

July 28, 2021

To Elk Ridge City Planning Commission Members,

This letter is in reference to the rezoning of parcels 30:078:0284, 30:078:0290 and 30:078:0207 from Hillside Residential to R-1-15,000. The proposed change would decrease the lot sizes of homes on the cul-de-sac from 1 acre to 0.33 acre per home and keep the back 4 acres as Hillside Residential.

The city's General Plan for Hillside Residential defines the following:

- Lot sizes are not less than 0.92 acre ([see below](#))
- Cluster overlay pertains to lots of 20 acres and larger. ([see below](#))
- No flag lots ([see below](#))
- Each lot is required to have frontage length equal to the zoning requirements
- Cul-de-sac length does not extend more than 800 feet ([see below](#))
- Wildlife Corridors be preserved (this and adjoining lots are on the path of an elk herd) ([see below](#))

I understand the developer's desire to adjust the zoning to be more cost effective. The following are my concerns with the proposed zoning change:

- Lot will be split into two zones allowing back 4 acres to be built with 4 more homes; increasing the total density to 8 homes per 5 acres.
- Precedence:
 - Legal precedent will be set for all HR-1 lots, nearly tripling the 129 homes planned in the [city's development plan](#) for HR-1 zone.
 - Arguable precedent is similarly set for all CE-3 lots allowing for 500 more homes than the master plan.
- Equity:
 - This property was purchased as currently zoned.
 - The general plan was well thought out. It should not be changed needlessly to accommodate a developer.
 - I was required to follow these rules when I developed my 2.5 acres 3 years ago. I expect the same of other developers in Hillside Residential.

My requests for the rezoning of parcels 30:078:0284, 30:078:0290 and 30:078:0207 are:

- Require and document the overall density be no less than 0.92 acres per lot.
- Each lot has the required frontage length equal to the [zoning requirements](#).
- Require and document other Hillside Residential zoning conditions be met for the back 4 acres.
- Recognize and document requirements to protect the wildlife corridor that exists through this property.

Jamie and Jennie Elder

Below are the specific rules for the Hillside Residential zone.

HILLSIDE RESIDENTIAL (HR-I) *The HR-I zone identifies areas that require special building consideration due to significant slopes. Extensive analysis of current environmental conditions must be completed to better preserve our natural resources. With any development, it must be demonstrated that environmental constraints are identified and preserved or mitigated. Open space on steeper slopes is a requirement. Strict requirements for cuts and fills, lot and road slopes, and encroachment on ravines, drainages, and ridgelines are used to preserve the uniqueness of the area. This zone requires a minimum of lot size of 40,000 square feet and minimum frontage of 150 feet. Grazing and animal rights must be in harmony with the usable lot areas within this zone.*

HILLSIDE CLUSTER OVERLAY *This is a development overlay allowed only in the HR-1 zone on parcels of 20 acres or greater. Smaller parcels may be approved as part of a larger phased development or may be considered if located adjacent to an existing cluster development and protected natural open space is contiguous with surrounding open space. The Hillside Cluster Overlay may be used where a large percentage of the site has slopes of 20% or greater. The desired outcome of the cluster overlay is to allow homes to be clustered in areas containing slopes of less than 20% that would provide buildable sites for multiple homes leaving at least 40% of the development site as natural open space. The clustered lots may be as small as 1/2 acre with an overall site density no greater than one dwelling per acre.*

10-9A-12-4: STEEPER BUILDABLE SLOPES:

Lots that contain natural terrain with slopes between twenty percent (20%) and twenty nine percent (29%) must be engineered and approved by a licensed engineer. The city engineer and planning commission must approve lots incorporating these slopes. A building envelope can only contain a maximum of fifty percent (50%) of its area of these steeper slopes. (Ord. 08-4, 2-26-2008)

10-9A-10-7: SLOPES TWENTY PERCENT OR GREATER:

All land having a slope of twenty percent (20%) or greater that is not a part of an approved building envelope shall remain in its natural state and shall not be graded, fenced, or otherwise disturbed. The planting of additional vegetation and/or the addition of sprinkler irrigation systems is allowed. Roads, trails, firebreaks, utilities, retention walls, and driveways can traverse these areas if it is demonstrated that they adhere to cuts and fills requirements in section 10-9A-17-4 of this article and other requirements in this code or that by their construction other adverse conditions are mitigated. (Ord. 08-4, 2-26-2008)

10-9A-12-10: LOT REQUIREMENT TABLE

<i>Lot size</i>	<i>40,000 square feet or greater [0.92 acre]</i>
<i>Lot frontage</i>	<i>150 feet</i>
<i>Front setback</i>	<i>50 feet</i>
<i>Front exception</i>	<i>20 feet</i>
<i>Side setback</i>	<i>30 feet</i>
<i>Rear setback</i>	<i>30 feet</i>
<i>Building envelope</i>	<i>4,000 square feet minimum</i>
<i>Envelope slope</i>	<i>50 percent under 20 percent slope</i>

10-9A-11-2: AREAS REQUIRED AS OPEN SPACE:

All slopes twenty percent (20%) or greater that are not a part of a building envelope are required to be preserved as open space. Ravines, drainages, ridgelines, unstable soils, and wildlife corridors shall also be preserved as open space. (Ord. 08-4, 2-26-2008)

10-9A-17-1: BUILDING WITH THE NATURAL TERRAIN:

The intent of the HR-1 zone is to construct with the natural terrain. All structures should be built using the current natural terrain configuration. Some grading can be approved if it is demonstrated that it is needed for safety, erosion control, or that the alternative is less desirable. Dwellings on the down slope side of a road should utilize the natural slope while designing the grade around the structure to drain away from it. Using fill to raise the finished grade around a structure to rise above a road is prohibited. (Ord. 08-4, 2-26-2008)

10-9A-18-5: HEIGHT OF BUILDING:

The maximum height of any dwelling shall be thirty six feet (36') as measured from the highest point of finished grade of the ground surface adjacent to the foundation of the structure to the top of the roofline. The minimum height of a building used as a dwelling shall be not less than eight feet (8'). Chimneys, flagpoles, television antennas and similar ancillary structures not used for human occupancy shall be excluded in determining height; provided, that no such ancillary structure shall extend to a height in excess of fifteen feet (15') above the building. (Ord. 08-4, 2-26-2008)

10-9A-13-1: ACCESS:

Each lot shall front upon and have direct access to a designated city street. (Ord. 08-4, 2-26-2008)

10-9A-13-9: CUL-DE-SACS:

All cul-de-sacs shall conform to section 10-15C-5, "Cul-De-Sacs", of this title. (Ord. 16-2, 8-23-2016)

10-15C-5: CUL-DE-SACS:

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.

Build-out Residential Units and Developable Acreage

Table 4: Build-out Residential Units and Developable Acreage

Land Use	Land Use Density	Total Undeveloped Area (acres)	Developable Area (%)	Total Developable Area (acres)	Units
Residential (R-1-12000)	0.28 acres (min. lot size)	4.08	70%	3	12
Residential (R&L 1-20000)	0.46 acres (min. lot size)	153.76	70%	108	232
Hillside Residential (HR-1)	0.92 acres (min. lot size)	169.77	70%	118	129
Residential (R-15000)	0.34 acres (min. lot size)	49.53	70%	34	101
Critical Environment (CE-3)	1.00 acres (min. lot size)	489.01	85%	416	453
Totals	N/A	866.15	N/A	679	927

Table 5: Population and Housing Projections

Population and Housing Projections		
Year	Population	Housing
1980	381	99
1990	771	167
2000	1,838	300
2010	2,436	584
2015	3,043	766
2016	3,317	834
2017	3,715	932
January 2018	Approx. 4,000	1,004
2020	4,453	1,119
2028	5,531	1,390
2030	5,755	1,446
2038	6,742	1,694
2040	7,015	1,763
2048 Build Out	8,167	2,052

Table 5 Origin of Data: Census, Actual, Estimated/Projected



DEVELOPMENT CAPACITY

