

ELK RIDGE  
PLANNING COMMISSION  
MAY 6, 2021

**TIME AND PLACE OF MEETING**

A meeting of the Elk Ridge Planning Commission was held on via Zoom Thursday May 6, 2021 at 7:00 p.m.

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**ROLL CALL**

*Commissioners:* Matthew Stewart, Wayne Jones, Gordon Reynolds, Jared Barton, Darren Hinton,

*Others:* Royce Swensen *City Recorder*, Shay Stark, *City Planner*, Jim Chase, *City Council*

*Public:* Judy Grantham, Gary Winterton, Terry Bjarnson, Kathryn Severs, Jared (?), Gary Miller, Chantel Miller, McKell Miller, Richard Donegan, Janice Donegan, Chris Hermansen,

**OPENING ITEMS**

Matthew Stewart welcomed. Opening remarks were said by Wayne Jones. Matthew Stewart read the declaration per UCA Electronic Meetings welcomed at 7:00 PM.

**PUBLIC HEARING**

**LIGHTHOUSE HEIGHTS SUBDIVISION PRELIMINARY PLAT**

Shay Stark introduced Lighthouse Heights Subdivision is a combination of parcels located on the east side of Elk Ridge Dr just south of Elk Ridge Dr. proposed 15 lots in the R1-15,000 zone.

Matthew Stewart opened the public hearing.

Judy Grantham stated she lives in Parkside Cove asked if there is a builder for this development and the size of the homes and if there will be any natural landscaping left. Will there be a privacy fence along the road going along Parkside Cove. What will the city do to provide more water. Is there a time frame when the development will be completed.

Nate Brusik stated he is the developer. The homes will be a mixture of styles dependent on the buyer, natural landscaping left will be determined by what the development has to do to retain the natural drainage, there is no fence planned at this time but is an option, water flow shows there is enough water to maintain supply, time frame depends on when the development has final approval.

Gary Winterton stated he loves seeing the development in Elk Ridge. He owns ground east of the development and he would like to develop it but there is an ordinance regarding land locking property and wants to know if anything has been done to or any discussion on access to landlocked properties.

Nate Brusik stated he was originally going to develop lots just along Elk Ridge Dr when they found about the land behind them they notified the owners and added that to the development. Laura, at the city office, notified me that there was a piece of property owned by Suburban land that was going to be blocked. Nate thought the small access road by Parkside Cove would be able to access this land but found that wasn't possible. There was no way he could make that work. He has spoken with Gary and are empathetic with his position. Nate's legal counsel stated that there were 3 types of easements and that there were none that applied to this property legally. Suburban land was landlocked before due to previous development.

Gary Winterton believes that there are requirements to no landlock property. Decisions made in the past can be rectified. He does not want to be given any land or maybe that is part of the deal. He just wants to be able to develop his property. There have been times developers have lost a building lot in order to access locked property.

Terry Bjarnson stated he lives in Parkside Cove. He asked what the road easement would be from the development to Parkside Cove and the road to the fist lot. The like the privacy the hillside gave them and does not want that ruined.

Nate Brusik stated there would be a 60 foot easement. By putting the road in up the hill it moves the home on Elk Ridge Dr from the lot line of Parkside Cove. The elbow at the cul-de-sac will be a retention pond for drainage. Right now, the whole ravine runs straight into Parkside Cove which they are trying to improve upon.

Gary Miller stated he is concerned about the school buses traveling during construction and kids safety up and down the road.

Nate Brusik stated that construction on the west side of Elk Ridge Dr will be completed by the time they begin construction. Cars pulling or backing out of Lighthouse Development will not have to cross traffic when backing out of the property. The sidewalk will continue to the top of Lighthouse Dev.

Richard Donegan stated that the road is below Park Dr. on Elk Ridge Dr. is 40 ft in width from Park Drive to Gladstan Dr. is 24 '4"; if there are cars parked on both sides of the street will make it a one lane road and will the road be widened during development. He is also concerned about water, is there enough water and is this being addressed especially now during the drought.

Jared (?) stated that this is a huge migration path for deer and elk will there be a means for this to continue. Will dark sky ordinance be in affect.

Nate Brusik stated that he would like to keep it open but homeowners can put fences up this would leave the road and retention area open for migration. Dark sky ordinance will be enforced.

Shay Stark stated that Elk Ridge Dr at the Gladstan development was widened Elk Ridge Dr and Lighthouse will be required to widen Elk Ridge Dr as well which will meet the standard cross section.

?- Parkside Cove and Hillside Dr has a speeding problem will that be a problem when the road is widened, and the city used to have a fence code in the CCR is that still in effect?

Shay Stark the road will be significantly wider.

Darren Hinton stated that the city will take that into advisement.

Jared ? with new developments will there be Utopia or other high-speed development.

Nate Brusik stated Lighthouse is not planning on bringing internet in that would be up to the city and private business.

Darren Hinton stated that all comments need to be directed on the Lighthouse Development.

Richard Donegan- is there plan to put in a park. What is the city doing with all the money it has brought in from the developers, he hasn't seen anything done for the city

Nate Brusik stated Lighthouse is not bringing in a park.

Darren Hinton stated that comments need to be kept to the Lighthouse Development. That should be brought up with city council.

Judy Grantham- When will this be development be approved?

Darren Hinton stated the Planning Commission will make a recommendation today and it will go to the city council for discussion and approval.

Judy Grantham is concerned about only having one way in and out of the city.

Darren Hinton stated that this is a concern for the city. There are 2 ways out of the city down Elk Ridge Dr and Loafer Canyon Road.

Darren Hinton closed the public hearing.

## PLANNING COMMISSION AGENDA ITEMS

### 1. LIGHTHOUSE HEIGHTS PRELIMINARY PLAT DECISION

Shay Stark stated Gary Winterton has appx 2.6 acres to the east of Lighthouse development. This parcel has been landlocked for a long time. He would like to ask Gary Winterton how he has accessed this property in the past to consider what type of easement he could possible have. A prescriptive easement doesn't have to be in writing. This access granted even 100 years ago could be enforced which would have to be upheld. The property owner cannot increase the use but only use it as historically used. It is possible to lose the right over nonuse. Also his parcel the slopes are greater than 20% Elk Ridge is limited development on 20% slope and anything over 30% cannot be touched with development. I would like to know what he would like to do a single home or multiple homes. That goes back to access the city does not allow flag lots but has to front a city street. State law does make it clear from the city side that if there is reasonable ways to grant access to someone's property then that needs to occur. That does not mean that if that property is suitable then that needs to be considered, if the property cannot be developed then that becomes another issue as there isn't anything that could be provided for them. There is a lot more to this area and easements then should or can be discussed here tonight. Nate Brusik found a deed that is recorded of an easement road through Parkside Cove property and the land was not



landlocked by the proposed lighthouse development. Lighthouse development would like to work something out with Mr. Winterton even though access was through another property. Wayne Jones stated that Nate and Bob should not be penalized on the development but at the same time feels that something should be done so that Mr. Winterton can access his property. Shay Stark stated that Mr. Winterton owns little landlocked pieces all throughout Elk Ridge which was originally to be greenspace corridors. Over the years these pieces have been sold to the adjoining landowners. Gary's father and other partners were actually involved in the land which was sold here and there for various reasons. One other thing, the international fire code requires fire hydrant be 450 feet of every home. In order for Mr. Winterton to construct a home back there he would have to put in a fire hydrant but you also have to have an all weather access road which supports emergency services that would support up to 75,000LB. A road would need to be a minimum of 26 feet wide with a buffer would be more like 30 feet. 20% slopes and the gas line that runs through it; and its probably right where a home could be built because of slopes. The access road is owned by Parkside Cove developer. The expectation is that Mr. Winterton would purchase the land in order to access his land.

Wayne Jones confirmed the road width and will there be a sidewalk and suggests hammer head or horseshoe drives ways to keep people from backing out into the road which is very slick in the winter. Shay Stark stated the road is a 60 foot right away and there will be a sidewalk the length of the cul-de-sac. Shay Stark stated that was required for part of Elk Ridge Dr which have the large driveways but you can see they are full of boats and cars; they are not used to turn around so that the resident can pull out. Shay's memo regarding the requested exceptions to city ordinances and construction standards:

- The proposed project includes a cul-de-sac that is approximately 728 feet in length. Per City Ordinance Section 10-15c-5(B): *Cul-De-Sac Length: The maximum length of a cul-de-sac shall be five hundred feet (500') as measured from the nearest right-of-way line of the adjacent street to the center point of the turnaround with no more than sixteen (16) dwelling units accessing the cul-de-sac. The Planning Commission may grant an exception up to a maximum length of eight hundred feet (800') in single-family dwelling developments where the configuration or topography of the land reasonably limits the ability to provide a second access point to the local street system. The number of dwelling units may not be increased from the maximum of sixteen (16) dwelling units when the increased length exception is granted. The Planning Commission may grant an exception to the maximum number of dwelling units accessing the cul-de-sac in multi-family dwelling developments to a total twenty-four (24) units along the five hundred foot (500') maximum length. In no case shall the Planning Commission grant a combined exception expanding the maximum length and the maximum number of dwelling units.* An exception is necessary for the proposed cul-de-sac length due to the topography limiting the ability to provide a second access point to the local street system. The proposed length falls within the maximum length of 800' in which the Planning Commission has authority to approves the exception.

- Currently the generally City does not allow cuts and fills over 7 feet deep. However, being on a mountain side this can be a challenge and there are areas such as the Haskell Dryland Subdivision and the Houghton parcel where the City has allowed additional cut and fill depth. In the example of the Haskell Dryland Subdivision additional cut and fill was necessary to slope the interior streets toward the east to get drainage out to an area where it would not flood other properties. In the Houghton example there was no way to access the parcel form Loafer Canyon Road with out cutting a driveway into the hillside. In both cases there is special attention given to how the cuts and fills are addressed to prevent erosion and settlement due to the action. As an example, with the proposed subdivision, the only possible way to access the interior of the parcel is to bring a street from Elk Ridge Drive. In order to meet the City maximum grade requirements for both intersection and streets the only solution is to cut into the hillside to enter the property. This cut requires the removal of 13 to 14 feet of material. By doing so the proposed street is a gentle slope of 4% for 100 feet into the intersection and a maximum of 8% slope on the remainder of the street. This also has an added benefit that it reduces the height of the exposed face on the Parkside Cove property. A large area in the proposed development has been cut down to create lots that have useful buildable areas. Knowing that this was being proposed the City staff asked the applicant to provide a drawing showing the cut and fill areas on a grid so the extent of the excavation would be clearly understood. The drawing is found on Sheet C5.0. Negative numbers show the depth of cut from the existing ground and positive numbers show the depth of fill from

- The final exception request is partly brought on by a request from the City staff. Due to the exposed slope in Parkside Cove and its proximity to Lighthouse Circle the City requested that the sidewalk be constructed at the back of curb thus allowing the traditional park strip width to be an added buffer between the sidewalk and the slope. This will help with safety if a child riding a bike rides off the sidewalk and also will simplify maintenance for the City as the landscaping will not be split between the two sides. The request is to allow the sidewalk to be located along the back of curb which is an exception from the traditional street cross section.

**WAYNE JONES MOTIONS TO APPROVE THE PREMINARY PLAT WITH THE FOLLOWING EXCEPTIONS**

- AND FOR CITY COUNCIL TO HAVE THE DISCUSSION ON THE LANDLOCKED PROPERTY GORDON REYNOLDS SECONDED.**

#### 4. VOTE ON CHAIRPERSON AND VICE CHAIR

VOTE      AYE (5)      NAY (0)      APPROVED

VOTE	AYE (5)	NAY (0)	APPROVED
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WAYNE JONES MOTIONED TO APPROVED THE PLANNING COMMISSION MINUTES FOR APRIL JANUARY 7, 2020<sup>1</sup> AND FEBRUARY 4

VOTE	AYE(5)	NAY (0)	APPROVED
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211 ADJOURNMENT – Jared Barton motioned to adjourn Gordon Reynolds seconded

212  
213 VOTE AYE (5) NAY (0) APPROVED

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218 Planning Commission Coordinator