derrek Johnson's place on the city council. He is over Parks and is working on getting that done. There are impact fees that have to be spent by a certain time this year for park and playground so he is going to come up with some ideas and present them at the next city council meeting or the meeting after to decide whether they get something new or just fixing the old and getting rid of the sliding thing where there have been some liability issues.

Dayna Hughes asked if the plan was to still put lights in.

Erin Clawson said they are talking about lights because a lot of that work has been done. There was some discussion about the light ordinance in the general plan that Weston Youd brought up so they are going to comply with that – no lights after 11pm.

Kelly Liddiard said that is foolish because the light should be left on.

Erin Clawson said that is the whole purpose to have the lights.

Dayna Hughes indicated she thought that was just for new development. That's in the development code.

Erin Clawson said during those times is when it is needed for vandalism.

Kelly Liddiard said they talked about the motion light. If he lived next to the park, it would drive him crazy with the light going on and off all night. Leave the light on.

Erin Clawson said she thought he had somewhere in the area to spend about \$140k and he asked Jan Davis, recorder, to set two thirds of that aside.

Dayna Hughes asked if they already have lights.

Erin Clawson said they do have lights. The concrete was donated. It all got dropped with Derrek Johnson and the council not approving what he wanted to go ahead with. Now James Mayfield is over it and hopefully with someone new doing it, he won't run into those issues.

Debbie Cloward asked if they have thought to put cameras out there.

Erin Clawson said they had an expert come and it is a good idea.

Debbie Cloward said their business in Provo was gang tagged around the back and it took a lot to clean it up and they finally put cameras and alarms in. They used Security Services. Even a sign that indicates there are cameras would deter some.

Dan Steele indicated that they could use cameras that work in the dark too.

Kelly Liddiard said the problem is that it makes it hard to identify people on cameras.

Erin Clawson said they were also thinking about when the park would be open. Currently, the park is open until 11pm, but they were talking about having the curfew be at dusk, which would change from winter to summer months, which she thinks is appropriate. Neighborhood watch looks over it right now.

## OTHER BUSINESS

ADJOURNMENT – Chair, Kelly Liddiard, adjourned the meeting at 7:42 p.m.

---

Planning Commission Coordinator





# ELK RIDGE PLANNING COMMISSION MEETING

May 12, 2011

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, May 12, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Dayna Hughes, Debbie Cloward, Nelson Abbott, Sharon Dahlstrom, Dan Steele

*Absent:* Kevin Hansbrow, Randy Jones

*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Adam Castor, *LEI Planner*, Erin Clawson, *City Council*, Josh Abbott

## OPENING ITEMS

### OPENING

Kelly Liddiard, Chair, welcomed at 7:00 PM. Opening remarks were said by Debbie Cloward followed by the pledge of allegiance.

**KELLY LIDDIARD MOTIONED AND DAN STEELE SECONDED TO VOTE SHARON DAHLSTROM, ALTERNATE MEMBER, IN AS A VOTING MEMBER. VOTE: YES – ALL (6), NO – NONE, ABSENT – (2) KEVIN HANSBROW, RANDY JONES**

## APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

## WATER CONVEYANCE CODE AMENDMENT PUBLIC HEARING

Kelly Liddiard opened the public hearing at 7:06 PM.

Adam Castor explained that there was some discussion with city staff and LEI that was brought up by Jan Davis (*city recorder*), to look at the time of conveyance for water rights during annexation. He asked if the city has gone through an annexation before. (Yes) Through the discussions with the city, LEI has come up with a recommendation for an amendment to the annexation ordinance that deals with water rights conveyance. It initially started as just looking at the time of conveyance and moving that and started looking at what would be required at the time of conveyance. The recommendation is intended to do three things – make the amount of water rights for both indoor and outdoor use more consistent with the state requirements; ensure the city receives the adequate amount of water rights based on calculations per the state requirements at the time of conveyance; and last is to move the time of conveyance from “prior to final action by the council” to a point in time after the annexation proceedings, but prior to any final plat approval. The reason for the amendment is because it is hard to determine how many water rights should be conveyed to the city at that time because it could be based on a concept plan that is submitted, which could change throughout time. It is hard to determine open space and the size of lots. A lot can change between the proceedings for annexation and final plat approval.

Nelson Abbott commented that the city has used a chart determining the amount of water rights needed for specific lot sizes. He asked if the amendment works with that chart.

Adam Castor indicated that it is close when they are looking at a ½ acre lot.

Nelson Abbott asked which is more generous, the amendment or the city chart.

Adam Castor replied that the city currently requires 1.3 acre feet of water per potential residential unit or lot or 2.6 per acre of development. If those numbers were applied across the board, they are right in line with state requirements for a 20,000 square foot lot. If there is anything under the 20,000 feet, say 8,000, those numbers are really high. The state, in some cases, will be getting more than double of what would be required by the state requirements. If it is more than ½ acre – up to an acre plus, the city is not getting enough by using that chart. There is a way that the state numbers can be applied. It is .45 acre feet of water per residential unit and it is 1.87 acre feet of water for outdoor use. The numbers can be used to calculate the outdoor use or the outdoor irrigable areas to figure out exactly how much is needed. It works for a 20,000 square foot lot, but it is hard to apply that number accurately for anything above or smaller.

Nelson Abbott doesn't think it will apply for really big lots.

Adam Castor said it is all determined by what is irritable and what's not. It comes down to a final plat issue. It would become an issue for a PUD if there are 12,000 or 8,000 square foot lots – three to four dwelling units per acre. The city could end up with a lot more water rights than would be required by the state. So the recommendation is to take those numbers out and use the state numbers and start to make those calculations based on the number of lots and size of the lots and outdoor irrigation.

Kelly Liddiard asked if that is how other cities are doing it.

Adam Castor indicated that he had looked at Spanish Fork, Payson and Salem. It is all consistent with state requirements. Some of them do have an actual chart based on the average number of units per acre, the numbers fluctuate because they are calculating the indoor use requirement per unit and then also the outdoor requirement fluctuates because they are applying that number to smaller lots versus bigger lots. It fluctuates depending on the overall lot size. He is trying to make it more consistent, easier to calculate and more accurate water rights required at the time of conveyance.

Kelly Liddiard closed the public hearing at 7:12pm.

Adam Castor said he was reading through it again and he said to make sure it is clear for everyone he wanted to add some things. Part A – “Water rights for indoor and outdoor use for each potential lot or dwelling unit shall be determined by the city using standard

engineering practices and state requirements." "And" will go away. The next sentence will read, "Outdoor use will include, but not be limited to, the space contained within a building lot excluding the footprint, hard surfaced patio, walkway, not irrigated areas and roadway." That is the determining factors for the outdoor irrigable space and that is where the 1.87 square acre/feet come into place. So calculating the lot area minus the building footprint, driveway, walkway, hard surfaced patios, etc. is where that actually gets determined. Item B – "Sufficient water to satisfy the projected needs of the development as determined by the city using standard engineering practices and state requirements."

**DAYNA HUGHES MOTIONED AND NELSON ABBOTT SECONDED TO RECOMMEND FOR APPROVAL THE CODE AMENDMENT FOR WATER RIGHTS CONVEYANCE TO INCLUDE THE FOLLOWING A2-A: "WATER RIGHTS FOR INDOOR AND OUTDOOR USE FOR EACH POTENTIAL LOT OR DWELLING UNIT SHALL BE DETERMINED BY THE CITY USING STANDARD ENGINEERING PRACTICES AND STATE REQUIREMENTS" AND "OUTDOOR USE WILL INCLUDE, BUT NOT BE LIMITED TO, THE SPACE CONTAINED WITHIN A BUILDING LOT EXCLUDING THE BUILDING FOOTPRINT, HARD SURFACED PATIO, WALKWAY, NOT IRRIGATED AREAS AND ROADWAY". A2-B: "OTHER USE REQUIREMENTS: SUFFICIENT WATER TO SATISFY THE PROJECTED NEEDS OF THE DEVELOPMENT AS DETERMINED BY THE CITY USING STANDARD ENGINEERING PRACTICES AND STATE REQUIREMENTS. OTHER USES MAY INCLUDE RETAIL AND COMMERCIAL DEVELOPMENT, AND PARKS AND OPEN SPACES". VOTE: YES – ALL (6), NO – NONE, ABSENT – RANDY JONES, KEVIN HANSBROW**

#### **ABBOTT CONDITIONAL USE PERMIT APPLICATION - CHICKENS**

Kelly Liddiard opened the public hearing at 7:06pm.

Nelson Abbott will abstain from voting since he is a member of the planning commission. He explained their plan is to have chickens, unless there are hens that turn to roosters, and then they would get rid of them. He has constructed a coop that provides for six square feet per bird based on the number of birds he has currently. He designed the coop in a way to keep the predators out and keep the chickens in. He also explained that his son, Josh, is putting together a tutorial for a contest online for it and he has been taking pictures of the process. It is roughly 56 feet from his neighbor's house, 90 feet from his neighbor's to the east, 110 feet from neighbor's across the street and he has done everything possible to keep predators out. The area where the feed will be, where they will eat will be off the ground to keep mice out. He also indicated his son will be helping with the maintenance. He has talked with his neighbors in the immediate vicinity and they are all on board with it.

Adam Castor indicated that the staff reports that Mr. Abbott is in compliance.

Nelson Abbott said he already talked with the code enforcement officer and he was going to go look at it.

Planning assistant indicated that the code enforcement officer was able to see it and he indicated that Mr. Abbott's coop is in compliance.

Kelly Liddiard closed the public hearing at 7:18pm.

**DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE ABBOTT CONDITIONAL USE PERMIT AS STATED. VOTE: YES – ALL (5), NO – NONE, ABSENT – RANDY JONES, KEVIN HANSBROW**  
**NELSON ABBOTT ABSTAINED**

#### **SENSITIVE AREAS MAP DISCUSSION**

Adam Castor indicated that he brought some maps with him. He found some CAD information from Aqua Engineering, which turned out to be very helpful. Before the meeting, he went up to the area to exam it. He laid out the map to show the existing ground topography. He drew in lines that are representative of drainages and/or ravines. There is criteria in the development code that stipulates what a ravine actual is, but most actually qualify for it. The one in question is on the sensitive areas map and pointed to it on the map. Nelson Abbott was thinking it should continue further up. Based on the topography, it tells him that it shouldn't. He said he observed that the water has naturally created two ditches that come down. He indicated that it doesn't make sense to amend the sensitive areas map because there are already houses there so no one would be developing. Nelson Abbott was thinking it needed to be amended for further up the ravine. The ownership map claims ownership of Nebo Heights. He doesn't know if there is something that can really be done because it is based off the topography map. He indicated that it is flat up there so it doesn't need to be amended.

Dayna Hughes asked what would happen at the bottom of the hill with all the mud and rocks collecting.

Adam Castor explained that the two channels that catch water will continue to catch more in the road. It's not very big – just a roadside, curb swell.

Nelson Abbott indicated that during Mayor Dunn's term, there was a PRV valve off of Oak Lane that failed and water ran out so they went up and re-channeled the water back down into it while they were working on it.

Dayna Hughes asked if it the water still come off of Oak Lane – the debris. (Yes)

Adam Castor asked if it comes where Hillside dead-ends – running that way?

Nelson Abbott replied that it is coming down off the hill. He pointed out on the map where the water comes down.

Kelly Liddiard indicated that until they change the slope of the road, this will continue.

#### **APPROVAL OF 3/10/2011 PLANNING COMMISSION MEETING MINUTES**

There were not any changes made to the meeting minutes of March 10, 2011.

**NELSON ABBOTT MADE A MOTION AND KELLY LIDDIARD SECONDED TO APPROVE THE MINUTES FROM 03/10/2011 PLANNING COMMISSION MEETING. VOTE: YES – ALL (6), NO –NONE, ABSENT – (2) RANDY JONES, KEVIN HANSBROW**

## CITY COUNCIL UPDATE

Erin Clawson indicated that they did hire a new public works employee, Rex Davis, and he will be starting on Monday. Wayne Frandson will be retiring in September of 2012 so it is kind of a transition to get him up to speed. Weston Youd is planning the City Celebration with his great committee. They are doing some new things, which should make it really fun. There are some new athletic events for the youth this summer, T-ball, Field and Track, and a Youth Leadership team building thing. They have tentatively been discussing next year's budget. Jan Davis, city recorder, does such a good job with that. She thinks everything will be approved.

Dayna Hughes asked what the plan is for the new playground.

Erin Clawson indicated that James Mayfield was voted to take Derrek Johnson's place on the city council. He is over Parks and is working on getting that done. There are impact fees that have to be spent by a certain time this year for park and playground so he is going to come up with some ideas and present them at the next city council meeting or the meeting after to decide whether they get something new or just fixing the old and getting rid of the sliding thing where there have been some liability issues.

Dayna Hughes asked if the plan was to still put lights in.

Erin Clawson said they are talking about lights because a lot of that work has been done. There was some discussion about the light ordinance in the general plan that Weston Youd brought up so they are going to comply with that – no lights after 11pm.

Kelly Liddiard said that is foolish because the light should be left on.

Erin Clawson said that is the whole purpose to have the lights.

Dayna Hughes indicated she thought that was just for new development. That's in the development code.

Erin Clawson said during those times is when it is needed for vandalism.

Kelly Liddiard said they talked about the motion light. If he lived next to the park, it would drive him crazy with the light going on and off all night. Leave the light on.

Erin Clawson said she thought he had somewhere in the area to spend about \$140k and he asked Jan Davis, recorder, to set two thirds of that aside.

Dayna Hughes asked if they already have lights.

Erin Clawson said they do have lights. The concrete was donated. It all got dropped with Derrek Johnson and the council not approving what he wanted to go ahead with. Now James Mayfield is over it and hopefully with someone new doing it, he won't run into those issues.

Debbie Cloward asked if they have thought to put cameras out there.

Erin Clawson said they had an expert come and it is a good idea.

Debbie Cloward said their business in Provo was gang tagged around the back and it took a lot to clean it up and they finally put cameras and alarms in. They used Security Services. Even a sign that indicates there are cameras would deter some.

Dan Steele indicated that they could use cameras that work in the dark too.

Kelly Liddiard said the problem is that it makes it hard to identify people on cameras.

Erin Clawson said they were also thinking about when the park would be open. Currently, the park is open until 11pm, but they were talking about having the curfew be at dusk, which would change from winter to summer months, which she thinks is appropriate. Neighborhood watch looks over it right now.

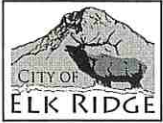
## OTHER BUSINESS

ADJOURNMENT – Chair, Kelly Liddiard, adjourned the meeting at 7:42 p.m.

  
Planning Commission Coordinator







**CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651**  
t.801/423-2300 - f.801/423-1443 - email [staff@elkridgecity.org](mailto:staff@elkridgecity.org) - web [www.elkridgecity.org](http://www.elkridgecity.org)

## NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 9 June 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

## COMMISSION REGULAR MEETING AGENDA

### 7:00 pm OPENING ITEMS

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

### 7:05 PUBLIC HEARINGS AND ACTION

1. Wall Conditional Use Permit Application - Chickens..... *see attachment*

### 7:10 DEVELOPMENT CODE / STANDARDS REVIEW

2. Conditional Use Permits Reviewed by Code Enforcer..... *see attachment*

### 7:15 OTHER ACTION ITEMS

3. Simmons Conditional Use Permit for Chickens ..... *see attachment*

### 7:20 PLANNING COMMISSION BUSINESS

4. Review and approve minutes of 05/12/11 Commission Meeting..... *see attachment*
5. City Council Update
6. *Other Business*

### ADJOURNMENT

## CERTIFICATION

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 3 June 2011 and delivered to each member of the Planning Commission on 3 June 2011.

Planning Commission Coordinator: Marissa Bassi Date: 3 June 2011



7

0

1

# ELK RIDGE PLANNING COMMISSION MEETING

June 9, 2011

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, June 9, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Kevin Hansbrow, Debbie Cloward, Sharon Dahlstrom

*Absent:* Randy Jones, Dayna Hughes, Nelson Abbott, Dan Steele

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

Adam Castor, *LEI Planner*, Erin Clawson, *City Council*, Ray Brown, *Code Enforcer*, Kylee Hill, Brian Wall, Nancy Wall, Julie Christensen, Cindy Dalton, Shamayne Mason, Lucretia Thayne, Jamie Towse, Janene and Chris Thorpe, Elizabeth Weeks, Adonia Howell, Shelly Neria, Emma Neria

## OPENING ITEMS

### OPENING

Kelly Liddiard, Chair, welcomed at 7:05 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

**DEBBIE CLOWARD MOTIONED AND KELLY LIDDIARD SECONDED TO VOTE SHARON DAHLSTROM, ALTERNATE MEMBER, IN AS A VOTING MEMBER. VOTE: YES – ALL (3), NO – NONE, ABSENT – (4) DAYNA HUGHES, RANDY JONES, NELSON ABBOTT, DAN STEELE**

## APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

## WALL CONDITIONAL USE PERMIT PUBLIC HEARING

Kelly Liddiard opened the public hearing at 7:07 PM.

Lucretia Thayne indicated that she went to visit the Wall's residence when she saw there was a recommendation to deny their conditional use permit. There were two letters that were complaining about the smell of chickens and she passed out "The Seven Myths of Urban Chickens" to the planning commission. She claims the statements in the letters are inaccurate. Chickens are not noisy or messy. They are far safer than dogs and cats. She compared the feces of ten chickens to produce the same as a medium size dog. She finds that dogs are a far more dangerous thing. She read a myth of chicken noise. "Laying hens at their loudest have about the same decibel level as human conversation." So chickens are going to disturb a neighbor as much as two people talking. In her experience, chickens will occasionally squawk if something disturbs them or when laying an egg. At night, they are very quiet because they all go into the coop and snuggle down. She does have neighbor dogs that wake her up in the night. She indicated on a map the distance from the Brown's residence from the Wall Residence. The Brown's wouldn't know if they even had chickens because they are so far away. There was also mention about skunks. Ms. Thayne also indicated that they have had skunks in their window wells twice since they have been living in Elk Ridge and there were not any chickens around. Since they got their conditional use permit and have their chickens, they have not seen one skunk. Food left out for dogs and cats, etc. is far more attractive to skunks than chicken food. Mr. Van Parys' letter talked about his expectations when he moved to Elk Ridge and that was not chickens. When Ms. Thayne moved to Elk Ridge she said there were chickens all over the place. So what is expected when moving to Elk Ridge sometimes doesn't impact where the city is at presently. Mr. Van Parys worries about if chickens got into his yard with his dog. Ms. Thayne indicated that Ms. Wall has around her house a solid, high vinyl fence and he has a vinyl fence around his yard. So the likelihood of that happening is very slim. If her chickens got out into his yard, he is not responsible for what the dogs do to that chicken because they were invading his territory. If his dog got out and invaded her yard that would be a different matter. Most of Mr. Van Parys letter is a rehash of stuff that went on with adopting the code – much of it is inaccurate and written in a very emotional way. Nelson Abbott had pigeons legally under the code prior to ever initiating anything about hobby animals. Ms. Thayne indicated she thought the law seems of being applied unequally in favor of dogs over chickens. Ms. Brown should be reporting the dogs instead of worrying about chickens that won't impact her. Shamayne Mason was also in support of Ms. Wall and her chickens. She has thoughts that the constitution states that we are all created equal and it seems to her that in Elk Ridge she is seeing that the public has the right to life, liberty and the pursuit of happiness and there are many who seem to want to determine what somebody else needs to pursue to be happy. She doesn't think that she read anywhere that she has the right to impose how someone else is going to be happy on them or impose her value system on them. At the reference of dogs and adding chickens to make more noise, she was thinking that chickens will make their noise at laying an egg for about 1-2 minutes a day and it could be a little loud. But for six chickens and a full day, that is an average of 12-15 minutes of noise over the whole day. They put themselves to bed at dark and don't hear a peep until morning. They are pretty quiet. She is concerned at what appears to be the desire to force issues upon people. That is really not the way she feels the city should be working. She is also sorry to hear of intimidation or inaccurate betrayals of things that have been seen and she has been a participant of inaccurate portrayals that have happened in her personal case. She would hope that truth, justice, logic and reason may soon return to the associations and dealings in Elk Ridge.

Lucretia Thayne handed the Planning Commission a letter from her son. One of the reasons for denial was because of a code about natural enemies being boarded together and she firmly does not believe that code applies to this case because natural enemies being boarded together would refer to the same property, not someone two houses away.

Nancy Wall said that when she came and got her application for the permit from the city, they followed everything that was on that application to be in compliance. When Mr. Brown got back, he came and did the inspection for compliance with them and he said there was a law – “General Regulations relating to animals: k: Incompatibility of Animals: Owners shall not allow animals which are natural enemies, temperamentally unsuited, or otherwise, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment.” Mr. Brown specified that there were at least four bird dogs in the neighborhood. Ms. Wall was at a loss when he came because she felt she had done everything to be in compliance. Her chickens were wondering free. She assumed because her whole backyard was fenced in that would be okay. Mr. Brown said they need to have a run. So they have put posts in to complete the run and Mr. Brown saw those. *She asked her neighbors in the audience to stand.* Ms. Wall indicated those neighbors have dogs. Kylee Hill is the closest with a dog and Ms. Wall has not noticed any fear or torment in her chickens.

Kylee Hill indicated that she works in a veterinary office and there has been no sign of fear, stress or anxiety, which are all common symptoms of a dog that can see a chicken. She is pretty sure her dog is too stupid to even know what is on the other side of the fence. Ms. Hill didn't even know they were there for a month until she got the notice and she didn't notice an increase of barking with her dogs. If they haven't increased their barking and her chickens aren't stressed out, she sees no problem.

Nancy Wall indicated the Thorpe's also have a bird dog that is arthritic and is 11 years old.

Janene Thorpe said there is no problem because he doesn't even know there are chickens.

Nancy Wall said that Mr. Van Parys also has his two bird dogs and Ms. Wall understands that if their chickens get out and get out and get underneath the fence or get eaten, that is their responsibility. They are their pets, just like people who are pet owners understand that when their dogs or their cats get out they are responsible for them. She feels at a loss for where the specified code comes in not making them compliant. It wasn't on the application they had. Ms. Wall also indicated that she felt like she was being harassed by Mr. Brown for this code because when he was on city council he voted against chickens. So as a code enforcement officer, going to residents place to inspect the property, maybe it is better to get someone who is not living in Elk Ridge, cannot vote and hasn't voted on the city rules and regulations and laws so there may be an unbiased opinion on their compliance.

Adonia Howell said she did not know that Ms. Wall had chickens until she got the notice in the mail and even after she got the notice did not know that she had chickens. She knows pretty much everyone who has a dog and how many they have and what sets them off. She can also tell when they have visited her yard. She has not known or heard Ms. Wall's chickens until that point. She also explained that they have chickens at her work and the residents love them. She doesn't hear them and she doesn't smell them when she goes out there. They are not a problem or a nuisance either. My husband agrees that Ms. Wall has done everything that she has been told to do. She is in compliance.

Erin Clawson indicated she has just come into a new position and has researched the code and the hobby animal code lists what has to be done in order to comply to get a permit. It doesn't say that they have to adhere to the animal code. The animal code in Title 5 is a municipal code and not a development code. She wanted the planning commission to be aware of that if they weren't.

Kelly Liddiard closed the public hearing at 7:24 PM.

Kelly Liddiard was curious to know why the staff is denying it besides the incompatibility of animals. He was there when the code was written and the intent of that code was for the same owner to have bird dogs and chickens. However, after the issue has come to light and after research, Mr. Liddiard thinks the code probably needs to be re-written to some extent because if one neighbor has dogs and the next neighbor has cats, they are incompatibility animals and that wouldn't work. He bets that they can find that on every street in every neighborhood in the city. So it is his opinion that that code has no bearing on the application in question because everyone else has been allowed to do it and it is kind of grandfathered-in in his eyes. So if there is another violation...that the coop isn't there or the run is not in existence then that is something that should be looked at. Other than that, he hasn't heard anything that she isn't in compliance.

Kevin Hansbrow remembers too; when the code was written and he agrees completely with Mr. Liddiard that it was mainly just to keep enemies out of the same yard more than off the same street. With just the exception of having the run done, he doesn't see why they would be out of compliance. Until they get the run done, there should be a time limit of how soon that will be done.

Brian Wall explained that it is just a matter of connecting the fence. It is there, they just haven't connected it yet. They need to connect the fence and put a top on it.

Sharon Dahlstrom indicated that she is new and needed to ask a question. In looking at code 5-2A-21k Incompatible Animals, she couldn't find the animal code and asked if there is another code for animal regulations.

Kelly Liddiard indicated that there is other code, but he couldn't tell her where it is. He also indicated that he read the night before and it says that there just needs to be a coop and a run area. That's as far as it goes. It doesn't say anything about letting them out.

Sharon Dahlstrom asked if it said anything about how big or how far.

Adam Castor said it has to be 24 sq feet.

Kelly Liddiard said the setback is 25 feet from adjacent buildings and six chickens are allowed.

Sharon Dahlstrom said that is a minimum of 24 sq. feet. The backyard can't be counted as a run.

Kelly Liddiard said the backyard cannot be counted as a run. It has to be a separate space.

**KEVIN HANSBROW MOTIONED AND DEBBIE CLOWARD SECONDED TO APPROVE THE CONDITIONAL USE PERMIT FOR CHICKENS FOR THE WALL FAMILY ON CONDITION THAT WITHIN SEVEN DAYS OF TODAY (BY 6/16/11) TO BE INSPECTED. UPON INSPECTION MEETS ALL THE REQUIREMENTS, SETBACKS AND SQUARE FOOTAGE FOR THE CHICKEN RUN. VOTE: YES – ALL (4), NO – NONE, ABSENT – (4) RANDY JONES, DAYNA HUGHES, NELSON ABBOTT, DAN STEELE**

#### **CONDITIONAL USE PERMITS REVIEWED BY CODE ENFORCER**

Adam Castor indicated that the code enforcer went around verifying some of the conditional use permits – Lynn's, Simmons', and Abbott's.

Kelly Liddiard asked the reason why they were checked on.

Adam Castor explained that was the condition of the approval of the conditional use permit. This was the first time they were inspected.

Ray Brown indicated he had visited three residents with conditional use permits and two of them were out of compliance.

Kelly Liddiard asked if Lynn's horse was non-compliant.

Ray Brown replied that the Lynn's horse is not a miniature horse. It is a 49-52 inches and miniature horses are 34 inches or shorter. It was measured from the withers to the ground. Mr. Brown indicated that he agreed with Ms. Wall that the city should find someone else to do code enforcement because she is right that he lives in the community and nothing against Ms. Wall. Mr. Brown explained that Americans debate a lot. People think a person should be on one side or the other. Being a former law enforcement officer, he couldn't do that. Americans spend a lot of time debating and riding on an American's rights no matter which side of the political side a person is on. Americans love their rights and talk about them. It is a shame that Americans are not as enthusiastic with responsibility, which accompanies rights. To be assured, Americans have rights and the one they love the most is the right to speak freely and he is certainly no exception. Every fight that is engaged today revolves around some real or perceived human rights...Does everyone have to be responsible, as well as have rights? Mr. Brown believes Ms. Thayne has not given correct information. Mr. Brown believes there does need to be a code enforcement officer. He talked to the Lynn's who are very fine people. They do not have the horse they were sold. It was not a miniature pony. The horse is currently not on property and Mr. Brown doesn't know what they are doing. He also indicated there was another violation noted on the staff report, but not cited. *[15-17 chickens on property without permit]* Simmons moved their chicken coop to be in compliance. They told Mr. Brown that the Planning commission approved his chicken run as part of their changing of their non-compliance before the Planning commission would give them their conditional use permit. The chicken run is closer to the adjacent house than the owner's house. He gave them the code dimensions. The Simmons said it was in their submitted plan. Mr. Brown had the city pull the submitted plans and it is not in there. He asked them to fix that because it is not in compliance. Nelson Abbott's chicken coop and run are in compliance. He put about \$1500 into his coop and it is gorgeous.

Kelly Liddiard said the Lynn's should be on notice that the horse cannot come back to the property because it is not a miniature horse.

Sharon Dahlstrom commented that they are in non-compliance for chickens, as well.

Ray Brown said they can't have both, but they did have chickens without a permit. He didn't cite them. Mr. Brown told them what they needed to do to apply for a conditional use permit for the chickens, but they couldn't have both chickens and a miniature horse.

Kevin Hansbrow indicated that they need to be put on notice.

Kelly Liddiard thought that they need to be noticed and that the horse cannot come back because it isn't in compliance. They also need to do something with the chickens.

Kevin Hansbrow said they need to apply for a conditional use permit for their chickens and meet all the requirements. They need to be in the application process within the seven days from notice.

#### SIMMONS CONDITIONAL USE PERMIT FOR CHICKENS

Kelly Liddiard personally thinks that people need to be in compliance with the code. He questions whether they should give him some time.

Sharon Dahlstrom asked if they were also talking about the number of chickens.

Kelly Liddiard said yes, they are talking about two violations – the run and the number of chickens.

Ray Brown indicated that in his notes, the Simmons said they were getting rid of six chickens. He did go back to check that.

Kelly Liddiard asked when he went back to check.

Ray Brown indicated it was May 31, 2011.

Planning Commission Assistant indicated that the Simmons was approved for a conditional use permit back on December 9, 2010.

Kelly Liddiard asked if there was a verbal warning or if Mr. Brown just looked at it.

Ray Brown said he just looked at it and gave her a copy of the letter that he submitted to the planning commission. He left the door open to fix the issues.

Kevin Hansbrow thinks that they would be willing to cooperate, but they just need to be given a certain amount of time.

Kelly Liddiard agreed and thought that the city should send the owners notice that they are out of compliance and they need to have it resolved by a certain amount of time, then their permit will be revoked.

Planning Commission Assistant asked for a specific time frame.

Mayor Pro-temp, Erin Clawson said the time frame should be the same as the others, seven days.

Adam Castor said that he remembered the relocation of the run was part of the conditions with the approval.

#### APPROVAL OF 5/12/2011 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to the meeting minutes of May 12, 2011.

**SHARON DAHLSTROM MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE MINUTES OF MAY 12, 2011 PLANNING COMMISSION MEETING AS WRITTEN. VOTE: YES – ALL (4), NO –NONE, ABSENT – (4) RANDY JONES, DAN STEELE, DAYNA HUGHES, NELSON ABBOTT**

#### CITY COUNCIL UPDATE

Erin Clawson indicated that Mayor Lutes resigned through the newsletter. The council voted for her to be the mayor pro-temp. They are taking applications until the 21<sup>st</sup> for mayor for the next five months to be appointed by the council on the 28<sup>th</sup> of June. There will also be a special election during the regular election time so during July 1-15 anyone can put their name in for the two years remaining for Mayor Lutes' term.

Kevin Hansbrow asked if there were any applicants yet.

Erin Clawson replied that there have been applicants. There was a special meeting to accept Mayor Lutes' resignation and to vote for a mayor pro-temp. They will be hiring someone to put the fence around the water tank so Corbett and his crew can work on other things such as curb and gutter. It has been long overdue for some residents in town that have paid for it. There was some sewer breakage where some roots were growing through the pipe and backed into a citizen's home and the city will be settling with them with the

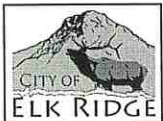
insurance. Payson city came and helped Corbett. Corbett talked them into giving us a free demonstration. So the city council is facing some expensive issues with the insurance company and how things are being monitored.

**OTHER BUSINESS**

**ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:42 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 has cancelled a regularly scheduled commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 14 July 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

**COMMISSION REGULAR MEETING AGENDA**

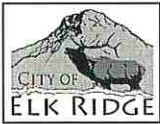
**CANCELLED**

**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, 13 June 2011 and delivered to each member of the Planning Commission on 13 June 2011.

Planning Commission Coordinator: Maissa Bassir Date: 13 June 2011





## **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 SPECIAL PUBLIC MEETING - PLANNING COMMISSION**

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

- Meeting Date - **Thursday, 28 July 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION SPECIAL MEETING AGENDA**

#### **7:00 pm OPENING ITEMS**

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

#### **7:05 PUBLIC HEARINGS AND ACTION**

1. Williams Conditional Use Permit Application - Chickens ..... *see attachment*
2. Elk Ridge Meadows Phase 2B Preliminary Plat (3 lots) ..... *see attachment*

#### **7:20 OTHER ACTION ITEMS**

3. Elk Ridge Meadows Phase 2 Plat Vacation ..... *see attachment*

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

#### **7:40 PLANNING COMMISSION BUSINESS**

4. Review and approve minutes of 06/9/11 Commission Meeting ..... *see attachment*
5. City Council Update
6. *Other Business*

#### **ADJOURNMENT**

### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 18 July 2011 and delivered to each member of the Planning Commission on 22 July 2011.

Planning Commission Coordinator:

*Marissa Bassi*

Date: 22 July 2011



# ELK RIDGE PLANNING COMMISSION SPECIAL MEETING

July 28, 2011

## TIME AND PLACE OF PLANNING COMMISSION SPECIAL MEETING

A special meeting of the Elk Ridge Planning Commission was held on Thursday, July 28, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Kevin Hansbrow, Nelson Abbott

*Absent:* Randy Jones, Dayna Hughes, Dan Steele, Debbie Cloward, Sharon Dahlstrom

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

Adam Castor, *LEI Planner*, Dorothy Cloward, Randy Cloward, David Clark, Chris Salisbury, Max Staheli, Rod Cloward

## OPENING ITEMS

### OPENING

Kelly Liddiard, Chair, welcomed at 7:07 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

There was not a quorum of four commission members so action could not be taken.

### APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

Planning Coord. indicated City Council Member, Erin Clawson, would be tardy for the city council update.

### WILLIAMS CONDITIONAL USE PERMIT PUBLIC HEARING

Kelly Liddiard thought it looked like a nicely done application.

Nelson Abbott indicated that he went to visit with the Williams to see where the coop was at. He said Mr. Williams was definitely thinking outside the box. Mr. Abbott said he had a neat way of locking it up so the birds are safe from predators. There is a ramp that comes down, but at night, they pull the ramp up and it locks in place. He indicated that they had a coyote get the Williams' dog. He was impressed. In looking at the proximity of the neighboring houses, Mr. Abbott wished he had the distance.

Kelly Liddiard opened the public hearing at 7:07 PM.

There was not any public comment and the Williams family was not in attendance because they were on vacation.

Kelly Liddiard closed the public hearing at 7:10 PM.

### ELK RIDGE MEADOWS PHASE 2B PRELIMINARY PLAT (3 LOTS) & ELK RIDGE MEADOWS PHASE 2 PLAT VACATION

Chris Salisbury, developer, was torn as to whether or not they continue with this item on the agenda. They submitted to be on the agenda a few weeks ago right after TRC and shortly after that Mr. Salisbury learned that what they wanted to do with the lots potentially required the approval of everyone that lived within the community so they took a step back to reorganize and educate the community. There were some rumors that the park and open space was going to completely go away – that Salisbury was going to sell it and develop it. There was a meeting with the members of the community to provide information and a little background on the project. Salisbury's main goal is that they would like to see the park, open space A and B, restored to its originally glory. They would like to see that done sooner than later. In the meeting with the residents on July 21, 2011, they were given 3-4 options. The first option was to form an HOA, which Mr. Salisbury didn't think anyone wanted. There was one individual who asked questions about it, but for the most part Mr. Salisbury thought the community was against that. The second option was to take the open space C and D and change it into three lots. The third option was to let the community get built out. The city is currently collecting money from Salisbury from every building permit and they are also holding money that should go to Dave Milheim for the water tank reimbursement until that issue gets resolved. It is estimated to take about two years to get that taken care of and then there will be funds there to take care of the park. The fourth option was brought up by the residents to possibly buy open space C and D. Salisbury is looking at that option and coming up with a price in preparation for the August 11 meeting with the residents. They are torn because they are not sure what is going to happen with the surety bond company, Milheim and the city. That puts option three on hold and Salisbury is not sure which direction the residents would like to go.

Adam Castor added that the initial application was for the plat of the vacation of the open space to create the three residential building lots. The TRC met with Chris Salisbury and based on the initial findings, was a recommendation for approval of his application with the condition of the redline revisions get made on the plat and then a draft development agreement be written to change the terms of the development agreement that is in place currently. That was the recommendation until July 28, 2011. The correspondence that has gone back and forth with Chris Salisbury and the uncertainty of what they are going to do. There is another community meeting on August 11. So the staff report was updated to recommend the decision on the application be tabled until they have had the opportunity to meet with the residents again and see what happens with the surety bond issue.

Kelly Liddiard questioned why the city would want to vacate the trail system in the open space

Adam Castor explained that it has to do with who assumes ownership and maintenance of the open space. Right now, with the development agreement, at 50% occupancy, the city assumes maintenance of all of that open space, including the two parcels that are proposed to be building lots. The city has not indicated the desire to maintain those small portions and it is also not shown on the general



plan as open space anymore. The open space map does not show it as open space, nor does the trails map. Mr. Castor thinks that the maps were changed when the development agreement was proposed.

Kelly Liddiard remembered going through all the trails maps with the General Plan and he didn't remember that trail not being included

Adam Castor said it is basically from a maintenance standpoint from Corbett Stephens, Public Works Director.

Kevin Hansbrow commented that it is so the city doesn't have to take responsibility for it. And because there wasn't any HOA formed from the beginning. Mr. Hansbrow said it is right in the middle of the trail and doesn't know why it would be taken out. The main objective was to get open space. The reason for the bonus density was because of the open space.

Chris Salisbury indicated that the trail that exists, as it goes into Cloward's property, there are no plans to continue the trail on. Mr. Salisbury talked to Tony Trane because he was wondering what the meeting was about and he explained everything to Mr. Trane. Mr. Salisbury said they are looking at the proposed plan because there is no plan to continue the trail and the Clowards are not doing anything with their ground. If they are going to do anything with it, they are going to go with the standard zoning so they are not going to ask for additional density and they don't have to participate in the trail system.

Kevin Hansbrow indicated that the kids use it like crazy. His in-laws live there and the kids use the trails around there. Things can change. Even though, it is a trail to nowhere, it is still one of the few trails within the city.

Chris Salisbury commented that it is only the trail that is indicated on page 3 on the lots 84, 85, and 83. All the rest of the trails will remain. If it ends up staying, it stays and that's fine. The catalyst is that Salisbury wants the park in now. Changing the open space into lots and generating the revenue from those lots allows Salisbury to dump the revenue into the park. They are just trying to improve the community now rather than later. They are trying to make the best community they can.

Kelly Liddiard explained that the planning commission and city council went to a lot of work to get the trails in the general plan and looking into the future of having those. There was even discussion about the Cloward's property and they had some input on that and he thinks that they were going to continue those on. He doesn't know if that is still their interest.

Kelly Liddiard opened the public hearing at 7:20pm.

David Clark indicated that he lives on lot 39 – his backyard faces the Cloward's property. Dal Olsen and he are on opposite sides. When they were sold their lots, they were under the impression that there was a trail system there and that is the reason they picked those lots. It was a surprise when they found out the intentions of Mr. Salisbury. Olsen's home was built and closed. Mr. Clark's lot was excavated and the footings were poured and he had sold his home so he was in an awkward position. Mr. Clark knows that the people that are also affected by the proposed plan also have the same feelings that he does that why not leave it the way it was intended. Who is to say what is going to happen in five or ten years. He looked at the General Plan for the city and it looks like the trail connects and it goes on around the city. That is how he based his decision to buy that lot.

Kelly Liddiard asked why it isn't on the general plan.

Adam Castor indicated on the 2010 general plan map for trails/open space, that trail is not there. It was on the previous general plan. The planning commission members wanted research done on why it was changed. It was thought that it was left out due to the developer's agreement.

Nelson Abbott commented that there were four different options on the table and the possibility of leveraging it and restoring the park. Looking at the lots one section between the two lots is a lot narrower than the other piece. He asked Mr. Salisbury what would preclude him from maybe working something out where the trail stayed, but sold some of the additional open space to the adjacent property owners – not as building lots, but as open space.

Kevin Hansbrow doesn't think that is the property owner's responsibility. He doesn't see that as an option or how that is functional.

Chris Salisbury said as he understands it, it allows the open space to remain there and then the city doesn't have to maintain it and the city is also not liable for it either.

David Clark commented that the question that was brought up was that phase 1 and the city was going to taking on that portion of it and people found it odd that the city was going to keep one part of it, but not the other - all to maintain a park. Mr. Clark didn't gain a sense of urgency by the residents to have the park up and running that soon. He was willing to do whatever it takes to keep the open space.

Adam Castor indicated that the trail shows up on the 2008 maps, but all the 2009 and 2010 maps do not have it.

Kelly Liddiard asked if that could be researched and see if there is a reason as to why it was removed. Mr. Liddiard referred back to Mr. Hansbrow's comment about the density because of the excess open space.

Adam Castor commented that the actual square footage of the open space was purposed to be applied to the west side of open space B so the open space won't necessarily be lost.

Kevin Hansbrow looks at it as the people bought land with the intention of it being open space and to now take that away from them or ask them to pay for it doesn't seem right. An HOA was not going to be part of it. His father-in-law wouldn't even consider an HOA when they were looking to buy. If it was at the beginning before people purchased property, then it would be a different situation. That wouldn't be fair to the current owners in any way.

Randy Cloward commented that they are doing a lot of excavation and digging into the hillside and taking away a lot of material from the hillside. He asked if there was a plan to put in a retaining wall or retaining with vegetation because erosion is going to occur. There is a steep cut on the east end.

Kelly Liddiard said he hasn't been down there and will have to take a look at it.

Chris Salisbury didn't know about it either.

Randy Cloward also commented that he can appreciate the park and beautify it and make it look nice. They just want to make sure there is some money involved to take care of it.

Kevin Hansbrow said that as much as he would like to see the park up and running, he sees it as Salisbury bought the subdivision and he sees that responsibility falling on them. Mr. Hansbrow is grateful they took over the subdivision, but he doesn't see charging the current owners under the contract that they have bought under.

Chris Salisbury responded about what people bought under and their expectation of open space C and D being there. Salisbury bought the community with the understanding the city was going to improve the open space A and B with surety bond money and that is not happening. Salisbury is still continuing and is under no contractual obligation to improve anything. They have a lot of work left to do in Elk Ridge Meadows phase 2 and they also have another phase on the west side of the open space they are talking about. Salisbury is

going to be in Elk Ridge for a long time and the reason why they have chosen the route that they have is because there is a question of the validity of the current developer's agreement. Right now, the developer's agreement says the city will improve the park with surety bond money, which no one knows if the city will get it. In the same document, it is requiring Salisbury Homes to pay over \$1400 per building permit to go towards to the park. The city doesn't know if they can be held liable for that surety money, but they have never said anything about not paying that \$1400. Salisbury is still paying it. They are trying to take a very convoluted and messy situation and walk away with it with something the city is proud of, something Salisbury is proud of, and something the residents are happy to live in. If that means that it is open space when they are done, then so be it. Their priority is to get the park in there knowing they have no control over the surety bond company, Milheim, or the city. So they are looking what they do have control over. They have influence on the lots because they own the majority of the lots. So that could be a solution. If not, then they will wait it out and hopefully the situation with the surety bond will be worked out. The question is still there what happens to the money that is paid for each building permit that goes to the park. He doesn't want to get attorneys involved because attorneys are the only ones that would win. Kevin Hansbrow indicated that there needs to be more information as far as the surety bond. He thinks that this discussion is premature. Kelly Liddiard said he appreciated what Mr. Salisbury has said and he doesn't want to get attorneys involved either. His concern is what is best for the city and what the intent was when it was designed. Salisbury did assume that responsibility, but he wasn't saying that it can't be changed. So Mr. Liddiard wants to know when the trail map was changed and why, and surety bond information. Randy Cloward asked if there is enough money in the bond to take care of cleaning up. Kelly Liddiard commented that since the large wall of RL Yergensen, they have tried to protect the city as much as they can so that doesn't happen. David Clark said that Salisbury estimate the surety bond would be about \$210k. \$100k would go for overlay and \$60k would go for repairs leaving \$50k for improvements to the park. Chris Salisbury mentioned that they are still paying money for every permit and there should be about \$100k from that. Kelly Liddiard closed the public hearing at 7:34pm. Kelly Liddiard tabled the issue because it cannot be voted upon until there is a quorum and there is more information brought forward.

#### APPROVAL OF 6/9/2011 PLANNING COMMISSION MEETING MINUTES

The approval of the minutes was tabled due to the lack of a quorum.

#### CITY COUNCIL UPDATE

Erin Clawson was not in attendance for the city council update.

#### OTHER BUSINESS

The city council will be having a joint work session on Tuesday, August 9, 2011 at 6:00 pm regarding the single access code. The mayor would like to get it done and off the table.

**ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:40 p.m.

  
Planning Commission Coordinator

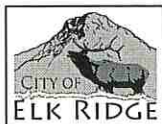
1

2

3

4

5



## **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 planning commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 11 August 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION MEETING AGENDA**

#### **7:00 pm OPENING ITEMS**

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

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

#### **7:05 OTHER ACTION ITEMS**

1. Williams Conditional Use Permit Application - Chickens ..... *see attachment*

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

#### **7:10 PLANNING COMMISSION BUSINESS**

2. Review and approve minutes of 06/9/11 and 07/28/11 Commission Meeting ..... *see attachments*
3. City Council Update
4. *Other Business*

#### **ADJOURNMENT**

### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 4 August 2011 and delivered to each member of the Planning Commission on 5 August 2011.

Planning Commission Coordinator:

*Marissa Bassin*

Date: 5 August 2011

1

2

3



# ELK RIDGE PLANNING COMMISSION MEETING

August 11, 2011

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, August 11, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Kelly Liddiard, Nelson Abbott, Randy Jones, Dayna Hughes, Debbie Cloward  
*Absent:* Kevin Hansbrow, Sharon Dahlstrom  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Erin Clawson, *City Council*

## OPENING ITEMS

### OPENING

Kelly Liddiard, Chair, welcomed at 7:03 PM. Opening remarks were said by Randy Jones followed by the pledge of allegiance.

### APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

### WILLIAMS CONDITIONAL USE PERMIT APPLICATION

Kelly Liddiard indicated that the public hearing was done at the last meeting, but there was not a quorum so there wasn't any action taken. Mr. Liddiard didn't recall any problems with the application.

Nelson Abbott said that he went to visit the Williams' and found that the coop met all requirements. He explained that the coop is moveable, but not so much now that it weighs so much. Mr. Abbott explained that the chickens roam freely in a 40 square foot fenced area below the coop and the trap door closes at night locking the chickens in place. He indicated Mr. Williams had six chickens when he went to visit, which is still within the code.

**DAYNA HUGHES MOTIONED AND RANDY JONES SECONDED TO APPROVE THE APPLICATION OF THE BRETT WILLIAMS CONDITIONAL USE PERMIT FOR CHICKENS. VOTE: YES – ALL (5), NO – NONE, ABSENT (2) – KEVIN HANSBROW, SHARON DAHLSTROM**

### APPROVAL OF 6/9/2011 and 7/28/2011 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to either set of minutes.

**KELLY LIDDIARD MOTIONED AND RANDY JONES SECONDED TO ACCEPT THE PLANNING COMMISSION MEETING MINUTES OF JUNE 9, 2011 AND JULY 28, 2011 AS WRITTEN. VOTE: YES – ALL (5), NO – NONE, ABSENT (2) – KEVIN HANSBROW, SHARON DAHLSTROM**

### CITY COUNCIL UPDATE

Erin Clawson indicated she heard from James Mayfield that he got a bid for playground parts that came in around \$10,000 so he wanted to ask the vendor why there were some differences. The city has \$17,000 for the playground. It is just taking some time. Nothing was decided with the mower on the last council meeting. Salisbury offered their field mower free of charge to use with 48 hours notice. Woodland Hills has a field mower that the city has borrowed in the past and now it is broken and Woodland Hills would like to split the cost of fixing it since it is just wear and tear. Elk Ridge uses it every summer and so they would like to split the cost, which is needed now. Corbett Stephens, *public works*, said they weren't even to a point whether they knew if it was fixable. So he is working with the mechanic to know if it is fixable.

### OTHER BUSINESS

The resignation of code enforcement officer, Ray Brown, was discussed. The promotion of Jan Davis to office manager was also discussed.

The trail system in elk ridge meadows phase 2 was discussed. The city is waiting on Chris Salisbury to have his community meeting and come back with a decision on how he would like to proceed.

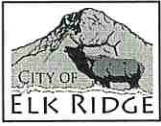
Lee Haskell's assisted living center was discussed as to whether he was going to be able to proceed with it. Financing was not available at the time.

The city council approved the single access code, which is the dual access without the exception. The smaller serpentine road was discussed as becoming part of the general plan. It was discussed to amend the map and make sure that road meets current code, if not, they will just leave it alone. If code is stricter now, then it is something that should be looked at changing.

**ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:25 p.m.

  
Marissa Bassir  
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 planning commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 8 September 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION MEETING AGENDA**

**CANCELLED**

#### **CERTIFICATION**

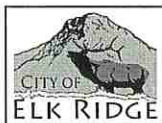
The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 1 September 2011 and delivered to each member of the Planning Commission on 1 September 2011.

Planning Commission Coordinator: Marissa Bassin Date: 1 September 2011

1

2

3



## **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 planning commission meeting at the date, time, and place listed below. Handicap access is available upon request. (48 hours notice)

- Meeting Date - **Thursday, 13 October 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

### **COMMISSION MEETING AGENDA**

#### **7:00 pm OPENING ITEMS**

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

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

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

#### **7:05 DEVELOPMENT CODE / STANDARDS REVIEW**

1. General Plan Transportation Map Amendment Discussion..... *see attachment*

#### **7:20 PLANNING COMMISSION BUSINESS**

2. Review and approve minutes of 08/11/11 Commission Meeting..... *see attachment*
3. City Council Update
4. *Other Business*

#### **ADJOURNMENT**

### **CERTIFICATION**

The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 7 October 2011 and delivered to each member of the Planning Commission on 7 October 2011.

Planning Commission Coordinator:

*Marissa Bassin*

Date: 7 October 2011





# ELK RIDGE PLANNING COMMISSION MEETING

October 13, 2011

## TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, October 13, 2011, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

## ROLL CALL

*Commissioners:* Nelson Abbott, Randy Jones, Dayna Hughes, Debbie Cloward, Kevin Hansbrow, Sharon Dahlstrom,  
*Absent:* Kelly Liddiard  
*Others:* Marissa Bassir, *Planning Commission Coordinator*  
Adam Castor, *Planner*, Cory Pierce, *LEI Engineer*, Erin Clawson, *City Council*, Lucretia Thayne

## OPENING ITEMS

### OPENING

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

### APPROVAL OF AGENDA

Kevin Hansbrow, Chair, reviewed the agenda and there were not any changes.

**KEVIN HANSBROW MOTIONED AND RANDY JONES SECONDED TO MAKE SHARON DAHLSTROM A VOTING MEMBER. VOTE: YES – ALL (3) KEVIN HANSBROW, RANDY JONES, NELSON ABBOTT, NO – NONE, ABSENT – (1) KELLY LIDDIARD**

## GENERAL PLAN TRANSPORTATION MAP AMENDMENT DISCUSSION

Adam Castor, planner said LEI was tasked with the road alignment that he presented to in August regarding single access. LEI was asked to look at the ordinance in the HR-1 zone regarding road design. The road alignment was conceptually approved for the Elk Haven subdivisions, but the preliminary approval has expired since. Mr. Castor took the road alignment that received the preliminary approval to ensure that it does generally comply with the purpose of adopting it as part of the transportation plan. He would like to have a discussion with the planning commission on the findings. There are really only four sections within the HR-1 zone that deal with the situation with the cuts and fills, road grades, intersection grades and traversing 10 and 30 percent slopes.

Cory Pierce, Engineer indicated that most of the sections seem to be fine. There are just a few concerns.

Adam Castor, planner said that the first section that deals with it, the road alignment in the HR-1 zone is maximum road grades. The code indicates eight percent, but the planning commission can approve a road grade up to 10 percent for a stretch of up to 300 feet. Mr. Castor used that as the basis to grade the whole thing at eight percent, but it doesn't quite work. There are some sections that would be upwards of 10 percent to make it work. If that is the case and cuts and fills can be minimized, it may be worth looking at the short stretches of 10 percent. The next one is traversing 10 percent slopes. It says that if roads can traverse 10 percent slopes, if environmental impacts are mitigated and minimized. Looking at the maps provided, the first is the slope analysis and it represents 0-10, 10-20, 20-30, 30-40 and 40 plus. Most of the road alignment is on slopes between 10 and 20 percent and less. There are a few sections that need to be discussed that actually go through slopes that are 30 and 40 percent.

Kevin Hansbrow commented that those would be a lot of cut and fill on the slopes to get the width of the road.

Adam Castor, planner indicated that retaining walls can be put in and still meet code. It helps with the huge cuts and fills and lots of existing vegetation. So there are a lot of things to consider with this road if it ever gets built. The plan is just guidance to get it into the general plan.

Cory Pierce, Engineer said that in those areas where there are a lot of cuts and fills and where there aren't any houses fronting or a need for parking there is a possibility of narrowing the streets in those areas. There are options in the future to help minimize. Road width is huge when traversing the slopes.

Dayna Hughes asked what percentage does the cut and fill go down with the road width decrease.

Adam Castor, planner replied it is two to one.

Cory Pierce, Engineer said that with the road decrease, the biggest thing is when there is a steep slope there is 30 feet of fall out. It is dropping across the width of the road 30 to 40 feet.

Dayna Hughes asked if there needed to be half plus nine. Isn't that the minimum width? How narrow could the street be?

Adam Castor, planner said the code indicates 26 feet.

Kevin Hansbrow asked if the said road is a main arterial road or a collector.

Adam Castor, planner said it is a collector road. It can be classified however right now because it isn't there yet.

Cory Pierce, engineer said 26 feet is an international fire code minimum if the road is over 500 feet.

Dayna Hughes asked what the road width as it is drawn on the map.

Cory Pierce, engineer said the entire right-of-way is 56 feet, which is based off the cross section of the Elk Haven subdivisions.

Kevin Hansbrow asked if the road would have to be cut back because of the right-of-way.

Cory Pierce, engineer agreed, but within the standard sections. The travel lanes as well as parking lanes included - where there is not any houses is where it could neck it down through that section to minimize costs.

Adam Castor, planner said that the sidewalk could minimize costs, as well. Putting a sidewalk on just one side of the street would minimize the width.

Dayna Hughes commented in looking at the 40 percent plus stretch, she asked what kind of cut and fill would be involved.

Adam Castor, planner replied it would be about 20-25.



Cory Pierce, *engineer* indicated on one side, the highest would be around 20 feet and then spots of about 12 feet on fill.

Dayna Hughes asked if there was any other option.

Adam Castor, *planner* said that when he initially did the plan, he looked at making the road a little bit higher radius coming around the front of the ridge and trying to pull the road up a little higher, but in order to get across that and stay off the steep slopes. It is steep anywhere. It doesn't really change the cuts and fill all that much, but it creates a lot more fill at the bend and back around and try to stay on grade with an eight percent road. The road would go clear out and runs into a house.

Dayna Hughes asked if there was a way to take the road down the ravine in the yellow.

Adam Castor, *planner* said it would go right down a ridge line.

Cory Pierce, *engineer* indicated that it is a tie-in point with the existing road.

Adam Castor, *planner* commented that with retaining walls that had a couple of tiers of maybe five to six foot retaining walls it would definitely help.

Dayna Hughes asked if it could be seen from space because you can see the current retaining wall in Elk Ridge from space.

Cory Pierce, *engineer* said it would be visible from the freeway.

Dayna Hughes asked how tall R.L. Yergensen's retaining wall is.

Adam Castor, *planner* guessed about 30 feet.

Dayna Hughes said the retaining walls along the said road wouldn't be that high.

Cory Pierce, *engineer* said code only allows up to 15 feet.

Nelson Abbott said there may not be height, but it will be made up for in length.

Dayna Hughes asked if the ridge has to be traversed. Obviously, the road has to be connected. She asked why the ridge has to be traversed.

Adam Castor, *planner* said that he thinks that alternative road alignments could be looked at. It is just a matter of where the road connects.

Nelson Abbott said this road is what the previous developer came in with huge cuts and fill and it was some of the driving force behind re-writing the code.

Further possibilities were discussed to avoid huge cuts and fill. It was discussed taking the road up the hill further and loop around. It puts the road way out south and makes for some sharp curves. Road grade issues would be a problem instead of cuts and fill.

Dayna Hughes asked about the other 40 percent grade portion on the other side of the plan. She asked if there would have to be a cut and fill there.

Adam Castor, *planner* said the cut and fill wouldn't be too bad there. A profile was not cut through there. It grades out okay. At edge of right of way, it was anywhere from four to six feet of cut and/or fill on one side or the other. It looks worse than it is because of the coloring on the plan, but it is not that bad.

Dayna Hughes asked if it would all be under eight percent.

Adam Castor, *planner* replied yes. Coming off of High Sierra Drive, it is basically just contouring. It's like two percent. It's a cross slope. So it is really not an issue. Visually, no one will see it. It is in a ravine and following the contour there.

Dayna Hughes asked exactly where it is and whether or not it will be visible from the freeway.

Nelson Abbott commented that Dayna Hughes could see it from her house and that side of Elk Ridge would be able to see it.

Adam Castor, *planner* indicated that it could be seen from the freeway if one was looking for it.

Dayna Hughes asked if putting a tunnel was an option. She pointed out that Mr. Castor and Mr. Pierce were the experts, but they couldn't approve the current plan because the citizens would not like it and it would be very controversial. There is no way to stub the road and have a bulb turnaround, but it is too far and it doesn't connect.

Nelson Abbott wondered why there couldn't be a loop on each side and not connect the road. If it is about having an in and an out, then there would be an in and an out with a loop. Mr. Abbott doesn't see why it is absolutely important to connect the two. He hasn't understood that from day one. There will be Salem Hills Drive that will eventually connect through. Hillside will swing over that direction too. If the people below the ridgeline have got more than one way out, then they are good.

Debbie Cloward asked where the stubbed roads on the plan go to. Are they cul-de-sacs or what?

Adam Castor, *planner* replied that those were roads planned by the Elk Haven Subdivisions A, B, C and D plats. Those were shown as going off wherever they were going to and stopped at property lines. Mr. Castor brought the roads that far just so he could look at intersection grades where they tie-in. He also indicated that there was potential to connect those roads to what is actually shown on the transportation plan.

Debbie Cloward said if there was some way that the road continued down and was a connection to something else so the cuts and fill didn't have to be addressed. She thinks that the plan isn't ever going to work.

Adam Castor, *planner* said it would work, but the question is how much money do you want to spend to make it work.

Dayna Hughes asked if a tunnel was a real possibility.

Adam Castor, *planner* said the developer would probably not want the cost.

Nelson Abbott commented that he remembers the road estimate from one side to the other being about nine million dollars to put the road in.

Adam Castor, *planner* said the planning commission would be surprised at what a difference it would make by even just a six foot retaining wall. Those drastically reduce that natural two to one cut or fill without any retaining wall.

Dayna Hughes asked under what circumstances would there be a six foot retaining wall.

Adam Castor, *planner* replied that it could be made however they wanted it to be.

Dayna Hughes said that would mean no sidewalk, reducing the width of the road.

Adam Castor, *planner* said it would be six feet tall at the edge of the right-of-way so there could still be a sidewalk

Cory Pierce, *engineer* commented that it reduces how far the scar goes up the mountain because they get a section of raising six feet over a foot and a half rather than making 12 feet.





Nelson Abbott commented that it decreases the slope from 30-40.

It was discussed that the planning commission doesn't have to take any action on this to put it into the general plan because right now, they are protected and can dictate how they would like the road to be when a developer comes in to develop. They also discussed requirements such as heights of retaining walls and re-vegetation. All of the Elk Haven Subdivisions (A thru D) are expired and Elk Haven E has not proceeded with their plans. The road would have to connect from High Sierra Drive all the way to Hillside Drive.

Nelson Abbott said in theory, it could connect over to Canyon View Drive or one of the roads that comes off and drops down into the canyon.

Adam Castor indicated that it could connect to Canyon View, but he didn't look too much into that option when drawing up the plan.

Dayna Hughes said there is a lot of green and it could be a possibility.

It was decided not to do anything with it and leave it off the general plan. Down the road when someone does want to develop, maybe there are other options that could be explored. It's not worth spending the resources and time on this just yet. The road has to be complete with dual access before any homes are built.

#### APPROVAL OF 8/11/2011 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to the minutes of August 11, 2011.

**DAYNA HUGHES MOTIONED AND RANDY JONES SECONDED TO ACCEPT THE MINUTES OF THE PLANNING COMMISSION MEETING OF AUGUST 11, 2011 AS STIPULATED. VOTE: YES – ALL (6), NO – NONE, ABSENT (1) – KELLY LIDDIARD**

#### CITY COUNCIL UPDATE

Erin Clawson reported that the city council had their shortest meeting ever. There were some updates from the National Guard grading up to the water tank. The city council is still working with them to get that done. If not, the city will hire Noel Hiatt to do that this year. There was an update on the public works building and it is coming in under budget right now.

Dayna Hughes asked if the road was going to be widened.

Erin Clawson replied that it is going to be widened and they are starting the trail system. The trail will go right along the road. There will be lines painted and designated as a trail. The funds will come from the parks and trails and be able to plant trees along there. The trail will be 10 feet wide. The building will look like a big garage. They approved up to \$40,000 extra so it looks nice. They do not know what the exterior will look like just yet.

Dayna Hughes asked what the update was on the playground.

Erin Clawson replied that the equipment has been delivered and they are waiting on the installer. Councilman, James Mayfield, said that it is a busy time of year for the school yards and they have to do those before their budget time ends so they are waiting for the installer. It has to be a certified installer because of the insurance money.

Dayna Hughes asked what they are going to do about security.

Erin Clawson doesn't think that is even been discussed. They have the lighting, but they are just working on the installation of the playground because they need the asphalt to come in on a good weather day. She thinks someone was thinking about doing an eagle project to paint the light poles. Possibly before the snow falls.

Kevin Hansbrow asked what is being done as far as traffic calming measures.

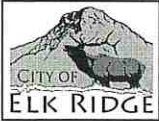
Erin Clawson said they are working on it. They have another eagle scout who will be doing more stop lines. And talking with some of the residents, they would like striping and she knows that is not a popular thing, but it is a traffic calming measure. The city council approved to spend \$1000 and Woodland Hills spent \$1000 and the county sheriff's department is spending the rest, which is \$6000 to have a speed trailer that does the whole analysis like the one that was borrowed from Eagle Mountain. They are always working on traffic calming measures. It just moves slowly. Ms. Clawson would like speed tables because they second as a cross walk.

#### OTHER BUSINESS

**ADJOURNMENT** – Chair, Kevin Hansbrow, adjourned the meeting at 7:51 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 - CANCELLED**

Notice is hereby given that the Elk Ridge Planning Commission has cancelled the regularly scheduled planning commission meeting at the date, time, and place listed below.

- Meeting Date - **Thursday, 10 November 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- 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 October 2011 and delivered to each member of the Planning Commission on 18 October 2011.

Planning Commission Coordinator: *Marissa Bassin* Date: 18 October 2011





**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 has cancelled the regularly scheduled planning commission meeting at the date, time, and place listed below.

- Meeting Date - **Thursday, 8 December 2011**
- Meeting Time - **Commission Meeting - 7:00 pm**
- 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, 2 December 2011 and delivered to each member of the Planning Commission on 2 December 2011.

Planning Commission Coordinator: *Maissa Bassin* Date: 2 December 2011



