

1 **ELK RIDGE PLANNING COMMISSION SPECIAL MEETING**

2 **June 24, 2010**

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5 **TIME AND PLACE OF PLANNING COMMISSION MEETING**

6 A special meeting of the Elk Ridge Planning Commission was held on Thursday, June 24, 2010, at 7:00 p.m. at 80 East Park Drive, Elk
7 Ridge, Utah.

8
9 **ROLL CALL**

10 *Commissioners:* Kelly Liddiard, Dayna Hughes, Paul Squires, Debbie Cloward
11 *Absent:* John Houck, Kevin Hansbrow, Jason Bullard, Randy Jones
12 *Others:* Shawn Eliot, *City Planner* (on phone)
13 Marissa Bassir, *Planning Commission Coordinator*
14 Sean Roylance, *City Council*, Erin Clawson, *City Council*, Krisel Travis, Jamie Towse, June Christensen, Sherrie
15 Dalton

16
17 **OPENING ITEMS**

18
19 **OPENING**

20 Dayna Hughes, Chair, welcomed at 7:06 PM. Opening remarks were said by Paul Squires followed by the pledge of allegiance.

21
22 **APPROVAL OF AGENDA**

23 Dayna Hughes, chair, reviewed the agenda and it was decided to skip the city council update, unless a city council person comes to the
24 meeting. Also, they added an agenda item for the zip line in the community.

25
26 **CODE AMENDMENT – SECONDARY ACCESS REQUIREMENTS FOR SUBDIVISIONS**

27 Dayna Hughes, chair, indicated that this item was discussed last year with Krisel Travis who is representing Elk Haven E. She asked
28 Krisel if anything has changed.

29 Krisel Travis said nothing has changed as far as the subdivision goes. The lots were re-numbered, but the size and shapes of the lots are
30 the same.

31 Dayna Hughes, chair, the issue discussed last time was to increase the number of lots without two points of egress from 16 to 20. The
32 staff recommends because our code is a little confusing and contradictory, we simply go with IFC requirements. The IFC requirement is
33 30 and Krisel is asking for 20.

34 Krisel Travis indicated they would actually need 23 for what they are proposing, but they would like to see 30 to be in line with the IFC
35 and it allows them some flexibility.

36 Dayna Hughes, chair, asked Shawn if 25, instead of 30, was recommended to the city council.

37 Shawn Eliot indicated that the planning commission said 25.

38 Dayna Hughes, chair, opened the public hearing at 7:13pm.

39 Shawn Eliot indicated there are three codes right now. The urban interface code (9-3-4) requires there has to be two accesses with an
40 exception if the fire chief and the planning commission recommend it because of physical obstacles. It makes sense since Elk Ridge is a
41 hillside community and there are some places that just can't physically be accessed. The second code is on page 2 under 10-9A-13-11,
42 which is in the hillside code. Any development over 16 lots must have a secondary access. That was arbitrarily chosen by the city
43 council when the Fitzgerald subdivision was being done. They were proposing 16 lots in a cul-de-sac. The planning commission
44 recommended 20 for the hillside code and when they looked at the Fitzgerald subdivision, they decided to just go with the 16 lots. The
45 third code is the IFC, which is adopted. The definition of the code is harder to obtain since it's not all in our code. The definition is 30
46 or fewer dwelling units allowed on one single access. If there are fire sprinklers in the home, then the fire chief and planning
47 commission can allow more. Some of the betterments are required and some are not. They include a water line up to the water tank –
48 they are proposing an 8" line, where the city would like a 10" line, but the city cannot require them to do a 10" line. One of the
49 betterments is to carry the water line up the road and also to put in a gravel road. The curve in the access road is right at the end of
50 hillside drive and part of the betterment is to reclaim that road and so that it is not accessible anymore.

51 Dayna Hughes confirmed that they would not be fixing that road; they would be eliminating that road.

52 Shawn Eliot said that in the current code it says that any dirt road that are now being reclaimed by development; they would need to re-
53 vegetate it.

54 Krisel Travis added that the requirements are the water line, road and an access that goes over the top of that. They feel that because it
55 will connect to a point that it could serve as a secondary access if it is looked at and if it was absolutely needed for the development.

56 Then there is also the existing dirt road and the grades don't meet the requirements for a road access. But there are a couple of egress
57 routes that could meet if needed. Other than that, they are happy with what the staff has proposed for the 30 lots and then working with
58 the International fire code for that.

59 Dayna Hughes asked if Shawn is suggesting going with the international fire code and changing it to 30 lots.

60 Shawn Eliot explained that there is actually three items to look at. There is the interface zone code and he questions whether it should
61 be in the interface code or the zoning code.

62 Dayna Hughes indicated Shawn is backing up his recommendation by saying he has talked to the fire chief, Seth Waite, and that there is
63 a fire sprinkler requirement for all new dwellings. There are also vegetation setbacks that pretty aggressive, as far as fire issues go. He
64 has also talked to Corbett Stephens, Building Inspector, and he is in agreement. The main reason for doing this is because there are three

65 codes that contradict and would like to have one place to go and have our code established. Everyone on a staff level feels comfortable
66 with 30 lots, which is the IFC requirement.

67 Shawn Eliot said the planning commission and fire chief can recommend more.

68 Dayna Hughes read the following proposed code.

69 *“Secondary Access: Any development over 30 lots must have a secondary access road. The planning commission, with the
70 recommendation of the fire chief, can allow additional lots in a development if the city planner and city engineer determine that
71 future roadways will provide secondary means of egress. Any single access with over 30 lots must be designed with a loop road
72 or other grid road type system to allow for better access of public services.”*

73 Shawn Eliot explained they went from 10 to 16 lots because it was taken from the Payson code. There wasn't any significance to that
74 number. The only reason a cap was put in the code was because of the left side of town up on High Sierra. Fire is probably not the
75 biggest problem up there. It's more the fact that a school bus can't turn around there. There should be some kind of connectivity if the
76 road is more than 30 lots so that buses can turn around.

77 Krisel Travis said that loop road says something different to her and she thinks what Shawn is defining is that it has to have some kind
78 of connectivity and turn around.

79 Kelly Liddiard had the same question.

80 Dayna Hughes indicated that was after the 30 lots.

81 Krisel Travis would ask to maybe broaden it or change it to a turn-around or a turn-about.

82 Kelly Liddiard asked if it is a cul-de-sac or what they are proposing in phases and there is a dead end road, do they have to have a bulb
83 or leave a lot empty to put a t-turnaround or something?

84 Shawn Eliot indicated that for any stub road they have to put in a temporary turnaround.

85 Kelly Liddiard asked if that would suffice for the school district.

86 Shawn Eliot replied no. He's just talking about a network of roads where there would eventually be connectivity. The school district's
87 policy indicates they will not go down a cul-de-sac no matter the turn-around. Krisel Travis has contacted the school district and they
88 were ok with the 24 lots so that kids could walk down, but that's not the case on the west side of town where there is 90 lots.

89 Kelly Liddiard said it would help the west side to get Salem Hills Drive through.

90 Paul Squires asked if the school bus would go on a gravel road.

91 Shawn Eliot replied no. They would get stuck in the winter time.

92 Dayna Hughes said that a problem that the city is stuck with and now are trying to make sure it doesn't happen again.

93 Dayna Hughes closed the public hearing at 7:34pm.

94

95 **KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED THAT THE PLANNING COMMISSION**
96 **RECOMMEND APPROVAL OF THE SECONDARY ACCESS CODE WHICH SHALL READ “SECONDARY ACCESS:**
97 **ANY DEVELOPMENT OVER 30 LOTS MUST HAVE A SECONDARY ACCESS ROAD. THE PLANNING COMMISSION,**
98 **WITH RECOMMENDATION OF THE FIRE CHIEF, CAN ALLOW ADDITIONAL LOTS IN A DEVELOPMENT IF THE**
99 **CITY PLANNER AND CITY ENGINEER DETERMINE THAT FUTURE ROADWAYS WILL PROVIDE SECONDARY**
100 **MEANS OF EGRESS. ANY SINGLE ACCESS WITH OVER 30 LOTS MUST BE DESIGNED WITH A LOOP ROAD OR**
101 **OTHER GRID ROAD TYPE SYSTEM TO ALLOW FOR BETTER ACCESS OF PUBLIC SERVICES.” THE**
102 **COMMISSION FINDS THAT THE CURRENT THREE CODES ARE CONTRADICTING AND DO NOT SERVE THE CITY**
103 **OR DEVELOPERS WELL. THE COMMISSION ALSO FINDS THAT THE HR-1 CODE REQUIREMENT OF 16 UNITS**
104 **WAS ARBITRARY AND INCORRECT AND THAT USING THE REQUIREMENTS OF THE INTERNATIONAL FIRE**
105 **CODE COUPLED WITH OUR WILDLAND INTERFACE CODE IS REASONABLE IN A HILLSIDE ENVIRONMENT.**
106 **VOTE: YES – ALL, NO – NONE, ABSENT (3)– JOHN HOUCK, KEVIN HANSBROW, JASON BULLARD**
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108

OAK BRUSH COVE SUBDIVISION PRELIMINARY/FINAL

109 Dayna Hughes said it's very self explanatory and read the following from the background from the staff report.

110 “The applicant is requesting that the lot line between his property and his neighbors, Matt Cahoon and Daniel Steele, be adjusted to add
111 more land to his property to facilitate handling a drainage problem behind his home. Since his lot and the others are in two separate
112 subdivisions, they are proposing to vacate their lots out these subdivisions and create a new subdivision addressing the change.

113 Essentially, the only physical change is the adjustment of the rear lot line between the three neighbors. The applicant already
114 approached the planning commission in December 2009, at which time a public hearing was held. There were no comments from the
115 public received and the applicant asked that the proposed subdivision be tabled in order to work out some changes requested by the other
116 two applicants.”

117 The proposal from staff is to approve it. “All three property owners are in agreement with the change. If all the lots were in the same
118 subdivision, this change would be simpler with just a Lot Line Adjustment with no public hearing. Amending the current subdivisions
119 and creating a new subdivision makes this a cleaner process for the city, county, and the title companies, but also requires a public
120 hearing.”

121 Dayna Hughes asked if we still have to do a public hearing.

122 Shawn Eliot indicated that the public hearing was done in December 2009.

123 Dayna Hughes asked how long a public hearing lasts.

124 Shawn Eliot said in his opinion, it would last with the application because all they did was table it. Typically, there is an understanding
125 it lasts about a year. So the question is if they changed anything that we, ethically, should have to go to back to the public and the
126 answer is no.

127 Kelly Liddiard said that what he gets out of it is that lot 2 and 3 of Fairway Heights is now going to become part of Greenview Estates
128 subdivision?

129 Shawn Eliot said it is now Oak Brush Estates.

130 Kelly Liddiard confirmed that Oak Brush subdivision will just consist of those three lots.

131 Shawn Eliot said it is just weird how they are doing it because normally if lot lines are being adjusted, a lot line adjustment is done, but
132 since it is between two different subdivisions, they could have done just an amendment to the subdivisions, but the engineer decided to
133 create a new subdivision, which does the same thing. They would vacate the lots from the old subdivisions and create the new one.

134 Dayna Hughes asked if this had to go to the city council.

135 Shawn Eliot indicated it did have to go to the city council.

136 Paul Squires commented that the three property owners weren't in agreement.

137 Shawn Eliot explained that back in December the plat showed a drainage easement between the two larger lots in the Fairway
138 subdivision, but the natural drainage does not go along the property line so the two property owners did not want an extra requirement
139 put on their property so that's why they asked to table it because they weren't in agreement with the plat at that time. Since then the
140 drainages have been taken off because of the natural drainage.

141 Dayna Hughes said so it's Shawn's representation that all three property owners are in agreement.

142 Shawn Eliot said yes and all three property owners had signed the application.

143 Kelly Liddiard asked what the long term issues in making a new subdivision in the middle of all this.

144 Shawn Eliot indicated it's nothing. Subdivision is just a legal thing. As a city, they have to have a subdivision ordinance that lets
145 people come into the city and subdivide the land. It's a paperwork thing.

147 **DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED THAT THE PLANNING COMMISSION APPROVE**
148 **THE AMENDMENT TO THE TWO SUBDIVISIONS BY VACATING GREENVIEW ESTATES SUBDIVISION LOT 5 AND**
149 **FAIRWAY ESTATES SUBDIVISION LOTS 2 AND 3 AND CREATING THE OAK BRUSH COVE SUBDIVISION. THE**
150 **COMMISSION ALSO RECOMMENDS TO THE CITY COUNCIL THE SAME. THE COMMISSION FINDS THAT THE**
151 **PROPOSED CHANGES FIT CITY CODE, HAS NO NEGATIVE IMPACTS TO THE HOME OWNERS IN THE**
152 **NEIGHBORHOOD, AND WILL HAVE A POSITIVE EFFECT FOR THE PROPERTY OWNERS INVOLVED. VOTE: YES**
153 **- ALL, NO - NONE, ABSENT (3) - JOHN HOUCK, JASON BULLARD, KEVIN HANSBROW**

154 CITY COUNCIL UPDATE

155 Sean Roylance said the city celebration is coming up tomorrow. Derrek Johnson has been spending a lot of time arranging that. The
156 city council has been discussing what to do with the park out there. First there was the discussion of getting a new large big toy, but
157 then a couple of weeks ago, the existing playground equipment was vandalized. So they are taking a step back. Last he heard was that it
158 was vandalism and as far as insurance is concerned, the previous mayor and Nelson Abbott sat down with the insurance company and
159 were understanding that the playground was covered, but what was communicated and what was in writing were two different things so
160 it was not covered. It was about \$20,000 in damages. As far as what to do going forward, he thinks what the city council is concerned
161 about before replacing the playground equipment is how to prevent further vandalism.

162 Dayna Hughes asked if there was a possibility to get surveillance cameras on the park.

163 Sean Roylance said that was something discussed. Another possibility was to get some lights out there. There are a couple of lights that
164 have been donated so they are going to get those put up and keep the area well lit.

165 Kelly Liddiard interjected that he is working on cameras at the university and that is a major expense. They have to be high quality or
166 they are useless. For each camera to be installed is about \$1,000 plus storage because you have to maintain the data. Lighting is cheap
167 and is better because it is a good deterrent.

168 Sean Roylance said the city has been considering getting a garbage truck and doing the garbage services. He is not sure where it is
169 going yet. Initially, there was information on how much it would cost to join the waste district, but the numbers in the end came back
170 significantly higher than communicated previously. He's not sure if the numbers are going to work out. The second concern is where
171 does the city store the truck so it doesn't get in the way or upset neighbors. The city council also is considering a tax increase. It would
172 have been small, but an increase nonetheless. The council decided not to do that. The city is in the black either way. Compared to other
173 cities around Elk Ridge is in a good position.

174 Kelly Liddiard asked what the purpose of the tax increase proposal.

175 Sean Roylance explained that with property taxes, normally, there is what's called a certified tax rate that they give to the city and is
176 designed to make it so the city's revenues from property taxes remain constant for inflation. The property taxes increase every year as it
177 is anyway to keep up with inflation. Because a lot of cities are struggling for money, there is a one time opportunity with the state to
178 make up for a percentage of people that haven't paid taxes in the past that the city could approve a higher tax rate to collect more money
179 from those who do pay taxes. Now normally to increase taxes or to increase even further, the city has to have a truth and taxation
180 hearing and the city wasn't going to do that. But the state said here's two rates - standard rate or the other rate for this year that would
181 give you some extra income. In the end, the majority of the council was that the city is in the black either way so they voted not to raise
182 it. The tax rate was raised last year and this year's tax rate is actually higher than last year's because property values have gone down so
183 in order to keep that revenue the same, property taxes were automatically raised anyway. The city had to take \$200,000 from savings to
184 cover the shortfall from a couple of years ago. At the current rate, if things go as projected, this year and then next year we take the two
185 together and don't spend the money while in the black, then will be able to pay it back to where the city was a few years ago.

186 Kelly Liddiard asked if there is any word on the new road going out to the freeway.

187 Shawn Eliot indicated that they have chosen the preferred straight alternative to the Benjamin road. They are submitting the application
188 to the Army Corp. and they should be doing it any day now.

189 Dayna Hughes asked for an update on the Salisbury Development - he has pulled out now?

190 Shawn Eliot said the area is called phase 2 and the bank went out of business. Salisbury did not own the lots. They had a contract with
191 the bank to buy the lots individually when they needed them. Now the FDIC is looking for buyers and as of last week, they had three,
192 which one of them was Salisbury.

193 Dayna Hughes commented that, hopefully, it isn't dead in the water.

194

195 Shawn Eliot said the other problem is that the city would use the surety bond to fix the park and now the surety bond company is
 196 contesting that. So the city might not get that. But now that it has gone to receivership of the FDIC, there are so many lots available for
 197 much lower amount of money. So maybe the city can negotiate with them to fix the park.

198 **REVIEW AND APPROVE MINUTES OF 5/13/10 COMMISSION MEETING**

199 There were not any changes made to the minutes of 5/13/2010.

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 201
 202 **DAYNA HUGHES MOTIONED AND KELLY LIDDIARD SECONDED TO ACCEPT THE MINUTES OF MAY 13, 2010 AS**
 203 **PRESENTED. VOTE: YES – ALL (4), NO – NONE, ABSENT (1) – JOHN HOUCK**
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 205

206 **OTHER BUSINESS**

207 **New Planning Commission Member**

208 Dayna Hughes introduced Debbie Cloward as a new official planning commission member. She has been sworn in and Dayna is very
 209 happy to have her.

210 Debbie Cloward explained that she is a long time Payson resident or her family is. She moved over to Elk Ridge in 1969 when her
 211 father no longer had orchard in Provo due to BYU's expansion. He began farming over here in 1957. Her family owns the Allred
 212 orchards. She loves the area. She lives down on Gooseneck Drive across the street from Lewis and Veronica Field. She has lived in her
 213 home for 25 years.

214 **Zip line in the Community**

215 Dayna Hughes said she has had two people ask her questions about the zip line being constructed on Astor Lane within the
 216 neighborhood. Sherrie Dalton has called her several times wanting to know code and what's happening and can this possibly be
 217 allowed, etc. She will be attending the meeting. She also indicated that Shawn said on behalf of the city that there is not any code
 218 violation – the zip line is perfectly fine.

219 Shawn Eliot explained that the only code that could even address toward it is a generic line in the nuisance code that says if three
 220 citizens all complain about the same thing, then it can be considered a nuisance. It's a catch-all phrase. Shawn talked to the owner of
 221 the house, who lives in Pleasant Grove, and he was somewhat frustrated with the city to ask him to remove it. The owner was not aware
 222 of it since the house is being rented. The telephone poles they put in are shorter than the homes nearby. The renter says that once he
 223 gets the line up, it's going to be nine feet off the ground.

224 Kelly Liddiard said he can see them over the roof of the house and others agreed.

225 Shawn Eliot didn't think they were that tall.

226 Dayna Hughes said one of Sherrie Dalton's main concern other than the height of the pole, was the platform for people to stand on. Is
 227 there any concern about that?

228 Shawn Eliot said there is a 30 foot setback in the backyard for a home, but if your neighbor has a two-story home, you aren't going to be
 229 able to stop them from looking in your backyard so Shawn told the renter, that it would be better if he put it closer to the house instead
 230 of right next to the fence. His comment to Shawn was that he went to the neighbors and that she was the only one that complained that
 231 were adjacent to him.

232 Dayna Hughes said that some people were in favor of it and the renter offered to have the neighbors use it also.

233 Shawn Eliot said there isn't any specific code on height of structures like that. He argued that there is a tree taller than that. And
 234 obviously that is irrelevant.

235 Kelly Liddiard asked what the owner of the house said.

236 Shawn Eliot indicated that the owner felt that the city was blowing it out of proportion. So he told his renter that he didn't want any
 237 trouble with the city, but he doesn't care if they have it there, as long as they take it with them when they go.

238 Dayna Hughes asked if three people complain and it is considered a nuisance and he is halfway through building it, then what happens.

239 Shawn Eliot said they would have to take it out or they would start fining the owner, not the renter. They would probably give them two
 240 weeks to take care of it before fines started.

241 Dayna Hughes asked what happens when the renter disagrees that it's a nuisance and he goes around and gets people to disagree that it's
 242 a nuisance. How does that work?

243 Shawn Eliot indicated that he can appeal to the city council. They came to the city council the other night and it was during the public
 244 forum that the council doesn't make any comment on.

245 Dayna Hughes also indicated that it is located really close to the neighbor's fence.

246 Shawn Eliot said if they would have stuck it out their own back door, he doesn't think it would be as big of a deal.

247 Kelly Liddiard asked if that was the big deal if they are on the platform and they are going to be able to see in the neighbor's backyard.

248 Dayna Hughes said Sherrie Dalton's thing is when moving into a subdivision; a ten-foot zip line is not going to be built in your
 249 neighbor's backyard. Regardless, if it meets code or not. Jamie Towse was there.

250 Jamie Towse thinks it is just inconsiderate. She thinks it is ridiculous to be that close to the neighbors and she knows people can do
 251 what they want, but it is an eyesore. She thinks there aren't telephone poles in Elk Ridge for a reason and that's why everything is
 252 buried because they didn't want to see the telephone poles. That is what she sees directly out her bay window now is the telephone
 253 poles. Pretty soon she'll see platforms and people. For Sherrie, all of them will be looking in on her. All those people built fences for a
 254 reason and now they are all kind of moot.

255 Dayna Hughes indicated that the zip-line could be operated any time of day or night.

256 Kelly Liddiard said unless it becomes a nuisance as far as noise. They can play, but they have to be quiet. So if there isn't any
 257 ordinance with this thing, then what are we doing?

258 Dayna Hughes said all the planning commission is doing is gathering information. We will pass on the information to Sherrie Dalton
 259 that if she gets three or more people to file a nuisance with the city, then the procedure will be that Shawn will contact the owner saying

260 that a nuisance has been declared and that means that the zip-line needs to be taken down and they have two weeks to take it down and if
261 they don't they will be fined every day. What is the timeframe for this owner to appeal the nuisance to the city council?

262 Shawn Eliot said he has two weeks. Actually, it's more than that it's more like 4-6 weeks. He asked if it would be a compromise if they
263 moved it closer to the house. Or is it that the neighbors just don't want it no matter what.

264 Jamie Towse said it doesn't make a difference to her, it's still an eyesore.

265 Kelly Liddiard was concerned because he had a jungle gym with his house in Orem and it had a platform on it that was a foot over the
266 six-foot fence and the kids could see into the neighbor's yard all the time.

267 Dayna Hughes doesn't want to go there because that is not what they are talking about. If the only problem the residents had was that
268 people looking into their backyard; that is not a relevant argument. Everybody can look into everybody's backyard. The issue is that it
269 is something you wouldn't normally find in people's backyard. You expect to find a jungle gym, even if it was tall. This is pretty
270 uncommon for a neighborhood situation.

271 Kelly Liddiard agrees with that. If the zip-line is only supposed to be 9 feet off the ground, then why does he have to have 30-foot
272 poles?

273 Shawn Eliot replied that he never did ask him.

274 Dayna Hughes indicated that the platform will be at 9 feet, but the poles will be higher. Just physics, you have to have the poles strong
275 enough to hold that weight so it's not a 9-foot structure. Sherrie has taken some pictures. Should the planning commission look at
276 code?

277 Paul Squires found code under Public Health and Safety Chapter 2 Nuisances. 4-2-1B "Any condition or use of premises or building
278 exterior, which is deleterious or injurious to the public health, obnoxious or unsightly, which includes, but is not limited to keeping or
279 disposition on or scattering over the premises lumber, junk, trash and so forth." The statement "obnoxious or unsightly", it is defined as
280 a nuisance. (*Old Code*)

281 Dayna Hughes explained the process to Sherrie Dalton, who walked in late.

282 June Christensen asked about the excessive weeds on vacant lots.

283 Shawn Eliot indicated that he sent out weed abatement letters the previous week.

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286 **ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:19 p.m.

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Planning Commission Coordinator