

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

t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 12 January 2012**
- 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. Planned Unit Development (PUD) Code Discussion *see attachment*

7:30 PLANNING COMMISSION BUSINESS

2. Planning Commission Meeting Schedule for 2012 *see attachment*
3. Review and approve minutes of 10/13/11 Commission Meeting *see attachment*
4. City Council Update
5. *Other Business* – Review member's term expiration.

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 2012 and delivered to each member of the Planning Commission on 6 January 2012.

Planning Commission Coordinator: _____

Marissa Bassin

Date: 6 January 2012

ELK RIDGE PLANNING COMMISSION MEETING

January 12, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, January 12, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Randy Jones, Kelly Liddiard, Debbie Cloward, Kevin Hansbrow, Sharon Dahlstrom (Tardy)
Absent: Dayna Hughes,
Others: Marissa Bassir, *Planning Commission Coordinator*
Adam Castor, *Planner*, Erin Clawson, *City Council*, Brian Burke, *City Council*, Hal Shelley, *Mayor*, Jennifer Butterfield, Chris Butterfield

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, 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 (4) KEVIN HANSBROW, RANDY JONES, KELLY LIDDIARD, DEBBIE CLOWARD, NO – NONE, ABSENT – (2) DAYNA HUGHES

NON-AGENDA DISCUSSION – ROCKY MOUNTAIN PLAT A & B

Public, Chris Butterfield wanted to explain his concern for some issues that have come up in their subdivision. They live in the Rocky Mountain Plat A down by the stake center. They recently discovered that rural housing has come in and made offers on lots on plat B. They don't understand how it could happen where there are no CC&R's for the development. The CC&R's were recorded for Plat A, but were never recorded for Plat B for multiple reasons discovered. He wanted to express some concerns and also just learn about the planning commission and what the roles are with the approval of subdivisions and homes. He also wanted to find out how things like this have happened in the past and to see how it can possibly be prevented. From what he understands, Elk Ridge City did record covenants for their development back in 2005 for Plat A. For a couple of reasons, plat B was not recorded at the same time, one of those being water issues. It was approved later in 2007 and at that time for whatever reasons, those same CC&R's were not carried through and not recorded for Plat B. Any buyer at this point could come in, purchase those lots and build homes that could not meet the current CC&R's, as long as it met city code, which is basically a 1200 sq. ft. rambler. They aren't worried about Rural Housing buying those lots. He was there to represent their neighborhood. There have been a lot of discussions over how to handle the situation. From a citizen's viewpoint, he feels they aren't getting anywhere with the city. From the planning commission, he was hoping to get some insight on the duties and responsibilities and how the procedure works when people apply for building permits and developments and how that is passed to the city council. They are looking for any information to slow the bank and rural housing down, which is what they are really trying to do.

Kelly Liddiard as far as the stance of the city, that is up to the city council. The subdivision has been approved by the city council back in 2007. The planning commission deals with developments. A developer comes into the city with a conceptual plan and it goes through the TRC, which is a technical review committee, which consists of the building inspector, city staff, and planning commission member, and so on. Once the subdivision has been reviewed, which they look at grades of roads, building footprints, sizes of lots, drainage, etc. Once the TRC sends it to the planning commission, then if codes have been met, the planning commission votes to send to city council. The city council then decides if they like it and whether they need to send it back to planning commission or they will just approve it. At that time, the developer can move forward.

Public, Chris Butterfield asked if the city requires CC&R's from a development.

Kelly Liddiard replied that is up to the developer. It is not necessarily a city issue. As long as the house is built to code, that is what the city is looking at – fire code, building code and meet their inspections. The city is then satisfied. If it is something as far as the color of the rock or brick, that is a CC&R issue. That is something that is taken up by the developer and the CC&R's are recorded by the developer.

Public, Chris Butterfield asked in their experience, does the city council typically like to see CC&R's before they approve the subdivision.

Kelly Liddiard replied that he doesn't know and can't answer that question. It could also change with councils.

Adam Castor, city planner said it is not a requirement for development. A lot of times the CC&R's will be written by the developer with suggestions from planning commission and the planner and then they are a recorded document, but it is not required per the development code to be submitted. A lot of times the CC&R's come in as part of the development agreement with the city and they will get more specific with different types of architectural character, guidelines that go beyond actual codes.

Public, Chris Butterfield asked that if the CC&R's are submitted, that is the developer's discretion or the city council asked for them.

Adam Castor, city planner replied that it is a combination of both, typically.

Kelly Liddiard commented that the city council would probably review the CC&R's if they were presented to them and give an opinion as to whether they were good restrictive covenants. It isn't a planning commission decision.

Randy Jones commented that the planning commission could give their opinion, but that is all it is.

68 Public, Chris Butterfield was wondering if there is a master plan in place for Elk Ridge City.
69 Kelly Liddiard indicated there is a master plan in place, but it doesn't implement CC&R's.
70 Public, Chris Butterfield asked if the plan designated certain types of homes that would maybe restrict a lower income housing area;
71 wouldn't the CC&R's establish that for that area? But if it is part of the master plan, why wouldn't the city want to see the CC&R's?
72 Kelly Liddiard replied that he did not know. If they submit them, then they will be looked at, but it is not a requirement with plat
73 approval.
74 Randy Jones indicated that the development that is proposed has to meet the master plan and if there are things within the development
75 that are outside the master plan, then the planning commission would make a recommendation to the city council not to be approved.
76 The planning commission wouldn't have anything to do with the CC&R's that deal with it.
77 Public, Chris Butterfield said in the case it is after the fact because the proposed homes were after the fact because they weren't part of
78 the master plan, but they are going to be allowed to build there because CC&R's were not established for that plat.
79 Kelly Liddiard said that they will be building a 1200 square foot home.
80 Public, Chris Butterfield replied yes and the biggest home they build is just over 1300 square feet.
81 Adam Castor indicated it meets our code, they can build.
82 Public, Jennifer Butterfield indicated they looked into the zoning and even though it was 15,000 square feet or 20,000 or 10,000, it is all
83 1200 square feet buildings.
84 Kelly Liddiard said if the city is satisfied, then nothing can be done. Mr. Liddiard asked what the council had told them.
85 Public, Chris Butterfield replied that the city council told them their hands are tied.
86 Randy Jones said they would be because it meets within the master plan and meets the city code.
87 Public, Jennifer Butterfield said it is just a technicality because it was approved for plat A and B, but because plat B got held up with
88 water rights, it got delayed two years. Well two years later, the CC&R's were not recorded. The city took on that responsibility and
89 didn't follow through so that is where we are having issues.
90 Public, Chris Butterfield indicated that for whatever reason with Plat A, the city did require to see CC&R's and they submitted and
91 recorded CC&R's for the plat, the developer did not. The same thing did not happen with Plat B. The city said they don't require
92 CC&R's and it is not their job to record them. But he thinks that is about every other time – sometimes they want to see them and
93 sometimes they don't.
94 Kelly Liddiard said he has never seen anything required.
95 Brian Burke, City Council asked if there was not a master plan around when this came through.
96 Kelly Liddiard said there may have not been. He was not here at the time.
97 [There was a General Plan (2002-2010) in 2005]
98 Hal Shelley, Mayor said he had a request from LeAnn Adams to have the city attorney come and meet with the group of residents and
99 the attorney agreed to come and talk with them to see if the issues could be resolved or satisfied. He said that would be taking place on
100 Tuesday the 17th at 9:00 A.M. Mayor Shelley also asked if there was anyone from the planning commission who might be able to
101 attend, that would be good. He would like to see this move forward. Mayor Shelley was also trying to get a hold of the rural housing
102 director, but is not able to meet with him until a later date.
103 Public, Chris Butterfield said in regards to zoning and the size of the lots that are zoned for 12,000, 15,000, or 20,000 square foot acres.
104 Is there a reason why the city wouldn't require a little bit larger home as the lots get larger? It only requires 1200 sq feet regardless of
105 the lot size.
106 Kelly Liddiard said the city code says it requires a minimum of 1200 sq feet. Depending on the building lot and the footprint that is able
107 to be put on that lot, they can't go any smaller than that, but they can go bigger. There are some lots within the city where the flat part of
108 the lot is small, but the lot is 2 ½ acres. So the buildable part has to be taken into consideration. 1200 square feet is a catch-all and is the
109 minimum.
110

111 PLANNED UNIT DEVELOPMENT (PUD) DISCUSSION

112 Adam Castor provided a background of when Chris Salisbury was here to discuss the amendment of Elk Ridge Meadows, Mr. Castor
113 was reviewing the master plan that they were going to submit and he was looking at the lot sizes and it was within the PUD ordinance.
114 As he was reviewing, he discovered that the intent of the PUD was to allow a higher density development with smaller lot sizes, multi-
115 family units in some cases, in exchange for parks and open spaces. The ordinance says that 25 percent of the developable area within a
116 PUD has to be deeded or preserved as open space. It allows smaller lots, smaller lot frontages. The minimum building envelope size
117 didn't change. In the residential zones, it's a minimum of 4,000 square feet within those zones. As a PUD overlay is applied and
118 decrease the size of those lots, the 4,000 square foot building envelope isn't achievable by those lot dimensions. So in looking at the lot
119 diagrams that he put together for illustration purposes, if a developer applies for a PUD in the R-1-12,000, that lot size can go down to
120 7,500 square feet. If the minimum setbacks are applied to that, the building envelope would end up being shy of 3,150 square feet,
121 which is short of the 4,000 square foot minimum. Same with the R-1-15,000 zone – the lot size can go down to 8,000 square feet and
122 end up with a 3,500 square foot building envelope by applying those minimum setbacks. There is a little bit of conflict and when the
123 developer comes in with a PUD and wants the higher densities and the smaller lots in exchange for the open space, but by applying that
124 minimum building envelope size, it pushes the minimum lot size back up to about 9,000 square feet so telling them one thing and then
125 not giving it to them by way of minimum sizes. It was recently requested by the city council that the PUD code be discussed. If the
126 commission feels that this is the recommended amendment to this ordinance within the PUD zone, then it will be the on the February
127 agenda for a public hearing and take action then. Mr. Castor's recommendation is to amend 10-11E-6-3 BUILDING ENVELOPE:
128 "The building envelope location within a single-family unit development lot should conform to the natural terrain and remain within the
129 flattest areas of the lot. This area could be considerably smaller than the lot to accomplish this requirement. The minimum building
130 envelope size for a single-family unit lot shall be the area created by the minimum front, side and rear setback requirements, which must
131 be met." So there aren't any exceptions to the setbacks, it is just letting the setbacks determine the minimum building envelope size.
132 Debbie Cloward asked where the PUD zone is. Is it just the Salisbury development?
133 Adam Castor replied that the PUD overlay can be applied to the R-1-12,000, 15,000, and 20,000.

Kevin Hansbrow said it isn't automatically applied; it has to be approved for a PUD overlay.

Debbie Cloward asked if the density bonuses are given to anyone who wants to apply.

Adam Castor said anyone can apply for a PUD if they are willing to take 25 percent of their developable area and deed to city or preserve as open space. The main goal is to gain park space within the city.

Kelly Liddiard asked if anyone had a reason as to why it shouldn't be placed on the next agenda for a public hearing. Mr. Liddiard asked the coordinator to place it on the next agenda.

Planning Coordinator asked if there was anything else they could think of that might need to be amended within the PUD code.

Kevin Hansbrow remembered when the code was being put together that the residents were required to put their yards in, but he said they also required tree-lined streets. He doesn't know if that was going to be done or not or they were waiting until the houses were all built.

Adam Castor indicated that it is part of the ordinance. Trees within the park strip are required. He believes it says two per unit along the park strip and there is a variety of approved trees that can go in.

Kevin Hansbrow said they haven't done it yet and was just wondering when.

Adam Castor indicated Corbett Stephens, building official, was concerned that the park strip trees were going to ruin the curb, gutter and street. Mr. Castor does not recommend taking the trees out of the ordinance. There are other things that can be looked at to mitigate that issue. Typically, the tree roots don't affect curbs as much because curbs are a lot stronger.

Kevin Hansbrow said that Paul Squires, ex-commissioner, went through and took a lot of time to find trees where the roots grow downward and not outward.

Adam Castor said that he thinks the specified trees are good.

Kelly Liddiard said you can't prevent 100 percent, but the specific trees are better.

Adam Castor said another suggestion would be to widen the width of the park strip. That always helps.

Debbie Cloward asked how many parks are set for that area. How were they spacing the parks?

Adam Castor indicated that 25 percent of the developable acreage would be park space.

Kevin Hansbrow asked if Salisbury were looking at developing more.

Adam Castor replied he didn't know of anymore being developed. He just came across the issue when they were trying to turn the open space into three lots. There is also a table within the PUD ordinance that says the minimum building envelope size of 4,000 square feet so the other recommendation would be to take that out of the table so it is all consistent.

PLANNING COMMISSION MEETING SCHEDULE FOR 2012

The proposed meeting schedule for 2012 consists of one meeting per month on the second Thursday. If more meetings are needed for additional business, meetings may be added at a later date.

DEBBIE CLOWARD MOTIONED AND RANDY JONES SECONDED TO APPROVE THE MEETING SCHEDULE FOR THE YEAR OF 2012. VOTE: YES – ALL (5), NO – NONE, ABSENT – DAYNA HUGHES

APPROVAL OF 10/13/2011 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to the minutes of October 13, 2011.

KEVIN HANSBROW MOTIONED AND SHARON DAHLSTROM SECONDED TO APPROVE THE MINUTES FROM OCTOBER 13, 2011. VOTE: YES – ALL (5), NO – NONE, ABSENT (1) – DAYNA HUGHES

CITY COUNCIL UPDATE

Hal Shelley, Mayor said that the city council needs to complete the appointments for planning commission members. There have been a couple of members who suggested they were interested. There was one person who needed to be moved up to a full-time member. Sharon Dahlstrom will go from an alternate to a full-time member.

Debbie Cloward indicated that her commission expires in February, but she would like to be reappointed.

Hal Shelley, Mayor said he would need to go through the formalities and visit with her to make it official. Another suggestion is that he would like to see the different parts of the city represented in the planning commission. The planning commission went through where each commissioner lives. There is a need for two full-time members and an alternate member. He would like to find someone from down in the Salisbury area and maybe someone from the Rocky Mountain area. He is open to recommendations.

Sharon Dahlstrom recommended Paul Barker down on Cortez. He is a wonderful person and contractor who is very knowledgeable. However, she has never talked to him about it.

Hal Shelley, Mayor said they need to work on it quickly and have someone by the end of January.

The issue with Rocky Mountain Subdivision and the filing of CC&R's – Mayor is recommending to the council that the city does not even have the option. It needs to fall back where it needs to fall back and defer to the city attorney. He would like to clean up some existing issues that have raised so many questions.

Kevin Hansbrow thinks that extending an invitation to one of them in the Rocky Mountain issue is a good idea.

Hal Shelley, Mayor said he would like to know what Rural Housing plans on doing so that there can be some encouragement. They are purchasing eight of the 13 lots and the mayor doesn't know what they are planning to build or if they have CC&R's in place.

Kevin Hansbrow commented that he thinks it is less to do with the lot size and more to do with the material used – is it all going to match, is there going to be siding, etc. He thinks the current residents are more worried that the materials used will bring down the value of their house.

Randy Jones asked if Rural Housing is a developer.

Adam Castor replied that it is part of the United States Dept. of Agriculture that has a rural housing that offers very low interest loans to first-time home buyers and things like that. So they work hard to get people into homes at an affordable price.

Kelly Liddiard commented that the home buyers have to do a lot of sweat equity.

Kevin Hansbrow said they also can't move in unless all of the homes within the project are complete.

Hal Shelley, Mayor also said that SESD has completed the utilities. Mr. Gallegos at the bank was going to call Rural Housing and let me know that the utilities have been completed.

Kelly Liddiard asked the mayor if he had any insight on the letter that went out where they were trying to purchase the lots.

Hal Shelley, Mayor said they are trying to find interested parties to see if it is a possibility. But the problem is that Community Bank does have a contract with Rural Housing, unless they back out. Options are kind of tied up at this point.

Brian Burke, City Council said they talked the other night at the city council about widening and straightening out Escalante – the question that came up was can the current standards be used? They were talking either going 28 feet, which there is already a standard down in Loafer Canyon. The thought was that they might want to go 30 feet – the question is, if they go with 30', do they have to create new standards that would have to go to public hearings.

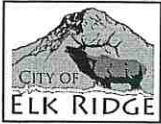
Adam Castor indicated that if a new standard is created it does have to go through public hearings.

OTHER BUSINESS – MEMBER'S TERM EXPIRATION

Kelly Liddiard indicated the member's terms have already been discussed.

ADJOURNMENT – Chair, Kelly Liddiard, adjourned the meeting at 7:55 p.m.


Planning Commission Coordinator



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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, 9 February 2012**
- 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

Welcome New Full-Time Member – David Clark
Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

7:05 PUBLIC HEARINGS AND ACTION

1. Planned Unit Development (PUD) Code Amendment Public Hearing..... *see attachment*

OTHER ACTION ITEMS (none)

DEVELOPMENT CODE / STANDARDS REVIEW (none)

7:20 PLANNING COMMISSION BUSINESS

2. Planning Commission Voting of Chair and Co-Chair
3. Review and approve minutes of 01/12/12 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, 2 February 2012 and delivered to each member of the Planning Commission on 2 February 2012.

Planning Commission Coordinator: *Marissa Bassin* Date: 2 February 2012

ELK RIDGE PLANNING COMMISSION MEETING

February 9, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, February 9, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Randy Jones, Kelly Liddiard, David Clark, Sharon Dahlstrom
Absent: Debbie Cloward, Kevin Hansbrow, Adam Castor, *planner*
Others: Marissa Bassir, *Planning Commission Coordinator*
Brian Burke, *City Council*, Mike Riley, Dayna Hughes

OPENING ITEMS

OPENING

Kelly Liddiard, Chair, welcomed at 7:00 PM. He also welcomed David Clark as the newest full-time planning commissioner. 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.

PLANNED UNIT DEVELOPMENT (PUD) CODE AMENDMENT PUBLIC HEARING

Public Hearing was opened at 7:04 pm.
There was not any public in attendance for comment.
Public Hearing was closed at 7:05 pm.

Kelly Liddiard indicated that this amendment was a house cleaning item. Mr. Liddiard read through the staff report by the city planner, Adam Castor.

DESCRIPTION:

This is a recommendation to amend ordinance 10-11E-6-3: BUILDING ENVELOPE and 10-11E-6-9: LOT FRONTAGE/SETBACK TABLE (SINGLE FAMILY) of the Planned Unit Development (PUD) Overlay Zone.

UPDATE:

The recommended PUD Overlay Zone amendments were presented to the Planning Commission as a discussion item at the regularly scheduled January, 2012 meeting. After discussion, it was decided to move the recommended amendments forward for public hearing and action by the Planning Commission.

FINDINGS:

The primary intent of the Planned Unit Development Overlay Zone is to gain park space and open space while allowing higher density and smaller single family lot incentives to developers. Within the following zones for which a PUD may be applied, the single family lot size reductions are:

- R-1-20,000 reduced to 10,000 sq.ft.*
- R-1-15,000 reduced to 8,000 sq.ft.*
- R-1-12,000 reduced to 7,500 sq.ft.*

*In addition to the single family lot size reductions, the minimum lot frontage requirement may be reduced to eighty (80') feet in two of the three underlying zones and the minimum front, side and rear setbacks may be reduced in all three underlying zones. However, the PUD Overlay Zone **does not** allow a reduction of the minimum Building Envelope size for single family lots. The minimum Building Envelope size under the PUD Overlay Zone is currently four thousand (4,000) square feet, which cannot be met by applying the reduced PUD lot size and setbacks in underlying zones R-1-12,000 and R-1-15,000 (see attached lot diagrams).*

As a result of the four thousand (4,000) square foot building envelope requirement, future developments within the R-1-12,000 and R-1-15,000 zones that attempt to gain higher densities through a PUD application will not achieve the allowed dwelling units per acre listed under 10-11E-2-6: OVERALL DENSITY.

RECOMMENDATION:

It is recommended that ordinance 10-11E-6-3: BUILDING ENVELOPE be amended to read as follows:

The building envelope location within a single-family unit development lot should conform to the natural terrain and remain within the flattest areas of the lot. This area could be considerably smaller than the lot to accomplish this requirement. The minimum building envelope size for a single-family unit lot is ~~four thousand (4,000) square feet~~ shall be the area created by the minimum front, side and rear setback requirements, which must be met. ~~The front, side and rear setback requirements still must be met.~~

It is also recommended that 10-11E-6-9: LOT FRONTAGE/SETBACK TABLE (SINGLE FAMILY) be amended to eliminate the four thousand square foot minimum building envelope size listed at the bottom of the table.

Kelly Liddiard said that per the discussion at the last planning commission meeting, all were in agreeance that the PUD code amendment recommendation seemed to be common sense because of the setbacks and need to be able to meet the building envelope in the lot, as well.

Brian Burke asked if a 1200 sq foot home would fit with the parameters set.
Kelly Liddiard replied that he didn't know because Adam Castor, *planner*, is the person who worked it out.
Marissa Bassir, planning coordinator said that the according to Mr. Castor's formulas, it would all fit. It was changed because the building envelope wasn't adding up to where it should be in order to get a house on those size lots.
Kelly Liddiard indicated that the way it was written was that the envelope would not meet the setbacks so it was proposed to be change so it could work within a PUD.
Marissa Bassir, planning coordinator indicated that the way the PUD code was written before it was impossible to get the building envelope and setbacks on 7,500 sq ft lots.
Kelly Liddiard explained that in a PUD, they are reducing a lot size with an overlay and in return, the developer must give the city open space. The PUD code is already written and the developer must be approved to use a PUD overlay.
David Clark asked where the PUD zone is.
Kelly Liddiard indicated that there is a proposed area is in the north end of Elk Ridge down where Salisbury is building. He said there has been some different plans come forward, but because of the economy, it has not progressed. So "house cleaning" is being done for when they do come back to move forward.

RANDY JONES MOTIONED AND SHARON DAHLSTROM SECONDED TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE CITY PLANNER'S RECOMMENDATION TO ADJUST THE BUILDING ENVELOPE OF THE PUD CODE TO ACCOMMODATE THE SETBACKS. VOTE: YES - ALL (4), NO - NONE, ABSENT - (2) KEVIN HANSBROW, DEBBIE CLOWARD

PLANNING COMMISSION BUSINESS

Dayna Hughes was presented with a plaque for her service as a commissioner and planning commission chair.

PLANNING COMMISSION VOTING FOR 2012 CHAIR AND CO-CHAIR

KELLY LIDDIARD MOTIONED TO TABLE THE VOTING OF CO-CHAIR UNTIL THE NEXT MEETING.

RANDY JONES NOMINATED TO VOTE KELLY LIDDIARD AS 2012 PLANNING COMMISSION CHAIR AND KELLY LIDDIARD ACCEPTED THE NOMINATION. VOTE: YES - ALL (4), NO - NONE, ABSENT - KEVIN HANSBROW, DEBBIE CLOWARD

APPROVAL OF 01/12/2012 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to the minutes of January 12, 2012.

KELLY LIDDIARD MOTIONED AND RANDY JONES SECONDED TO ACCEPT THE MINUTES FROM JANUARY 12, 2012 AS PRESENTED. VOTE: YES - ALL (4), NO - NONE, ABSENT (1) - KEVIN HANSBROW, DEBBIE CLOWARD

CITY COUNCIL UPDATE

Councilman, Brian Burke indicated that the last city council meeting had been cancelled. Ken Harris talked about a site plan for the public works building and having it blend with the potential city center.

Randy Jones asked if there are any pictures of the future city offices.

The pictures were of the Eagle Mountain City Offices.

Councilman Burke said they also talked about an agreement with Robert Nelson and Corbett Stephens was working with him on that. LEI is doing a topographical study of the city property for Ken Harris to make a site plan for the city property. The city council approved \$4200 for the study.

Councilman Burke also reported about the potential property trade with the city for his development by the golf course and city center property. The city council talked about the potential land to be traded was not really useful to the city. They tabled the item.

The council talked about cleaning up the Loafer Canyon property and selling it. There might be some people interested in it, but they were also talking about creating a pocket park. Mr. Burke didn't know how much ground was available.

Councilman Burke reported that Escalante Drive is moving forward and the planning commission will have to amend the standards. Whether it is 28 feet or 30 feet. He indicated they were leaning toward the 30 feet. They are doing this because they want to put in a straight road with curb and gutter. The city is going to do curb and gutter at cost and if the driveways are torn up, the city will repair them at no cost to the owner. They are trying to save the trees that are closest to the road.

Mr. Ludwig came in to have his lot split reaffirmed by the city council so it could be recorded.

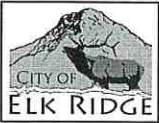
A group of investors purchased the lots in Rocky Mountain Plat B so that is no longer an issue with the Rural Housing coming in and building smaller homes.

A new Planning Commissioner, David Clark, was appointed and two others have been appointed since. There is an alternate, Jed Pfaff and a full-time member, Clinton Ashmead.

OTHER BUSINESS

ADJOURNMENT - Chair, Kelly Liddiard, adjourned the meeting at 7:45 p.m.


Planning Commission Coordinator



CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web 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 March 2012**
- 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

Welcome New Full-Time Member – Clint Ashmead and Alternate – Jed Pfaff
Opening Remarks & Pledge of Allegiance
Roll Call/Approval of Agenda

7:05 PUBLIC HEARINGS AND ACTION

1. Prout Conditional Use Permit Application for Chickens..... *see attachment*

7:15 OTHER ACTION ITEMS

2. Development and Construction Standards Amendment (Rd cross sections)..... *see attachment*

DEVELOPMENT CODE / STANDARDS REVIEW (none)

7:30 PLANNING COMMISSION BUSINESS

3. Planning Commission Voting of Co-Chair
4. Review and approve minutes of 02/09/12 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, 1 March 2012 and delivered to each member of the Planning Commission on 1 March 2012.

Planning Commission Coordinator: *Marissa Bassin* Date: 1 March 2012

ELK RIDGE PLANNING COMMISSION MEETING

March 8, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, March 8, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Debbie Cloward, Jed Pfaff, David Clark, Kevin Hansbrow, Clint Ashmead

Absent: Sharon Dahlstrom, Randy Jones

Others: Adam Castor, *City Planner*
Marissa Bassir, *Planning Commission Coordinator*
Brian Burke, *City Council*, Taylor Thorpe

OPENING ITEMS

OPENING

Kelly Liddiard, Chair, welcomed at 7:00 PM. He also welcomed Clint Ashmead as a new full-time planning commissioner and Jed Pfaff as an alternate planning commissioner. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

KELLY LIDDIARD MOTIONED TO VOTE JED PFAFF IN AS A VOTING MEMBER FOR THE MEETING. VOTE: YES – ALL (5), NO – NONE, ABSENT – (2) SHARON DAHLSTROM, RANDY JONES

APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

PROUT CONDITIONAL USE PERMIT APPLICATION FOR CHICKENS PUBLIC HEARING

Public Hearing was opened at 7:05 pm.

There was not any public in attendance for comment.

Public Hearing was closed at 7:06 pm.

It was determined that the conditional use application for chickens met the criteria required to house chickens as a hobby animal.

KEVIN HANSBROW MOTIONED AND DEBBIE CLOWARD SECONDED APPROVE THE JAMES AND REBECCA PROUT CONDITIONAL USE PERMIT FOR CHICKENS. VOTE: YES – ALL (6), NO – NONE, ABSENT – (2) SHARON DAHLSTROM, RANDY JONES

NON-AGENDA ITEM – KEEPING OF BEES

Councilman, Brian Burke was told that the former mayor raised bees and he had some friends that just moved in and he would like to know if bees are allowed. If the neighbors agree to the bees, is there any ordinance against bees.

Kevin Hansbrow replied there isn't any ordinance against bees.

Adam Castor commented that he thought there might be something to do with the state on keeping bees. They may want to check with the state and the Department of Agriculture.

Kelly Liddiard indicated there is also an association they may want to contact.

Kevin Hansbrow commented that his neighbors had them and he thought that if people are going to keep bees, the hives need to be fenced in because kids are curious.

Adam Castor recollected that for people who were keeping bees for commercial use had to go through the department of agriculture because it was going to be sold as a product for consumption so it depends on what the owners are keeping the bees for.

Debbie Cloward thinks there would be a concern if there was a commercial bee keeper and then an independent bee keeper came in with their hives and there is such a prevalence of CCD (Colony Collapse Disorder) that a commercial bee keeper is going to be extremely nervous to have a backyard bee keeper next door. So it would be bad for a commercial basis and there isn't anybody doing that within Elk Ridge.

DEVELOPMENT AND CONSTRUCTION STANDARDS AMENDMENT (RD CROSS SECTIONS)

Kelly Liddiard asked if this amendment was coming forth because of Escalante Drive.

Adam Castor indicated that it is the reason for the amendment. It should take place sometime in June. At the city council meeting in January, it was discussed to create a narrower road cross section within the same 56 foot local road right of way and reducing that asphalt width, which is the only way and still preserve the clump of scrub oak trees. The asphalt width currently is about 25 feet without curb and gutter. By adhering to the current standard of 34 feet of asphalt is going to push the curb and gutter further into the drip line of the tree and is going to require a lot more digging and that is where the problem lies. Digging will get into the root system of the tree and create high potential for damage and could even kill the tree. The owner of the home where the tree is has been very vocal about keeping the tree. It is on the East side of the road. So two cross-sections were talked about being created for the design standards – one would reduce the asphalt width to 28 feet plus 2 feet of curb and gutter. The second would be 30 feet with 2 feet curb and gutter creating 3 different road cross section standards (28, 30, 34 feet) – all applicable within the 56 foot right of way for local road. So the new standards would apply to local roads being reconstructed in the city and for new roads being built.

Kelly Liddiard asked what the smallest road currently.

Adam Castor indicated there is a road cross section design specific to Loafer Canyon, which is 28 feet of asphalt. Mr. Castor displayed an illustration of the current design for Loafer Canyon. So Loafer Canyon is the narrowest cross section within the city.

Jed Pfaff asked if the narrower road cross section was just to protect the scrub oak trees.

Adam Castor indicated it was for only that reason.

Kelly Liddiard asked how many trees there are.

Adam Castor replied it is one tree, but it is a huge clump. There are probably 15 stems coming out of it and 35 feet tall. For a scrub oak to be that tall is pretty old. It wouldn't be replaceable in any of the commissioner's lifetimes. So the city council discussed having the planning commission review, create, and recommend approval for the new design standards.

Kevin Hansbrow asked about the main arterial roads or if the standards were just for local roads.

Adam Castor indicated that the new standards would only be for local roads or neighborhood streets.

Kelly Liddiard clarified that the city's right of way is 56 feet, which won't change. When doing reconstruction, it doesn't include planter and sidewalk? All that is being done is asphalt, curb and gutter.

Adam Castor said that it would be built to that cross section so there would be room for sidewalks. So there will be a planter in between the curb and sidewalk.

Kevin Hansbrow asked that even with the clump of trees, the sidewalk and planter is still possible.

Adam Castor confirmed it is possible by reducing the asphalt width.

Kevin Hansbrow commented that the sidewalk would be the problem through the tree, rather than the asphalt.

Kelly Liddiard said his only concern with going down to 28 feet is the parking on the street.

Adam Castor said they would only get one-side parking.

Kelly Liddiard commented that it would then become an enforcement problem if cars park on both sides of the street. He indicated that Ward's already have a car parked on the street currently. So do some other neighbors. It is something they have always done for a long time and will want to continue to do it after the road is completed. Mr. Liddiard suggested maybe minimizing the planter area between the curb and sidewalk and widen the asphalt. He is all for putting in the sidewalks because there are a lot of people that walk up and down that road because it connects through. If they want the trees preserved, then they should remove the planter area.

Jed Pfaff commented that the planter is not as necessary as parking, he thinks.

Clint Ashmead asked if the tree was just in front of one house. Adam Castor confirmed.

David Clark asked if a six-foot planter was needed. He thought a two-foot planter would work better and then it would free up another 6 feet of asphalt.

Adam Castor thought two-feet is useless. The whole idea is to get a tree in there. As the tree matures, it should have enough room so it isn't breaking sidewalk or curb.

Kevin Hansbrow said that back then the reason for the planter strips was for traffic calming.

Adam Castor thought an option would be to have a planter strip on one side of the street and not the other. The side walk could go right to the curb on one side and then on the other side there is a planter strip and a sidewalk.

Kelly Liddiard goes back to doing a design for one tree.

Adam Castor indicated that there are other trees along the street and the majority of them are along the east side. It could potential affect a lot of the trees once the excavation gets going.

Kelly Liddiard asked about the rock retaining wall and whether it would have to be removed.

Adam Castor indicated that he didn't think it would have to be removed for the street. If the asphalt width is reduced, then it would all fit.

Kelly Liddiard commented that the trees are behind that rock retaining wall. Mr. Liddiard recommended having a professional come and see if there is another option of doing the asphalt without harming the trees and build with the current design standards.

Adam Castor said typically, if excavated up to half of the root system, there is a chance that the tree will still survive, but that is a big risk.

Debbie Cloward said that if half of the roots for that tree are damaged, then half of the tree is affected and will suffer.

David Clark commented that by just removing the six foot planter on one side and leaving the four foot planter on the other side would be a good option.

Kevin Hansbrow said then the owners will have issues of whose side gets what. To the owners, although it is the city's right of way, they still think of it as their property because they will have to maintain it. Something that might be controversial is to not have the park strip on existing city roads, but only in new development.

Kelly Liddiard commented that there is 34 feet of road if it is dropped down to a 3-foot planter.

Adam Castor said what if they only have the standard for the reconstruction of city streets within established neighborhoods, just eliminating the park strip, like Kevin Hansbrow said.

Kelly Liddiard said he isn't attached to the park strip.

Adam Castor also said to apply the new cross section to new development.

Debbie Cloward commented that she agreed with that idea.

Clint Ashmead asked, since he is a new member, what the history of the reconstruction of the street is. Why is it necessary?

Kelly Liddiard indicated the main reason was because of water run-off. The road is also in bad shape, but there is a lot of water that comes off of Alpine and runs down and washes it out all the time.

Clint Ashmead asked if the new gutter would take care of that and it was confirmed. And in the process, the intent is to make it a standard?

Kelly Liddiard indicated it is the standard.

Adam Castor indicated that the standard is 34 feet of asphalt and then with the curb and gutter, there is 38 feet. Four feet of curb and gutter on each side. The hard scape is 38 feet and then adding in a six foot planter and four feet of curb and gutter, which makes 48 feet, plus the sidewalk so it is almost double of what is there now.

Kevin Hansbrow commented that if the park strip is removed then people will be happier and they are still going to be able to park their cars on the side of the road.

Kelly Liddiard agreed and he thinks there are enough trees on both sides of the road and if they leave it there, then that just negates the need for the planter strip.

Kevin Hansbrow said the owners have already put the work into the six foot right of way so they won't need to fix a planter strip. Can that be taken to the council?

Adam Castor asked if the commission felt the asphalt width is okay.

Kevin Hansbrow said they would rather not go that much because of parking. So he said to keep the asphalt, but take the width from the planters.

Kelly Liddiard asked if they were just talking about one block right now. It was confirmed, but they are setting the standard for future reconstruction of existing roads. Mr. Liddiard also asked if something needed to be changed to have the reconstruction of roads come to the planning commission on a case by case basis from the existing standard.

Adam Castor said the intent is to create a design standard so it is there already. The council can adopt it by resolution and include it in future construction standards. Mr. Castor asked about a design standard of 30 feet asphalt for Escalante. There would be two feet taken from each side. So it would be 34 to 30 feet of asphalt and eliminate park strips. The direction from the council was to create two design standards – one at 28-feet and another at 30 feet for local roads. It's not a huge difference, but in the certain case, every foot helps.

Kevin Hansbrow indicated that they would already get an extra 12 feet with the elimination of park strips so his thought would be not to create a 30-foot standard.

Kelly Liddiard agreed with Kevin Hansbrow.

Kevin Hansbrow said they would never be able to park on that street.

It was discussed that Escalante is a thoroughfare and many people use it whether by foot or car. It would be good to have sidewalks.

Clint Ashmead could see the advantage of going to 30 feet of asphalt even though, there may be increased costs.

Kelly Liddiard said it could be an option.

Adam Castor said right now there is 17 feet on each side of the center line so that does allow a car parked on each side and continuous flow lanes between them. So by reducing that, it makes it so there would have to be a car waiting for another car to pass if there are two cars parked on the street across from each other.

Kevin Hansbrow commented that any shorter than the 34 feet, would make it so two cars couldn't park on either side of the road and have two lanes for cars to pass comfortably. Mr. Hansbrow thought there should be an exception.

Kelly Liddiard agreed that it should be a case by case basis and a developer should go through a TRC to see what standard should be used for a road.

Kevin Hansbrow thought that the city was trying to save money by making the width smaller, but he doesn't want to have to go and redo the road again later.

Adam Castor, Planner did agree that it would cost less to install and maintain the road, but it would cause some congestion and agreed that it would be valid to look at it on a case by case basis to see which cross section would be applicable. If it is reconstruction of existing roads or if it is construction of new roads. First, it needs to be decided what it is going to be and make the recommendation to the city council. It needs to be decided whether the 28 feet or 30 feet width is acceptable.

It was discussed to keep the standard at 34 feet.

Marissa Bassir, Planning Commission Coordinator commented that maybe in the certain case, it would be best to create a design standard specific for Escalante Drive, even though Corbett Stephens, *Public Works Director*, didn't agree with it.

Kevin Hansbrow commented that every road is different and has different aspects. The standard cannot be a blanket standard with the preexisting roads.

The question was asked if the second half of Escalante (north of Park Drive) should be different from the first half. It was discussed that the road should not be different width. It should be consistent, but definitely not less width south of Park Drive. The planter strip should go away before asphalt width on existing roads. The consensus is to remove the planter strip and keep the standard of 34 feet.

KEVIN HANSBROW MOTIONED AND KELLY LIDDIARD SECONDED TO RECOMMEND TO THE CITY COUNCIL THAT THE PLANTER STRIP IS ELIMINATED IN RECONSTRUCTING OF EXISTING ROADS AND LEAVE THE ROAD WIDTH AT 34 FEET ON THE CURRENT BASIS AND LOOK AT FUTURE RECONSTRUCTION OF EXISTING ROADS ON A CASE BY CASE BASIS. VOTE: YES – ALL (6), NO – NONE, ABSENT – (2) RANDY JONES, SHARON DAHLSTROM

PLANNING COMMISSION VOTING FOR 2012 CO-CHAIR

KELLY LIDDIARD NOMINATED TO VOTE KEVIN HANSBROW AS 2012 PLANNING COMMISSION CO-CHAIR AND KEVIN HANSBROW ACCEPTED THE NOMINATION. VOTE: YES – ALL (6), NO - NONE, ABSENT – SHARON DAHLSTROM, RANDY JONES

APPROVAL OF 02/9/2012 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to the minutes of February 9, 2012.

KELLY LIDDIARD MOTIONED AND KEVIN HANSBROW SECONDED TO ACCEPT THE MINUTES FROM FEBRUARY 9, 2012 AS PRESENTED. VOTE: YES – ALL (6), NO – NONE, ABSENT (2) – RANDY JONES, SHARON DAHLSTROM

CITY COUNCIL UPDATE

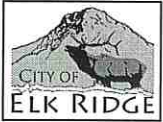
Councilman, Brian Burke reported on February 28th, the ULGT did a presentation and provided a lot of information regarding their services. They are the city's insurance. The city is going to try to take advantage of the other services. The city council also talked

199 about budget and proposed salaries for the fire department – shift rates. Impact fees were also discussed with LEI engineering, Greg
200 Magleby. Mr. Magleby talked about updating the studies for impact fees, which are usually done in six year increments so funds can be
201 set up, such as money for a new water tank. Some impact fees are being collected already like water and sewer.
202 Kelly Liddiard asked if the public works building was at a stand still. Is it going to move forward?
203 Mayor Hal Shelley replied that because the exterior will be rock and stucco, they are waiting for the weather to warm up. The city
204 council is also working on a concept plan for the new city center. He doesn't know when the city center will happen, but would like to
205 have the exterior consistent with the public works building. And then the current city offices will be updated, as well, for the fire
206 department. So they are trying to get the concept in place. Ken Harris is helping with providing the concept and make the public works
207 building attractive and consistent with the concept.
208 Councilman, Brian Burke also reported that the durability bond release for Crestview Estates was discussed. They offered \$17,000 and
209 the city needs about \$24,000.
210 Kelly Liddiard asked if anyone knew about the fact that Park Drive needed another top coat and if it came from Crestview.
211 Mayor Hal Shelley said Corbett Stephens, Public Works Director, indicated that they needed to repair the sewer laterals, which needs to
212 be dug up significant enough to compact it properly and then re-patch and overlay. The rest of it would then have a slurry seal over the
213 top of it. Mayor Shelley didn't know anything about a finish coat of asphalt. He will follow up on that.
214 Councilman, Brian Burke also reported on Oak Hill Estates, RL Yergensen – after the re-vegetation, it was recommended to release the
215 durability bond.
216 Mayor Hal Shelley indicated that Mr. Yergensen has done what he was supposed to do with the re-vegetation. The city can't do a lot.
217 The growth could take a long time. It was suggested that the next time there is a durability bond release, maybe someone from the
218 commission should counsel with the city council to make sure all has been done.
219 Councilman, Brian Burke reported that the city is going to go forward with recycling for three months and see how it goes.

220
221 **OTHER BUSINESS**

222
223 **ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 8:02 p.m.

224
225 
226 _____
227 Planning Commission Coordinator
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CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651

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NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 12 April 2012**
- 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

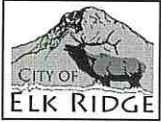
The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 6 April 2012 and delivered to each member of the Planning Commission on 6 April 2012.

Planning Commission Coordinator: *Maissa Bassi* Date: 8 April 2012

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CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
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NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 10 May 2012**
- 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

7:05 PUBLIC HEARINGS AND ACTION

1. Prins Conditional Use Permit Application for Chickens *see attachment*
2. Haskell Commercial Preliminary and Final Plat Applications..... *see attachment*

OTHER ACTION ITEMS (none)

DEVELOPMENT CODE / STANDARDS REVIEW

7: PLANNING COMMISSION BUSINESS

3. Review and approve minutes of 03/08/12 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 May 2012 and delivered to each member of the Planning Commission on 4 May 2012.

Planning Commission Coordinator: Marissa Bassin Date: 4 May 2012

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ELK RIDGE PLANNING COMMISSION MEETING

May 10, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, May 10, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Debbie Cloward, Sharon Dahlstrom
Absent: Randy Jones, David Clark, Jed Pfaff, Clint Ashmead, Kevin Hansbrow
Others: Cory Pierce, *City Planner, LEI*
Marissa Bassir, *Planning Commission Coordinator*
Brian Burke, *City Council*, Ray Day, Chris Hermansen, Lee Haskell

OPENING ITEMS

OPENING

Kelly Liddiard, Chair, welcomed at 7:10 PM. Opening remarks were said by Debbie Cloward followed by the pledge of allegiance.

There was not a quorum of four members, therefore, there was not any action taken at this meeting.

APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

PRINS CONDITIONAL USE PERMIT APPLICATION FOR CHICKENS PUBLIC HEARING

Kelly Liddiard reported that the address is 588 East Park Drive and they are looking at putting the coop in the southeast corner of their lot. He asked if the setbacks were in line with the code. It was confirmed that the distance must be at least 25 feet.

Public Hearing was opened at 7:11 pm.

Public, Ray Day indicated he did not have any objections. The owners keep their place nice and clean and he is sure they will follow the rules and regulations. He lives at 610 East Park Drive.

Public Hearing was closed at 7:13 pm.

The submitted diagram was reviewed and it was felt that the owners met the requirements to obtain a conditional use permit.

TABLED UNTIL NEXT MEETING DUE TO LACK OF QUORUM.

HASKELL COMMERCIAL PRELIMINARY AND FINAL APPLICATIONS

Kelly Liddiard asked Mr. Haskell if he was able to get all the red line corrections completed previously discussed in the TRC. Mr. Haskell replied that he did.

Mr. Haskell asked Cory Pierce, Planner, if he was good with the corrections.

Cory Pierce replied that he needs to see the storm drain back, but they aren't concerned that it won't be done. Plans have been updated and it looks good.

Debbie Cloward asked Mr. Haskell if he had a site plan (although it is just at the subdivision level).

Mr. Haskell did have a site plan (61 pages).

Debbie Cloward asked Mr. Haskell if he was doing to same building he had submitted before with the conditional use permit application.

Mr. Haskell indicated that he was pretty much planning the same U-shaped building facing north.

Debbie Cloward commented that she thought it was very impressive.

Public Hearing was opened at 7:16 pm.

There was not any public present for comment.

Brian Burke asked what the decision was on the sump. Were they going to use the one that is closest or the one that is further away?

Cory Pierce indicated there is an existing sump on the south side of Star Lane. The city is trying to get away from the inlets that drop straight into sumps. There is sediment and things that plug them up and makes a lot of trouble. For the amount of water being caught, it isn't worth using so they are going to try and rotate it so the manhole lid is outside the curb and gutter. It still connects pipe and will still have it as an overflow for the sump across the street. Water will run down to the north end of Star Lane to the sump there and it can overflow from there to the one further west on Gooseneck Drive.

Kelly Liddiard commented that the water runs down in a gutter.

Cory Pierce said that there will be about eight feet of asphalt landing and then curb and gutter along the west end of Star Lane.

Brian Burke asked about the fire hydrant.

Kelly Liddiard indicated there was a question about the fire hydrant and if there was enough flow and if there is an addition, there would have to be an additional fire hydrant.

Cory Pierce said it depends on the depths – only if the building is 150 feet from the road.

Mr. Haskell said that even with the addition, the building should still be within the 150 feet so they are okay. The building is parallel with Star Lane. Even with the addition the building would be parallel and there is a fire hydrant there. The building is 136 feet and the setback is 15 so that is 151 feet so it is right there.

Cory Pierce indicated that the measurement is from the property line so they are okay. The site plan will be reviewed. International Fire Code requires 500 foot spacing between fire hydrants, which are met on the street. It is just the depth from the public right-of-way to the

68 points of the building for the 150 foot length. There is a fire hydrant located at the intersection of Goosenest Drive and across the street
69 on Olympic Lane. There is a fire hydrant at the top and bottom of Star Lane.
70 Kelly Liddiard said the fire hydrant was going to be flow tested. Was that completed?
71 Mr. Haskell replied that it is going to be done, but Seth Waite, Fire Chief, hasn't gotten back to Mr. Haskell yet.
72 Kelly Liddiard said in their judgment it wasn't going to be an issue, but they just thought they would test it as a technicality.
73 Public Hearing was closed at 7:20 pm

74
75 **TABLED UNTIL NEXT MEETING DUE TO LACK OF QUORUM.**

76
77 **APPROVAL OF 03/08/2012 PLANNING COMMISSION MEETING MINUTES**

78 There were not any changes made to the minutes of March 8, 2012.

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80 **TABLED UNTIL NEXT MEETING DUE TO LACK OF QUORUM.**

81
82 **CITY COUNCIL UPDATE**

83 Councilman, Brian Burke reported the city council talking about the budget and trying to get it resolved within the next two weeks. The
84 council also talked about Escalante Drive and it was agreed to go with the 30 foot road cross section, in addition to the two feet of curb
85 and gutter for each side totaling 34 feet. The city will straighten out the road and try to preserve the trees, but there will be a portion that
86 will have to be removed. They will be moving forward beginning June 4, 2012. They will need to dig a sump first. The 30 foot road
87 cross section design standard is only for existing roads.

88 The city council also discussed the Loafer Canyon fall off. There is some deterioration going down into the canyon losing about six
89 inches per year. They need to discuss some kind of barrier.

90 Tom Hazen made a request to consider an ordinance for bee keeping. There will be demonstrations for bee keeping at the city
91 celebration. The council decided against doing an ordinance and just follow the state ordinance.

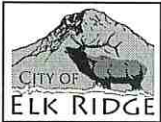
92
93 **OTHER BUSINESS**

94 The planning commission discussed scheduling a special meeting in two weeks, May 24, 2012, to take action on the two action items
95 since there was a lack of a quorum of four members.

96 There is a lot line adjustment coming forward for Jared Peterson.

97
98 **ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:32 p.m.

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102 Planning Commission Coordinator
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CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
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NOTICE OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 24 May 2012**
- 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. Prins Conditional Use Permit Application for Chickens *see attachment*
2. Haskell Commercial Preliminary and Final Plat Applications..... *see attachment*

DEVELOPMENT CODE / STANDARDS REVIEW (none)

7:20 PLANNING COMMISSION BUSINESS

3. Review and approve minutes of 03/08/12 and 5/10/12 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, 17 May 2012 and delivered to each member of the Planning Commission on 17 May 2012.

Planning Commission Coordinator: Marissa Bassin Date: 17 May 2012

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ELK RIDGE PLANNING COMMISSION MEETING

May 24, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, May 24, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Debbie Cloward, Clint Ashmead, David Clark

Absent: Randy Jones, Jed Pfaff, Kevin Hansbrow, Sharon Dahlstrom

Others: Cory Pierce, *City Planner, LEI*

Marissa Bassir, *Planning Commission Coordinator*

Brian Burke, *City Council*, Chris Hermansen, Chad Prins

OPENING ITEMS

OPENING

Kelly Liddiard, Chair, welcomed at 7:00 PM. Opening remarks were said by Brian Burke followed by the pledge of allegiance.

APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

PRINS CONDITIONAL USE PERMIT APPLICATION FOR CHICKENS

Kelly Liddiard indicated there was a public hearing at the last meeting and it was determined that the application met all the requirements. "This is an application for a Conditional Use Permit for hobby animal, chickens, received on April 13, 2012. The site is located at 588 East Park Drive, Elk Ridge, UT 84651. The applicant is seeking a Conditional Use Permit for the keeping of six chickens, as stated on the application." The drawing is within the guidelines and permit requirements.

DAVID CLARK MOTIONED AND DEBBIE CLOWARD SECONDED TO APPROVE A SITE PLAN SUBMITTED TO THE PLANNING COMMISSION, WHICH INDICATED THE CHICKEN COOP IS LOCATED CLOSER TO THE OWNER'S RESIDENCE THAN NEIGHBORING RESIDENTIAL BUILDINGS. THE APPLICANT IS IN COMPLIANCE BASED ON THE SUBMITTED PLANS. VOTE: YES – ALL (4), NO – NONE, ABSENT – (4) JED PFAFF, KEVIN HANSBROW, RANDY JONES, SHARON DAHLSTROM

HASKELL COMMERCIAL PRELIMINARY AND FINAL PLAT

Cory Pierce provided a background of the conditional use permit for an assisted living facility in December of 2010, which is the submitted plat for Haskell Commercial. The one-lot subdivision is planned for a 16 bed facility and if business goes well, they will add another 16 beds in the future. They will be adding curb and gutter along Star Lane and finishing the asphalt and then they will go through with the building.

Kelly Liddiard said there was a punch list at the TRC and Mr. Haskell has met those requirements.

Cory Pierce said that the only hold up would be the water rights and need to make sure that those water rights are dedicated to the city before recording the final plat. There are some people that have some available, but it is a matter of purchasing those. Mr. Haskell is aware of the water right requirement.

Kelly Liddiard asked about the fire hydrant testing and whether it was complete. It wasn't a huge concern, but Mr. Liddiard was just wondering about the results.

Cory Pierce did not know the result from the hydrant pressure test.

CLINT ASHMEAD MOTIONED AND DAVID CLARK SECONDED TO MOVE FORWARD AND APPROVE THE HASKELL COMMERCIAL PRELIMINARY AND FINAL SUBDIVISION CONTINGENT THAT THE REQUIRED WATER RIGHTS BE DEEDED AND TRANSFERRED TO THE CITY PRIOR TO RECORDING OF THE FINAL PLAT AS PER THE TRC RECOMMENDATION. VOTE: YES – ALL (4), NO – NONE, ABSENT – (4) JED PFAFF, KEVIN HANSBROW, RANDY JONES, SHARON DAHLSTROM

APPROVAL OF 03/08/2012 AND 5/10/12 PLANNING COMMISSION MEETING MINUTES

There were not any changes made to the minutes of March 8, 2012 and May 10, 2012.

DEBBIE CLOWARD MOTIONED AND CLINT ASHMEAD TO APPROVE THE PLANNING COMMISSION MEETING MINUTES OF MARCH 8, 2012 AND MAY 10, 2012 AS WRITTEN. VOTE: YES – ALL (4), NO – NONE, ABSENT (4) JED PFAFF, RANDY JONES, KEVIN HANSBROW, SHARON DAHLSTROM

CITY COUNCIL UPDATE

Councilman, Brian Burke reported the city council passed the city budget. City Council also talked about Corbett Stephens, building official, liability of back pay for overtime and on-call pay. He is the only employee water certified so he is basically on-call every week for the last two years. They also discussed Mr. Stephen's role. He will not be the public works director. He was hired to be the

65 building official. The city will be hiring a new public works employee by July 1 and he will be reporting directly to the mayor along
66 with Rex Davis. Wayne Frandsen will be retiring. The position is replacing and not a new position.
67 Councilman Burke also indicated that a few subdivisions had resurfaced. Oak Hills Plat D and Fairway Heights. Oak Hills Plat D with
68 R.L. Yergensen and it was very controversial. Mr. Yergensen would like to develop the lots up on the hill above the indicated
69 subdivisions. He would like to level out the hill and create lots.

70 *[Mr. Yergensen is not going to develop. It was discussed in city council that when Mr. Yergensen developed the existing subdivision, he*
71 *changed the natural drainage route and now there is question as to whether the built homes will be flooded and whether a culvert*
72 *should be placed on resident's property.]*

73 Councilman, Brian Burke indicated there were some problems with code enforcement. The mayor was thinking of doing it himself and
74 getting the city council involved. The city council decided it wasn't a good idea because it is a conflict of interest. They decided they
75 would go in on it with Woodland Hills and hire a part time neutral employee through S.O.S. that will represent both cities.

76 David Clark asked if the topic of Elk Ridge Meadows park transitioned from Salisbury to the city had come up in previous city council
77 meetings.

78 Planning Coordinator indicated that it was on the agenda for the next city council meeting.

79 Councilman Brian Burke said Escalante Drive will be 28 feet of asphalt with two feet of curb and gutter on each side. There is no way
80 to park on both shoulders of the road. They need the sump done before July to get it done in the budget period.

81 Kelly Liddiard asked if anyone knew about the approval of the bond on Park Drive. Mr. Liddiard said it still needed another coat of
82 asphalt.

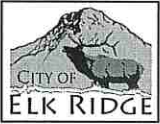
83 Planning Coordinator said it was talked about, but the mayor was going to discuss it more with Corbett Stephens.

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85 **OTHER BUSINESS**

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87 **ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:33 p.m.

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Planning Commission Coordinator



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

t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

CANCELLATION OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 14 June 2012**
- 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

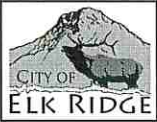
The undersigned duly appointed and acting Planning Commission Coordinator for the municipality of Elk Ridge hereby certifies that a copy of the foregoing Notice of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 8 June 2012 and delivered to each member of the Planning Commission on 8 June 2012.

Planning Commission Coordinator:

Marissa Bassi

Date: 8 June 2012





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

t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF CANCELLATION OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 12 July 2012**
- 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, 5 July 2012 and delivered to each member of the Planning Commission on 5 July 2012.

Planning Commission Coordinator: *Maissa Bassin* Date: 5 July 2012

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

t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

NOTICE OF CANCELLATION OF PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 9 August 2012**
- 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 Cancellation of Public Meeting was emailed to the Payson Chronicle, Payson, Utah, 3 August 2012 and delivered to each member of the Planning Commission on 3 August 2012.

Planning Commission Coordinator: _____

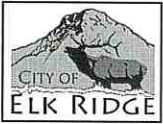
Maissa Bassin

Date: 3 August 2012

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CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web 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 September 2012**
- Meeting Time - **Joint City Council/Planning Commission Meeting - 6:30 pm**
Regular Commission Meeting - 7:30 pm
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

- 6:30 pm**
1. General Plan Building Size Amendment
 2. LEI Storm Drain Study
 3. Hermansen Lot Configuration Adjustment (Grand View Plat A, Lot 2)

COMMISSION MEETING AGENDA

- 7:30 pm** **OPENING ITEMS**
- Opening Remarks & Pledge of Allegiance
 - Roll Call/Approval of Agenda

PUBLIC HEARINGS AND ACTION (none)

- 7:35 pm** **OTHER ACTION ITEMS**
1. Hermansen Lot Configuration Adjustment (Grand View Plat A, Lot 2)..... *see attachment*

DEVELOPMENT CODE / STANDARDS REVIEW (none)

- 7:45 pm** **PLANNING COMMISSION BUSINESS**
2. Review and approve minutes of 05/24/12 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 September 2012 and delivered to each member of the Planning Commission on 7 September 2012.

Planning Commission Coordinator: *Maissa Bassi* Date: 7 September 2012

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ELK RIDGE PLANNING COMMISSION MEETING

September 13, 2012

TIME AND PLACE OF PLANNING COMMISSION & CITY COUNCIL JOINT WORK SESSION

A joint work session of the Elk Ridge Planning Commission and City Council was held on Thursday, September 13, 2012, at 6:30 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Clint Ashmead, David Clark, Jed Pfaff, Sharon Dahlstrom
Absent: Randy Jones, Debbie Cloward
Council: Weston Youd, Brian Burke, Nelson Abbott, Mayor Hal Shelley
Absent: Paul Squires, Erin Clawson
Others: Greg Magleby, *LEI Engineer*
Marissa Bassir, *Planning Commission Coordinator*

BUILDING SIZE/RURAL HOUSING

Brian Burke explained that the reason for the meeting was to get everyone together to discuss where the city is going.

Mayor Shelley explained that Rural Housing has purchased 42 building lots in Elk Ridge Meadows Phase 1 and 10 lots in Crestview Estates. Originally, they wanted to build in Rocky Mountain Plat B, but things worked out so they didn't build down there. The mayor has been in communication with the person from Rural Housing and trying to work it out so there aren't any problems. The residents in Elk Ridge Meadows 1 & 2 are not very happy about Rural Housing purchasing those lots and they are trying to come up with ideas on how to stop the building from happening or negotiate how the homes can be more like the current homes built. The residents have been to the council and looking at different options and one of the issues is the building size. One of the ideas brought up were to raise the building size square footage to 1600 and form a HOA with both phase 1 and phase 2, that is going to eliminate a good number of homes that even Salisbury could build and he has some lots left too. He has about 20 lots left to sell. They have continued to work and have had numerous meetings with Brad Bishop (Rural Housing) and Chris Salisbury and also with residents. The last thing the mayor heard was that they were going to set a minimum livable footprint to 1478 square feet and that will be tough for Rural Housing because that is more than they can build.

Kelly Liddiard asked where they came up with 1478 square feet.

David Clark indicated they looked at Salisbury's size of homes they are currently building and really only removed about two home plans that Salisbury could build. All the other homes are larger than 1478 square feet.

Mayor Shelley commented that they are accommodating Salisbury as much as possible.

David Clark said they wanted to make it that the size of the homes didn't detract from the others. There was some concern about some of the two-story homes that were 800 sq ft on each floor.

Mayor Shelley said the issue with the city council was that the general plan states a concept that the city needed to have x percent of homes within a median income size. The mayor didn't know what the percentage was for that requirement or footprint size. The council was concerned that if the minimum size remained at 1200 square feet then the city would have over abundance in median income housing. The city is already over the percentage that federal housing would like to have, but there is not a number of how many the City can have. The city council is trying to address the general plan requirements. Does the city want 1200 square foot and smaller homes from now and into the future? Or would the city rather change to 1400-1478 square feet minimum to try and establish a larger minimum size so that property values are being reduced, etcetera.

Weston Youd asked if the sale of the lots had been completed.

Mayor Shelley confirmed the sale was complete. Mayor Shelley said he received a call from Chris Salisbury about 3-4 weeks ago. No permits have been issued or sought by Rural Housing. Crestview Estates is where Rural Housing will start to build. They will not start anything in Elk Ridge Meadows Phase 1 until Crestview homes are finished. Mayor said that will not happen until Rural Housing finishes a few other projects elsewhere in the county. Last Mayor Shelley had talked with Brad Bishop; he said they would not begin building anything in Elk Ridge no sooner than November of 2012. They are taking applications all the time. The mayor is betting it will not begin for about one year to a year and a half or more.

Weston Youd said the Council wanted to bring this to the Planning Commission to see if the market has changed and therefore in order to adhere to the City's General Plan, which is to have 5 percent of median income homes and that should be the City's goal. As the city grows they should always have the ability to say 5 percent of the area is median income. With the inventory of homes that are within that range – the city is good until 2020. If the city didn't get another home of that size, the city would still be in compliance of the general plan until 2020. So in order to follow the general plan and it's dictates, should the minimum square footage living area be reviewed to keep that 5 percent where it should be or is the city going against the general plan by allowing 1200 square feet to be built anywhere. Right now, the city is at 14 percent so by allow Rural Housing to build 1200 minimum square feet homes, it will put the percentage up to 24 percent, which is almost a quarter of the city. There needs to be a better balance. Raising the minimum square footage would help to regulate that requirement. To Councilman Youd, he does not know of any lots within that subdivision that would not accommodate a 1400 square foot home.

Kelly Liddiard asked if 200 square feet going to really make a difference.

Weston Youd said that whatever the minimum size number, does that number create balance with the general plan requirement? That is what needs to be researched and discussed.

Clint Ashmead clarified that the city is beyond the standard of 5 percent. If Rural Housing builds the minimum size homes, the percentage will be close to 25 percent. Mr. Ashmead thinks that the lots should remain open to the market and allow job creation in the county. The homes are being built in a different manner. If there is a decision to be made, in Mr. Ashmead's opinion, if the square footage has to stay at 1200 square feet or increase it to 1400, he thinks that there should not be any exception created and it should meet standard code for that development. That is what that development was intended to bring in that kind of banking investment loans.

Nelson Abbott commented that they are talking 200 square feet. Most new home construction is going to be \$70-\$100 per square foot. At \$100, that is adding about \$20,000 to the cost of the home. Is \$20,000 going to be enough to bump them up and out of that median income? Salisbury is probably building his on the low end – about the mid \$60's per square foot. That cost might not bump them up into the median income at all. Mr. Abbott thinks if they are going to change the square footage, they need to take into consideration the cost per square foot for construction. Mr. Abbott indicated that the council is having the planning commission look at it to see if it is even a legal thing to do.

Kelly Liddiard said the subdivision that they are talking about have already been approved and sold – can anything be changed?

Greg Magleby, LEI Engineer indicated that the topic is a common thing they deal with in every city they work with. It is a slippery slope to start equating value to square footage. When looking at the county and 1200 square foot houses that are selling for \$500k. If there is a requirement to increase the square footage, there will be devalue of materials for the interior of the home or devalue of the exterior materials or landscaping. Rural Housing has a set business model and they are going to meet their business model whether they build a 1200 square foot or 1400 square foot. There will be a 1200 square foot with perhaps upgraded materials or a 1400 square foot with downgraded materials because they will still have to hit that same target range. Rural Housing is trying to hit a very thin market segment by mandate so it is a little different than having a private builder come in. There are some subsidies happening through the program to keep it in that model.

Mayor Shelley commented that Rural Housing has around \$210k to put into a home and that is everything – a completed home. Sweat equity is required of the home owners – upward of 30 hours per week – 1200 hours total (?).

Greg Magleby, LEI Engineer explained that if there isn't a regulation in the original approval of that development for minimum square footage, then the code takes precedence. If the code is 1200, then that is what stands. They do have a vesting right. In new subdivisions, it may be addressed differently. Elk Ridge Meadows subdivision was addressed more with CC&Rs. CC&Rs are tough. They are privately enforced restrictions.

Kelly Liddiard asked if there was going to be an HOA.

Mayor Shelley said there was an HOA.

David Clark explained that apparently there still is an HOA. Mr. Clark said the HOA was not dissolved properly so it still exists.

Clint Ashmead indicated that if there is something existing whether it is an HOA or CC&R, then there is a little concern as a resident. Mr. Ashmead said they are too far down the road and there have been too many strikes.

The city does not enforce CC&Rs. The city does not even file CC&Rs for the developer. The developer has to create those and have them recorded with the county.

Kelly Liddiard asked who the managing board of the HOA is.

David Clark indicated they are putting it together right now. The residents have hired an attorney to review how the HOA was dissolved. Mr. Clark's understanding is that the attorney came to the conclusion that it wasn't done correctly and the criteria that was outlined to dissolve an HOA was not met. His understanding is that HOA is for phase 1 and 2. It doesn't go into phase 3. Brad Bisho and Chris Salisbury footed the bill to hire a property manager to act as a mediator between the residents and developers. They are down to a couple of issues to resolve before there is a vote. Once they get to that point, they will probably dissolve the HOA and deed the open space over to the city. He thinks Salisbury has been rushing to get that done.

Mayor Shelley said that Salisbury is going to be releasing his landscaping bond within the next day or so. There is concern because it hasn't been deeded to the city yet and might not follow through then. There are still legal questions as to whether Chris Salisbury could have purchased lots and open space. The FDIC owned the development so he could have. He has all the sprinklers and trees installed and would like very much to walk away and move ahead into phase 4.

Weston Youd thinks that with the changing of the market, the city council or planning commission does not have the ability to change it. There is nothing that can be done by the city to put those HOAs back into place. If they are still there, great, but the city cannot assist or compete that. Going forward, is there something that the city should be doing, with the changing of the markets to ensure that the city sticks with the general plan.

Nelson Abbott said that going forward, precedence should be set when recording the plat, the CC&Rs are recorded as well.

Mayor Shelley indicated there is going to be some movement with development. Salisbury wants to proceed with Phase 4, which is high density. Doe Hill Estates has been sold and they will start moving on it relatively soon (north of the Stake Center). There is a person coming in tomorrow to discuss Elk Ridge Meadows phases 5 and 6 by the proposed elementary school property. Now would be the time to make adjustments.

It was discussed that the minimum city standard of 1200 square feet could also be built with less quality materials.

Nelson Abbott also stated that Rural Housing has to meet an energy standard, water efficiency, etc. A lot of their standards are stricter than Salisbury's standard.

Greg Magleby commented that the HOA has a lot of architectural features on the exterior, which will impact values.

Weston Youd said that he took a tour of some Rural Housing homes and they use quality construction – they use 2x6. He had to re-evaluate his perception he had of Rural Housing. Even though, is this causing the city to fall away from the general plan if the issue isn't addressed now with the market changing?

Brian Burke said people come to Elk Ridge because it is a bit of an upscale community and a great place to live. He thinks as a group, the city council and planning commission have a responsibility to maintain that without going overboard and saying "only the rich can live here". He doesn't think it is unreasonable. There is an opportunity now to set a standard.

Clint Ashmead appreciated Councilman Burke's comment because he thinks some times can be difficult times especially.

Commissioner Ashmead commented that it is easy to make short term, positive immediate result, but in the long run did it really yield and maximize what it could have. If the city is above the threshold, he thinks it all needs to be considered.

Greg Magleby talked about one of the negotiating tactics they have between cities and developers is "you name the square footage, I name the architectural amenities", "you name the architectural amenities and I'll name the square footage". If the city has some of both of those issues then maybe they can be negotiated with Rural Housing and compromise square footage and have more architectural features so there can be a variety of home size, but not a variety of value.

Mayor Hal Shelley said that the planning commission can look at the general plan and decide if there are some ways that the city could rest those issues before other developments come in or not. In the current subdivisions, can those minimum sizes be enforced through amended codes? Can they be altered?

Greg Magleby said they probably cannot be altered because each phase has different circumstances. Phase 4 has higher density because it was stripped off of phase 2. There are lots of pieces to the puzzle and it has been vested. It is going to be a negotiation that is going to have to overrule the previous agreements.

Weston Youd questioned if the city should go through the architectural approach. Density is already decided. They are not going to get 1400 square foot homes on those lot sizes. So is the approach that the architectural requirements are higher going forward. There might be smaller homes, but they are brick façade; they are the right styles that if people are driving through that community to get to the heart of the city, it looks nice.

Sharon Dahlstrom questioned if the minimum square footage has to be the same throughout the entire city. Can the size be different per phase?

Greg Magleby said it depends on the zone. When the general plan is involved, that is where the building sizes could be different. It is basically what is proposed. There are some things to negotiate. There is some open space; some future park requirements that were supposed to be private. As things evolve, the city will be taking over those parks so that is a negotiating tool.

Kelly Liddiard concluded there would be a meeting next month and he asked Greg Magleby to do some research and have a work session on it to see if there are some options.

STORM DRAIN STUDY

Greg Magleby, LEI Engineer put together a power point presentation based on the research the firm completed for Elk Ridge's storm drainage. Necessity of study – storm drain impacts private property. There have been some issues with the drainage coming off the roads. Water from the roads is the city's responsibility. Water from lots is an individual's responsibility. Private property has been impacted previously so there have been recent liability issues.

Premature deterioration of the roadways: Storm drains ruins the edges of the oil, undermines the road, and the year/6-inch creep – so every year there are six inches deteriorating and then the city does crack-seal and then it makes it even more pronounced. Undermining – cars driving on the edge creates a crack. Also, the environmental protection agency has mandates for storm drainage, but Elk Ridge City is too small to have those mandates implemented right now. But as things progress, the city is getting bigger and the regulations are starting to apply to smaller cities. So at some point the mandates will apply to the City. It is better to have as many issues addressed in process of development rather than the city having responsibility after the fact. Also, planning for future development: how is storm drainage handled today and also how is it going to be approached in the future.

Current Storm Drainage Management Methods: The city has no drainage facilities – no borrow ditch and no curb and gutter. The water is flows from the roadways to the shoulders and is absorbed there or in front yards. There is curb and gutter with or without sumps. Sumps are a very viable management method for Elk Ridge, but the sumps can be done well and very poorly. A lot of the maintenance and the ongoing expenses associated with the city are dealing with sumps. Retention basins are located in the developments at the north end of town and the one south of the city offices built within the past ten years, which are collecting and managing the water at one central location.

Existing Development: Elk Ridge's unique circumstances – there is not an outfall. Water from Elk Ridge cannot be drained into the Highline Canal. So the storm drainage has to be handled on site, unless the city is willing to invest in very large tracks of round or large pipe networks to take water to a centralized system and dispose of it. It's too late for that. A different approach will be taken. In areas where there are no drainage facilities, they are not proposing putting in curb and gutter or big barrow pits but proposing to manage things as a case by case basis. There have been a few items that have occurred in some of the older part of town, but generally it is caused by someone disturbing the ground within the right-of-way of the city. Curb and gutter with sumps: there are two different types of sumps in the city. The older sumps up by Gladstan and then down beside the city. The sumps are actually in the line of the curb. Sumps consist of just a manhole with perforations and gravel. The problem is that the water going into the sump is also taking in anything that the water is carrying. The oils are also being taken in and that is the big problem with EPA. The oils should not have a direct method of travel from the roadways to the soil. LEI is proposing going to each of the sumps that are in the curb line, which has already been started by Corbett Stephens, surge the sumps and some of them have been full to the brim with dirt. Clean each sump out, surge them with water and see if it is a viable sump still. If it is viable then it should be utilize them. But they don't want to utilize it as it is now in the curb. Upstream, they would install a curb inlet box with a closed snout. The snout separates sands, silt and oil from going into the sump and holds it in the box. Cleaner water then goes to the sump and is disposed. It is not always perfectly clean so there is still some maintenance, but there is at least one stop gut major before the sump gets compromised. There are some sumps that will not be able to rehabilitate through surging. So those will probably have to be replaced. They cannot be abandoned because it will then inundate the next sump and so on. It is fairly expensive to replace sumps, but there is not another method of conveyance. The best option is a retention basin, but it still comes with a maintenance expense and a lot of initial expense. The majority of the issues are with the sumps.

Kelly Liddiard questioned if there was property down lower that could be thought of for a retention basin.

Greg Magleby said there are places where there could be retention basins, but the issue now is that development properties remaining are spread out. So the question is is the city in position to install the pipe network to go to the individual properties to help pick up the water and transport it to a central place to dispose of it. So with future developments instead of imposing something on a centralized system, the city would request and require the developer to handle their own water up to a hundred-year storm. They may have to install additional sumps or larger retention basins on their own property. They can handle that. Mr. Magleby thinks it is a viable option and it is a good thing for a developer. So they have put together updated codes that really spell out what is expected and how to standardize the design of storm water facilities so there isn't one developer proposing something and another developer proposing something completely different. There is enough history in town to know what works and what doesn't and what storm event to plan for.

Clint Ashmead questioned why the city can't direct the water into the Highline Canal for the outflow. Was it because the water was too great?

Greg Magleby replied that Highline Canal will not receive any storm water because then they are liable for a breach. If they are running 100 second/foot of water down the canal and there is a storm event in Elk Ridge and they dump 100 and it breaches in Payson, then they are liable. They will only accept the liability of what they own and are delivering.

Clint Ashmead questioned if EPA standards even allow the run-off to go into that to be distributed.

Greg Magleby replied that it could. It usually goes through treatments with snouts or a basis of taking the oil off before it goes to that facility.

Jed Pfaff referred to a diagram of the pretreatment box with the snout and the safe grate and questioned if it is inexpensive?

Greg Magleby said the one to put in a grate and to pipe it over would be \$2700. Replacing the sump in the street is \$5600 per sump.

Mr. Magleby stated that the maintenance would be the same whether there is a system or just the sumps. The repair of the existing sumps is just under \$200k, which will include several hundred feet of major storm drain line. It wouldn't even make a dent in the cost of an overall system. Plus, there isn't a place to put it. The previous plan was just under two million dollars, which didn't take into any of the developments that are now built. It would now be a city expense to go into those developments. LEI is proposing very standardized code and design guidelines for the basins and other facilities to be placed in new developments. A detention basin is encouraged and they would rather maintain a detention basin that a lot of sumps, but don't want a lot of small detention basins. The city is not in the business of mowing every 5,000 square foot detention basin grass. If it is at least an acre and can support a recreation element, the city will entertain taking it over as a city park or amenity. Other than that, it has to be handled through the developer. The developer can handle it through sumps or put a basin in. In larger lot developments, there may be a half-acre lot, but a quarter of an acre in the back is depressed, grassed and there is a deed restriction on it and nobody can build in there and it is used for storm drainage.

Those are done quite often. The city would have the ability to make sure the documents are in place and that storm drainage has a perpetual placement within that development. There are financial obligations of the developer to ensure that it is done. Storm drainage is the first requirement to be done in a development. The code provisions are from page 5 through 9 – a lot of guidelines for the detention basins. It should look like it is a part of the natural landscape and not just a hole in the ground and it should not be dangerous. Best Management Practices of Maintenance: Maintenance is the key to storm drainage. If there are inlets that are covered with leaves and debris they mean nothing. It doesn't matter if there is a great pipe system underneath the sump. It will not function and send the water on its way. Each of the areas has specific requirements. From a public works perspective, what to look for when inspecting. Construction sediment controls is really the cause of most of the problems over time. Piles of woodchips, topsoil, and rock have been placed in the roadway and caused them to be washed down the road and clog up the sump. The vac truck or trailer would then have to suck out the sump. The ongoing maintenance and enforcement needs to take place so the maintenance costs can be lowered over time. The city has been broken down into nine zones and each of the zones has unique characteristics. Mr. Magleby referred to the map in the back. There are unique characteristics in the zones for the storm drainage. Zone 1 at the top has curb, gutter and inlets and goes to detention basins. Zone 2 has curb and gutter and it has inlet and sumps, but the sumps are not inline with the curb. Zone 3 has sumps that are inline with the curb and so on. As each area is reviewed, public works will need to look at specific items and what is applicable in that area. Zone 4 and 5 are areas that have little or no drainage facilities so there is a different set of criteria. The storm management and maintenance is such an important area so they have put together a schedule. It is typical for most cities in storm drainage application. Phase 1 of a maintenance schedule is started off in April for a visual inspection of the system to make sure it is ready for spring season. There isn't any blockage of the inlets. There is a repair period where the smaller repairs can be done generally in house takes several weeks. Phase 3 is in the heart of the summer and there is a detailed review and maintenance of the system. Public Works will climb in each of the sumps to see how much material is in there, if there is a problem, should it be surged. It is determined what the problems are in the heart of the summer while there is a good working season. Then go through and implement any capital facilities, any larger projects. If there are sumps that have failed and there is budget, they will be put on a cycle for September and October to replace or repair the sump. Prices go up considerably if they are done just one or two at a time. They are given a few months to get the capital facilities done.

Priorities for 2012: Since it is late in the season, there are several areas that need to be addressed as soon as possible.

Funding options/budget: The types of facilities are paid for generally in three different ways. 1. Special assessment areas – where there is an upgrade project of the neighborhood whether it is street lights or redoing the roads or curb and gutter. A majority vote of the citizens within the benefiting area would vote for it and then the city council would have to approve it and it is a bonded thing and becomes a superior lean on their home. It is a tough thing to do for smaller projects. It is something done for larger projects like miles of roadway, sewer within city or major water upgrades. Mr. Magleby doesn't think that an SAA is an option for Elk Ridge. 2. Impact fees are the hottest topic in the development industry right now. To charge an impact fee, the city has to have a system that has excess capacity that was paid for by the city and can be reimbursed. The biggest problem with most small cities is that to be reimbursed, the money has to be paid up front. A lot of cities got caught when expanding through bonding or general funds and expanding and then the bottom fell out of the development community and there is no one to pay them back. So they are sitting on significant capacity and debt and no one to pay. If the city is not doing a centralized system, then there aren't any facilities that the city is selling excess capacity to developers. An impact fee would then not be legal. 3. User fees are where the money will have to come from or the general fund. The current fee is \$3.00 a month. In talking with the city recorder, the city is running a deficit of about \$2000 a year. The \$3 a month is just for the general maintenance. They are put together a six year plan and there are about 50 sumps that need to be addressed. Mr. Magleby is assuming 1 in 5 is going to be a failure and will need to be replaced. Going through the cost estimates, \$183,000 needs to be generated over the course of six years. The next year needs to be prioritized and create a budget and replace the most critical sumps next summer. Minor improvements and adjustments until then. \$6.50 per month per home will generate enough over six years to take care of about \$200,000 worth of capital upgrades and in addition it pays for the routine maintenance and gets the city above the deficit spending of \$2000 a year. How much in a down economy should the fee be raised in order to keep your facility place? There is a significant investment that is deteriorating way too fast. The further along it goes before the maintenance is done it is just getting worse and the expenses could go up dramatically. The six year plan is to get the city back on track. Maintenance over time can keep it in tune and putting the responsibility for future development on to the developer so it is not taken on by the city and increasing the fees any further.

Kelly Liddiard indicated he thought it all makes sense and he knows concrete pipe being laid everywhere is not an option.

Discussion took place regarding the resident utility fee of \$3. \$3.25 would make the city break even. \$6.50 is being proposed for the storm drain plan. \$7 fee was discussed to get ahead, but the council didn't want to take it to the people in fear of rebuttal of not all residents benefiting from it. As a result, a discussion item will be placed on the next planning commission meeting and Mr. Magleby will come with proposed code for review line by line.

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, September 13, 2012, at 7:30 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Clint Ashmead, David Clark, Jed Pfaff, Sharon Dahlstrom, Debbie Cloward
Absent: Randy Jones
Others: Greg Magleby, *LEI Engineer*
 Marissa Bassir, *Planning Commission Coordinator*
 Mayor Hal Shelley, Weston Youd, *City Council*, Brian Burke, *City Council*, Nelson Abbott, *City Council*

OPENING ITEMS

Kelly Liddiard, Chair, welcomed at 7:40 PM. Opening remarks were said by Mayor Shelley followed by the pledge of allegiance.

APPROVAL OF AGENDA

Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

DAVID CLARK MOTIONED AND CLINT ASHMEAD SECONDED TO MAKE ALTERNATE, JED PFAFF, A VOTING MEMBER FOR THIS MEETING. VOTE: YES – ALL (5), NO – NONE, ABSENT – (1) RANDY JONES. DEBBIE CLOWARD ABSTAINED FROM VOTING.

HERMANSEN LOT CONFIGURATION

Mr. Hermansen indicated they had met with the city council two weeks ago and presented his situation of placing his home on a lot on Grand View Circle. When he purchased the lot, he knew there was a 30 foot setback on all sides. He went to Ken Young before he bought the lot and explained that he was going to have trouble putting a 2250 square foot home on that lot and asked if the home could be turned 90 degrees so the home faced the end of the cul-de-sac. It shows the driveway coming in from the cul-de-sac. So the back of the home would be facing Gladstan Drive. Ken Young, the planner at the time, gave the approval and didn't see any problems with that. Corbett Stephens, building inspector, said he needed to get permission from the city council to build. The city council then told Mr. Hermansen that it needed to go to the planning commission first.

Kelly Liddiard questioned Mr. Hermansen if the house would be facing west if it were to be built the way it is supposed to be.

Mr. Hermansen indicated the home would be facing the end of Grand View Circle. He is proposing the home to face the inside of the cul-de-sac and the back of the home would face Gladstan Drive. He said they made improvements to the plans for the back of the house so it would look nice with some pop-outs and a nice covered porch.

Kelly Liddiard asked if there were any grade issues that he was aware of.

Greg Magleby indicated there wasn't any. The original lot has a few different scenarios where setbacks 30, 12, 30 or 30, 30, 12.

David Clark said the proposed arrangement seems to make sense. The concern is the 12 foot setback instead of a 30 foot setback?

Greg Magleby said the plat does show a 30 foot setback.

David Clark asked what is on the side of the 12 foot setback.

Mr. Hermansen indicated those are the back of homes along Elk Ridge Drive.

Greg Magleby said it would be considered a side setback for Mr. Hermansen's lot.

Mr. Hermansen said the closest home is at least 60 feet.

Jed Pfaff commented that it shouldn't affect the other houses.

Mr. Hermansen indicated that along the side, there is 30 feet, but it just narrows to 12 feet. It is a single story with a walk out basement. The neighbors the Hermansens had met didn't seem to have a problem with their home.

CLINT ASHMEAD MOTIONED AND DAVID CLARK SECONDED THAT THE HERMANSEN PROPOSAL OF LOT CONFIGURATION AS SUBMITTED IS ACCEPTABLE TO THE PLANNING COMMISSION AND IS RECOMMENDING APPROVAL TO THE CITY COUNCIL. VOTE: YES – ALL (5), NO – NONE, ABSENT – (1) RANDY JONES. DEBBIE CLOWARD ABSTAINED FROM VOTING.

APPROVAL OF 5/24/12 PLANNING COMMISSION MEETING MINUTES

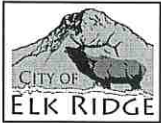
There were not any changes made to the minutes of May 24, 2012.

SHARON DAHLSTROM MOTIONED AND DAVID CLARK SECONDED TO APPROVE THE PLANNING COMMISSION MEETING MINUTES OF MAY 24, 2012 AS WRITTEN. VOTE: YES – ALL (5), NO – NONE, ABSENT (1) RANDY JONES, DEBBIE CLOWARD ABSTAINED FROM VOTING.

ADJOURNMENT – Chair, Kelly Liddiard, adjourned the meeting at 8:35 p.m.


 Planning Commission Coordinator





CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web 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 October 2012**
- 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

7:05 PUBLIC HEARINGS AND ACTION

1. Haskell Commercial Site Plan *see attachment*

OTHER ACTION ITEMS (none)

7:20 DEVELOPMENT CODE / STANDARDS REVIEW

2. Building Size Ordinance Discussion
3. Storm Drain Code Discussion

8:10 PLANNING COMMISSION BUSINESS

4. Review and approve minutes of 9/13/12 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 October 2012 and delivered to each member of the Planning Commission on 5 October 2012.

Planning Commission Coordinator: *Maurissa Bassin* Date: 5 October 2012

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ELK RIDGE PLANNING COMMISSION MEETING

October 11, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, October 11, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Jed Pfaff, Sharon Dahlstrom, Randy Jones
Absent: Debbie Cloward, David Clark, Clint Ashmead, Kevin Hansbrow
Others: Greg Magleby, *LEI Engineer*
Marissa Bassir, *Planning Commission Coordinator*
Brian Burke, *City Council*
Lee Haskell

OPENING ITEMS

Kelly Liddiard, Chair, welcomed at 7:05 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.

ALTERNATE APPROVAL

KELLY LIDDIARD MOTIONED AND SHARON DAHLSTROM SECONDED TO MAKE ALTERNATE, JED PFAFF, A VOTING MEMBER FOR THIS MEETING. VOTE: YES – ALL (3), NO – NONE, ABSENT – (4) DEBBIE CLOWARD, KEVIN HANSBROW, DAVID CLARK, CLINT ASHMEAD

HASKELL COMMERCIAL ASSISTED LIVING SITE PLAN

Mr. Haskell said he has submitted a site plan to be approved or recommended to be approved by the city council.

The planning commission and LEI reviewed the site plan and there were a few concerns – rear sight-obscuring fence, landscaping improvements cost estimate and a plan or comment placed on the drawings illustrating why landscaping will not be completed to the rear of the property.

Mr. Haskell stated they would like to not have to put up a fence because down the road they would like to do an addition and aren't sure about where that will go. Also, the reason to build in the location was to enjoy the view. A six-foot fence would ruin the view.

Mr. Magleby indicated that if the site-obscuring fence was put up on the property line, then the view would not be affected. The building sits much higher.

Kelly Liddiard, Chair asked if the landscaping and the fence should be on the same timeline.

Mr. Magleby said it would be best to put them on the same timeline because it is one lot and wouldn't make sense to have to remove landscaping if there will be an expansion. If building continues to the north of the lot, then it might be warranted at that time. The landscaping would have to be done within two years of building if there is not an expansion by that time. There is some landscaping associated with the building

Kelly Liddiard thought the build-out would be going west, but it was confirmed that it would go north of the building.

Mr. Haskell explained that the building is a u-shape and the wings would just continue to the north to increase the size of the "U" and there would be more bedrooms.

Kelly Liddiard questioned what was done with the fire hydrant since there were questions at the TRC (Technical Review Committee) just in case they did build an addition. Would there be a fire hydrant within the designated feet from the property edge?

Mr. Haskell said he checked with Seth Waite, Fire Chief, and there will be a letter from Seth to the City indicating there was a fire hydrant within the specified footage and another fire hydrant was not necessary, even after the addition.

Kelly Liddiard stated that his concern was with the fence. As a neighbor or another citizen, if the fence isn't required with the Assisted Living, then why is it being required with everyone else? He doesn't want to cause havoc with other people.

Mr. Haskell asked if the residents are required to put in fences.

Kelly Liddiard said if there were going to be so many parking lots then a fence is required.

Greg Magleby commented that it is only going to be the rear yard, not all of it. Usually, there is an interface that goes from commercial to residential and it is the commercial property's responsibility to put the fence up. This is not the case with the said property.

Mr. Haskell said that if it was put up, it is just so far down north that it will be eventually torn down...it's just a row of fence.

Sharon Dahlstrom asked if there needs to be a variance for it.

Kelly Liddiard said it doesn't have to have a variance. He didn't think of it being commercial so that is different from residential. A site-obscuring fence would be a six-foot fence.

The planning commission reviewed the large map to get a bearing where the fence would go and property lines.

Kelly Liddiard indicated that the fence probably isn't necessary because of the lay of the land and the fact that there isn't any residential building to the north and it is currently zoned as commercial.

Mr. Haskell indicated that the north lot is commercial and he owns it. There could be a commercial entity there, but he would have to sell the lot first.

Greg Magleby said if it is commercial zoned to the north then there isn't a need for a fence, but if it is re-zoned residential, then there would probably need to be a fence. He also commented it is odd because there is only one line of fence. A side yard fence is not required.

Kelly Liddiard read that Mr. Haskell also needs to submit a landscape estimate and asked if that was only because it is commercial.

68 Greg Magleby confirmed that in commercial there isn't a bond for the driveways on site, but there is code requiring a bond for the
69 landscape. So an estimate is needed so bonding can occur before a building permit is issued.

70 Mr. Haskell indicated he has the estimate, but not with him. His understanding is that the site plan can be approved without the
71 estimate because they do not have plans to complete the landscaping for at least nine months. Mr. Haskell thought he didn't have to
72 bond for the landscaping until right before they were going to do the landscape.

73 Sharon Dahlstrom read from code that the cost estimate is required before the building permit is issued.

74 Lee Haskell rebuked that he should have been told about having the landscape bond with the site improvement bonding.

75 Greg Magleby confirmed that the cost estimate for the landscape bond needed to be done before the building permit is issued. The
76 landscape plan was just completed with the last rendition.

77 Kelly Liddiard asked Mr. Haskell what the landscape plans are for the backyard without the addition.

78 Lee Haskell explained there will be about 25 feet of grass and bushes and trees. It is kind of steep so it will not be used that much. The
79 courtyard in between the u-shape will be utilized, but he doesn't think the residents will go down the hill.

80 Kelly Liddiard said his concern is that the yard becomes an eye-sore with weeds.

81 Lee Haskell indicated that the rest of the yard will be maintained by cutting it.

82
83 Kelly Liddiard, Chair opened the public hearing at 7:24 pm.

84 There was not any public comment.

85 Kelly Liddiard, Chair closed the public hearing at 7:25 pm.

86
87 **RANDY JONES MOTIONED AND JED PFAFF SECONDED TO ACCEPT THE CONDITIONS AS RECOMMENDED AND**
88 **RECOMMEND APPROVAL TO THE CITY COUNCIL. VOTE: YES – ALL (4), NO – NONE, ABSENT – (4) DEBBIE**
89 **CLOWARD, KEVIN HANSBROW, DAVID CLARK, CLINT ASHMEAD**

90
91 *Conditions:* 1. Rear sight obscuring fence is waived for the first building phase since the top of the sight obscuring fence is at
92 the same elevation as the final improvements due to the existing topography of the site.
93 2. Landscape cost estimate will need to be provided for bonding before a building permit is issued.
94 3. Rear landscaping beyond 25 feet from the building is postponed two years after the completion of the building.
95 If Phase II of the site has not commenced within that two year period, the City will require the completion of the
96 landscape to the rear of the lot.

97
98 Jed Pfaff commented that an agenda item for the amendment of 10-12-31-C8 Rear Yard Sight Obscuring Fence.

99 100 **BUILDING SIZE ORDINANCE DISCUSSION**

101 Greg Magleby provided a bit of background of why the planning commission is looking at the building size because at the last meeting,
102 they didn't want Rural Housing to build small homes. There is code that has varying lot sizes, but nothing to vary home sizes. There
103 isn't any hierarchy of homes to create a differentiating values or potential market that go along with the zones. Mr. Magleby provided a
104 table that showed zones with existing and proposed building sizes with regards to with a basement or without a basement; rambler or
105 multi-story. In the existing code, the multi-story square footage numbers for the foundation, main floor and total square footage just
106 don't add up correctly. More definition needs to be added to distinguish whether a split level basement is counted as livable square
107 footage. Mr. Magleby is proposing just using livable square footage with or without a basement for a rambler or multi-story. The
108 proposed definition for finished area is any living space that is at least 50 percent out of the ground and full finished at time of
109 occupancy. Each home requires an enclosed two-car garage.

110 Jed Pfaff asked if someone could build a complete living space with just a carport.

111 Greg Magleby confirmed that it is against code. When there is multi-family housing, then it is a negotiated issue and there could be
112 carports.

113 Kelly Liddiard asked what the purpose of the 50 percent out of the ground was.

114 Greg Magleby indicated that is not considered a basement. Basements are valued at less than above grade. When half of the basement
115 is in the ground and half is not because of the slope, it is based on the average. There may be some builders, particularly Rural Housing
116 that may come in with a no basement option. Homes next door to each other should be of comparable value and it is hard to get into the
117 value because it is a "slippery slope". They are trying to make similar values by using the square footage. If there isn't a basement, then
118 more square footage should be required. Multi-story square footage is counted as any square footage above grade so the space above the
119 garage could be counted if it is a livable space. Referring to the table, Mr. Magleby indicated that the house sizes get larger gradually
120 with each zone. The basement option of a rambler with a 12,000 square foot lot, the minimum square footage is 1400 square feet and it
121 steps up 200 feet for each zone until the HR-1 zone. A lot of the future new development within the city will be in HR-1 zone which is
122 1900 square feet minimum with basement on a rambler.

123 Sharon Dahlstrom commented that she liked the table and it made sense to her. In the community, there should be different size homes
124 for the lot size purchased, instead of having a huge lot and then have a small 1200 square foot house...that just doesn't make sense.

125 Greg Magleby explained that each zone exist within the city. The code has to be dissected to locate the square footage requirements for
126 each zone. It might be good just to put a table within the code to make it easier to locate, cut out some text and it just makes sense.
127 Further explanation took place regarding the lot size and requirements for each zone. Mr. Magleby explained that the PUD overlay and
128 hillside cluster overlay are used for negotiations. Lot size can be negotiated, as well as open space. There are some methods that can be
129 used to deal with the City's issues, but the CC&Rs are left for the developer's issues.

130 City of Spanish Fork did a design guide for a certain subdivision so they could control some aspects on the city side, as well as the
131 builder side. The design guidelines are incorporated into the CC&Rs and it is part of the approval document of Legacy Farms
132 subdivision. There is a thorough process of review by the Legacy Farms committee before the city will accept a building permit. It has
133 to meet the criteria with Legacy Farms. The guidelines follow the land regardless of ownership. It is the way it is recorded. The city

has control on the setbacks, which are based on the frontage of the lots. Street appeal is the number one issue. 50-70 foot frontage lot requires eight corners on the house and of the eight corners, at least six of the have to be on the front elevation. There has to be variation in the front which also changes the roof line. The big thing in the subdivision was each home had to have a nice front porch dominating the home or enclosed courtyard. The porch had to have proportional sized columns for the size and style of home. That is the extent of the city's involvement in the design.

The architectural control committee comes into play with the project review. Mr. Magleby displayed a home that was only 45 feet wide and about 1500 square feet, but it looked very large and nice because of the design. He explained that there are different options to make the home look esthetically pleasing. There were also requirements for landscaping for the subdivision. There is an application that must be filled out and submitted to the HOA. The HOA reviews the application and provides comments and conditions of approval. Then they will submit the form to the city after approval. It is very thorough and detailed.

Greg Magleby thinks that something like the said design guide is required to get what the city wants long term for PUDs. The city shouldn't be afraid of making requirements. The developer will decide whether it is in their best interest. It's when things are changing midstream where the frustration happens. With the Spanish Fork subdivision, the city was afraid the development wouldn't have enough money to improve the parks at the end of the 900+ lots. So along the way, they put \$6500 into a joint escrow account between the city and the developer, which takes both to sign off. Therefore, in the end, there will be enough money to build the next improvement.

Jed Pfaff asked if the city code would need to be changed to allow for design guidelines.

Greg Magleby indicated there would not have to be any code change. The PUD indicates that it is a negotiation. There are some criteria, such as minimum lot size and it is at the discretion of the planning commission and city council. The two bodies need to be educated enough to realize that the developer's pitch is not going to work or negotiate with some controls.

Kelly Liddiard commented that the whole idea is great because the guidelines will be recorded against the land.

Greg Magleby said that as he was researching code, the hillside cluster overlay is the one that will be used in the future with the HR-1 zone. The Hillside Cluster Overlay is to potentially drop the density from one acre to half acre lot. The math does not work in the zone. For example, if there were a 100-acre development in the HR-1 zone, there could be one hundred lots. If the lot size were dropped to half-acre lots, then 50 acres could be used in lots and the required 30 percent open space and about 20 acres of roads. The overlay starts kicking in so the density could be increased by 30 percent so there could potentially be 30 more lots for more open space. Potentially, there could be 10 percent more or 10 more lots if there is some kind of improvement to a park and another 10 percent potential for some other improvement. The development would have to be stretched from 100 to 150 acres to even utilize the code. The numbers don't add up and physically the code doesn't work. There would not be any benefit.

Greg Magleby also indicated that the HR-1 zone doesn't allow any use of anything above 20 percent slope. It is called undevelopable. CE-2 uses 30 percent and the other PUD uses 30 percent. In the overlay zone, the code says anything above 20 percent has to be donated as open space. 20 percent is still buildable.

Kelly Liddiard commented that there was a reason that was done. They don't want a strip mine.

Greg Magleby indicated that those requirements can now be put into some of the CC&Rs and instead of slopes; retaining walls will be the focus and other grading aspects. The buildable slopes should be consistent among the zones. If the consensus is 20 percent then the other zones need to be changed. 30 percent is the standard.

Further discussion took place regarding cuts and fills, re-vegetation and steep roads. They also discussed the retaining wall off of Fairview Circle. The standard zone needs to meet the standard grades.

Greg Magleby said the HR-1 zone needs to be amended for the slopes and to be made "undesirable" by possibly increasing the frontage requirements and lot sizes, and make additional restrictions on road grades so the overlay can be used for negotiations. The overlay could be changed by eliminating specific numbers and just saying if these improvements are done, negotiations can be made for more density. The negotiations have to be reasonable for both sides.

STORM DRAIN CODE ORDINANCE

This discussion was tabled until the next meeting.

APPROVAL OF 9/13/12 PLANNING COMMISSION MEETING MINUTES

Some corrections were made to the minutes of September 13, 2012.

KELLY LIDDIARD MOTIONED AND SHARON DAHLSTROM SECONDED TO ACCEPT THE PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 13, 2012 AS CORRECTED. VOTE: YES – ALL (4), NO – NONE, ABSENT (4) DEBBIE CLOWARD, KEVIN HANSBROW, DAVID CLARK, CLINT ASHMEAD

CITY COUNCIL UPDATE

The city council representative was not present for an update.

OTHER BUSINESS

Kelly Liddiard asked what was happening with Dean Ingram.

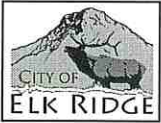
Planning Coordinator, Marissa Bassir indicated that Mr. Ingram was looking at purchasing Elk Ridge Meadows Phases 5 and 6 and he wanted to know how the open space was figured and if the school property was counted as open space. He is just researching right now and seeing if it is feasible.

Planning Coordinator, Marissa Bassir also indicated there was a gentleman inquiring about having substance abuse rehabilitation in a home located up on Coley's Cove. The city has to allow it per state code. They have to also abide by the state code. The home will be for eight people. It is just an FYI because residents will probably have questions.

Kelly Liddiard commented that curfew should be changed so it is just anyone under 18 across the board and it will work better.

ADJOURNMENT – Chair, Kelly Liddiard, adjourned the meeting at 9:05 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 - web www.elkridgecity.org

NOTICE OF PUBLIC MEETING - PLANNING COMMISSION - AMENDED

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 November 2012**
- 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. Pending Code Amendment for Residential Facilities for Disabilities *see attachment*

7:15 PLANNING COMMISSION BUSINESS

2. Review and approve minutes of 10/11/12 Commission Meeting *see attachment*
3. City Council Update
4. Other Business – Dean Ingram Elk Ridge Meadows Phase 5 & 6

7:25 DEVELOPMENT CODE / STANDARDS REVIEW

5. Code Amendment for Commercial Zone Fence Requirement..... *see attachment*
6. Building Size Ordinance Discussion *see attachment*
7. Storm Drain Code Discussion

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 November 2012 and delivered to each member of the Planning Commission on 2 November 2012; amended agenda 5 November 2012.

Planning Commission Coordinator: *Maissa Bassin* Date: 5 November 2012

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ELK RIDGE PLANNING COMMISSION MEETING

November 8, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, November 8, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Jed Pfaff, Randy Jones, David Clark, Clint Ashmead, Kevin Hansbrow
Absent: Debbie Cloward, Sharon Dahlstrom
Others: Greg Magleby, *LEI Engineer*
Shay Stark, *Aqua Planner*
Marissa Bassir, *Planning Commission Coordinator*
Brian Burke, *City Council*, Weston Youd, *City Council*, Mayor Shelley
Kristin and Sean Roylance, Brian Badders, Dean Ingram, Dave Scoville, Sam Packer, Tracy Thurgood, Jensen Thurgood, Neil Warr

OPENING ITEMS

Kelly Liddiard, Chair, welcomed at 7:00 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.

ALTERNATE APPROVAL

KELLY LIDDIARD MOTIONED AND KEVIN HANSBROW SECONDED TO MAKE ALTERNATE, JED PFAFF, A VOTING MEMBER FOR THIS MEETING. VOTE: YES – ALL (4), NO – NONE, ABSENT – (3) DEBBIE CLOWARD, DAVID CLARK, SHARON DAHLSTROM

PENDING CODE AMENDMENT FOR RESIDENTIAL FACILITIES FOR DISABILITIES

Mayor Shelley provided a background of the substance abuse residential home on Coley's Cove. The residents had moved in on October 31. Dustin Long is the executive director for the Payson office and is in charge of putting together the residential facility. They are contracted with the Berney's for a drug treatment rehabilitation center for adult male recovery drug offenders. Mayor contacted the attorney general's office to find out the legal ramifications and was bounced around to two or three different individuals. The individual the mayor needs to talk to has still not called him back. He was able to find out that the Licensing division for Utah State has indicated that there is not a current license for the recovery center. Under fair housing standards, the city has very little discretion as to whether or not they can do what they want to do. The other issue is the city has limited code regarding the residential facilities for disabilities. There is an ordinance that permits the use, but there isn't clarification or direction as to what can or can't be done. Research is being continued and he has received a copy of Eagle Mountain's ordinance, which was later found out it was based on Orem's ordinance for the same type of facility. The main things that can be controlled by ordinance are the numbers of individuals that occupy and something else that he couldn't remember. He has been in contact with Dustin Long and met with the mayor for the first time today. Dustin has had numerous interactions with neighboring residents. The issue is that the city would like to have them go through the process correctly. The mayor said that the individuals need help and everyone knows someone who has an addiction. The mayor would like to help the facility be successful for their resident's sake. The office of state licensing contacted Dustin Long and told him there should not be any residents in the home until the license is done.

Kelly Liddiard, Chair asked if there are people currently occupying the home.

Mayor Shelley indicated that he had not checked this day. As of the previous night, they were not there. He has had strong denials that they were there. There were enough evidence and comments that there had been people residing in the home. If anyone is there now, it should only be employees. There have been people in the home, but they were to have moved out.

Neil Warr, public commented that the residents are freely walking unsupervised, which is against the state code for a residential rehabilitation center.

Mayor Shelley indicated he was very direct with Dustin Long about what he felt from all the information that he had received from the other residents in attendance that they were being very underhanded and doing things under the radar. Dustin Long didn't seem to agree with the Mayor and there was a direct conversation. In the end, the Mayor said if it is going to be done, then it needs to be done correctly. The mayor stated that there will not be any license issued until everything is put into order. There hasn't been enough time to look at what is required. Fair housing standards needs to come into play. Those standards become federal agency standards and he wants to protect the city. He doesn't want a big fine or some other legal lawsuit because the city hasn't done their part. The mayor asked Weston to follow up on the issue and follow through with it. The state licensing examiner recommended looking at Cottonwood Heights ordinance, as well as Ogden's code. The city is under some time constraints because of Fair Housing Standards. The plan is to look at the issue as quickly and efficiently as possible, but there needs to be an ordinance established that would allow the city to proceed correctly.

Kelly Liddiard asked if this home is a satellite from a Payson office. Are they relocating?

Mayor Shelley didn't know the answer because it wasn't clear to him. The Payson office does not have a current license. They were in Spanish Fork without a license.

Kelly Liddiard commented that it sounds like he is running ahead of the law.

Mayor Shelley said after the first contact over the phone with Dustin, contacts were made with the owners of the agency. Dustin Long was very humbled the second time the mayor spoke with him. The name of the company is Arcadia Recovery LLC.

68 Sean Roylance indicated that the company had a webpage up that identified three locations. The Payson office was an outpatient
69 facility, which they are currently operating out of. The Elk Ridge location was on the website, as well as the Spanish Fork location.
70 Neither of which, they don't have licensing through the cities or the state.

71 Mayor Shelley indicated that the Elk Ridge location has been removed from the website within the last day or so.

72 Kelly Liddiard asked Weston Youd what the State is looking at.

73 Weston Youd indicated he didn't know yet. They would have to petition for a license with the state.

74 Kelly Liddiard was thinking that if they are operating out of Spanish Fork and their license in Payson is not current, then why is the state
75 not going after them.

76 Kristen Roylance said that she had talked with John Ortiz that morning and he said that they do not have any way to enforce it. They
77 cannot remove them.

78 Kelly Liddiard indicated that they could do an administrative citation.

79 Kristen Roylance said that they can't. Supposedly, he was saying something to the Attorney General's office to give them notification.
80 They will have ten days to come into compliance. Kristen's concern is their track record. It is horrible. The state told them to leave.
81 Where will they go?

82 Kelly Liddiard asked where the city stands now.

83 Weston Youd said the reason it was brought to the planning commission is because as the Mayor said, the city cannot limit it or prohibit
84 it so the city has to be able to accommodate it. How does the city accommodate such a thing?

85 Kelly Liddiard asked if the city could deny them a business license just by how they are operating in other cities.

86 Mayor Shelley didn't know if they could.

87 Randy Jones said the city doesn't even have a code that authorizes that.

88 Mayor Shelley indicated that there is a permitted use and they know that.

89 Sean Roylance said they don't have a business license yet to operate in the city. The code is come forth before they obtain a business
90 license. In the Eagle Mountain code, there is a clause that says they can be denied based on past history.

91 Mayor Shelley said that what has to be done is not only look at that code, but it has to be clarified with the attorney.

92 Weston Youd indicated that is Eagle Mountain's code and Elk Ridge will have to adopt their own code. How should the city
93 accommodate the facility? The city cannot prohibit them, but they can control and enforce it by code. How many people can a
94 residence within Elk Ridge allow? How is limitations justified? The city doesn't have a police force. There isn't a way to patrol or
95 monitor it. That needs to be considered. Another thing to consider is location in respect to where would these people get help. There
96 isn't a hospital close by. Code needs to be drafted because has to be permitted, but there needs to be code in place with conditions that
97 will satisfy their needs, but also live within the perimeters of what the city can support. There is some urgency behind it because it has
98 been sprung on the city.

99 Kelly Liddiard asked if they are renting or buying the house.

100 Mayor Shelley indicated they have a lease for three years on the property.

101 Weston Youd said there are some examples of code from Eagle Mountain, Orem, Cottonwood Heights, Sandy and Ogden. Let those
102 codes be used as a guide to how the city would like its code to deal with it. Currently, there is a limit of non-related people. That should
103 be made sure that is a part of the conditional use and it cannot exceed what is already established.

104 Kelly Liddiard asked if they need to get a conditional use permit for it.

105 Mayor Shelley Yes, that is why it is being brought to the commission.

106 Weston Youd questioned if there were other businesses within the area, such as a daycare near in proximity that would stop a facility
107 like this. The structure needs to be set for future requests as well. There will then be code that the city can support.

108 Jed Pfaff asked what attracted them to Elk Ridge or why they are there.

109 Mayor Shelley answered that it is just an opportunity. It is a large home. Indications were that they liked the concept that they could
110 possibly walk up into the mountains and do some therapeutic type things. The mayor also indicated that he was assured that there would
111 be no one that was convicted of a felon or a child predator and that needs to be in the city code.

112 Kelly Liddiard commented that would limit their clientele.

113 Weston Youd said that a code needs to be in place that would be enforced because the state licensing agency cannot even enforce the
114 licensing already.

115 Kelly Liddiard didn't understand that.

116 Kevin Hansbrow asked if they could make a stipulation that they would have to check the people in through the city. That might be
117 something to ask the attorney.

118 Mayor Shelley said that is something that the city can receive names and information to the city can do follow up checks.

119 Neil Warr, public said the city should require them to have their own security force to control their own people. Under state law the
120 have to be under surveillance.

121 Mayor Shelley said they didn't know that.

122 Neil Warr said he talked to another recovery agency, Pheonix Recovery Group. It has taken them eight months to get approved in South
123 Jordan and they are furious with Arcadia Recovery because they are giving them a bad name. The individual said that they had to have
124 80 percent approval from the city and all sorts of things. They went through the hoops and are willing to help the city get these people
125 out who are giving them a bad name. It isn't that the residents are against the facility type, it is just how they are going about it. They
126 say one thing and then there are five people walking down the street unsupervised.

127 Kelly Liddiard said they understand they need to come up with a code and asked where to start. There are examples to look at.

128 Weston Youd said there are city codes to take excerpts from and put together a code for Elk Ridge. The planning commission has the
129 full support of the city council and would like something as soon as possible.

130 Mayor Shelley said there are recommendations to contact specific individuals and those who have already done a great deal of research.
131 Mayor also stated that he is going to contact the Attorney General to make sure the city is going in the right direction. He also indicated
132 that he had talked to David Church, City Attorney, and he stated that it isn't a matter of whether or not they are going to be there, but
133 how they are going to be there.

134 Clint Ashmead would like to see the city have some sort of enforcement authority. He thinks it is great that the city can make codes, but
135 if they cannot be enforced...

Mayor Shelley said that the problem is that they work within Federal Guidelines and sometimes trumps anything and everything the city tries to do. But the city will do everything possible within the law. The city makes the conditions, not someone else.

Weston Youd said Federal limitations are only that...the city can go to the point where the city is limited, but don't need to not go as far as possible. Full ability to do any type of enforcement needed should be exercised within the law. Mr. Youd said it might be a good idea to form a committee to help support the planning commission in structuring the code. There are a lot of concerned citizens that could bring suggestions.

Kelly Liddiard agreed with the idea.

Sean Roylance thinks that the mayor and the city council has been very proactive about the issue and have done a fantastic job in recognizing the situation and trying to take steps to help the immediate situation, as well as keeping the long term in mind. Where it all comes from is the fair housing act which says that if normal families are allowed to reside within an area then a drug rehabilitation center comes in and has to be allowed, as well.

Neil Warr commented that the Fair Housing Act protects more individuals. Mr. Warr talked to an attorney that represents one of the other clinics and they are saying the Fair Housing Act is their crutch, but it is a pretty weak crutch. Fair Housing Act guards individuals and individual families and homes residents, but not so much a group. They fall under commercial law.

Sean Roylance said the act says they can't discriminate, however, it doesn't allow more than what families can do. So if the city allows 2 or 3 unrelated individuals in the complex, there is nothing in the Fair Housing Act that says that they can have more.

Weston Youd commented that the city doesn't have to go beyond that accommodation. The city doesn't have to go beyond that accommodation. Those are individual residents.

Kelly Liddiard said he would fight that if he were there. Maybe it's a commercial thing, but he doesn't think they are individual residents. They are all under one address. Each room would have to have a separate address.

Brian Burke, City Council said he had reviewed the document and he thinks that it is a solid document. He thinks the time factor needs to be considered. Putting together a committee and spending a lot of time going back and forth...time is of the essence. If the city made something up that can be agreed is a pretty good document that will serve the city for now, then it can be worked on later. Something needs to be done quickly; something that David Church will approve and something that the city feels 80-90 percent certain of and change it as time goes on.

Clint Ashmead said he agrees, but enforcement is critical.

Sean Roylance, public said he would like to see something in addition to just monetary enforcement because they are making a lot of money and don't care if they have to pay some fines. He would like to see a criminal aspect of it or whatever can be done. More steps than just a monetary fine because they don't care.

Kelly Liddiard said he would look at monetary fines and make them hellacious, but there can also be seizure of property. If they are in violation of city code and they get the administrative citations and so on, that is the way to enforce it. Then there is something in the code as far as that the owner of the property is going to be responsible also and could lose the property and the city could foreclose on it.

Weston Youd said monetary will not be fining the business, it will be fining the owner or both.

Kelly Liddiard said that when the property owner is getting \$2000 a month for rent, whether they are getting \$50,000 or not, the property owner will say it isn't working and hopefully they have some clause in their lease and can kick them out. Mr. Liddiard didn't know who owns the house.

Kristin Roylance indicated it is Paul Berney who is the owner and is in Canada and has been made aware of the situation and doesn't care.

Planning Coordinator introduced Shay Stark who is the planner from Aqua Engineering who will be helping to put together the code. He was just brought into the situation that day so he is trying to get up to speed on the issue.

Shay Stark said that Title 10 in the state code requires the city to have the ordinance in place because it is required to allow through Fair Housing and through the state code in the community. He looked at Cottonwood Heights and Ogden code and some other cities and he said that State code Title 10-9a is pretty specific on what can and can't be done. Most of the codes are based along the language within the state code. There can be limitations on how many people are in the facility. The city can make sure the facilities are spread out throughout the community. There can be limits on spacing between facilities and homes. Surveillance requirements have to do with anything within 500 feet of a school and 24-hour security and security plans. If wanted, they could be restricted to stay within 500 feet of a school so they are required to have 24-hour surveillance. The other side is that state code requires that all licensure is through the state. Mr. Stark indicated that he has seen it with real estate. The fact is that someone has a real estate license and someone goes to the state because there is a problem with the realtor and the state can't do anything about it.

Kelly Liddiard said he needs to do research because he knows of an individual who was doing some real estate stuff and they were fined by the state.

Shay Stark said there are those cases, but there are extreme cases where the state has said they can't revoke their license or do anything in the situation so it doesn't surprise him to hear that it is kind of the same situation. The city can require in the business license that the types of businesses that are licensed by the state are required to give the city a copy of the state license in order to get a city business license.

Mayor Shelley said they should also require a fire and public health inspection.

Neil Warr commented that fire safety, commercial plumbing, double access are in the state code, which that house is not up to par. The house should be compliant to ADA. It is an interesting situation because the house has to meet commercial standards, but at the same time, the state says it has to meet residential standards so that when the group leaves someone could live in the house without modification.

Jed Pfaff said something about the zoning being commercial.

Neil Warr said it is not recognized. It has to be in a residential zone. It cannot be in a commercial zone. It has to be in a zone that has similar single family housing in it.

Mayor Shelley said the best direction is to work with Shay and get it going in the right direction. The planning commission can work with the residents to put something in place quickly.

Kelly Liddiard said they would like to form a committee. He would like to put something in place that is what they want and not have to make major changes in the future because there can be too many loopholes working too fast.

Weston Youd commented that if there is a loophole in something passed today and something is passed more aggressive later, it is the grandfathered in.

Clint Ashmead indicated he would be willing to be on the committee even though he didn't know a lot about the topic, but was willing to learn and be involved.

Kevin Hansbrow and Randy Jones also indicated they would like to be involved in the committee.

Weston Youd would like the committee to work and get something to the planner to have it back to the planning commission by Monday?

It was decided that a work session would take place on Thursday, November 15th and a public hearing on Friday, November 23rd and 7:00pm. A moratorium or pending ordinance was also discussed as whether or not it could be noticed so no licenses are issued. They were going to check to see if that was applicable.

KEVIN HANSBROW MOTIONED AND CLINT ASHMEAD SECONDED TO PUT A PENDING STATUS ON THE DEVELOPMENT FOR BUSINESS LICENSES FOR FACILITIES SPECIALIZING IN PEOPLE WITH DISABILITIES. VOTE: YES – ALL (6), NO – NONE, ABSENT (2) DEBBIE CLOWARD, SHARON DAHLSTROM

APPROVAL OF 10/11/12 PLANNING COMMISSION MEETING MINUTES

There were not any corrections for the minutes of 10/11/12.

RANDY JONES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE PLANNING COMMISSION MEETING MINUTES OF OCTOBER 11, 2012 AS STIPULATED. VOTE: YES – ALL (6), NO – NONE, ABSENT (2) DEBBIE CLOWARD, SHARON DAHLSTROM

CITY COUNCIL UPDATE

The previous discussion with a few members of the city council was sufficient for this item.

OTHER BUSINESS

Dean Ingram indicated that he has sat down with the mayor, Shay, and Marissa to discuss some things regarding the project of Elk Ridge Meadows Phases 5 & 6. He is looking at purchasing the subdivision and would like some direction on what the planning commission would like to see since it is located at the entrance of Elk Ridge. Mr. Ingram indicated it has density and it is under a development agreement. The development agreement has been amended. He has heard about the parks and the soccer field and has had some thoughts regarding the open space. The bankruptcy has caused some issues. He wants to get an idea because it is a big deal. He wants to have it done right. He wants to know if the open space right across from the school is the best place for it. He is not in a hurry so he wants to do it right. As a city, do they want all the pocket parks? Is there going to be an HOA? Or should there be an ordinance where they just pay money to make current parks nicer or expand?

Kevin Hansbrow commented that part of the agreement was for the open space so there needs to be open space somewhere whether it is across the street from the school, he doesn't know. Obviously, they received the density for the open space so that needs to be there.

Kelly Liddiard said that the open space is already attached to the parcel.

Dean Ingram explained that he is aware of that, but different cities have ordinances where the developer buys TDRs and the city puts the money towards other stuff.

Shay Stark commented that there are ordinances out there like that. The issue is that there is a development agreement that was put into place and the reason the annexation was approved was because of the conditions in the development agreement. If that ordinance is put into place, the development agreement would have to be amended.

Kevin Hansbrow said he would still like to see the open space. He has heard so many different things with the existing open space and he would like to know what is going on with that.

Mayor Shelley indicated that Greg Magleby has been working with Salisbury. Salisbury bought those lots, but also bought the open space with it. They have been working to try and make sure the landscaping is in place. It is not in place the way the mayor would like it. They did some hydro seeding about a week ago and part of the paths. They have also done some work on the sprinkling system. There were also some issues relative to the rural housing. The rural housing director Chris Sainsbury and Chris Salisbury came together to form an architectural board that would permit everything to move forward and transfer the open space to the city. The question is it needed to be transferred to the city in working condition so the city doesn't have to spend another \$20,000 to do that. The mayor is concerned about that and they were hopeful that they could transferred deed and title to the city this week.

Kevin Hansbrow commented that there was an occupancy threshold in order to transfer the open space. Have they reached that limit?

Mayor Shelley said that his understanding is from Brad Bishop from Rural Housing and Chris Salisbury is that they were to the point where that could be done. They hope that this week it could be done. Technically, the city is not required to accept it. Because of all the other issues of finance, bankruptcy and FDIC the city is not obligated to do it, but for the sake of the citizens, his personal feeling is that the city needs to. Or the city needs to find a way how to do it. If that is the case, the city will have a soccer field and a playground adjacent to the said property so there will be open space and the school with its open space. So there will be a good deal of open space not necessarily contiguous, but very close. The code does require a lot of open space and it is identified on the map.

Kevin Hansbrow asked if Mr. Ingram was asking to buy the open space back so other parks can be approved.

Dean Ingram said that it is a big deal for the city and where there is a school going to be located at the entrance, should there be that much open space...is this what the citizens want. Or should there be something different there?

Kelly Liddiard asked what Mr. Ingram had in mind since he kept asking if the planning commission wanted something different.

Dean Ingram said just in talking to people...just how many pocket parks does the city want?

Mayor Shelley said he was concerned the amount of open space because currently the city doesn't have the manpower to take care of the parks.

Kelly Liddiard asked if the code requires having that much open space and that was confirmed.

Dean Ingram said it doesn't mean the code can't be changed. There are adjustments that can be made because originally the city taking over parks was not planned.

Kevin Hansbrow said the open space doesn't necessarily have to be a park. It can be natural open space.

Shay Stark displayed the originally property before the school was planned. Originally, the open space was spread throughout so that with each phase developed, there was the 25 percent open space requirement.

Kevin Hansbrow indicated that they wanted to keep the open space contiguous so there could be walking paths.

Shay Stark pointed out the pockets are a pain for the city to maintain and police. They turn into weed piles.

Kelly Liddiard pointed out a specific open space where the monument was supposed to be located.

Kevin Hansbrow commented that he likes the open space on that main arterial street because if there are street accessible houses then there is a concern of safety.

Dean Ingram said it is a given that there will not be driveways coming out on that street, but as a citizen, his concern is that there will be a school that will be fenced and they will probably have the opening on the other side.

Kevin Hansbrow said that he remembers them talking about traffic calming measures on that road.

Kelly Liddiard said that is why there are strips on the side of the road.

Kevin Hansbrow said they had even talked about putting them in the middle of the road.

Shay Stark said that one of the other things that had changed back when the property was sold, city council or planning commission directed that the trail that was originally passing through that property was hoping it would be taken down Cottontail Drive to tie the open space back in. It was put at the intersection.

Randy Jones asked if the school section was where the open space was going to be.

Kelly Liddiard said the school has been there for some time.

Dean Ingram said that the road is very expensive. It is 108 feet with landscaping and trail. Does the planning commission really want open space on both sides? If there is a trail on the one side, does the planning commission want a sidewalk on the other side because it is going to be a highway?

Kelly Liddiard said he would rather have a sidewalk than people walking on the road. If there is going to be a school there, then yes, there needs to be a sidewalk on both sides. That is from a public safety concern, the foot traffic is going to be there with the school. The kids need to be off the road. There are residents across from the school that would need that sidewalk. He indicated that the road is that wide for the purpose of traffic calming.

Shay Stark pointed out that code will not allow reducing the size. 108 feet is actually two feet smaller than what the code is.

Kevin Hansbrow said he likes it the way it is.

There was a lot of work done on it and it took some time to get the project to the way it was wanted. The project was worked on knowing that the school was going to be there. The open space was just for parks. It was to cluster and keeping the natural look. They didn't want a lot of digs into the hill. They wanted to keep the rural feeling. The small pocket parks should be expected to remain natural.

The roundabout was discussed that it wouldn't fit because of the elevation there. The roundabout is in the developer's agreement and the work to make the roundabout work was supposed to be continued.

Shay Stark indicated there was a discussion in the minutes that indicated the roundabout could be moved over to fit some on the city's property on the corner.

Kevin Hansbrow said that at the time, it was commercial property and it would affect Cloward's property as well.

Shay Stark asked if there was an official motion to remove the roundabout because as of the current amendment the roundabout is still required.

Kevin Hansbrow said if the roundabout is not going to work, then the agreement will need to be amended. He thinks the roundabout is negotiable.

Kelly Liddiard said the reason there is so much open space in the development is because there is only one park in Elk Ridge and the city is way behind with the open space requirements – certain amount of open space per amount of people. That is where it came from and that was the way to get the open space and be compliant. It all flows together.

Dean Ingram said he has to make sure the project makes sense, but he would love to see it go forward. It is going to be an \$80,000 road. He also asked about readdressing the fire sprinkler requirement.

Kelly Liddiard said no. The time and property the fire sprinklers save is worth it. Sprinklers are not required for existing homes. Only new construction.

Kevin Hansbrow commented that it is all about saving lives. He explained that the planning commission's main job is the health, safety, and welfare of the people of Elk Ridge. Being a volunteer fire department, they cannot go into the home unless they have three certified people and it would take too much time.

Dean Ingram commented that maybe there should be a choice whether they want to put fire sprinklers in their home.

Further discussion took place defending why fire sprinklers should be in every home in Elk Ridge with the risk of wild fire.

Kelly Liddiard said that if Mr. Ingram would like to have the requirement addressed, then he will need to get it on an agenda.

CODE AMENDMENT FOR COMMERCIAL ZONE FENCE REQUIREMENT

Greg Magleby quoted from current city code from 10-12-37-G-13: "The location, heights, and type of materials used for fencing (a 6 foot masonry fence may be required when commercial development is adjacent to a residential zone or use)." Then he quoted the next code specific to Commercial from 10-12-31-C8: "The facility shall have a rear yard sight obscuring fence." A single fence out in the middle of a field does not do anything for anyone. It doesn't obscure anything. It is recommended that the code for the assisted living site requirements: "The facility may be required to have a rear and side yard sight obscuring fence when adjacent to incompatible

commercial uses. A 6 foot masonry fence may be required when located adjacent to a residential zone or use.” Then it can be looked at to whether the fence is needed.
Kevin Hansbrow asked if there should be a “maybe” in the code. Should it say “if it is adjacent a residential zone”?
Greg Magleby said there could be a “shall” when it is against a residential zone.
It was discussed that the ordinance will read as follows: “The facility may be required to have rear and sight obscuring fence when adjacent to incompatible commercial uses. A six foot masonry fence shall be required when located adjacent to a residential zone or use.”

BUILDING SIZE ORDINANCE DISCUSSION

Greg Magleby explained that with each residential zone there is a part that talks about dwelling size within that zone. Each says the same thing – minimum square footage 1200 sq ft and didn’t have any distinctions. If there are distinctions in the zone, there needs to be distinctions in product as well. It is proposed to get rid of text and refer to the chart in 10-6-2. That way only the chart has to be changed and there will be one place to find all the sizes and be able to compare, which is much more user friendly. Along with the chart, there is definition as what is counted with square footage as follows: “A. All dwellings must provide a minimum finished living space area. For purposes of calculating required finished area, square footage in basements shall not qualify. For multi-story houses, finished area on floors that are at least 50 percent below the finished grade of the lot shall not count towards the required finished area.”

Zone	Minimum Lot Size (sf)	Rambler		Multi-Story	
		N Basement (sf)	With Basement (sf)	No Basement (sf)	With Basement (sf)
R-1-12,000	12,000	1,600	1,400	2,000	1,800
R-1-15,000	15,000	1,800	1,600	2,200	2,000
R-1-20,000	20,000	2,000	1,800	2,400	2,200
R&L-1-20,000	20,000	2,000	1,800	2,400	2,200
HR-1	40,000	2,500	2,200	2,800	2,400
Hillside Cluster Overlay	20,000	As Approved by City Council		As Approved by City Council	
RR-1	20,000	2,000	1,800	2,400	2,200
PUD Overlay	7,500	As Approved by City Council		As Approved by City Council	
CE-2	5 ac.	2,000	1,800	2,400	2,200
Mountain Home Development	20,000	As Approved by City Council		As Approved by City Council	

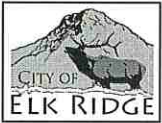
STORM DRAIN CODE ORDINANCE

Greg Magleby said as a result of the storm drain study, there needs to be code set in place. Instead of everyone coming up with their own storm event, LEI is giving them one. Here is a plan and how to calculate it. The method with storm drains that they would like to see... Criteria with the pipe work and the detention basin, slopes and maximum depths. Storm drains have to have some flexibility because there may be a situation where it can work and would work better, but it doesn’t necessarily fit everything. There are some methods that give consideration of approval by the city engineer. “2A – To maximum extent possible, surface water produced from the subdivision development shall be properly disposed of within the limits of the subdivision. If not possible within limits of the development, alternative disposal methods offsite may be considered as approved by the city engineer.” The city wants to know how they are going to be disposing of their waste. Developers will do the right thing if you tell them what is expected in the beginning.

Public Hearings for dwelling size, commercial fence requirements and storm drainage codes will be scheduled for November 23rd.

ADJOURNMENT – Chair, Kelly Liddiard, adjourned the meeting at 8:58 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 - web www.elkridgecity.org

NOTICE OF SPECIAL WORK SESSION - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 15 November 2012**
- Meeting Time - **Work Session - 7:00 pm**
- Meeting Place - **Elk Ridge City Hall - 80 East Park DR, Elk Ridge, UT 84651**

WORK SESSION AGENDA

7:00 pm Code amendment for Residential Facilities for Disabilities

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, 9 November 2012 and delivered to each member of the Planning Commission on 9 November 2012.

Planning Commission Coordinator: *Maissa Bassin* Date: 9 November 2012

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ELK RIDGE PLANNING COMMISSION SPECIAL WORK SESSION

November 15, 2012

TIME AND PLACE OF PLANNING COMMISSION SPECIAL WORK SESSION

A special work session of the Elk Ridge Planning Commission was held on Thursday, November 15, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Randy Jones, Clint Ashmead, Kevin Hansbrow, Debbie Cloward
Absent: Sharon Dahlstrom, Jed Pfaff, David Clark
Others: Greg Magleby, *LEI Engineer*
Shay Stark, *Aqua Planner*
Marissa Bassir, *Planning Commission Coordinator*
Brian Burke, *City Council*, Mayor Shelley
Robert Goodwin

WELCOME

Kevin Hansbrow, Co-chair, welcomed and opened the work session at 7:00 pm.

PENDING CODE AMENDMENT FOR RESIDENTIAL FACILITIES FOR DISABILITIES

Shay Stark provided a background that Arcadia Recovery Center has put some people into a home in Elk Ridge without state licensing or city approval or licensing, which kicked the whole issue off. It was realized that there is not any ordinance concerning persons with disabilities. There is state and federal code that regulates it; in Utah Municipal code, under Title 10-9A-520. The key points in the state code are that the city is required to adopt an ordinance to accommodate residential facilities for persons with a disability. Next, is that the city must comply with both state and federal fair housing so the city can't write a code that precludes those people from living in Elk Ridge. The facilities need to be allowed as a permitted use. It is not a conditional use. The state codes for elderly, which is section 519, it specifically says elderly is a conditional use. Homes will be located in residential zones in the city. The city can dictate the dispersment of the facilities. The city can say how far apart they are going to be and also how many occupants there can be within the facility. In the case of facilities being located within 500 feet of schools. The city can require that the facility provides a security plan that has been approved by local law enforcement and that there is 24 hour supervision provided.

Randy Jones asked if they aren't within 500 feet of a school, then that doesn't apply.

Shay Stark replied yes.

Clint Ashmead asked about daycare operations.

Randy Jones asked what is considered a school. There are preschools around.

Shay Stark said there isn't a specific definition of a school.

Mayor Shelley asked Randy Jones if there was anyone within his neighborhood that has a daycare and/or preschool nearby.

Kelly Liddiard, Chair didn't think a daycare would apply. But a preschool with a structured agenda or curriculum.

Randy Jones didn't know of any preschools in the area.

Planning coordinator asked if the mayor had checked with Mary Preece, office staff, to see if there were any business licenses for preschools within the area.

Mayor Shelley indicated he hadn't, but thought it would be a good idea.

Kevin Hansbrow, Co-chair said the definition of school could be added to.

Randy Jones asked who determines the definition.

Shay Stark indicated that he had summarized the state code. "For residential facilities for persons with a disability that are substance abuse facilities and are located within 500 feet of a school to provide in accordance with rules established..."

Kelly Liddiard, Chair indicated he didn't think the city could determine the definition of a school.

Shay Stark said he would look in the state code to see if there is a definition for school.

Randy Jones said they must have a definition because he didn't think the city could define school.

Clint Ashmead commented that a daycare would have a different qualification versus a preschool.

Kelly Liddiard, Chair said that a preschool would have a structured curriculum.

Kevin Hansbrow, Co-chair asked what the reason was for it not being close to a school. Because they don't want drugs coming close to a school? Or sexual predators? So if they are licensed to have a daycare, they have been there longer then should the facility be allowed?

Kelly Liddiard, Chair said if that is what the code says is by a school; then the city will go by what the definition is. He doesn't believe a daycare will fall under the definition of a school.

Kevin Hansbrow, Co-chair said he knows a daycare and a preschool are different. He has a daughter in preschool and his wife used to run a daycare. But the city is still trying to protect the children so if they are a licensed business that should be protected.

Kelly Liddiard, Chair said a licensed business does not have that right to do that.

Kevin Hansbrow, Co-chair said he still thinks the attorney should look at it to make sure there is nothing there.

Debbie Cloward commented that even if it is within the 500 feet of a school, they are required to have the 24 hour security. It doesn't stop them from being there.

Randy Jones said that is one thing the city would like to have is the surveillance. If there isn't a school then that isn't a factor.

Shay Stark indicated that the facility will be required to obtain permits and comply with building and safety regulations that will be applicable for similar uses that are not residential uses within the zone. So within the single family residences in those zones that have a dedicated daycare or preschool there, some facility that isn't a home, then it has to comply with the same codes. "If the facility would likely create a fundamental change in the character of the neighborhood that may be excluded from a particular zone." It looks like the

way that is interpreted is that most cities are saying it has to be a home and look just like a home and when they leave, it will have to be a home.

Kevin Hansbrow, Co-chair asked if they had to be ADA compliant too.

Shay Stark said there is more there, but that seemed to be the interpretation of that. It specifically says that the licensure and the monitoring is the responsibility of the state. That is where a lot of city codes get in trouble because they try to define what that is going to be and it is clearly the state's responsibility.

Kelly Liddiard, Chair confirmed that the city can require a business license, but anything else is not allowed.

Shay Stark indicates that the state says in an area that the residents have to be screened and have to have someone licensed to ask questions and make sure they are not going to be a threat to the community and then they are supposed to turn that information into the State Department of Human Services. The city can require the facility to do the pre-screening, but the city can't dictate to the Dept. of Human Services. They already have plenty of rules in place to take care of their job.

Clint Ashmead asked that the enforcement portion is left wide open? There is someone licensing and monitoring. Is that considered enforcement?

Randy Jones said that would be his idea on the monitoring.

Clint Ashmead commented that monitoring in his opinion is that he has maybe observed something. Enforcing maybe says that there is some "teeth" behind what is being monitored so the city is in compliance with code because he thinks that what the city wants to try to do is be compliant, but the city wants to protect the residents. If 1 in 100 is a bad apple, what can be done to enforce protecting the residents? That is the goal to achieve.

Shay Stark said there are things that the city can do in the city ordinance. The issue really becomes the privacy laws and making sure the line isn't crossed. The city can't be reviewing those reports that the planning commission is reviewing, however, they can review the statistics and they can also require that the licensee make some sort of a certification to the city that the people that are in the facility are not a threat to the community. They use the screening process to determine that. Mr. Stark has taken it from another code that they make a quarterly statement to the city considering the people that will be in the facility 2-3 months. Hopefully, by doing it quarterly the city will catch most of the people that are in there. In the Utah Municipal code, they have clearly defined disability. Some of the other city ordinances have tried to redefine that and that can't be done. The definition in there should be used. It says, "Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use or having an addiction to any federally controlled substance as defined in the 'controlled substance' definition." Basically, those residents in that facility have to be clean.

Kelly Liddiard, Chair said it goes back to how to enforce it.

Mayor Shelley indicated that the state has to do the enforcement. The city does not have any enforcement power even within the code.

Debbie Cloward said if there is someone that comes into the city and says it smells like pot over there then the city will follow through with the state.

Mayor Shelley then the state is the one to help maintain that.

Kelly Liddiard, Chair said that they should call law enforcement and have that paper trail created and documented.

Randy Jones said the facility supposedly is to house these disabled persons and as he understands it the persons are former drug users of various different types, and so if they are no longer addicted to the substance in order to be called disabled, what are they helping them do in the house. How come they can still be classified as disabled?

Debbie Cloward commented that it is kind of contradictory.

Shay Stark said as the ordinance research is reviewed there are some things that will help to clarify things. It is someone who has had a problem and is recovering and they need the continued support to be able to stay off of the controlled substance. So there isn't an alcoholic in the house who is actively drinking, it is someone who has been in a recovery center and has been clean for 30 days and now it is time to introduce them back into society. Instead of just putting the individuals back on the street and putting them back in the situation, they are put in a group home where there is a staff member to work with them and others who are in the same situation to help each other.

Randy Jones commented that if they are no longer addicted then that doesn't qualify them as disabled.

Clint Ashmead said that if they are under the influence, that is the disability. Maybe have it say, they are not under the influence, but they may be disabled because of past influence and negative result.

Shay Stark said as far as code is concerned, it can say if someone does start doing substances and they test positive then the city can remove them from the premises. Mr. Stark went through some other city ordinances. Eagle Mountain ordinance was derived from the Orem City ordinance so he reviewed them to derive a draft ordinance.

Clint Ashmead asked what year the said cities put the ordinances into code.

Shay Stark indicated that Orem City adopted their ordinance in 1990. Eagle Mountain adopted the ordinance in 2005 and he didn't know when Cottonwood Heights adopted their ordinance.

Mayor Shelley said that Arcadia is familiar with Cottonwood Heights ordinance and he had been told that it was a good ordinance. There has been a threat of a lawsuit so David Church was brought in to respond to Dustin Long's threat claiming the city is being discriminatory. It needed to be addressed by November 15. Mayor Shelley has not heard from Mr. Church since then. He isn't sure what has happened there. It is common practice to defer to the attorney when threatened with lawsuit. Mayor assured Mr. Long that the city was not trying to keep them out, but that the city was trying to do it according to the appropriate statute. Mr. Long has not received licensing with the state yet. The state requires that because they are being treated differently as a residence. It is not a common business and the city cannot treat them like any other business.

Randy Jones commented that if monies are exchanged, doesn't that qualify as a business.

Mayor Shelley said Mr. Ortiz wasn't arguing that it wasn't a business. What he is saying is because of Fair Housing laws it qualifies under a different concept. Mayor Shelley read from Mr. Ortiz, "If so, this is a problem and we have to handle this differently than other business. Recovering drug addicts and recovering alcoholics are defined as disabled under federal law. Residential facilities for persons with disabilities are required to be a permitted use in all of your residential codes. You have no choice, but to allow them. Your

134 decision on these facilities is limited to enforcing the building codes and reasonable rules on number of residents. They are not required
 135 to get a business license from the city. They are licensed by the state and they are required by the state to obtain whatever zoning
 136 permits are necessary from the city before the state will give them the license. Under federal law, you cannot require them to obtain any
 137 permits or licenses that you would not require of a single family home."

138 Kelly Liddiard, Chair commented that it sounds like they are in.

139 Mayor Shelley said the ordinance is what allows the city to control the numbers. In the statement from Arcadia Recovery, they have
 140 indicated that they would only seek for eight residents as far as a number. Mr. Long forwarded and made sure the city received the
 141 document of intent and the perimeters of their program and the mayor has it all.

142 Kelly Liddiard, Chair said that they want eight residents in there. What about the Fair Housing Act of three unrelated and no more in the
 143 city ordinance?

144 Mayor Shelley said it will be handled differently than any other business.

145 Kevin Hansbrow, Co-chair responded that it is not a business. It is a residence.

146 Mayor Shelley said Mr. Ortiz said that as long as they can apply for a reasonable number that would basically be accommodated in that
 147 home. They are not going to be called a typical residence, but they are a resident.

148 Clint Ashmead asked that if the city's code is three, is it reasonable to have those three different residents recovering family members?
 149 Probably not.

150 Shay Stark commented that the state code requires four non-related residents. Mr. Stark referred to page 9 in the provided document in
 151 Municipal code Title 10 section 505.5: Limit on Single Family Designation. "As used in this section, single family limit means the
 152 number of unrelated individuals allowed to occupy each residential unit that is recognized by land use authority in a zone permitting
 153 occupancy by single family. Municipality may not adopt a single family limit that is less than three if the municipality has within its
 154 boundary a state university or private university with the student population of at least 20,000 or four for each other municipality."

155 Debbie Cloward asked if the code was saying that regardless of this topic even in a regular home there could be four renters not related.
 156 It's going to free up the city's entire code?

157 Mayor Shelley replied no. Only in the said type of situation. State law requires that they can have up to eight people if the home meets
 158 the appropriate size and standards to allow individuals to meet in.

159 Debbie Cloward asked if it is based on square footage.

160 Mayor Shelley didn't know what the standards are. Mr. David Church is trying to warn the city about trying to make the code to
 161 restrictive to force them and then the city are in trouble. The city cannot do a moratorium because the state already says the city have to
 162 allow them. If the city tries to say they were illegal to begin with, it is not going to be enforceable against any business applicant unless
 163 the city could show that the prior violation somehow resulted in harm to the public and the city can't show that. They are there illegally,
 but there has been no harm to the public.

Kelly Liddiard, Chair said so that is where the state comes back and says they have more people there, but they are not going to enforce
 it because they can't show harm.

167 Kevin Hansbrow, Co-chair asked what the city can do.

168 Mayor Shelley said the city can limit it to eight, which is what they want.

169 Kevin Hansbrow, Co-chair asked if the code says eight or that is just what they want.

170 Mayor Shelley said that is what Mr. Church is telling the city.

171 Kelly Liddiard, Chair said it is not the code. It is the type of facility or use that has to have a reasonable number.

172 Kevin Hansbrow, Co-chair asked if eight is including the supervision.

173 Mayor Shelley indicated that it is eight residents. The city can designate in the code. Eight is the number that the city would like to
 174 limit it to. That would be a reasonable number according to Mr. Church. Mr. Church has written most of the code for the state.

175 Clint Ashmead said if he is asking for eight and the facility can accommodate for eight, can that facility accommodate for that? In under
 176 another circumstance where a home would accommodate for four renters or eight renters?

177 Kelly Liddiard, Chair commented that if they are just going to rent it out then the city code says they can't have more than four people.

178 Clint Ashmead said in his opinion, the facility is not designed for that kind of activity. It is not a mansion. It's not like Michael Jackson
 179 built a compound up there.

180 Kelly Liddiard, Chair said the city is being governed by federal law, which supersedes any city law.

181 Mayor Shelley had asked Mr. Church if the code would even help the city. Mr. Church said yes and to proceed with creating the code.

182 Mayor Shelley quoted Mr. Church, "No city that I know of has ever successfully fought the placing of a group home for the disabled in
 183 the city. Many have tried and have paid significant damages for having done so. Draper recently lost a battle about a residential facility
 184 for the elderly disabled. They ended up paying \$600,000 in damages to the applicant. Duchesne County fought a group home for
 185 disabled youth and eventually paid over \$3,000,000 in damages." The city does not have the federal law on the side of the citizens in
 186 the concern over this issue. The state is going to have to determine whether they have to comply with ADA standards.

187 Kelly Liddiard, Chair commented that it is under the disabilities act and they are being declared as a disability.

188 Mayor Shelley said that his concern is that if the city can properly create an ordinance that the city can control to the extent that the city
 189 can.

190 Kevin Hansbrow asked about the felonies and stuff like that.

191 Mayor Shelley replied that according to their documentation, no one with a felony conviction is housed there or is anyone permitted
 192 according to their standards.

Kevin Hansbrow asked if the city could put it in the city's standards.

Shay Stark said that all the codes are requiring quite a few things that the attorney is saying the city cannot. The Department of Human
 196 Services is in charge of the sector and they have stated that any violations of any of their laws or regulations cannot exceed a Class B
 197 misdemeanor, which is basically nothing. So if one of the companies is fraudulent, the worst they can be hit with is a Class B
 198 misdemeanor. So they have some limitations.

Kelly Liddiard indicated that may be true under the Department of Human Services with an administrative citation as a Class B
 199 misdemeanor, but if they are doing something criminal like fraud, that doesn't apply. The criminal code would then apply. It depends

on which code is looked at. Mr. Liddiard's concern is that they say there is not anybody with a felony in the facility, but 90% of the people they are dealing with are felons because as soon as they have possession of a controlled substance, they are a felon. Clint Ashmead pointed out that they have not been convicted. Mr. Ashmead said the true intent of the facility from the way he understands it that these are people that have probably sought treatment themselves. They have not run into the law maybe yet. If they had, they probably wouldn't qualify through the screening process. So maybe they haven't gotten that far. However, if they have gotten that far, then they have broken the law. He doesn't know if it is too far to allow only four if Mr. Long is asking eight. But reasonable? Mr. Ashmead doesn't think the facility or any residential home is designed to house people with disabilities.

Kelly Liddiard commented that the city has to allow four.

Mayor Shelley said they have to go by what the state requires. The city does not know what those requirements are yet.

Kevin Hansbrow doesn't think the planning commission can create an ordinance without knowing what the state requires. There is too much missing information.

Randy Jones commented that there are codes that have been written and have passed scrutiny and go off of that.

Shay Stark indicated that he is getting conflicting information and the attorney won't allow certain things.

Kevin Hansbrow asked if the attorney is just trying to back up what he has written for state code.

Mayor Shelley replied that he didn't think Mr. Church was doing that.

Further discussion took place on whether eight people in the residence was a reasonable number and how big, how many bedrooms was in the home. It was reiterated that they need to know what the state requires.

Mayor Shelley read a document to the state addressing licensing, "#1 Submit application fee, policy procedure manual to the office of licensing. Management will assign the licensing. Policy and procedure manual must address the specifics of how the program will comply with the core rules R501-2." Mayor Shelley doesn't have it. He stated that they would have to go to the state code to find it.

Shay Stark said that is an internal document. It would be public, but it is going to be internal to the licensing department. It's not in the general state code.

Kelly Liddiard stated it is licensing under the state code.

Mayor Shelley continued reading, "And with the categorical rule for the applicable category of service to be provided. The manual must be reviewed and approved by the signed licensure. Be sure to include programs statement of purpose, description of services to be provided, description of clients to be served. #2 Submit office of licensing background screening application forms on all employees 18 years old and older who will have direct access to clients. Adult only substance abuse programs are exempt from this. An office of licensing background screen must be completed annually. #3 Prepare the following documents. 1) Business license or zoning approval. 2) Fire inspection clearance. 3) Health inspection clearance – not required for outpatient. 4) Evidence of insurance, etc. for liability, professional liability, vehicle, workman's comp. 5) Evidence of business registration with the Department of Commerce. 6) List of members of the program's governing body, organizational chart. 7) School of accreditation certificate for programs serving clients under age 18. 8) Completed Youth education. 9) For residential treatment, evidence of notification provided to governing body of the local government having jurisdiction in accordance with 62A-2-108.2. 10) Any other licenses, inspections required by the city, county state.

Kelly Liddiard, Chair said in the state code, it's got some decent "teeth" in it, as long as they will enforce it. But in the city's code, the city state that they have to abide by and be in compliance with everything in that code. That includes a business license from Elk Ridge City. If they do not, then that license is revoked and they are not in compliance with the state code.

Mayor Shelley indicated Arcadia Recovery has applied for the license, but Mayor Shelley has not given it to them. If they were to present it tomorrow, he doesn't think he would have any option, but to grant it to them.

Clint Ashmead asked if the city has 30 days to review the licenses.

Mayor Shelley and Kelly Liddiard didn't know.

Kelly Liddiard, Chair stated that if the city adopts the state code and requires them to be in compliance with state code, then he thinks that is a pretty decent code.

Shay Stark indicated that is what other cities have done.

Kevin Hansbrow, Co-chair was concerned that it didn't address whether the facility could have felons or sexual predators. He felt it should be addressed.

Clint Ashmead said the planning commission can create what the planning commission thinks is reasonable and compliant within the state. He thinks if there is a screening process, they think that is reasonable. So he thinks that the city's code would be reasonable to say in order for a license to be granted in the city, they cannot have a felon. That needs to be screened. If that falls through the cracks, the facility needs to be gone. If they create a felony while living in the facility, that is a violation and that is reasonable. Eight people doesn't seem reasonable to him. Four if that is within the state. If, however, it is a facility that needs to be licensed, he thinks as a facility that is taking care of people with disabilities, they should have wheelchair accessibility because addicts can be in wheelchairs. So the planning commission needs to look at the facility and see what is reasonable for the facility. Does it need an elevator or lift? He thinks if there is a wide open door to see what is reasonable and could require that of them.

Planning Assistant indicated in looking up the home on the Utah County website, that the home has 2500 square feet. It is one level with a basement. It says it has two bedrooms and two baths, but the basement is not specified. In looking at the pictures, it looks like there is a lot of open space. A lot of recreational type rooms. If the basement is finished, they haven't reported it to the city.

Shay Stark said some other cities codes state 6-8 unrelated people plus two staff members.

Mayor Shelley said that according to Arcadia's statement, they would have 24-hour supervision. So someone has to be there around the clock.

Kelly Liddiard, Chair said that their records could not be looked at or the screening process because they are protected by HIPPA, but criminal records is not. So if a background check is done then their criminal record should be a part of the city requirements.

Kevin Hansbrow, Co-chair asked if the city could require their criminal records to be submitted to the city.

Kelly Liddiard, Chair said whether they just get the name of the resident every quarter and the city looks it up or they do it through the background check. He said he would rather have Arcadia do it so they have to pay for it. That will take care of felons, as well as sexual

offenders because that is also a felony. If that can be required... Mr. Liddiard was thinking that six is a reasonable number for unrelated persons. He thinks four is a little limited and is opening the city up to litigation. Eight sounds like a lot, especially, for the said house. Kevin Hansbrow, Co-chair commented that the planning commission is not writing the code for Arcadia, but for the future. As much as he cares about what they won't allow in there, the city needs to write the code for future possibilities.

Shay Stark indicated there is another side and it is the mental disability side or physical handicaps that have nothing to do with addictions so if there are four or five people with a mental disability living together in a group home that allows them to live on their own. The code that is being written will cover them as well. Orem has written two sections in their code, one specifically for mental and physical disabilities and the other for addictions.

Kevin Hansbrow, Co-chair commented that Mr. Church said they have to be treated as any other residence in a single-family zone. Can two separate codes be written?

Shay Stark indicated that somebody who is not struggling with addiction, why would the city require them to do a urine test every day to test for drug and alcohol on some interval.

Kevin Hansbrow, Co-chair agreed that it seems that there should be two separate codes. The addiction part needs to be finished sooner. Clint Ashmead said that whatever the disability, it needs to be loosely worded to accommodate for all. Different circumstances for those brush disabilities and its requirements. That can't be done in a code.

Kevin Hansbrow, Co-chair indicated it would be the same code, just different sections or subsections.

Kelly Liddiard, Chair said the code would have to be specifically for those with substance abuse and addictions.

The planning commission would like to make the code right. They would like to come up with recommendations. They don't want to do anything rash and pass code too quickly.

Mayor Shelley explained that Mr. Long was pushy and that the mayor should not be listening to the residents. He claimed he had the answers that the residents did not. Mayor Shelley assured Mr. Long that he was going to be listening to the residents and hung up. Mr. Long later came back humble because he had been spoken to by the Department of Licensing, John Ortiz and his supervisor and they were the one that indicated they were to be out of the home until things were set up correctly. Mayor Shelley asked Mr. Ortiz if it was appropriate for the city to have the ordinance in place and he said yes. The question is is the city's attempt at creating an ordinance predating their license sufficient for the city to move forward with the ordinance and he has not received an answer for that yet.

Kelly Liddiard asked when talking to Mr. Ortiz, did he indicate Mr. Long's past history with them.

Mayor Shelley indicated that Mr. Ortiz was frustrated that the situation was happening and the implication was that they have had issues in the past. He doesn't know if it was with Arcadia Recovery or other companies.

Shay Stark indicated that he had written a draft code with everything. He would like to have the attorney, David Church, look over it and remove things that aren't appropriate and can't be done.

Brian Burke said that attorneys are going to be conservative. It should also be considered that if their code has been in place since 1990, the city should talk to those cities and see if there have been challenges or not.

Clint Ashmead said that was why he had asked about the dates in the beginning. In the 1990 code, it was amended several times since then.

The planning commission reviewed the draft copy and pointed out some things they liked.

Clint Ashmead like the fact that the draft stated six unrelated people in the home. It seems reasonable.

Kevin Hansbrow thinks that reasonable would be that each person had their own bedroom.

Mayor Shelley indicated that most other cities allow for eight unrelated people.

Kevin Hansbrow said there should be a square footage requirement. Hospitals probably have their own square footage requirements per person.

Mayor Shelley said that he had heard something like 300 square feet per person. He didn't know if that was true.

Clint Ashmead commented that these places make fairly decent money and good for them. In the business world, in his opinion, a person tries to open a facility that can best operate under a business environment, especially, if there are funds to support it. It sounds like if it is a business and they make revenues to support it, they should go to that type of a facility. The city needs to protect their residents and the residential "feel" and if code is for, then he thinks that they can't ask for anything less.

Kevin Hansbrow said that the city doesn't see the code being for.

Clint Ashmead said that the city needs to help Mr. Long help himself put his business in the right and he has the funds to support it.

There are residents who should be able to live in residential areas and not have a business. If they need a bedroom for each person, let them build it. That is reasonable.

Kevin Hansbrow wants to see where eight unrelated people are in the state code.

Shay Stark indicated that it says four unrelated people in the state code Section 10-98-505.5 – Limit on single family designation. The code is saying that they have to live in a single family home and it has to be similar to a single family and what is going in the zone.

Mayor Shelley clarified that is four people besides the family.

Kelly Liddiard indicated that as soon as there is a married couple in the home, it becomes a single family residence. The three or four unrelated do not apply. That is Mr. Liddiard's understanding.

Clint Ashmead said the city needs counseling on the numbers. The city doesn't go less than four because that is state code.

Debbie Cloward thinks that the city will see a square footage and won't care about the number per bedroom.

Kelly Liddiard knows that treatment facilities double up in bedrooms. So maybe reasonable is one person per bedroom and up to four unrelated.

Clint Ashmead commented that the city should ask the attorney if that is acceptable.

Kevin Hansbrow said if not, show the city where it states it isn't acceptable.

Kelly Liddiard said that the city's single family code needs to also be changed from three to four. Parking is going to be another issue. So they have to have two staff members on site at all times. Mr. Liddiard asked what kind of a treatment they are going to be administering. Is it just a place for them to live? The city is not going to stop them from residing there, but are they going to be treated there?

Mayor Shelley handed out a copy of the potential type of treatment that the facility will use. They will be treated at other facilities, as well.

Shay Stark quoted code, "All staff members should be over age 18. The group home should be occupied only by individuals over age 18 and meet the following criteria as individuals who are disabled or handicapped as defined in subsection 5. The admission criteria may also include, but are not limited to the following. Individuals who have been diagnosed with an addiction to alcohol or controlled substance who are not currently using controlled substances and are medically stable." A lot of codes ask them to provide something from a doctor.

Kelly Liddiard commented so they are legally using a controlled substance.

Mayor Shelley said they would be using a controlled substance to treat them, like methadone.

Shay Stark continued quoting code "Individuals who are unable to abstain from the use of alcohol or controlled substances without the structure of supportive setting honored by group home and individuals who have completely and voluntarily abstained from the use of alcohol and all controlled substances and are medically cleared for treatment."

Shay Stark indicated that his recommendations go through page 8 and there are 26 subsections.

Mayor Shelley indicated that he would get some clarification from Mr. Ortiz and David Church.

Shay Stark said that there is a difference from what code is and what the city is allowed. The state code requires the city to deal with the situation through zoning laws. It is not the business license. There are other avenues that could have been used, but they chose to require the city to cover an ordinance under the zoning laws.

Kelly Liddiard reiterated what their questions were. What is a reasonable number of people living in the home? Number of occupants per bedroom? Is there a certain amount of square footage required for each occupant? Living space and common space. Can the city require a felony/criminal check? Do they have to be ADA compliant?

Further discussion took place regarding the amount of cars being parked at the home. The residents will not have their personal vehicles there so parking should not be a problem. There is also not any parking on the road during the winter months.

Kelly Liddiard, Chair asked if the facility was supposed to be a closed campus controlled facility meaning visitors are coming and they have to check in and out. Their policy states that they cannot leave with a family member.

Kevin Hansbrow, Co-chair asked if the city can do that.

Mayor Shelley said the residents have to be under supervision of the staff.

Kelly Liddiard, Chair also wanted to have the question answered of how long the mayor has to review and sign the business license. 30 days?

Shay Stark said the fact that the people were in their without a state license is a violation so that should warrant not signing the license.

Mayor Shelley reiterated what Mr. Church, attorney, had indicated about if they were in the residence and didn't cause any harm, then there is no fowl.

Brian Burke commented that it was appropriate to ask them to leave.

Mayor Shelley said it was appropriate, but it doesn't necessarily say they can't move back in.

Kelly Liddiard, Chair said if they aren't licensed by the state then they shouldn't be allowed.

Kevin Hansbrow, Co-chair asked if the inspections have been done by the fire department and others.

Mayor Shelley indicated they haven't had the inspections because Mr. Long hasn't paid for the business license. If he comes with a check tomorrow, the mayor doesn't have an option, but to accept the fee. He may have at least 30 days.

Shay Stark indicated that in order for Mr. Long to get into the state licensing process, he has to have a business license from the city.

Based on that, it would be good to talk to Mr. John Ortiz to see how long the licensing process takes. He is guessing that the state won't be turning it around very quickly.

Mayor Shelley said he was wondering the same thing. If the city grants them a business license, but then they have to show the state that they have had all the appropriate inspections. He doesn't know how long that will all take.

Shay Stark said if the city issues a business license so the process gets started and that means they will be grandfathered in because it is before the code is done.

Mayor Shelley would like to confirm that with Mr. Church, attorney. Mr. Long has threatened lawsuit so the only thing the mayor can do at this time is defer to Mr. Church. He will have to respond to Mr. Long's threat.

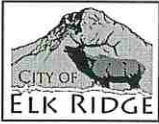
Kevin Hansbrow, Co-chair said that he doesn't think that the business license process is a vesting type process.

Planning Assistant indicated that her understanding was that if they have not paid the fee for the business license, then they have not started the process yet.

If there is a business license issued, they will have to renew at the beginning of the year and they are susceptible to any new codes at that time.

ADJOURNMENT – Chair, Kelly Liddiard, adjourned the meeting at 8:35 p.m.


Planning Commission Coordinator



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

NOTICE OF SPECIAL PUBLIC MEETING - PLANNING COMMISSION

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

- Meeting Date - **Thursday, 23 November 2012**
- 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

7:05 PUBLIC HEARINGS AND ACTION

1. Code Amendment for Residential Facilities for Disabilities..... *see attachment*
2. Code Amendment for Commercial C-1 Zone Fence Requirement..... *see attachment*
3. Code Amendment for Dwelling Size Requirements in Residential Zones *see attachment*
4. Code Amendment for Storm Drainage Requirements *see attachment*

OTHER ACTION ITEMS (none)

DEVELOPMENT CODE / STANDARDS REVIEW (none)

7:45 PLANNING COMMISSION BUSINESS

5. Review and approve minutes of 11/08/12 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, 16 November 2012 and delivered to each member of the Planning Commission on 16 November 2012.

Planning Commission Coordinator: Maurissa Bassin Date: 16 November 2012

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ELK RIDGE PLANNING COMMISSION MEETING

November 23, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, November 23, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Jed Pfaff, Randy Jones, Kevin Hansbrow
Absent: Debbie Cloward, Sharon Dahlstrom, David Clark, Clint Ashmead
Others: Shay Stark, *Aqua Planner*
Marissa Bassir, *Planning Commission Coordinator*
Brian Burke, *City Council*, Mayor Shelley
Kristin and Sean Roylance, Lucretia Thayne

OPENING ITEMS

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, Chair, reviewed the agenda and there were not any changes.

ALTERNATE APPROVAL

KELLY LIDDIARD MOTIONED AND KEVIN HANSBROW SECONDED TO MAKE ALTERNATE, JED PFAFF, A VOTING MEMBER FOR THIS MEETING. VOTE: YES – ALL (3), NO – NONE, ABSENT – (4) DEBBIE CLOWARD, DAVID CLARK, SHARON DAHLSTROM, CLINT ASHMEAD

CODE AMENDMENT FOR RESIDENTIAL FACILITIES FOR DISABILITIES

Kelly Liddiard, Chair opened the public hearing at 7:05 PM.

Kristin Roylance, public begged for the planning commission not to change the number of unrelated individuals in a single family dwelling.

Kelly Liddiard, Chair replied that they are mandated to change the number to comply with state code. A lot of the code doesn't allow for the city to make changes because it is what the state requires.

Kristin Roylance asked what the state allows.

Randy Jones indicated that from what the planner has provided for the planning commission it was two people per bedroom.

Shay Stark, planner indicated that unrelated people is specifically said that unless it is a community of 20,000 people that has a university in the community, then they can have a minimum of three unrelated people. For all other cities in Utah it is four unrelated individuals. Mr. Stark explained about Draper city who had a maximum of eight unrelated people and a facility came in and asked for 24 people. The city said no and kept the max at eight. There was a lawsuit and they went to federal court and were fined \$600,000 for discrimination. In the end, they had to allow them to build the facility and they essentially paid for the facility.

Kristin Roylance indicated that the Fair Housing Act simply states that the city cannot treat them unfavorably.

Kelly Liddiard, Chair said that is determined by the court and then the court falls back on case law. Case law has been established.

Kristin Roylance said Sandy limited it to four unrelated individuals.

Shay Stark indicated that a lot of the ordinances limit it to four and the draft ordinance in front of the planning commission is limiting it to four, but there is a reasonable accommodation clause where if someone comes in and say they want eight the city has to accommodate. If there is a family with 10 related people what is the difference between 10 related people and 10 unrelated people living together?

Kristin Roylance indicated that more than likely all 10 of the related people are not drug addicts with a criminal background. There is a big difference.

Shay Stark stated that with federal law there isn't a difference.

Kelly Liddiard said the problem is that with federal law and there is someone that is an addicted person, under the Disabilities Act, that shows as a disability. They have rights over the regular single family.

Shay Stark said that the maximum is eight unrelated people that will be allowed and every other home has eight people in their home.

The law has to be applied the same to everyone, otherwise it is discrimination. Utah State has a familial status law or section in their code where it provides a definition of the family. The city's ordinance has come from there in the past and gives the city power to allow so many unrelated people living in the house. Federally, if it ends up in court, Utah's law is useless.

Randy Jones commented that the answers received from Shay, city planner, indicated that the most people per bedroom for disabled persons is two.

Shay Stark continued that they have to have a minimum of 60 square foot space. If there is one person in the room, they have to have at least 80 square feet not counting closet space. The state is supposed to have someone inspect the facility for compliance.

Mayor Shelley indicated that Mr. John Ortiz from State Licensing will be doing the inspection. He said he has not done the walk through yet.

Randy Jones asked if the city knows how big the facility is yet.

Mayor Shelley indicated that it is five bedrooms and beyond that they don't know.

Randy Jones commented that the caretaker has to have at least one of those bedrooms. There are things that they have to have like staff's own bedroom and bathroom.

Kelly Liddiard also commented that there has to be a male and female bathroom.

Shay Stark indicated they have to have both male and female if they are both residing in the home, but this facility will be all male.

Randy Jones said technically, there could be eight people in the home because if they have five bedrooms and one is for the staff and the others can house two people each if the bedrooms are large enough to have at least 60 square feet per person.
Shay Stark said that prior to writing the ordinance that it is one of the four items that need to be addressed prior to them occupying the home. The city needs evidence that the state has looked at the size of the house and has told them the number of occupants that they can have in the home.

Randy Jones asked if there was a limit for the bathrooms as well.

Shay Stark said it depended on the type of amenities within the bathrooms. There was a requirement of how many residents per bathroom.

Jed Pfaff asked about fire code and commercial kitchens.

Shay Stark indicated that the facility is a home so it falls under the same regulations in the building code that a regular home does. If someone were to come in and do a residential treatment facility, which is where people are coming in and out for treatment, it is then considered a commercial facility. It is a facility where they have people coming and staying for a couple of days or something like that. From what Mr. Stark is reading the code that then falls under a stricter code.

Mayor Shelley indicated the facility is an inpatient facility.

Jed Pfaff was concerned about parking for the guests.

Shay Stark said that in the ordinance he created, he tried to word it very clearly so there isn't any trouble. It is a residence and the zoning code has to be followed. The ordinance states that in order to make sure that they provide themselves enough off-site parking, they need a parking stall for the staff members and a stall for each of the people that would be living there and if that is more than what the city zoning allows in a home setting, then they will have to put some sort of a landscape screening around it so there is still a residential characteristic.

Mayor Shelley said because of the nature of the facility, there will not be any cars there except, staff and visitors. The mayor and Mr. Stark went on to explain the different levels of care that the facility provides.

Sean Roylance appreciated the efforts the planning commission and planner have gone through to create the ordinance. Mr. Roylance commented that there is a difference between 8 or 10 adults living together and a father, mother and six kids. It is unfortunate that the courts don't recognize that. Mr. Roylance said that with the current city code a business license can be denied if they have broken the law and with respect to the activities happening on the property. There was something about that in the new code where the business license could be denied based on their past behaviors. Is that still being considered since they have clearly broken the law with their activities in the past?

Kelly Liddiard replied that it is up to the state to enforce it. The city can make them aware of it, but that is it. The city can say yes or no to the business license. Mr. Liddiard indicated the state will enforce it, if the person reporting the problem is a "pain in their side". It wouldn't be a quick process.

Further discussion took place regarding the supervisor being an ex-drug addict and having access to drugs, the chances of him relapsing are high. As long as all the staff members are over the age of 18, they can have the past history with drugs. There is nothing to stop them from working in the occupation. There will be a supervisor there, 24-hours a day.

Kristin Roylance indicated that Mr. Long is the night supervisor. If there was a way to enforce, then Ms. Roylance would not be as concerned, but no one is doing it.

Mayor Shelley reviewed that Mr. Long has applied for a business license and needed to come get a fire and building inspection. He has to have a business license from the city before he can get a state license. He has to show the state the inspections and the business license when applying for a state license.

Shay Stark indicated that Mr. David Church, attorney, said that the only reason he has to get a business license through the city is that the state requires it. It isn't stated in city code. The reason the state requires the business license is so the person applying has to talk to the city first so they know what is happening so they aren't blindsided.

Kelly Liddiard thinks that there should be some legislation changes. State and even federal level.

Kelly Liddiard closed the public hearing at 7:30 PM.

Shay Stark indicated that he used the Task Force Report with Ogden City from 1998 and he realized after reading other city ordinances that they have fallen back on the task force model. The model follows state code. They spent two years researching litigation that had occurred outside Utah. The state has drawn a line and they are taking responsibility for the licensing and the monitoring of the facilities. The city's authority is that they are in charge of the zoning laws.

Kelly Liddiard, Chair said there isn't any reason to create a code that doesn't follow the state code because the city can't enforce it anyway. The city would be setting themselves up for a lawsuit.

Shay Stark indicated that the state says that it has to be a permitted use. It cannot be conditional. The only things that are different is that it is a home. "In order to provide the staff and visitor parking, the facility shall include a minimum of one on-site parking stall for each resident including staff."

Kelly Liddiard, Chair commented about the winter parking, which is that there cannot be parking on the street. The city could enforce the street parking.

Kevin Hansbrow, Co-chair commented that the city would have to be enforcing the street parking all over.

Mayor Shelley indicated that the city will be enforcing the nuisance laws with a code enforcement officer as quickly as possible.

Shay Stark talked about the security plan and from talking with the attorney, he indicated that the daycares and preschools don't qualify with the 500 feet from a school. The facility has to provide a security plan because that is a part of the licensing process with the state. If they are within 500 feet of a school, then they would have to work with the local law enforcement.

Jed Pfaff asked what would happen if the security plan is breached by the residents.

Shay Stark said it is required to be investigated and correct it. If they take corrective action, then the facility can continue. If it continues to happen or if they don't take corrective action, then the state can go through their litigation process and pull the licensing. "No dangerous persons are permitted" on page four comes right out of the Federal Act. "Constitutes a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others."

Kelly Liddiard, Chair asked if it had to be substantial.

Shay Stark indicated it comes right from the Fair Housing Act. Item #3 Licensing and Certification, "prior to the occupancy of any facility, the persons or entity operating the facility shall apply or hold a current city business license." So they have to apply for the license and then it is taken to the state and the state will go through their process and then they have to come back and provide the city with a copy of the licenses. Depending on what kind of facility it is, some have to go to health department and have multiple licenses with the Department of Human Services. Others will have only one license.

Kelly Liddiard, Chair asked Mayor Shelley now that he has taken Mr. Long's money for the license if he will be held to the new ordinance.

Mayor Shelley didn't know. He indicated that they had not been granted a license yet and they don't have the state license yet.

Shay Stark said at some point they would have to comply with the city code. They have to provide evidence that the applicable state agency has approved the structure proposed for occupancy and meets the criteria for size and number of amenities related to bedrooms, bathrooms and other living areas to adequately provide accommodations for the proposed number of residents and staff member. The city has to find out what the state is willing to give with that. Hopefully, the licenses that they receive say that they are approved for x number of people. If not, then the city has them get a letter from the state telling what the building was approved for. "Certify a sworn statement that no person will reside or remain in the facility whose tendency would constitute a direct threat to the health or safety of other individuals or result in substantial damage to the property of others." There is more aggressive wording below that says that somebody's prior behavior and they have demonstrated criminal instance or that they have demonstrated that they would be a substantial risk. He needs to have Mr. Church review that statement. He doesn't think that it would be a problem so he recommends the more aggressive wording.

Jed Pfaff commented that there is a clause in the current code that says if they have had a history.

Shay Stark explained that it says "constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others". The state can do background checks and have them go in and have them sit down with a psychiatrist or psychologist.

Kelly Liddiard, Chair said that he thinks that someone would have to make a direct threat. So if one of the residents is out and confronts a neighbor and threatens them then that is when that would come in. Just because someone has a criminal history of assault, he doesn't know if that would apply.

Shay Stark said that if they do directly threaten a neighbor, which is no different than if someone else was threatening. Then law enforcement would be involved. One of the other items that the state allows is the separation between facilities. However, in federal court, that has been "blown out of the water". The state has it in the code so the city can certainly try. The question is how to come up with the number. He has put in the proposed code 1350 feet, which is the same distance used for separation between assisted living facilities. The ordinance is not only written for persons of substance abuse, it is written for any group with special needs. The other item is the number of occupants, which Mr. Stark has put four in the proposed code because that is what state code is. It also needs to be changed in the single family definition. "A facility to serve only has a residence for persons with a disability. No professional counseling, therapy or other treatment shall be provided in the facility for any person other than a resident or an invited guest of the resident." They can't have a counselor come in during the day and set up shop and have clients coming into the residence for a service.

Kelly Liddiard, Chair clarified that it is a residence and treatment is somewhere else.

Shay Stark thinks that they could safely argue that if they were to have other people coming in for appointments and being treated there, that takes away from the residential character of the neighborhood and of the zone.

The planning commission agreed.

Shay Stark said the final piece is the reasonable accommodation clause. He patterned the code after Alpine City's code so the attorney would feel comfortable with it. The difference between Alpine City's code and the state model is that in the model there is four clauses that are made and they are very generalized and they don't specify what a person is supposed to do. If someone is making an appeal or is asking for accommodation, what are they supposed to provide the city? In the model it doesn't say. He also explained the timing. It said 30 days, but if it is going through planning commission and city council, then 30 days is not enough to make that happen. If they turn in all the information, the city staff will review the application within seven days to determine whether it is complete or not. If it is not complete, it will not be on the agenda. If it's complete, then it will be placed on the next available agenda. The thirty days will start from the time it is put on an agenda. That will then be enough time to make a determination. If the planning commission or city council needs additional information that is consistent with Fair Housing laws, then the 30 days is stayed until that information is received and then it will be put on an agenda. The decision is pretty clear on what can and can't be considered. So there is three areas considering the accommodation can be looked at and one is rather that requested reasonable accommodations necessary to afford the person with a disability equal opportunity. If someone is coming in and asking for an accommodation but it doesn't truly benefit that person with a disability, the city can deny them. They have to show there is some benefit to that person with a disability. "Whether the requested reasonable accommodation would fundamentally alter the city's land use and zoning regulations or likely create a fundamental change in the character of a residential neighborhood." Last one, "Whether the requested reasonable accommodation would impose and undergo administrative or financial burden on the city." If there is a burden on the city, then there is grounds to deny it. Then there is an appeals process. In the city's ordinance an appeal authority, which is supposed to be set up and then tasked with this. It wouldn't be a council or planning commission member or mayor or staff members. Someone who could review it and then make a rule on it.

Planning commission Assistant said that she received an email back from Jan, City Recorder, who said that it would be a hearings adjuster and would need to get a recommendation from Mr. Church on who the city should use for this.

Shay Stark said that he would adjust the wording so it is correct. If the person doesn't like the decision on reasonable accommodation, they have 10 days to appeal by the time the decision was written by the city council. Then the city has to turn it over to the hearings adjuster and have them review and make a determination. The appeal can always go to the courts if they feel they haven't been treated fairly.

Jed Pfaff commented about the definitions. The trigger word was discrimination and with disabilities, a lot of people think that someone that recreates with illegal substances has a disability or not. It says, "Disability does not include current illegal use of addiction to any federally controlled substances." So what would constitute current in that definition?

Shay Stark said the way he understands it is that people would be allowed to go into the home are no longer users. They have been through a treatment program. The day before they went home, they weren't using drugs or alcohol. They have been through the program and cleared by the program. They have gone for a period of time without using. The purpose of bringing them into the home situation is that they have other people there for support and a staff member to continue to help counsel them. It is transitional. Obviously, there is going to be slip-ups. They account for that in the program.

Jed Pfaff said they should expect a relapse if they are a real counselor.

Brian Burke explained that recovery from drug abuse is a real hard thing to do. The recovery rate is about 70 percent.

Kelly Liddiard, Chair said if it is someone who is currently using, then there isn't a choice. According to federal law and state code, someone who is recovering and deemed that way for life that is a disability.

Shay Stark indicated that he has made some adjustments to the definitions. There is some wording within federal fair housing and state fair housing on the particular definitions that pull that into the city's definitions so that the city is covered so there isn't any question and it is the same as state and federal. Under the definition of a family, he wrote three options. The last option is actually the city's current definition that was modified with the unrelated persons being four. The other definitions have come from state code.

Kelly Liddiard, Chair indicated he liked the current family definition.

Planning commission Assistant mentioned that there should probably be something about the number of foster children.

Shay Stark indicated that was probably a good idea to have foster children in the definition because the state fair housing mentions foster children. Right now, it is located in each of the zoning ordinances, but it would probably be a good idea to pull it out in the definition and then it can be removed from the zoning ordinances.

Kevin Hansbrow, Co-chair commented that even with foster children, there should be regulations about bedroom and space per child, but the ordinance for persons with a disability is stricter than what is required for children.

Jed Pfaff asked if a foster kid and adoption needs to be distinguished between the two.

Kevin Hansbrow, Co-chair replied that if there is an adoption, then they are a part of the family.

Shay Stark indicated there are other things that the city can play with in the zoning ordinance. For instance, putting a maximum number of square feet on a home... If it is applied to everyone and say nothing over x amount of square feet, at least it gives some control. There is nothing that prohibits going as big as the owner wants. It just has to be across the board with everybody. Limiting heights on buildings is another way to control it. Alpine has ordinances on the design of the structures, architectural features and Park City does it also. There are things that give a little control. Across the board with everyone.

Sean Roylance, public commented that there is a height ordinance with an exception.

Kevin Hansbrow, Co-chair asked if they have to be ADA compliant.

Shay Stark indicated that the bathrooms have to be ADA compliant, but it is only to the level of the people who are in the home. So if there are not people in a wheelchair in the home, then it doesn't have to be wheelchair accessible. They do have to have the facility to the level of the people being served in the home.

1:15:23 **KELLY LIDDIARD MOTIONED AND RANDY JONES SECONDED TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO ACCEPT THE ORDINANCE AS WRITTEN WITH THE FOLLOWING EXCEPTIONS:**

- DAVID CHURCH (ATTORNEY) TO REVIEW THE MORE AGGRESSIVE LANGUAGE,
- THE EXISTING "FAMILY" DEFINITION TO INCLUDE FOSTER CHILDREN,
- ALLOW FOUR (4) UNRELATED PERSONS IN RESIDENTIAL SINGLE FAMILY HOMES.

VOTE: YES – ALL (4), NO – NONE, ABSENT (4) DEBBIE CLOWARD, SHARON DAHLSTROM, DAVID CLARK, CLINT ASHMEAD

CODE AMENDMENT FOR COMMERCIAL ZONE FENCE REQUIREMENT

Kelly Liddiard opened the public hearing at 7:31 PM

There was not any public comment.

Kelly Liddiard closed the public hearing at 7:32 PM

KEVIN HANSBROW MOTIONED AND KELLY LIDDIARD SECONDED TO RECOMMEND APPROVAL BY THE CITY COUNCIL THE CODE AMENDMENT FOR C-1 ZONE FENCE REQUIREMENT AS WRITTEN BY LEI ENGINEERING.

VOTE: YES – ALL (4), NO-NONE, ABSENT (4) DEBBIE CLOWARD, SHARON DAHLSTROM, DAVID CLARK, CLINT ASHMEAD

CODE AMENDMENT FOR DWELLING SIZE

Kelly Liddiard opened the public hearing at 7:32 PM

Lucretia Thayne commented that she was trying to understand the dwelling size chart. She said that the sizes of 1600 and 1400 square feet are the smallest size homes people are allowed to build in Elk Ridge. When she moved into her home, the minimum size was 1200 square feet. She was not sure what was going on if the minimum was being raised or not. She didn't have a comparison. Her first thought was that in Elk Ridge are probably big enough. If the city is trying to increase the minimum dwelling size at a time when many people are downsizing because it is more cost effective for them, that seems kind of self defeating.

Kelly Liddiard said the homes that are currently being built are that size.

Lucretia Thayne said the bigger the home is, the more people are precluded. Is that the purpose of the amendment?

Kelly Liddiard replied no. Depending if it is a one or two story house, it is to better use the lot size is what the thought of it.

Lucretia Thayne commented that if she owns a lot and it's not a safety issue she would like to determine how she would like to use her lot. The less the city tries to interfere with a person's use of their property, the better. She doesn't think the dwelling size minimum needs to be increased.

Kelly Liddiard closed the public hearing at 7:35 PM.

267 KEVIN HANSBROW MOTIONED AND KELLY LIDDIARD SECONDED TO RECOMMEND APPROVAL FOR THE
268 CODE AMENDMENT FOR DWELLING SIZE ADJUSTMENTS WITHIN ELK RIDGE CITY PROVIDED BY LEI
ENGINEERING.

VOTE: YES – ALL (4), NO-NONE, ABSENT (4) DEBBIE CLOWARD, SHARON DAHLSTROM, DAVID CLARK, CLINT
ASHMEAD

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273 **CODE AMENDMENT STORM DRAIN CODE ORDINANCE**

274 Kelly Liddiard opened the public hearing at 7:35 PM.

275 Lucretia Thayne asked if there was anything in there that would cost her more money on the storm drain. Is there a tax issue?

276 Kelly Liddiard didn't think it was a tax. There is a fee.

277 Mayor Shelley indicated there will be another public hearing with the city council for an increase in the storm drain fee.

278 Kelly Liddiard closed the public hearing at 7:36 PM.

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280 **KELLY LIDDIARD MOTIONED AND RANDY JONES SECONDED TO RECOMMEND FOR APPROVAL OF THE CODE**
281 **AMENDMENT FOR STORM DRAINAGE REQUIREMENTS AS WRITTEN BY LEI ENGINEERING.**

282 VOTE: YES – ALL (4), NO-NONE, ABSENT (4) DEBBIE CLOWARD, SHARON DAHLSTROM, DAVID CLARK, CLINT
283 ASHMEAD
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286 **APPROVAL OF 11/08/12 PLANNING COMMISSION MEETING MINUTES**

287 There were some corrections suggested for the minutes of 11/08/12.

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289 **KEVIN HANSBROW MOTIONED AND RANDY JONES SECONDED TO APPROVE THE PLANNING COMMISSION**
290 **MEETING MINUTES OF NOVEMBER 8, 2012 WITH THE CORRECTION. VOTE: YES – ALL (4), NO – NONE, ABSENT**
291 **(4) DEBBIE CLOWARD, SHARON DAHLSTROM, DAVID CLARK, CLINT ASHMEAD**
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293 **CITY COUNCIL UPDATE**

294 Mayor Shelley said he didn't have an update, but he mentioned that there were two or three planning commission members whose term
295 was expiring in February. If those members are interested in continuing on the planning commission then they will need to meet with
296 Mayor Shelley for a recommendation to the city council.
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299 **OTHER BUSINESS**

300 **ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 8:28 p.m.
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Planning Commission Coordinator



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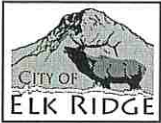
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CITY OF ELK RIDGE - 80 East Park DR - Elk Ridge, UT - 84651
t.801/423-2300 - f.801/423-1443 - email staff@elkridgecity.org - web www.elkridgecity.org

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 December 2012**
- 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. Peterson Lot Line Adjustment *see attachment*

7:20 DEVELOPMENT CODE / STANDARDS REVIEW

2. Unrelated People within Single Family Residence Code Amendment Discussion *see attachment*
3. Assisted Living Facilities Code Amendment Discussion
4. Facilities for Persons with Disabilities Code Amendment Discussion

7:50 PLANNING COMMISSION BUSINESS

5. Review and approve minutes of 11/15/12 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, 7 December 2012 and delivered to each member of the Planning Commission on 7 December 2012.

Planning Commission Coordinator: *Maissa Bassin* Date: 7 December 2012

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ELK RIDGE PLANNING COMMISSION MEETING

December 13, 2012

TIME AND PLACE OF PLANNING COMMISSION MEETING

A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, December 13, 2012, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners: Kelly Liddiard, Randy Jones, Debbie Cloward, Sharon Dahlstrom, Jed Pfaff (tardy)
Absent: David Clark, Clint Ashmead, Kevin Hansbrow
Others: Shay Stark, *Aqua Planner*
Marissa Bassir, *Planning Commission Coordinator*
Gary Frankovich, Lynn Frankovich, Jared Peterson

OPENING ITEMS

Kelly Liddiard, Chair, welcomed at 7:00 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.

ALTERNATE APPROVAL

KELLY LIDDIARD MOTIONED AND KEVIN HANSBROW SECONDED TO MAKE ALTERNATE, JED PFAFF, A VOTING MEMBER FOR THIS MEETING. VOTE: YES – ALL (3), NO – NONE, ABSENT – (4) DEBBIE CLOWARD, DAVID CLARK, SHARON DAHLSTROM, CLINT ASHMEAD

PETERSON LOT LINE ADJUSTMENT

Randy Jones asked if the extension was just going in one direction back.

Jared Peterson replied yes.

Kelly Liddiard indicated that after the first TRC, he went down to look at the property with the mayor and others back in May. He said there was an issue with the sewer line.

Jared Peterson indicated that LEI Engineering has read the sewer and it has been officially abandoned, except physically. Mr. Peterson is supposed to help the city remove some manholes upstream. Mr. Peterson assumes it has been recorded that there is an easement.

Planning Assistant said she would check to see if it is recorded.

Kelly Liddiard explained where the existing property line was and that he wanted to push his property line back 30 feet into his neighbor, Frankovich's, backyard.

Debbie Cloward asked if it was a steep slope behind his house.

Gary Frankovich said that the portion of land is pretty level.

Kelly Liddiard indicated that it is a step down from where the Frankovich's house is. Mr. Liddiard said he went and looked at it and it made sense as to what the owner's wanted to do.

Randy Jones asked if any of the neighbors had any concerns.

Kelly Liddiard indicated the lot to the west is vacant, as well as the lot to the east.

Randy Jones asked what the deal was with the sewer.

Kelly Liddiard explained that there is an abandoned sewer line that runs east and west. It comes down from the west end off of Oak Ridge Drive.

Jared Peterson indicated that Lee Haskell did the development. There is a line that runs off from Columbus Lane and goes down and it was supposed to be abandoned. He diverted the line down to the road in Olympic Lane and then there is another line that goes down East side of Frankovich's and it used to catch everything from Columbus. He indicated that Kent Haskell capped it years ago, but never did anything else. LEI, Greg Magleby, needs to verify it all.

Randy Jones asked if the sewer line is in the property somewhere.

Kelly Liddiard showed Mr. Jones where the sewer line is on the map, as well as the manholes. Mr. Liddiard asked Mr. Peterson if he had to get rid of the manholes.

Jared Peterson said he was going to help Cody Black, Public Works, remove the manhole and cap both lines to the west and then there is another by the Lawler's house. They are going to permanently remove that line that was made into a "T". Right now, there is just a plug.

Randy Jones asked if that was all a part of the agreement.

Jared Peterson said he was just going to help the city as a side note.

KELLY LIDDIARD MOTIONED AND SHARON DAHLSTROM SECONDED TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE PETERSON LOT LINE ADJUSTMENT WITH THE CONTINGENCY OF JARED PETERSON HELPING THE CITY TO REMOVE THE MANHOLES AND CAP THE SEWER LINE AS DESCRIBED. VOTE: YES – ALL (4), NO – NONE, ABSENT (4) KEVIN HANSBROW, JED PFAFF, DAVID CLARK, CLINT ASHMEAD

UNRELATED PEOPLE WITHIN SINGLE FAMILY RESIDENCE CODE AMENDMENT

Shay Stark explained that the city council adopted the Facilities for Persons with Disabilities ordinance as the planning commission recommended, but they changed language dealing with four unrelated people in the residence. The change was that if there was a staff member residing in the facility, then they would be counted in the unrelated people. There were three other changes discussed and

wanted the planning commission to discuss and consider. One of the changes would affect the ordinance, but the other changes affected other sections of the city code. The city council would like to add the description of non-family limit of four into each of the residential zones. The reasoning is because the description of a family under the first of the development code [*Chapter 2 Definitions*] listed the non-family limit of four and then it was tied to dwellings and dwelling units so that throughout the code anytime there is a mention of dwellings, the four non-family people would apply. The argument is that when something is in the definition, the definition section is sometimes ignored. It would place the limit in a place where people would be looking for it. It adds redundancy. The recommended language for the affected sections would be as follows. "The number of unrelated individuals residing in a dwelling unit shall not exceed four (4)." There is a section in each residential zone that specifically talks about buildings and dwellings so it does naturally fit within each section.

The planning commission continued discussing the number of foster children (*3 foster children allowed*) within a residence is included as part of the "non-family" limit.

Planning Assistant asked if there were any exceptions.

Shay Stark commented that the sections dealing with housing for the elderly is reviewed because some of the same issues apply with them. He would probably propose taking the "reasonable accommodation" clause out of the disability section and putting it in a separate section because it can't apply. "Reasonable accommodation" applies to all fair housing issues. Right now, the attorneys are scrutinizing the Facilities for Persons with a Disability ordinance, as well as "reasonable accommodation" clauses. After, the residents for elderly can be reviewed. The distances and other things need to match between the two.

Sharon Dahlstrom reiterated the city council's request to add the verbiage for non-family to the residential zones.

ASSISTED LIVING FACILITIES CODE AMENDMENT

Shay Stark explained that as the facilities for disabilities ordinance was passed the distance between facilities was 1350 feet because of the existing assisted living ordinance that has the same distance. That number was entered for consistency.

Randy Jones asked if that was between dwellings or facilities.

Shay Stark indicated that it was between the same types of facilities from the property line. There are some city council people that feel the distance needs to be farther and the recommendation was one mile (5,280 feet).

Kelly Liddiard asked if assisted living and disability facilities have to be one mile apart. Or is it just the same kind of facility.

Shay Stark replied that it is meant for just the same kind of facility. In determining the distance between different types of facilities, they need to be careful not to regulate facilities out of the community and the city could get into trouble.

Kelly Liddiard asked if the city council expressed their reason for the distance of a mile.

Shay Stark didn't know specifically. There were a few members who thought the distance should be farther apart.

Sharon Dahlstrom asked with the density of a mile, how many could actually be within the city?

Kelly Liddiard indicated that if there is an assisted living center and there cannot be another facility within a mile that would regulate it outside the city.

Shay Stark indicated that Alpine City has 4,000 feet distance and Eagle Mountain has one mile and most of the other communities are around 1,000 feet between different facilities. Mr. Stark recommends separating the facilities by saying a mile apart for persons with disabilities and a mile apart for assisted living centers. Then they won't be regulated out of the community.

Kelly Liddiard agrees to separate the two types.

Randy Jones asked how it would affect Mr. Lee Haskell's assisted living center.

Kelly Liddiard indicated that Mr. Haskell's center has already been approved. If the distance was a mile between the two, then the facility for persons with a disability would not be allowed. Then they are essentially being pushed out of the city. Mr. Liddiard thinks the city could get in trouble for doing that.

Shay Stark commented that the "reasonable accommodation" clause would apply in situations for appeal. They would have to show good reason why they need to build their facility in spacing that is closer than a mile. The argument could be made.

Randy Jones isn't sure if he agrees with the mile distance. He understands the reasoning, but he doesn't know why it is a critical distance other than to limit the number within the community. He isn't concerned about limiting the facilities; he is concerned about having it affect the assisted living centers.

Sharon Dahlstrom commented that essentially there could be four assisted living and four disability centers.

Debbie Cloward said that the assisted living centers are limited because the commercial zoning is limited and there would have to be a zoning change to have a commercial assisted living center somewhere a mile away.

Randy Jones commented that there may be distance, but the distance may not fit within the city zone. He doesn't know what he would recommend, but he is just not sure that is the right distance. He would like to limit the number of facilities for disabilities, but he doesn't want to also limit other types of elderly centers.

Sharon Dahlstrom said that the city can't treat one differently from another because that will get the city into trouble.

Shay Stark indicated that in the case of assisted living, it is true that it is commercial and it is really controlled by the commercial zoning more than anything else. Disabilities are residential and they are all over.

Randy Jones commented that there is residential versus commercial zoning, but the distances can't be different. Catch 22. He doesn't know what the answer is.

Shay Stark was thinking that if they took it down to a half mile, as far as assisted living facilities, it doesn't benefit them at all because the commercial zoning is so small the way it is currently zoned. With the other disabilities facilities and a half mile it is going from four up to 12-16 facilities.

Debbie Cloward said she likes the mile distance.

The planning commission would like to get the reasoning for the 4,000 feet distance.

Randy Jones explained that he doesn't want to limit other opportunities that would benefit the city by putting that stipulation.

Debbie Cloward indicated that it wouldn't hurt a commercial situation because of the limited area of commercial zone at this point. If in the future, there is a desire for more commercial, it can be revisited.

Planning Assistant commented that either way, the assisted living is a conditional use so either they would have to come before the city.

Kelly Liddiard, Chair indicated that the disabilities facility would also have the right to come in and plead their case through the reasonable accommodation.

FACILITIES FOR PERSONS WITH DISABILITIES CODE AMENDMENT

Shay Stark indicated that the city council would like to add stronger language specifically limiting sexual conviction and vital crimes. Mr. Stark explained that the issue is something that the attorneys are discussing and his recommendation is to table it and see what comes from the attorneys and then carry it forward. He has no problem with strengthening the language; he wants to make sure they are not opening up a lawsuit.

Kelly Liddiard, Chair said there is a lot to read into sexual convictions and violent crimes that could be anywhere from assault to violent assault. Mr. Liddiard thinks the planning commission should leave the issue alone for the time being.

APPROVAL OF 11/15/12 PLANNING COMMISSION MEETING MINUTES

There were not any corrections for the minutes of 11/15/12.

RANDY JONES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 15, 2012 AS WRITTEN. VOTE: YES – ALL (5), NO – NONE, ABSENT (3) DAVID CLARK, CLINT ASHMEAD, KEVIN HANSBROW

CITY COUNCIL UPDATE

There was not any city council members present for an update.

OTHER BUSINESS

The schedule for the planning commission meetings for 2013 was discussed, as well as the upcoming expiring terms for a few of the members. The January meeting will be held on January 17th.

ADJOURNMENT – Chair, Kelly Liddiard, adjourned the meeting at 7:47 p.m.


Planning Commission Coordinator

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