

1 **ELK RIDGE PLANNING COMMISSION WORK SESSION**

2 **October 14, 2010**

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5 **TIME AND PLACE OF PLANNING COMMISSION WORK SESSION**

6 A work session of the Elk Ridge Planning Commission was held on Thursday, October 14, 2010, at 7:00 p.m. at 80 East Park Drive, Elk
7 Ridge, Utah.

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9 **ROLL CALL**

10 *Commissioners:* Dayna Hughes, Kevin Hansbrow, Randy Jones, Debbie Cloward, Paul Squires,
11 *Absent:* John Houck, Jason Bullard
12 *Tardy:* Kelly Liddiard
13 *Others:* Marissa Bassir, *Planning Commission Coordinator*
14 Erin Clawson, *City Council*, Greg Magleby, *LEI Engineer*, Adam Castor, *LEI Planner*, Ken Lutes, *Mayor*, Lucretia
15 Thayne

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17 **OPENING ITEMS**

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19 **OPENING**

20 Dayna Hughes, Chair, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

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22 Adam Castor introduced himself as the land planner with LEI and Greg Magleby who is the professional engineer. He described that he
23 will go through a PowerPoint presentation about LEI, which will go through the development process and applications. He would like
24 to see everyone get on the same page and be going in the same direction, then later on, they will start going through the code.

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26 **APPROVAL OF AGENDA**

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29 **PLANNING COMMISSION PROCESS TRAINING WITH PLANNER/ENGINEER**

30 [*Refer to the PowerPoint presentation by LEI dated October 14, 2010.*]

31 Adam Castor provided a background of LEI, which is full service.

32 Dayna Hughes asked if they were the city's engineer. She asked the status with Aqua Engineering.

33 Greg Magleby indicated that at this point, they were consulting in a planning capacity rather than an engineering capacity, but that could
34 come at a later date. The engineering capacity is to be used on a project by project basis.

35 Adam Castor indicated that at this point, they are reviewing the code and making recommendations on some existing development
36 applications that are currently in and also to make recommendations on the city code.

37 Greg Magleby indicated he previously worked with Elk Ridge over the past 17 years off and on, in an engineering capacity, as well as
38 helping in the planning capacity.

39 Adam Castor went through the general application process, which included the following.

- 40 1. Technical Review Committee (TRC) Pre-application Meeting, optional
- 41 2. Neighborhood Meeting, optional
- 42 3. Planning Commission Review, optional (non-action item)
- 43 4. Application submittal and completeness review (non-action item)
- 44 5. TRC review and recommendation
- 45 6. Planning Commission
- 46 7. City Council

47 Adam Castor indicated that they want to have all the kinks worked out before it gets to the planning commission level. The application
48 shouldn't be seen by the planning commission to work out issues with the code or issues or problems with the application. That should
49 happen at the TRC. It should be an easy review so the planning commission can make the appropriate recommendations based on their
50 review of the application.

51 Dayna Hughes asked if the Planning Commission Review was in place of or if it was the same as the concept meeting. But the concept
52 was just feedback without a motion.

53 Adam Castor indicated that it was the same thing. The planning commission would just give input for them to go back and prepare a
54 complete plan.

55 Lucretia Thayne asked if there were fees associated.

56 Adam Castor explained that fees were not applied until the actual application is submitted.

57 Greg Magleby explained the TRC and the pre-application meeting are very important steps to really pull out all the issues before it goes
58 to planning commission. Building inspector, public works inspection, fire chief, city engineer, planner, the mayor, and Dayna, Chair,
59 would be on TRC.

60 Kevin Hansbrow asked if LEI was involved at step one because if no fee is charged until step four, then how is the city paying them.

61 Greg Magleby indicated the TRC would have two components – one would be the action items, the second would be a very informal
62 quick pre-application meeting. They don't intend those meetings to be doing the work for the developer.

63 Kevin Hansbrow said he understands the process and actually likes the process, but he would like to know how LEI is being paid with
64 all the time involved.

65 Adam Castor said they have met with the city council and have adjusted some of the fee scheduling so it will help compensate for some
66 of those early engineering efforts before all the fees get paid.

67 The applications that would typically go through the general process are the following.

- 68 1. Conditional Use Permit
- 69 2. Development code Amendment
- 70 3. Lot line adjustment
- 71 4. Lot split
- 72 5. Road vacation
- 73 6. Subdivisions
- 74 7. Zone Change

75 The process is not going to apply to everything. It is more tailored to a large scale subdivision proposal and things like that.

76 Dayna Hughes asked if it was the planning commission's responsibility to hold or attend the neighborhood meeting.

77 Adam Castor confirmed that they did not need to hold the neighborhood meeting. It is the applicant's decision to make with the
78 encouragement of us as planner and the TRC.

79 Greg Magleby indicated that in larger subdivisions, they see the neighborhood meetings working well, rather than the public having to
80 address the planning commission to get their answers and have an informal meeting directly with the developers. He also indicated that
81 the developer is the one that oversees the administrative work and they can hold it anywhere. This meeting gives the applicant a chance
82 to propose what he wants to do and inform the public so they don't attend planning commission meetings misinformed.

83 Adam Castor reviewed the planning commission review, which is a meeting where the applicant meets with the planning commission to
84 review his plan. There is not any action and it is made clear that the applicant is not vested until there is an application with a fee paid.
85 This will be in the code. Any comments made by the planning commission in this meeting are not binding.

86 Upon completion of the recommended reviews, the applicant will submit the required application, all the plans and the fees to the city.
87 During this time, the plans get reviewed in the office and within five business days, the city will let the applicant know if they are
88 complete. If it is complete, then they will move on to the formal review by the technical review committee (TRC). If it is not complete,
89 the application is returned to the applicant with a statement of what needs to be completed.

90 Randy Jones asked who actually reviews the plans to determine completeness.

91 Adam Castor replied that the zoning administrator, staff and city planner would review for completeness.

92 If the application has been submitted and is deemed complete, the TRC will review it and provide any recommendations, redline
93 provisions; anything that needs to be relayed to the applicant to make sure the proposal is consistent with the general plan and meets the
94 intent of the zoning ordinances.

95 Dayna Hughes quoted "multiple TRC reviews of the application may be necessary". She clarified that they are doing two TRC reviews
96 and asked what the fee schedule beyond more than two reviews.

97 Greg Magleby indicated it would then be an hourly basis billed directly to the applicant.

98 Dayna Hughes said regardless of where they are, they get two reviews and then they pay per hour after that for the planner/engineer's
99 time. It seems like in the past that some of the applicants have had more than two reviews and have not been compensated.

100 Kevin Hansbrow commented that it gives the applicant motivation to get their plans right.

101 Dayna Hughes commented that most of the things that are brought to the planning commission are not going to be issues that the
102 planning commission needs to hash out and discuss. The planner and engineer will not bring anything to the planning commission until
103 it is ready. That is the intent. Then, perhaps, if something is missed, then the planning commission can check in and make suggestions.
104 In most cases, the job of the planning commission is to review and to, basically, approve what has been brought to the planning
105 commission as the TRC has gone through it. Sometimes, she thinks the planning commission gets in the mindset that they are there to do
106 the TRC's job; to go through it; to nitpick it; to codify it and if the TRC does what they are supposed to do, then really all the planning
107 commission is doing is reviewing and, perhaps, making suggestions and then motioning.

108 Greg Magleby indicated that most of the projects the planning commission sees are going to be in compliance with the zoning. It is the
109 planning commission's obligation to check that again, especially how it applies to the intent. The intent is really determined by the
110 planning commission and the city council. The staff is really there to look at the "nuts and bolts".

111 Dayna Hughes asked if the planner and engineer would recommend overlay zones.

112 Greg Magleby replied they would recommend. There is a lot of discretion when those come into play.

113 Paul Squires commented that the planning commission could oppose on the design and/or change the design.

114 Greg Magleby and Adam Castor both agreed.

115 Dayna Hughes said even though it is very objective, there is still some subjectivity involved once it gets to the planning commission.

116 Greg Magleby indicated that they will give the planning commission all the recommendations, but they can't make the motion.

117 Dayna Hughes explained to the planning commission that it is their job to make motions based on their own findings. If they do not
118 have an opinion or need more time to make a decision on a finding, the issue can be tabled.

119 Greg Magleby commented that if they are going to oppose a motion, they request that there is a reason given when opposing. Be very
120 specific. It can't be a personal opinion.

121 Lucretia Thayne asked if the TRCs are open to the public.

122 Greg Magleby indicated that all the TRCs are open to the public and should be posted.

123 Dayna Hughes commented that just the final TRC will be posted, not the reviews – not the non-action items.

124 Kevin Hansbrow questioned the TRC telling the developer what the intent of the code is and not the planning commission. The
125 developer may have questions on the intent of the code.

126 Greg Magleby answered that they are not there to interpret the intent of the code.

127 Kevin Hansbrow said the planner will present what they think about the intent of the code, but it is up to the planning commission to
128 make the decision of the intent.

129 Greg Magleby said if the developer disagrees with what the TRC is saying the intent of the code is, that is when the issue comes to the
130 planning commission.

131 Kelly Liddiard commented that if the TRC sends something to the planning commission, they should know how you came to that
132 decision.

133 Greg Magleby indicated that a formal recommendation from the TRC would come to the planning commission.

134 Dayna Hughes said that obviously the planner and engineer would be there to address concerns and give background information.

135 Adam Castor explained that the recommendation will be very detailed and how they arrived at that recommendation.

136 Greg Magleby explained the TRC would have a motion with a second and a vote on the recommendation. There might be disagreement
137 with the TRC and it will be noted in the recommendation.

138 Dayna Hughes suggested that contingencies are avoided at all costs when making a motion. The city has gotten into trouble before with
139 contingencies because no one follows up on contingencies. The planning commission used to send things forth with ten contingencies
140 that they had come up with and no one ever checked up on them. If that were to come to the planning commission, are they allowed to
141 send it back to the TRC?

142 Kevin Hansbrow asked if the developer is allowed to go fix the contingencies and bring it back without having it go to the TRC. Fees?
143 Adam Castor said if it is an issue that really needs more input; the planning commission could remand it. Or the planning commission
144 could simply ask them to fix it and come back.

145 Dayna Hughes asked if they would have to pay an extra fee if they already used their two reviews.

146 Greg Magleby indicated they would have to pay the extra fee.

147 Dayna Hughes asked once a motion is made by the planning commission and it moves to the city council, is there a time limit that it has
148 to become an agenda item for the city council.

149 Adam Castor said he did not see anything in the code about that.

150 Greg Magleby commented that there isn't any timeframe, but due process. They have to show that there is valid reason for it not to be
151 on the agenda.

152 Dayna Hughes commented that is a city council issue though. They would have to draft their own procedural code as to what the time
153 limit is and they have not done that to her knowledge. She also asked what a reasonable amount of time would be assuming that there is
154 a disagreement – that staff does not like the planning commission motion.

155 Greg Magleby said he has seen things take 2-3 months between the planning commission and the city council.

156 Dayna Hughes asked what is appropriate action is between that time. Obviously, nothing on the planning commission end. Certainly,
157 staff or any other elected official wouldn't ever change a motion that was made by the planning commission. Our motion has to go
158 forward exactly as they motioned it. Then additional information can be presented.

159 Greg Magleby agreed.

160 Adam Castor went over the responsibilities and duties of the planning and zoning administrator, who was listed as Corbett Stephens. It
161 was discussed that all questions would be answered at a staff level first and involve the planner as a last resort for further clarification.
162 The zoning administrator would contact the city planner directly. He would like to reduce the amount of time that is spent
163 corresponding directly with applicants outside of TRC meetings or any other planning commission meeting to cut down the time and
164 expenses incurred for that.

165 Dayna Hughes asked if the planning commission should see the TRC minutes. She said the planning commission has never seen TRC
166 minutes.

167 Greg Magleby indicated that TRC minutes would come with the particular application. The planning commission needs to see the
168 process that went into making a decision at the TRC level to know whether you agree or disagree.

169 Adam Castor went over the duties and responsibilities of the planning commission chair, which are to preside at all planning
170 commission meetings; prepare a written agenda with the assistance of planner and city staff; understand and enforce planning
171 commission by-laws and rules of procedure; ensure the attendance of members.

172 Dayna Hughes commented that the chair position is open in February. She also asked how she should work with the planning
173 commission coordinator, Marissa, because it has been her job to email the members and make sure everyone is coming.

174 Greg Magleby thought Marissa could still be the contact, but the chair is the enforcer.

175 Debbie Cloward suggested that every time a member says they aren't coming, the chair gets a phone call.

176 Dayna Hughes didn't want to do that because people have a right to miss meetings every once in a while. She doesn't want to force
177 anyone when it is a voluntary position.

178 Adam Castor said it is important that everyone understands that attendance is important.

179 Dayna Hughes announced that John Houck has resigned and she has the documentation. She would like to just make Randy Jones a
180 voting full-time member and move John to the alternate position, but she was told she really can't do that. The city council has to
181 appoint Randy as a full-time member and then appoint a new alternate.

182 Further discussion took place regarding the use of code books, which they shouldn't be using, and looking up code on the internet.

183 Dayna Hughes asked if the planner would be updating development code and cleaning up the code in the future.

184 Greg Magleby indicated they plan on reviewing code and it is up to the planning commission to make the decisions on what needs to be
185 changed and how to do it. The planner and engineer can make recommendations on what needs to be clarified. They will be
186 maintaining a list on what needs to be worked on.

187 Adam Castor went over the planning commission member's duties, which are attend and participate in planning commission meetings;
188 understand by-laws and rules of procedure; understand development code and where to find ordinances within the code; review
189 applications; recommend amendments to code; recommend approval to city council; approve, deny, or table applications.
190 He also indicated that they would be doing a monthly training on development code to get everybody a full understanding of that
191 particular section and flush out the issues and get them solved.

192 Dayna Hughes wanted to know what was on the next agenda and asked if Mr. Gowers would be coming back to the planning
193 commission.

194 Adam Castor explained that Mr. Gowers has been taken care of for the time being with the city council. Mr. Gowers was asking if he
195 could develop his northern lot under the R-1-15,000, which has already been excavated pretty extensively by Mr. Yergensen. The city

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council denied him what a previous city council had told him he could do. The majority of the lot was in the HR-1 zone and he would have to abide by the more restrictive code.

Dayna Hughes clarified that he can build one house on that lot. The city has denied a zone change, but he can reapply. He can also apply for a lot-split to the planning commission.

Adam Castor indicated that Mr. Gowers didn't want to go through the process and pay fees knowing he would be able to build a house on both lots under the HR-1 zone.

Dayna Hughes asked what was going on with Elk Haven E.

Greg Magleby indicated that Elk Haven E will be coming with a code change regarding the number of lots on a single access. TRC has not made a motion on this yet. There is a TRC scheduled for next Friday.

Adam Castor indicated there is also a conditional use permit application for Lee Haskell Assisted Living Center. He gave a brief description of the application. It is located off of Elk Ridge Drive and Olympic. He is asking for a conditional use for an assisted living center. Only action would be whether to allow that use in that zone. He would then have to come back through the subdivision process and the site plan process.

He also indicated that there is a conditional use permit for chickens from Dave Simmons who is a violator.

ADJOURNMENT – Chair, Dayna Hughes, adjourned the meeting at 8:25p.m.

Planning Commission Coordinator