

ELK RIDGE
PLANNING COMMISSION
FEBRUARY 2, 2023

TIME AND PLACE OF MEETING

A meeting of the Elk Ridge Planning Commission was held on Thursday February 2, 2023, at 7:00 p.m.

ROLL CALL

Commissioners: Maureen Bushman, Larry Lee, Melanie Paxton, Ron Gailey, Matthew Stewart, Ron Hill

Others: Royce Swensen, *City Recorder*, Mayor Haddock

Public: Todd Larsen, Lisa Larsen, Jed Shuler, Tori Black, Lisa Graham, Michelle Matys

7:00 pm OPENING ITEMS

Opening Remarks was given by Ron Gaily

Pledge of Allegiance led by Ron Hill

ROLL CALL Maureen Bushman, Larry Lee, Melanie Paxton, Ron Gaily, Matt Stewart, Ron Hill

MELANIE PAXTON MOTIONED TO APPROVE THE AGENDA MATT STEWART SECONDED

VOTE (5)

AYE (0)

NAY

All Approved

PLANNING COMMISSION AGENDA ITEMS

1. MIKE HANSON, TRAINING

Mike Hanson stated the ombudsman office takes an amount of money from every building permit and provides free services through these funds such as training sessions. There has to be a legal authority and a rationale to affect property. There are certain things that a city absolutely has to follow. The general plan is *general*, where things are generally going to be. Every city shall explain who is in charge of what. There is the executive – Mayor, who is administration, legislative is City Council and the land use authority is the Planning Commission and there are other quasi groups such as the appeal authority. Many cities use an individual for appeals that is not in the community and who has no bias. There are 5 standards that are in the state code that have to be proven by the applicant to overturn a city decision. It is very difficult to prove all 5 standards.

When doing the public work, do it publicly, it has to be a noticed meeting, minutes taken etc. The public has to have a chance to be heard. All land use items are to be done in an open public meeting, a work session is permitted, and it is still open to the public. Work session is for in depth discussion and the votes are taken in the regular meeting and should be explained as to why a yes or no vote was made. The Planning Commission should not be bullied into bending to public “clammer” when making the correct decision. Even though the public wants something to be purple and the city knows it has to be green, the correct decision is green, even though it is not popular.

All code has to be written in plain language that is easy to understand. Graphs and charts can be used to simplify code. If an applicant thought the code was being followed because the code is too hard to understand, a court will side with the applicant. Copy pasting from another town can be tricky unless it’s a newer code. A non-conforming use or a structure that is damaged can be rebuilt as it was even if it is against code. It is strongly recommended by the League of Cities and Towns to get rid of conditional uses. The Transportation Plan needs to state what needs the roads have, such as trails, bike trails, etc. and a developer has to do it, but the actual road and trail placement is general. A resident asked if a general plan has a trail line through a property and the landowner does not want a trail through their property is it just a general line and not a hard fast placement? Matt Stewart stated if a piece of land has a trail through it in the general plan and that property is

never developed then the trail will never get developed. Mike Hanson stated property owners do not want the liability of a trail, but a trail easement puts the liability of the trail on the city. Roads have standing trails do not, trails are a wish list and can be moved.

2. GENERAL PLAN, TRAILS DISCUSSION

Melanie Paxton stated she has met with a few groups such as, Payson, and MAG concerning trails and grants. To apply for a grant through MAG there are several steps and items that are needed to apply for grants; the city needs a signed letter from the mayor, along with a concept report with engineering and cost estimates. MAG will assist in navigation of the process. Once submitted it goes to the voting process through the Utah county mayors. The city is 3-4 years out, but a grant has to be done by this fall. To match funds for a MAG grant the city has to match funds of 6.77%. UDOT has a program called TAG but she had difficulties in finding any info on this. The Department of Natural Resources has a 50% match from the city for a grant. Some of the monies used to match funds can come from a different source, such as Utah Outdoor Recreation Commission. The city needs to use multiple resources. The largest problem is right of ways and or easements. The whole concept is to connect city to city, Salem, Payson, and Woodland Hills. Maureen Bushman stated when looking at the General Plan and trails the Planning Commission is looking at updating the map and finding the best way to be able to do the trails with funding, in connecting to other cities and what would be priority for the city. To connect to Salem on 11200 the city would have to have funding for the trail and the county would need to supply the easement. The Planning Commission does have to make sure the language of the general plan states the general intent of the city. Larry Lee quoted Mike Hanson that roads are priority and need to be placed on the map along with the trails, special interest areas like ridge lines, trail heads and the parking. Melanie Paxton stated trail designations are to decrease liability. Many trails are designated by cities even as far as the direction on the trails, such as this trail is only for south bound etc. Maureen Bushman stated the best chance of funding is the trail on Elk Ridge Drive at 11200 north which would be an on street. The county is covering the High Line Canal and creating a trail on it. The Planning Commission needs to look at existing projects. Mayor Haddock stated 11200 is a county road and the city has to work with them. Ron Gaily showed the Payson map with proposed trails, which follow along the golf course and behind Dan Shaw's property. Maureen Bushman recommends the Planning Commission review the trail section again and come back with suggestions for the language. Ron Gaily will make a version on google docs to keep all revisions/suggestions on for discussion. Shawn Eliot is working on the transportation plan.

Jed Shuler stated they will not be participating in putting any trails on their property.

3. OUTDOOR LIGHTING

Maureen Bushman stated the outdoor lighting code needs clarification as to temporary and seasonal lighting. The Jelly Fish types of outdoor lighting are lit all the time not just seasonally. Mayor Haddock stated there are complaints about this type of lighting. Ron Hill asked how lumens are measured. Maureen Bushman stated it is measured by how many watts equal lumens. Ron Hill stated these lights are hard wired into the home and can be adjusted. Maureen Bushman stated the intent of the Dark Sky code is to protect the night sky by reducing light trespass, light pollution etc. Melanie Paxton asked is it the Planning Commission's job to issue a change in terminology to make it acceptable through the year? Ron Hill stated they have started using the lights more seasonally around holidays and turning them off at 10 pm and the lumens are set low, they are trying to be considerate. There are several companies that install these lights, and they are set differently by different companies, some turn the lights outward which makes them brighter. Putting lights up, whether it is wired in or not if it is low voltage, then it doesn't have to follow dark sky. Melanie

Paxton stated it doesn't matter if its low voltage or not light is light. Matt Stewart stated nobody putting these lights up is looking at the code. Ron Gaily stated we have a code and seasonal lighting is covered. Maureen Bushman stated the discussion on dark sky lighting has been had and hashed through very thoroughly. The Planning Commission is looking at the code that covers decorative lights. Do they change the code and change the language of seasonal lighting to decorative lighting and limit when they can be on? Matt Stewart stated do they follow the code that is already in place? Larry Lee if you can't see the lightbulb then it should follow dark sky code; some of these lights you cannot see the bulb. Matt Stewart stated it needs to say low lumen and the string cannot exceed what is in the code. Maureen Bushman stated the community needs to be educated on dark sky. Matt Stewart stated all the lights and fixtures are already spelled out in the code. Planning Commission will discuss this again in March and come back with suggestions.

4. CENTRAL UTAH WATER CONSERVANCY DISTRICT RESOLUTION

Maureen Bushman turned the time over to Mayor Haddock. This document from the Central Utah Water Conservancy is a guideline to drafting a water conservation plan. It is not expected to be adopted as a whole. There are 4 areas (section 4) that have to be adopted in order for Elk Ridge residents to be able to receive a rebate. The Conservancy does not want total xeriscaping, and look like Arizona, but to use drought resistant plants. Elk Ridge only requires front and side yards to be completed to get the landscaping deposit back so this would only effect the front and side yards, the residents can still do what they want in the back. All new construction would have to comply to the resolution. Current residents can also participate by replacing what they do have in accordance with the resolution. Maureen Bushman asked the mayor if he thought it was too restrictive. Mayor Haddock stated one of the biggest complaints the city gets is that new development keeps getting approved and concerns that there isn't enough water. This is a way to conserve. Melanie Paxton stated is this just so residents can get a rebate and she does not like the restrictiveness of the resolution and wants to be able to landscape how she wants. Ron Gaily has a neighbor who received a rebate to change his landscaping, the rebate inspired the neighbor to do it. Matt Stewart stated that residents live like there is all the water in the world when there isn't. The city/state has to start somewhere. This is about conserving water. What is the likelihood that conservancy will be mandated in the next couple of years? Larry Lee stated this affects new construction and existing residents can flip their strips. Maureen Bushman stated an email from Savannah Peterson of the Conservancy said there will be an update on water efficiency standards in March and it may be worth the wait to see what they are and to wait until that information is available. Larry Lee stated once mandates are put in to affect the money is pulled back. Matt Stewart stated being on a mountain this can also impact run off. Royce Swensen stated that there is also an issue with being able to enforce it. Planning Commission is not ready to make a recommendation at this time.

5. VOTE CHAIR & CO CHAIR OF PLANNING COMMISSION

MELANIE PAXTON NOMINATED MAUREEN BUSHMAN FOR CHAIR RON GAILY SECONDED.

VOTE	AYE (5)	NAY (0)	ALL APPROVED
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Matt Stewart asked Larry Lee if he wanted to continue as co-chair. Larry Lee stated he will be leaving the Planning Commission and would not be able to .

MATT STEWART NOMINATED MELANIE PAXTON FOR CO CHAIR LARRY LEE SECONDED

VOTE	AYE (5)	NAY (0)	ALL APROVED
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6. APPROVE MINUTES FOR JANUARY 5, 2023

