

1 **ELK RIDGE PLANNING COMMISSION WORK SESSION**

2 **October 28, 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 28, 2010, at 7:00 p.m. at 80 East Park Drive, Elk
7 Ridge, Utah.

8
9 **ROLL CALL**

10 *Commissioners:* Dayna Hughes, Kevin Hansbrow, Randy Jones, Debbie Cloward, Paul Squires, Jason Bullard, Kelly Liddiard
11 *Absent:* Dan Steele
12 *Others:* Marissa Bassir, *Planning Commission Coordinator*
13 Erin Clawson, *City Council*, Greg Magleby, *LEI Engineer*, Adam Castor, *LEI Planner*, Ken Lutes, *Mayor*, Lucretia
14 Thayne, Jamie Towse, Krisel Travis, Roger Dudley, Dave Simmons

15
16 **OPENING ITEMS**

17
18 **OPENING**

19 Dayna Hughes, Chair, welcomed at 7:00 PM. Opening remarks were said by Randy Jones followed by the pledge of allegiance.

20
21 **APPROVAL OF AGENDA**

22 Dayna Hughes reviewed the planning commission agenda and there were not any changes made to the agenda.

23
24
25 **HASKELL CONDITIONAL USE PERMIT – ASSISTED LIVING CENTER**

26 Dayna Hughes opened the public hearing at 7:05 pm.

27 Dayna Hughes indicated she really liked the idea of the assisted living center and commercial in Elk Ridge. This application was
28 discussed in TRC and it was discussed that more information was needed because the current response time for an ambulance to Elk
29 Ridge was 20 minutes, which was not acceptable for this type of development. More information needs to be gathered to make an
30 educated decision.

31 Adam Castor explained there was a TRC on Friday, October 22, 2010 to discuss the conditional use application submitted by Mr.
32 Haskell. The application was complete. Corbett Stephens said he had spoken with Mr. Haskell regarding the engineering plans that
33 would be necessary for further review and approval and obtaining a building permit. Seth Waite, Fire Chief, brought up the initial
34 concern of response from Payson to Elk Ridge being around 20 minutes for an ambulance. Assisted Living facility of the size
35 concentrates a large number of people that may need ambulance service to come in an emergency. Additional questions were brought
36 up regarding ambulance service – can Elk Ridge provide a faster service by providing its own ambulance service. Second, should the
37 city consider a safety impact fee that would help cover the cost of providing an ambulance service? Also discussed the possibility of the
38 applicant being required to pay for the impact fee. What type of liability does the city assume if an emergency takes place and
39 something happens in that time that it takes for an ambulance to get to Payson and Elk Ridge and back to the hospital; potentially a 40
40 minute trip to get here to there. Additionally discussed was the possibility of the facility providing its own ambulance, if so, the
41 volunteer personnel here would have to have an additional person because there has to be three people to operate an ambulance. It was
42 decided during that meeting that the TRC recommend to the planning commission to table a decision on the conditional use permit
43 application pending answers to the questions brought up during the TRC meeting.

44 Mr. Haskell was surprised that it takes 20 minutes to get down to the hospital.

45 Dayna Hughes explained it isn't from here to the hospital. The Payson ambulance crew has to have three people in order to run. They
46 sit there in the bay until all three arrive. It can be shorter, but that is the information from Seth Waite, Fire chief.

47 Jason Bullard asked how many miles from Elk Ridge to the hospital.

48 The response was about three miles.

49 Kelly Liddiard explained that during the time that it takes the ambulance crew to get to Elk Ridge, the first responder from Elk Ridge is
50 on the scene, but they are quite limited in what they can do as far as medical care.

51 Mr. Haskell commented that in the code under commercial zone, it states there can be a hospital there. Why would they put that in the
52 code if an ambulance can't be supplied to go to a hospital?

53 Dayna Hughes explained that in the code, it is just all the uses that are allowed. The use is then worked upon. This conditional use is
54 the first time there is a need for more ambulance coverage. How many residents?

55 Mr. Haskell indicated there is a possibility of 30 residents – 15 on the main floor and 15 on the second floor.

56 Dayna Hughes asked if there were any plans for the facility to have its own private ambulance on the premises.

57 Mr. Haskell said there would be a transport, but it is not a medical ambulance.

58 Kelly Liddiard commented that being in the business; another factor is the number of calls. The assisted living in Orem has an
59 ambulance stationed at the facility because they are there almost every day.

60 Mr. Haskell asked if that was just an assisted living. He indicated that the facility would be type I and II assisted living. Type I is where
61 the residents will be able to evacuate on their own. In other words, if something happens, they can get out of the building. Type II is
62 where the residents can maneuver and do things, but in case of evacuation he/she would need one person to help them evacuate. It is not
63 like there will be a lot of people that are diseased or sick.

64 Kelly Liddiard said the issue is not whether someone can evacuate on their own. The issue is if someone goes down and how to handle
65 that.

66 Mr. Haskell indicated there are 2500 people in Elk Ridge and there are a lot of residents that are going to go down and there is
67 ambulance service up there. He doesn't think there is a difference. Although, these are older folks and concentrating 15 people in one
68 area, but the people that would be in there, would not be people that need to be in a nursing care facility. Has there been anyone in Elk
69 Ridge die because the ambulance couldn't get there fast enough?

70 Dayna Hughes said there wasn't any situation she knew of.

71 Mr. Haskell then asked how they are coming up with this problem to begin with if it hasn't been a problem.

72 Kelly Liddiard commented that the facility is elevating a need for the ambulance. He would like to see an ambulance in Elk Ridge. He
73 knows that Payson has one sitting down there that they would convey to Elk Ridge. He doesn't know the specifics on cost – that's
74 something the city would have to look at.

75 Mr. Haskell indicated that he didn't think any time would be gained if there was an ambulance in Elk Ridge if there has to be three
76 people to operate it. There would still be people waiting to get to the call.

77 Kelly Liddiard said it depends on how the policies are set up. If they are two people at the rig and then the third person could then
78 respond to the scene with their own vehicle. It's not the best way to do it, but that can be policy.

79 Randy Jones asked if Mr. Haskell would consider having an ambulance crew on the staff.

80 Mr. Haskell said they could, but they haven't really thought about it. He doesn't know what the cost would be. There would have to be
81 three people CERT trained.

82 Kelly Liddiard said that if they wanted to go paramedic, then they could only have two CERT trained, but he didn't think Mr. Haskell
83 would want to spend that money. He also brought up having a safety impact fee to help the city purchase an ambulance. Mr. Haskell
84 could help the city get to that with a study on impact fees.

85 Mr. Haskell said that is why they are there checking things out because of costs for utilities, building permits, etc. He has talked with
86 Corbett Stephens, building official, and he has still not come up with a building permit fee. Apparently, there hasn't been any building
87 in the commercial zone so he doesn't know what to charge.

88 Dayna Hughes asked if the city pays per call.

89 Kelly Liddiard indicated they do. Every time a 911 call goes to the Utah Valley Dispatch center, the city gets billed. He guessed that
90 the charge is around \$47 per call. *(It was later discovered that there is a dispatch fee assessment every six months.)*

91 Dayna Hughes reviewed some possible solutions. First option: The city can buy an ambulance and have an ambulance staff.

92 Obviously, there are budget problems with that particular option. Second option: The assisted living center to provide their own
93 transport for emergency calls.

94 Mr. Haskell indicated that they will have professionals there 24/7. There will be a physician on staff, but he doesn't have to be at the
95 facility. Mr. Haskell thinks a lot of the emergency calls could be taken care of at the facility.

96 Kelly Liddiard commented if a resident falls down and breaks their hip, the CNA is not going to be able to treat that. It will be an EMS
97 response.

98 Mr. Haskell said that since they will have the staff there, they will be able to avoid some of those emergency calls.

99 Dayna Hughes commented that the staff isn't going to be able to do IVs and the things that an ambulance crew is going to be able to do.

100 Mr. Haskell indicated there would be a registered nurse who would run the medical part of it that would be there part of the time.

101 Kelly Liddiard said that a registered nurse could start an IV.

102 Mr. Haskell thinks that with 30 residents there, the city will gain quite a bit of revenue from the building being there with taxes and so
103 forth. He said that would probably offset the fee charged to the city every time there is a call for an ambulance.

104 Dayna Hughes said she would like to see data or information from a facility similar to the proposed facility. Maybe conclusions are
105 being jumped to that don't need to be.

106 The Seville, Mountainair, and the Beehive house were talked about in where to gather information from.

107 Mr. Haskell said he would try to get some information for the planning commission.

108 Dayna Hughes indicated that she would like a planning commissioner to volunteer to get the following information. Average age,
109 number of emergency calls, number of residents, etc. Safety is the big concern.

110 Mr. Haskell indicated that the state of Utah has a department that governs all assisted living facilities. Once they take a look at this, they
111 will tell them whether it is safe or not to have that facility there.

112 Kevin Hansbrow recommended talking to local facilities, as well as the state. It can't hurt to have all the information.

113 Kelly Liddiard volunteered to get information from local facilities and will report back.

114 Mr. Haskell agreed with Mr. Hansbrow, but the proposed assisted living is unique. It won't be like any of the other assisted living
115 facilities around because the others are closer to the hospital; they are smaller; they are bigger.

116 Dayna Hughes closed the public hearing at 7:27 pm.

117

118 **KELLY LIDDIARD MOTIONED AND PAUL SQUIRES SECONDED TO TABLE PENDING ON THE NECESSARY**
119 **INFORMATION INCLUDING NUMBER OF CALLS AND RESPONSE CALLS TO SIMILAR ASSISTED LIVING**
120 **CENTERS OF LEVEL 1 AND 2 RESIDENTS AND DETERMINE IF THE RESPONSE TIME IS GOING TO BE**
121 **DETRIMENTAL TO THE RESIDENTS. VOTE: YES – ALL (7), NO – NONE, ABSENT- (1) DAN STEELE**
122

123 SIMMONS CONDITIONAL USE PERMIT – CHICKENS

124 Dayna Hughes indicated that when the TRC met and reviewed the application and plan, they noticed the setbacks to the neighbor's
125 house were too close. 20 feet as opposed to 25 feet, which is the code requirement. There is a letter from the Gibson's that they are fine
126 with that.

127 Adam Castor explained that the application was deemed complete when it was reviewed along with the site plan. Based on the location
128 of the coop, it is in violation of two codes. It is closer than 25 feet to a neighboring residential building. Also the primary residence is
129 located about 40 feet away and 20 feet from neighboring residence. It needs to be closer to the primary residence than the neighboring
130 residence. There are currently chickens and a conditional use has not been approved, which is another violation of keeping hobby

131 animals without a conditional use permit. A motion was made by the TRC to recommend denial of the application based on those
132 violations.

133 Mr. Simmons indicated that he needs to comply. He understands that he needs to move the coop.

134 Adam Castor explained that he needs to move the coop and then reapply for another permit.

135 Randy Jones asked if he has chickens now that are a violation, does he have to remove the chickens and then reapply. Or can he keep
136 the chickens?

137 Dayna Hughes asked the applicant, Mr. Simmons, if he had an agreement with the code enforcement officer.

138 Mr. Simmons said he did not have an agreement.

139 Planning Coordinator indicated that Mr. Simmons did have a voluntary agreement to apply for a permit by mid November.

140 Dayna Hughes said he was complying and going through the process and he is trying to fix the problem.

141 Mr. Simmons indicated the coop is currently there and they kind of share with the neighbors, the Gibson's. They were thinking of
142 getting some chickens in her backyard. The coop is too close to their house and that is why he had her write the letter. He thought there
143 could be a variance or something.

144 Kelly Liddiard said it would be easier for him to take care of it now where it is at the beginning of the process. He should take care of it
145 now and get it right.

146 Lucretia Thayne understood that he has to re-apply. Does that mean he has to pay the fee again?

147 Planning Coordinator commented that it was discussed that the planning commission could waive the fee.

148 Adam Castor said because it is a simple review process, he thinks a fee could be waived in this case if he is willing to move the coop and
149 come into compliance.

150 Lucretia Thayne asked if he has neighbors who want the coop where it is, they can't do that?

151 Dayna Hughes said code is code.

152 Kelly Liddiard indicated he is in violation of the code. He explained that if they sell their house next year, then it will become an issue
153 again because they will have to move it.

154 Mr. Simmons indicated it is a portable coop so it won't be a big deal.

155 Dayna Hughes closed the public hearing at 7:33pm.

156

157 **KEVIN HANSBROW MOTIONED AND RANDY JONES SECONDED TO TABLE THE SIMMONS CONDITIONAL USE**
158 **PERMIT FOR CHICKENS UNTIL HE CAN COME INTO COMPLIANCE BY NOVEMBER 11, 2010 AND THEN PRESENT**
159 **BACK TO THE PLANNING COMMISSION. VOTE: YES – 6, NO – (1) JASON BULLARD, ABSENT – (1) DAN STEELE**

160

161 *Jason Bullard opposed because he thinks the permit should be denied because he said he is not real interested in taking care of it right*
162 *away. He thinks it should be denied and the process should be started over.*

163

164 It was further discussed that he will need to move the coop by November 11, 2010 or his permit is denied and he will be cited and will
165 need to re-apply. Otherwise, if he comes into compliance by the noted date, there will not be a fee.

166

167 SINGLE ACCESS CODE AMENDMENT (NON-AGENDA ITEM)

168 Dayna Hughes indicated she was at the TRC when this item was discussed and she has also discussed it with the city planner, Adam
169 Castor. The motion from the TRC is to approve this amendment. This is not a public hearing. She has submitted an application to
170 change the code.

171 Adam Castor explained that the current application that has been submitted was sent back to the planning commission by the city
172 council on the August 10, 2010 meeting for further review and recommendation. On Friday, October 22, 2010, the TRC met and
173 discussed some recommendations for code amendments, not directly related to the Elk Haven amendment request, but as
174 recommendations to clarify the code as a result of that code amendment request. There is a long history of this code amendment request
175 going from 16 to 30 lots so it was reviewed from the standpoint of clarifying the code to remove the conflicting information contained
176 within the code. Right now, there are three different ordinances within the code that specify different number of building units
177 allowable on a single access road. So the intent of the city planner was to provide the code recommendations that would help clarify that
178 and let the number of allowable units be based on the minimum frontage required within whatever zone it would be in. In this case, it is
179 the HR-1 zone, which would be 150 foot frontage. Because this current code amendment request is now back in the planning
180 commission's hands, the TRC was unable to make a formal recommendation and review it on that code amendment request and provide
181 a formal recommendation for tonight's meeting. So it wasn't really addressed. What were discussed were the code amendments that
182 LEI provided and are proposing. The motion was made to recommend to the planning commission the recommendations as outlined by
183 LEI.

184 The applicant is asking for a code amendment that would allow up to 30 units on a single access road. It is currently stated as 16. That
185 number was generated based on a plat in the past. It was sort of an arbitrary number. The amendments that LEI is proposing would be
186 to limit the length of a single access road to 750 feet and come into compliance with the international fire code, which was adopted this
187 year by the city. That code is in place. There are provisions within that code to allow single access roads longer than 750 feet with
188 special approval. The recommendation and code amendment would be that single access roads of not more than 750 feet and which are
189 in compliance with the IFC. The existing code would be amended to include that language. That would control the number of allowable
190 units on a single access road.

191 Dayna Hughes asked Krisel Travis (Consultant for developer of Elk Haven E) how long their single access road is.

192 Krisel Travis indicated it is 1700 feet. If Elk Haven is held to the proposed code, they would only be allowed possibly 5-6 lots. So there
193 is a huge problem with the 750 feet.

194 Dayna Hughes asked where the 750 feet came from.

195 Adam Castor responded that it was from the fire code.

196 Dayna Hughes asked if the city is bound to follow the fire code.

197 Adam Castor indicated it has been adopted by the city.

198 Krisel Travis commented that the fire code also allows for special allowances.

199 Adam Castor said anything beyond 750 feet would require special approval.

200 Krisel Travis commented that the way that the amendment is written, exceptions would not be allowed.

201 Dayna Hughes clarified that the way the amendment is written, it is 750 feet or nothing. There are no special circumstances for anything

202 beyond that without a secondary access.

203 Adam Castor said there are not any exceptions to 750 feet. A single access road of not more than 750 feet, which is in compliance with

204 the fire code, may be approved by the city council after obtaining a recommendation from the fire chief and planning commission.

205 Kelly Liddiard said the 750 feet in itself is special.

206 Krisel Travis said with the hillside zoning, she believes it is 110 feet, not 150 as it was said before.

207 Adam Castor said in the HR-1 zone it is a minimum of 150 feet.

208 Krisel Travis indicated on a 750 foot road that turns out to be a lot less than was previously approved. So she feels like the proposed

209 amendment is a huge step backwards as far as the hillside zone is concerned and the city spent a lot of time to write the hillside zone

210 requirements and this would take it backwards.

211 Adam Castor said it would eliminate the question of how many lots are allowed on a road. Now whether it is the HR-1 zone or the R-1-

212 12,000 zone, it doesn't matter. The length of the road determines the number of allowable units. That was the intent to clarify that and

213 come into full compliance with the fire code.

214 Paul Squires asked why Elk Haven would have only five lots with the proposed amendment.

215 Krisel Travis indicated that because the way the code is written, it is from where it becomes a single access and that would be the

216 intersection of Hillside and Oak, which is about 300 feet from the Elk Haven property line. So that would only allow about 400 feet of

217 the Elk Haven property and with 150 feet of frontage, that is basically about 4 or 5 lots. It wouldn't even get up to the cul-de-sac

218 without a secondary access. There is many places within the city that exist that have a lot longer distances and only have a single access.

219 It has been that way for a number of years and up until this point it has been considered safe.

220 Jason Bullard asked if the planning commission is allowed to approve anything over 750 feet.

221 Kevin Hansbrow indicated that the International Fire Code states right now that allowances can be made for more. The city is following

222 the stricter part of the International Fire Code.

223 Adam Castor said that under the HR-1 zone, a special approval of a cul-de-sac up to 1000 feet is available.

224 Jason Bullard commented that the only reason it is limited is because of the International Fire Code. There is no other reason on the

225 table besides that. It does apply, but is this an area that is that big of a fire danger there? Is there any potential of future development

226 that will come into play that will change that from a single access?

227 Kelly Liddiard replied yes.

228 Dayna Hughes asked just to clarify, even though it is not part of the issue, Elk Haven can't do dual access because they don't have the

229 agreement of the other land owners?

230 Krisel Travis replied yes and no. They have explored all the close options. If the council and commission were to consider some kind

231 of temporary road because the city currently doesn't have any code which allows temporary roadways, then there might be other

232 possibilities to explore. Also, she feels that the 750 feet doesn't have to be there because the fire code says 750 feet is as far as they will

233 go. It just causes confusion because then there can be special considerations for more than that. So the fire code, in her opinion, covers

234 what is trying to be accomplished by the city.

235 Jason Bullard asked if the planning commission has received any official recommendation from the fire chief.

236 Adam Castor said he hasn't made an official recommendation, but he has provided that it is his opinion that the fire code is appropriate,

237 especially in the HR-1 zone because of the fire danger. There is an exception, but not without the fire chief's approval.

238 Kelly Liddiard said one advantage for developers, as opposed to other cities, is that the new structures have to be sprinklered.

239 Krisel Travis commented that is an extreme advantage in a situation.

240 Dayna Hughes asked why the 750 feet is there because that is as far as a truck can go.

241 Adam Castor said it is all based on the maneuverability and the limitations of the apparatus that is used to fight fire.

242 Dayna Hughes said that in other words, if the road was 1000 feet long, their hoses would only reach 750 feet.

243 Kelly Liddiard replied that they can lay down more hose; it's the ability to manipulate the trucks.

244 Krisel Travis commented the fire code also addresses that because after so many feet, there has to be a turn-around.

245 Adam Castor indicated it was 150 feet. After 150 feet, there has to be a provision for the fire truck to turn around.

246 Kevin Hansbrow said that the reason that the fire code is the way that it is, is because like the problem that Woodland Hills has, they

247 really only have two accesses. It's people getting out that are the problem. It's not necessarily just the truck being able to turn around.

248 Paul Squires asked since there is future development, is it possible to do a dirt road?

249 Krisel Travis said they are hoping to do that. They are hoping to work with the adjacent property owner where there is an existing road

250 that accesses the house that sits on the Harris property and it acts as a driveway for another resident. They have looked at that. The

251 steepness has prohibited that. She doesn't know what the grade is. (15%) But the fire code also addresses grade-wise what would have

252 to be done. She is not saying that they are opposed to a second access, but a fire access – make it kind of a temporary provision and

253 allow them to explore those options. The problem is that there is a huge ravine on both sides of the subdivision so it is a problem.

254 Dayna Hughes said each commissioner needs to decide if they are okay with the current proposed code change and if there are any

255 suggestions that should be considered without getting any contingencies. She believes all the commissioners are in agreement that the

256 amendment states that an applicant can come in and ask for a longer road.

257 Adam Castor stated under the current fire code they can.

258 Dayna Hughes indicated that this is just step one and this is given to the applicant, instead of all of the conflicting codes and it is

259 confusing. The applicant will start their studies or applications upon the proposed code. Right?

260 Kevin Hansbrow indicated that the proposed code does not allow them more than 750 feet. They can't come in and get any special

261 consideration.

262 Dayna Hughes clarified that there are two issues that the planning commission has to vote upon – the proposed code amendment by LEI
 263 and the application from Elk Haven for 16 -30 lots.
 264 Kevin Hansbrow indicated that he doesn't like that it doesn't allow for more than 750 feet.
 265 Dayna Hughes thought that there was an exception.
 266 Adam Castor clarified that the exception would be where terrain features and other physical obstacles make provision of a secondary
 267 access impractical.
 268 Kevin Hansbrow asked if a secondary access could be as simple as a fire road or does that have to be a paved road.
 269 Adam Castor said it would have to be an all weather surface and it would have to support the weight of a fire apparatus and so it could
 270 be maintained.
 271 Kevin Hansbrow said if there is snow on the ground, most likely they aren't going to have to worry about the people escaping because if
 272 there is fire, the chances of it spreading to where the brush is on fire and they aren't going to be able to escape...
 273 Kelly Liddiard said that can't be assumed. Somebody's propane bottle could explode and take out the houses on either side of it.
 274 Kevin Hansbrow said that is not the issue with the access. It's not a probable situation.
 275 Paul Squires said whether they are fighting one fire or three, he doesn't think it makes a big difference. There is a lot of equipment and
 276 people moving around.
 277 Jason Bullard thinks that one of the major issues that with code requiring sprinklers in the homes is major. That's the reason they are
 278 there. That alone, he thinks it allows some openness to changing the code a little bit to help with the development and the growing of
 279 the city. He has heard so many situations where a lot of developments are limited on probable causes that are very unlikely to happen.
 280 Where should the line be drawn on probability.
 281 Dayna Hughes said that what the city should go by is the general plan and in the general plan, there is a health, safety and welfare
 282 section. Does this follow the intent of what is in the General Plan? For the newer members, some information that was provided for fire
 283 sprinklers was that of the homes that had sprinklers, there were zero fatalities and in many cases, the sprinklers put out the fire. She
 284 would like to see some verbiage in the code amendment that gives the planning commission and the city council a little leeway.
 285 Kevin Hansbrow asked if there is anywhere in there the actual international fire code available.
 286 Adam Castor indicated the information the commission has is the entire fire code as it relates to single access roads. So far the
 287 recommendation is to recognize all aspects of that part of the code.
 288 Kevin Hansbrow said that the fire code allows there to be exceptions, but the LEI proposed code does not.
 289 Dayna Hughes said they would have to add verbiage.
 290 Krisel Travis suggested removing the 750 feet. If the "not more than 750 feet" is removed, then the international fire code is being
 291 recognized and fixing the problems that exists in the other codes.
 292 Adam Castor does not agree with that.
 293 Kelly Liddiard said it also should be noted that Corbett Stephens, Building Official, and Seth Waite, Fire Chief recommended that it is
 294 approved the proposed way of LEI.
 295 Kevin Hansbrow thinks that the professionals are going to always go with the stricter code.
 296 Jason Bullard asked if the International Fire Code takes into consideration fire sprinklers.
 297 Adam Castor replied it does.
 298 Dayna Hughes read the following from the fire code "*One or two-family dwelling residential developments: Developments of one or*
 299 *two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access*
 300 *codes and shall meet the requirements of section D104.3. Exceptions: Where there are more than thirty dwelling units on a single*
 301 *public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler*
 302 *system in accordance with section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code access from two directions shall not*
 303 *be required. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access*
 304 *roads will connect with future development as determined by the fire code official."*
 305 Adam Castor said in the HR-1 zone, in order to get thirty units there has to be almost a half a mile of single access road. So under the
 306 fire code, that is going to take special approvals.
 307 Roger Dudley said that it has to be understood that cities develop one increment at a time. If the code is made too restrictive, then it
 308 doesn't allow for that too happen. There has to be a point or development will stop.
 309 Dayna Hughes commented that is what they don't want to do. Development is how the city grows and lives.
 310 Jason Bullard would like to add that if it looks very probable that that area will be developing then he thinks that should be taken into
 311 consideration as well.
 312 Dayna Hughes said it looked incredibly probable about two years ago and then the economy tanked.
 313 Krisel Travis said that the code changed too, which caused them to have to go back and rethink things.
 314 Adam Castor said that the recommendations made from LEI are a good way of reducing the confusion between the conflicting codes.
 315 He thinks that what has to be addressed is a consistent code that will eliminate that confusion and reduce the circling of applications.
 316 That was their intent with the proposed code amendment.
 317 Dayna Hughes asked if Mr. Castor would recommend any exceptions.
 318 Adam Castor said they strongly recommend not going beyond 750 feet for a number of reasons. Health, safety and welfare being the
 319 first and foremost. The fuel loads are high up there. Considering the sprinklers is a major advantage.
 320
 321 JASON BULLARD MOTIONED THAT THE PLANNING COMMISSION REWRITE THE CURRENT SINGLE ACCESS CODE
 322 TO SPECIFY WHETHER TO ALLOW FOR A LONGER ROAD. (*Never seconded and wasn't voted upon*)
 323
 324 Dayna Hughes agrees that the proposed code of 750 feet is too restrictive. She thinks that the hillside zone is very restrictive and she
 325 does believe the fire sprinklers are a mitigating factor.
 326 Kevin Hansbrow said in the HR-1 code, doesn't it talk about the amount of clearing around their houses.

327 Adam Castor indicated that is actually in the Urban Wildland Interface code. There are some defensible space requirements that are
328 listed in that as well.

329 Dayna Hughes asked if that is an overlay in the HR-1. (No) If a person lives in the HR-1 they don't have any specific clearing
330 specifications as someone who lives out in a field.

331 Adam Castor said it is not technically an overlay, but the HR-1 zone does fall within the Urban Wildland Interface so those clearing
332 requirements do apply.

333 Kevin Hansbrow asked if they also have exterior fire sprinklers in the hillside zone, wouldn't that make a huge difference.

334 Kelly Liddiard said the drawback to that is the cost.

335 Kevin Hansbrow said that he thinks the 750 feet isn't that bad. He thinks that exceptions should be allowed.

336 Jason Bullard doesn't disagree. He just thinks that it shouldn't be left so open to every situation being different.

337 Kevin Hansbrow said every situation is going to be different.

338 Jason Bullard said it is, but should the code be specific in every aspect.

339 Kelly Liddiard said 750 feet is the standard.

340 Adam Castor said that is what it comes down to is that it is inconsistent right now.

341 Dayna Hughes asked if it would still be inconsistent if it was written exactly the way it is and added verbiage that said "exceptions can
342 made through the proper application channels".

343 Adam Castor indicated that would be consistent because it would apply to all of the zones within the city and every development
344 application.

345 Dayna Hughes said then the planning commission would hear each application, look at its merits specifically.

346

347 **DAYNA HUGHES MOTIONED AND KEVIN HANSBROW SECONDED TO RECOMMEND TO THE CITY COUNCIL TO**
348 **ADOPT THE CODE AMENDMENT WITH ALL THE CHANGES AS SUBMITTED BY LEI WITH AN ADDITION AT 2C**
349 **WHICH WOULD BASICALLY READ "EXCEPTIONS CAN BE MADE ON THE LENGTH OF THE ROAD THROUGH**
350 **THE NORMAL APPLICATION PROCESS". VOTE: YES – (6), NO – (1) RANDY JONES, ABSENT – (1) DAN STEELE**

351

352 Kelly Liddiard said exceptions can be made to the ordinance 9-3-4B. Not necessarily, the road, but you are making it 2C so you can
353 make exceptions to the entire code.

354 Dayna Hughes thinks it will open it up to be able to look at things, make decisions. If it is adopted the way it is, it is closing it off.

355

356 *Commission member, Randy Jones, opposed because he thinks if there is a code that always has an exception, then there is always going*
357 *to have people that are going to want to take that exception beneath their needs. There needs to be a code where that addresses what we*
358 *want within the city and not leave it open to a lot of exceptions. If 750 feet doesn't work, then a length that works should be decided*
359 *upon and put in the code.*

360

361 **ELK HAVEN E CODE AMENDMENT REQUEST**

362 Adam Castor explained that Elk Haven E is requesting a code amendment to the amount of lots on a single access with some provisions
363 that were negotiated with the city.

364 Krisel Travis indicated that the city approached them in January of 2010. There were some roadway provisions, and a waterline. They
365 were asked to grade an access road over the tank line, reclaim the current access road, secure a right-of-way easement where the
366 roadway goes off of Elk Haven property, and improve the roadway between intersection of Oak and Hillside Drive. They agreed to
367 most of those, except the code only requires an 8-inch water line and the city requested a 10-inch line to the water tank, which is below
368 the Elk Haven property. They said they were okay with doing the waterline with the cooperation with the other property owners, but the
369 city would need to pay for the upsizing to 10-inch if wanted. They were okay to reclaim the road, but ask the city to help police it to
370 keep ATVs off of it. Then they were to obtain the right-of-way easements to get down through the new access roads and the other
371 properties. 30 lots was based on the fire code and it got what we needed. It also helps the neighboring property that is owned by the
372 Harris Family. Without their participation, Elk Haven cannot agree to these negotiations. It's too much money. Thirty lots get Elk
373 Haven what they need and gives the Harris' a few also. The way the code was written by Elk Haven, it allows the planning commission
374 to approve exceptions.

375 Dayna Hughes explained some background on this code amendment request. The planning commission was told by the previous
376 planner that Seth Waite, Fire Chief, and Corbett Stephens, Building Official, were ok with going from 16 lots to 30 lots. So the planning
377 commission recommended approval to the city council with 30 lots. Between the time that it left planning commission and the time it
378 went to city council, it was discovered that Seth Waite and Corbett Stephens did not agree with it. When it went to city council, there
379 were disagreements over who said what. City council sent it back to the planning commission to look at it again.

380 Jason Bullard said that since the single access code was changed, that changes where their application is at now.

381 Adam Castor indicated that under that length of road, there is no way Elk Haven will be able to get 30 lots or even 16.

382 Jason Bullard said that is why there is no reason for Ms. Travis to even move forward if the city doesn't make a decision on the length of
383 the road. Otherwise, they are not going to be able to afford to do the development with just 5-6 houses.

384 Dayna Hughes indicated that it is in Ms. Travis' best interest to now take the newly updated code and go back resubmit for the number
385 of homes or is that something that the planning commission still needs to decide on?

386 Kevin Hansbrow said he still wanted to see what they could do.

387 Jason Bullard asked if the fire chief has the final say.

388 Adam Castor indicated the fire chief has to make a recommendation to the city council with the exceptions.

389 Jason Bullard said that if he doesn't make the recommendation, then what the planning commission did doesn't matter?

390 Adam Castor indicated that is not right.

391 Jason Bullard asked if the council could override the fire chief.

392 Dayna Hughes thinks the council is the final say on everything.

393 Kevin Hansbrow would like to see something come back to the planning commission with maybe another access or fire access. He
394 would like to see the street layout with the turn-around for the fire truck.

395 Krisel Travis indicated that he would see all that in the final plat stage. They are just trying to get a code that would allow them to move
396 to the next step.

397 Dayna Hughes said they can say anything that it doesn't have to be 16 or 30. It can be 25. But if any number is recommended, the
398 previously recommended code will override it anyway.

399
400 **KELLY LIDDIARD MOTIONED AND DEBBIE CLOWARD SECONDED TO TABLE THE ELK HAVEN CODE**
401 **AMENDMENT REQUEST. VOTE: YES – ALL (7), NO – NONE, ABSENT – (1) DAN STEELE**

402
403 Dayna Hughes indicated that if the city council approves the proposed code, then at the planning commission's next meeting they will
404 look at Elk Haven's code change request. The city council could rewrite it altogether.

405
406 **PLANNING COMMISSION MEETING MINUTES FOR AUGUST 12, 2010**

407 Corrections were suggested and the changes were made to the minutes of August 12, 2010.

408
409 **DAYNA HUGHES MOTIONED AND KEVIN HANSBROW SECONDED TO APPROVE THE AUGUST 12, 2010**
410 **PLANNING COMMISSION SPECIAL MEETING MINUTES AS OUTLINED. VOTE: YES – ALL (7), NO – NONE,**
411 **ABSENT – (1) DAN STEELE**

412
413 **CITY COUNCIL UPDATE**

414
415 Erin Clawson reported that the city council talked about an administrative judge for the city and code enforcement, but nothing has been
416 decided.

417 Dayna Hughes asked about the fence around the tank.

418 Erin Clawson indicated they had been doing more time sensitive things because of weather and temperatures. She didn't have an update
419 of the fence. She indicated that the fence will go around the bottom perimeter, but it doesn't go out to the road.

420 Planning Commission Coordinator indicated that her understanding was that Corbett Stephens was working on it.

421 Paul Squires also commented that about 250 clumps of gamble oak acorns have been planted. He said there are more to be planted.

422
423 **OTHER BUSINESS**

424 Dayna Hughes commented that she heard about a new law for how fire sprinklers are charged and said she was going to pass on the
425 information to the planning coordinator to pass on to the fire chief. There were two instances where the line pressure of the air was
426 charged too high and it acted as an accelerant and fueled the fire.

427 Dayna Hughes also indicated that she received an email from Erin Clawson and Derrek Johnson regarding traffic calming devices.

428 Erin Clawson further explained that Deputy Butters and her presented some different ideas for traffic calming, which would be additional
429 stop signs in areas that he felt didn't have any traffic control that are a hazard; painting stop lines at stop signs. The budget for something
430 like this for the remainder of the fiscal year is around \$2000. They did briefly discuss speed tables and residential raised crosswalks,
431 which she does have pictures that she will bring next time. She hopes to have some kind of plan and budget that is being worked towards
432 for traffic calming.

433 Kevin Hansbrow asked if the deputy writes many tickets.

434 Erin Clawson indicated that the deputy has written 47 tickets since June. There is a traffic study that she will make copies for the
435 planning commission. The deputy borrowed a trailer that did a complete study of Elk Ridge Drive and Olympic and within the six days
436 that it was there, there was a reading of over 10,000 cars. She would like the planning commission to look at the General Plan and see
437 where speed tables would be appropriate if the city gets to that point. Stop signs are a given and she didn't think anyone on the council
438 were opposed. There was some opposition on where they should be placed because of winter weather. She is just asking for support
439 from the planning commission.

440
441 **ADJOURNMENT** – Chair, Dayna Hughes, adjourned the meeting at 8:50 p.m.

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446

Planning Commission Coordinator