

ELK RIDGE
PLANNING COMMISSION
AUGUST 18, 2022

TIME AND PLACE OF MEETING

A public hearing in conjunction with a regular meeting of the Elk Ridge Planning Commission was held on Thursday August 18, 2022, at 7:00 p.m. at 80 E. Park Dr., Elk Ridge, UT 84651.

ROLL CALL

Commissioners: Maureen Bushman, Ron Hill (Alt.), Matt Stewart Absent - Larry Lee, Melanie Paxton, Ron Gaily
Others: Royce Swensen, *City Recorder*, Laura Oliver, *Deputy Recorder*,
Public: Justin Hutchins, Jim Graham, Lisa Graham, Karl Shuler, Sharon Shuler, Jed Shuler, Ray Menefee, Dianne Menefee, Liz Moeller, Ketherine Pasker, Stephan Simmons, Jennifer Yorgesen, Brian Yorgesen, Bob Dudley, Perry Dudley, Scot Bell, Grant Evans, Thad Cole, Stuart Collyer, Cindy Collyer, Dani, Schulz, Maz Staheli, Reeta Staheli, Mike Burnette, Iris Madsen, Justin Pope, Casey Johnson, Ken Harris, Tim Coleman, Curtis Webb, Erik Johnson, Ryan Jensen, Paula Eppley, Angie Gardner, Rich Parkinson, Max Wallace, Connie Strang, Beatriz Jones, Colleen Chapman, Kirk Chapman, Bob Strang, Bob Paxton, Brad Shuler, Dave Clark, Sam Francis, Gary Francis, Kenton Morgan, Lee Pope, Maren Christensen, Brad Brown, Becky Simmons

OPENING ITEMS

Chairperson Maureen Bushman welcomed. Opening remarks were said by Justin Hutchins. Maureen Bushman led the Pledge.

MATT STEWART MOTIONED TO APPROVE THE AGENDA RON HILL SECONDED

VOTE AYE (3) NAY (0) ALL APPROVED Absent- Larry Lee, Melanie Paxton, Ron Gaily

PLANNING COMMISSION PUBLIC HEARING

MAUREEN BUSHMAN OPENED THE PUBLIC HEARINGS FOR THE CE3 ZONE ORDINANCE AND 10-12-37- D APPROVAL PROCESS AND REQUIREMENTS.

PUBLIC COMMENT

PUBLIC COMMENT

1. Mayor Haddock thanked the Planning Commission for the hard work they have put into the CE3 Ordinance. He has received numerous emails concerning the CE3 Ordinance and there are 2 camps, the landowners, and the existing residence. There are misconceptions surrounding the CE3 ordinance which the Planning Commission and Council has been working on for the past 6 months. The CE3 zone is for the southernmost part of the city which has the highest elevation, furthest away and the hardest to evacuate. We have seen the mistakes made in other parts of the city and do not want to repeat those. The city takes this very seriously. The CE3 zone was created when the General Plan was rewritten in 2018, this is the code for that zone. There is no application for development in this area. The residents do not want any more development and the landowners are saying it is too restrictive. Some say the code is too lenient and again others say it is too restrictive. He understands both camps. Please try to put yourselves in the other's shoes. There are state laws and land use laws which the city has to comply with. The city cannot say no more development, that is not an option. It is not fair to the landowners. We still live in America; we still have freedoms. Property owners have rights to develop their land. The city does have concerns in developing that area which have been addressed very well. Thank you for coming tonight and participating in this process. You are all great people.
2. Justin Hutchins - his concern is not with development itself but in making sure it is done correctly and address run off. His basement gets flooded from run off coming down Salem Hills Dr. to Elk Ridge Dr. With the amount of runoff that exists he would like additional infrastructure installed to mitigate runoff.
3. Jim Graham - deferred to Judy Graham
4. Judy Graham - read a prepared statement regarding the number of homes in Elk Ridge and the lack of a traffic code which includes street size, shape of curbing, allowable number of cars on the street, type of street. Without a traffic code in place developers can push development past the limits of our existing infrastructure. Her street, High Sierra, is designated as a local street with single family homes which should not exceed 1000 vehicles a day or 100 cars per hour. There are 23 homes that currently use High Sierra Dr. using 10 vehicles a day per residence 230 vehicles a day leaving

77 additional homes that could use High Sierra Dr, but this map is not codified. The number of homes to be built in the CE3 area is more than High Sierra can handle. ElkRidge City needs to codify a traffic code before ratifying the CE3 code.

5. Karl Shuler - Lives on Goosenest Dr and owns property in the CE3 zone. In the CE3 code there will be required to have 2 ingresses. Some of the numbers have been greatly exaggerated. Of the 400 acres in this area about only about 40% of the land is developable. Some land is below where they can connect to the sewer system. Safety on High Sierra and all streets should be of great importance. We all want our neighborhoods to be safe. Many of the major collectors in Elk Ridge are narrower and have no sidewalks. High Sierra has an average asphalt width of about 33 feet 6 inches and has no sidewalks. Goosenest Dr, a major collector street to Payson for all of Elk Ridge, is 22 feet 8 inches wide with no sidewalks. That is almost 11 feet narrower than High Sierra. Goosenest has been highly traveled for many years. Loafer Canyon Road, another major collector, is 27 feet 9 inches with no sidewalks, 6 feet narrower than High Sierra. Park Dr east of the intersection of Canyon View is 25 feet 6 inches with no sidewalks, 8 feet narrower than High Sierra. High Sierra is significantly wider than Goosenest Dr., Loafer Canyon, and Park Dr. all of which have multiple children and bus stops. Elk Ridge Dr, which he is not sure is a true collector, is 33 feet 9 inches, 3 inches wider than High Sierra; they are virtually the same size.
6. Attorney for Shuler's – Shuler's have lived here for 70 years. The Shuler Park to the left was donated to the city Shuler's own a quarter of the property in the CE3 have been The Shuler's have encountered pushback and red tape when trying to develop in the past only to see the city explodes around them while they are penalized for developing slowly just to see the infrastructure exhausted. There are 8 letters filed today for the public hearing and only 1 letter has been filed before today and no letters filed in 2021. The code is overly restrictive and has unlawful takings, and an unconstitutional taking of property and precludes development. One acre was agreed upon in a previous meeting by the planning commission. Language on slopes is confusing and the clustering provisions have been removed. Her clients care about the relationship with the community and so she is tempering filing a lawsuit. Asks that Councilmember Tricia Thomas, has family that lives in an area that would be impacted and Councilmember Cory Thompson lives directly adjacent to the CE3 zone and being directly impacted that they both recuse themselves.
7. Sharon Shuler – deferred to attorney
8. Jed Shuler – deferred to attorney
9. Ray Menefee – deferred to attorney
10. Dianne Menefee – deferred to attorney
11. Liz Moeller – Her mother bought 69.5 acres of the 400 acres south of here 7 years ago. She passed a year and half ago and Liz is the executor of the estate. Her mother worked with the city and gave the city an easement to the city's water line. This easement led the public to believe they could use it to access this and everyone else's property, but it is private property and always has been. We want it developed with trails and amenities. The landowners need to be treated fairly in order for this to happen. She has been trying to work with the city, community members and landowners to figure out a way for the highest and best use. The landowners are down to earth good people and want to work with you as community members and the city to resolve any concerns. They want safety and all the things that you all want. They have met with the local mountain bikers and hikers and the second they are given the go ahead they will use their resources to make a trail system. The city needs to take another look at the proposed ordinance and remove all of the language that effectively makes this property undevelopable. Only with economic development of the land will the city receive the resources to implement the trail system that will benefit the entire community. Most of the city has 1 acre or less and this code is trying to force us to have 4 acre lots, which isn't fair and ask that the city please allow them to have the smaller building lots. This is the most beautiful area in all of Utah and if we all work together and these challenges and come up with a solution
12. Katherine Paskar – Moeller's Attorney - She has a good idea of the amount of work that has gone not the code but here are issues. We understand that there are both sides and competing issues but hope that you would pay attention to the attorney's legal points that have been sent to the city. There are priorities and public policies involved but public policies are constrained by Utah and Federal law. We need to work together to make this a nice community and respect both sides, but it has to be within the constraints of the law. The Moeller's want to have development that will facilitate the trails and amenities that would be a great asset to the community but its hand in hand. The city won't have the trails, parks, or parking amenities without the development. The city needs to be fair and consistent with developments in other parts of the city. There are development constraints, but the city has other tools to get money for infrastructure such as building permits and sewer connections due to terrain do not need to be exacerbate those constraints by putting in false

- 103 barriers 4 acre lots. Even 1 acre zoning isn't appropriate in this area because of the terrain, The city has already protected
104 the area through sensitive area. And ask that the city make the changes her office has proposed.
- 105 13. Stephen Simmons – Lives on High Sierra and suggests the city get an extension to finish the code correctly so that
106 everyone is protected. As we see tonight Litigation is going to push their agenda. A ridgeline was removed in 2003 and
107 would like that it put back on the sensitivity map. The city doesn't have money to litigate every little thing, so the
108 developers win. Put into the code that no lift pumps are allowed. Slow down and do the code properly.
- 109 14. Jennifer Yorgesen – The attorney has asked for councilmembers to recuse themselves and asks where they are going and
110 how that impact is on that and where are they going to bring all these cars in there needs to be a better place, somewhere
111 in the back, where they are not coming up on all these small roads.
- 112 15. Brian Yorgensen – Defer
- 113 16. Bob Dudley – the city and the people of Elk Ridge do not want a bunch of traffic up here. It is inevitable that the south
114 end will be developed but everyone has the not in my back yard. The landowners need to dell the land to bazillionaires,
115 and they will only build 5 hoses and that fixes the traffic concerns.
- 116 17. Scot Bell – 30 years ago Elk Ridge had a fire rating code of 9, today through hard work the rating is 4. That directly
117 effects the insurance rate, and we all have lower insurance rates because of it. CE3 is part of the Urban Wildlife Interface
118 zone. There is a lot of talk about open space, but the city needs to talk about defendable space for fire mitigation in this
119 area.
- 120 18. Grant Evans – Own about 18 acres just east of the 15th hole. They would like to partake of the beauty of the area and to a
121 beautiful development someday.
- 122 19. Dani Shultz – Loves the arrival of the elk. How lucky we are to live in this beautiful place. The CE3 is to conserve
123 wildlife habitat and corridors. Are these corridors sufficient? The code needs to be specific and ironclad in protecting
124 the wildlife corridors.
- 125 20. Max Staheli – deferred
- 126 21. Reeta Staheli - deferred
- 127 22. Mike Burnette – deferred
- 128 23. Angie Gardner – Liz Moeller's sister Appreciates the city's work on the CE3. Her mother bought approximately 70
129 acres in Elk Ridge with the understanding that she could develop it with 1 acre lots. In 2018 the general plan changed
130 the zone and lot size. On the August 9th meeting Jared Peterson referred to information he received to support the 1-acre
131 lot requirement. This was met unprofessionally through interruptions, eye rolls and signs, from councilmembers and 1
132 particularly. The more Jared disagreed the louder and more unprofessional they became. I was surprised at how much
133 land the Shuler family has donated to the city. Its alarming how much the city council wants to take more from them and
134 other landowners not only with lot size but trails. City residences are cited concerns with safety, no sidewalk, traffic,
135 which are warranted but the city is using to the landowners as scapegoats when in reality it is the city's poor planning. If
136 decisions are made by city council and the planning commission without due diligence, there is potentially massive
137 lawsuit which will have a negative impact of the city.
- 138 24. Colleen Chapman – Do the speedbumps on Goosenest Dr help? Wants to make sure the development is done properly so
139 that tit is something that works for the city.
- 140 25. Bob Strang – purchased property in 2005 and would like the city to create over lay zones. The taking that the city is
141 proposing is wrong. The state has lots of ridge lines owned by the ate what it doesn't have is someplace for our kids to
142 live. With some planning, good engineering, design, and fire control it can be done but it cannot be done under this
143 ordinance.
- 144 26. Bob Paxton – Owns land in the south part of the city. The CE3 is very ambiguous and subjective and needs to be nailed
145 down. In 2008 and 2018 when the land was zoned HR1 an outside planner was trying to get 5 acre lots. The city council
146 and planning commission looked at them and said we will be honest with you, and we will have integrity and we will
147 keep it at the 1 acre. This is not high density. In 2018 they talked about ½ acre clusters with the other ½ acre. His
148 concern is with the honesty and integrity of the city and hope it comes forth again.
- 149 27. Dave Clark – Landowners of 65 acres in the south end of the city. He debated back and forth a million times to develop
150 or not. The landowners are all close and want to add to the community. He has a dream of living here someday and
151 would like a working relationship with everyone, but it does seem extremely restrictive right now.
- 152 28. Thad Cole – is concerned with truck traffic and construction equipment damaging the road.
- 153 29. Sam Francis – Deferred

- 154 30. Kenton Morgan – I would rather there not be any development, but he recognizes the landowners right to develop their
155 land. The city needs to slow down and do this right and consider fire sewer water drainage and cost to the residence for
156 development. No cost should be passed to the residence. There is too much ambiguity. He is upset with what happened
157 on Elk Ridge Dr with variances. Stop making exceptions to the code. Slow down and do the code right and avoid
158 multiple lawsuits.
- 159 31. Waren Christensen – His 3 concerns are traffic, infrastructure, and landowner rights.
- 160 32. Becky Simmons – Deferred
- 161 33. Ken Harris – Lives on Canyon View Dr. Moved here in 1979 and was the first mayor. Development and density have
162 been a great work, without which we would all be living someplace else. He is an architect by trade and works with
163 development all the time and the CE3 code is too restrictive, and the density is too low. Nothing will get developed on
164 the hills because it isn't financially feasible. All for trails and public access on his ground through corridors that are
165 maintained but if you take 40 acres that he has and take 40% of it that is 16 acres that leaves 24 lots. 24 lots on 40 acres?
166 You cannot pay for any infrastructure with that density. This project will die on the paper its written on. Noone wants to
167 take care of an acre a ½ is more reasonable. The south end is the most beautiful land in Utah county. He is all for open
168 space and preserving the beauty but there has to be enough roof tops to pay for the infrastructure.
- 169 34. Tim Coleman – Deferred
- 170 35. Curtis Webb – Deferred
- 171 36. Erik Johnson – Deferred
- 172 37. Ryan Jensen – Deferred
- 173 38. Rich Parkinson – Lives on Oak Lane for about a year and paid a premium for their lot. He has been through a few
174 meetings and when he saw the code it was all red and some sections completely gone. The code isn't ready to go to
175 council for a vote and wants to make sure it is done right.

176 Maureen Bushman closed the public hearing and thanked everyone for participating. The CE3 is not a finished product yet. All of the
177 comments that have been said tonight are not new and have been heard.

179 PLANNING COMMISSION ACTION ITEMS

181 1. PROPOSED AMENDMENT TO 10-12-37-D

182 Tabled until September 1, 2022, meeting

184 2. CE3

186 Ron Hills stated there are a lot of comments regarding slowing the passing of the code and the issues the
187 residents have with it and wondered if the code had to passed now. Maureen Bushman Stated the planning
188 commission worked on this draft together and there are things that the council hasn't commented on and
189 would like to them to look it at and feels it is time for council to take it and debate it and recommends passing
190 it to council for their input. Ron Hill asked if there was anyone here tonight from city council and asked what
191 Mayor Haddocks thoughts were since there were no councilmembers present. Mayor Haddock recommended
192 sending it to council so that they have an opportunity to debate the issues instead of going back and forth
193 with Planning Commission. Matt Stewart stated that he has no additional comments that he hasn't stated in
194 previous sessions. He does not think the code is ready and in the last meeting there were decisions made and
195 then they were changed at the end of the meeting for whatever reason he doesn't understand. For example,
196 everyone was on board for 1 acre lots and then at the end of the meeting it went back to 4 acre lots. He has a
197 lot of concerns. There are things in this code that are very restrictive, he is for property rights and the city is
198 taking them away. There are a lot of good things in there too. It has to work for everyone. When property
199 owners develop you do give up some things because it is going to be part of the city but if it doesn't work for
200 everyone then he would rather it doesn't happen if it doesn't benefit everyone. He does not feel like they are
201 ready. Maureen Bushman asked Matt if he thought they were ready to send it to council to work on. Matt
202 Stewart asked to speak freely. I do not write code for a profession and that this city is to a point where it
203 needs a full-time planner, the city is well past that. For me to say that this code is ready, and that the city
204 council should vote on it because we as volunteers have gone through this and done the best that we can; is
205 that enough for the state that Elk Ridge is in today. Back when Ken Harris was mayor in his front room that
206 was appropriate because there were only a handful of homes, but the city is way past that, there are too many
207 things in his opinion, that could come back to bite the city. He does not think that the city wants to be
208 wrapped up in any litigation or future lawsuits. He knows that they aren't talking about development yet but

if we don't have going into this then it sets the us up for a whole line of issues down the road dealing with proposed developments that come in. For me I feel like we need professional help with this. He does not feel like he is qualified to do this and does not want to pretend that he is. Maureen Bushman appreciates that and those are good comments and thinks that they all feel like that. We are a new planning commission and Matt has been on the planning commission the longest. We have been Elk ridge residents longer than that. She found it dismaying that when the planning commission was asked to write the code there was no input from the city planner and when the other code was written he was here at every meeting. She knows that there is cost involved but the planning commission based it on what was written. Matt Stewart stated but they were also handed a document that had already been written from the council. He had problems with that from beginning and understands that a lot of hard work went into that and not discounting that. When you look at all the other cities around us, they have fully baked code in here, but we are a little bit different. We are not the benches of Mapleton or Spanish Fork, its different and he knows that a lot for the code came from Park City, we are not Park City, and the code should reflect this particular area and does not think it is ready. The first draft had code for streams and wetland, so it was evident to him that it was not. We don't have any official wild corridors; we know that and that comes straight from the Division of Wildlife. He firmly believes that we should protect habitat in a sensitive area like this but to say that we have an established wildlife corridor is not true and the code cannot reflect that. Wherever it says wildlife corridor it shouldn't be there. Maureen Bushman they're not designated, and it's not stated. What it says is the area in CE3 contains important wildlife habitat for a variety of animals. Wildlife corridors as identified on the sensitive area map are designated as open space and should be preserved and protected. On our sensitive areas map, which needs to be updated, is the ridges and ravines. Matt Stewart stated and to him it reads as a wildlife corridor as identified on the sensitivity map, who is determining that is a wildlife corridor because it is not the Division of Wildlife. The results from the study from the Division of Wildlife won't be ready for who knows how long. Maureen Bushman stated that all ravines, drainage, fault lines, ridges and 30% slopes shall also be considered wildlife corridors. Matt Stewart asked where that come from, it did not come from the state. Ron Hill stated that he believes they should send it up to the council. Matt Stewart stated again, Elk Ridge needs a full-time planner in all aspect of the city whom he felt was an expert. He joined the Planning Commission about 4 years and has learned a lot but still does not consider himself an expert. It becomes a burden on resident as that would cost funds and tax dollars. Every time the city talks about raising taxes everyone says whoa. His personal opinion is that if his taxes went up to employ a fulltime city planner, he would be ok that because he knew there was someone who was dedicated every single day of the week to looking at everything that was going on in the city and plan it out proper. His father was in development, and he has seen both sides of it. He worked hard with Payson city to preserve the Forebay area because he sees the value in that too. We can't continue to grow as a city without future development. The city does not have any commercial tax base, we have no income that all these other cities have so that burden falls on us. If there are no additional impact fees, then the money comes from our taxes. It's a hard thing to for us to figure out the right way to develop in an area like this. We are a bedroom community not a destination. People do not come from all over the state to come here to spend money. They spend money at the golf course which goes to Payson. He does also see the value of the city council looking at his right now, but he does not know what else he could do to this piece of code to make it better and what additional input he could have, he has expressed his concerns multiple times.

RON HILL MOTIONED TO RECOMMEND MOVING THE CE3 DRAFT FOR THEIR
CONSIDERATION MAUREEN BUSHMAN SECONDED

VOTE AYE (2) NAY (1) ALL APPROVED Absent- Larry Lee, Melanie Paxton, Ron Gaily

ADJOURNMENT – Matt Stewart motioned to adjourn Maureen Bushman seconded.

VOTE AYE (3) NAY (0) ALL APPROVED Absent- Larry Lee, Melanie Paxton, Ron Gaily


Planning Commission Coordinator