

1 **ELK RIDGE PLANNING COMMISSION WORK SESSION**

2 **January 13, 2011**

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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, January 13, 2011, at 7:00 p.m. at 80 East Park Drive, Elk
7 Ridge, Utah.

8
9 **ROLL CALL**

10 *Commissioners:* Randy Jones, Paul Squires, Kelly Liddiard, Jason Bullard, Kevin Hansbrow

11 *Absent:* Dayna Hughes, Debbie Cloward, Dan Steele

12 *Others:* Marissa Bassir, *Planning Commission Coordinator*

13 Adam Castor, *LEI Planner*, Mayor Ken Lutes, Erin Clawson, *City Council*, Weston Youd, *City Council*, Nelson
14 Abbott, Ronald Dahlstrom, Sharon Dahlstrom

15
16 **OPENING ITEMS**

17
18 **OPENING**

19 Kelly Liddiard, Co-Chair, welcomed at 7:00 PM. Opening remarks were said by Randy Jones followed by the pledge of allegiance.

20
21
22 **APPROVAL OF AGENDA**

23 Kelly Liddiard indicated that the petitioner on the Elk Haven Code Amendment action item has asked to be removed from the agenda.

24 **KEVIN HANSBROW MOTIONED AND KELLY LIDDIARD SECONDED TO AMEND THE AGENDA AS STATED.**

25 **VOTE: YES – ALL (5), NO – NONE, ABSENT (3) DAYNA HUGHES, DEBBIE CLOWARD, DAN STEELE**

26
27
28 **PLANNING COMMISSION DUTIES/RESPONSIBILITIES**

29 Adam Castor indicated that in preparation for the next meeting on February 10th where the planning commission will choose a new chair
30 and vice-chair, he wanted to review the duties and responsibilities for the chair, vice-chair, coordinator, the planner, the administrator,
31 and the city engineer. The duties and responsibilities come from the planning commission by-laws.

32
33 It is the understanding of the current city planner, Adam Castor, that chair, Dayna Hughes, is resigning as chair and will continue as a
34 regular full time commission member.

35
36 Adam Castor reviewed the Powerpoint presentation of the duties and responsibilities with the planning commission.

37
38 **PLANNING COMMISSION DUTIES AND RESPONSIBILITIES**

39 ***Planning Commission Chair***

40 *The Planning Commission Chair shall preside at all meetings of the Commission and shall provide general direction for the*
41 *meetings.*

42 *Duties of the Chair are to:*

- 43 1. *Call to order on the day and the hour scheduled and proceed with the order of business.*
- 44 2. *Announce the business before the Commission in the order in which it is to be acted upon.*
- 45 3. *Receive and submit in the proper manner, all motions and propositions presented by the members of the Commission.*
- 46 4. *Put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result*
47 *of motions.*
- 48 5. *Inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair*
49 *shall have the right to call upon legal counsel for advice.*
- 50 6. *Authenticate by signature, when necessary, or when directed by the Commission, all of the acts, findings and orders, and*
51 *proceedings of the Commission.*
- 52 7. *Maintain order at the meetings of the Commission.*
- 53 8. *Move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public*
54 *input, and reference handouts and procedures during meetings.*
- 55 9. *Recognize speakers and Commissioners prior to receiving comments and presentations.*
- 56 10. *With the assistance of the City Planner and the Planning Commission Coordinator, prepare a written agenda for each meeting*
57 *as far in advance as possible and place such agenda in the hands of each member of the Commission prior to the*
58 *commencement of the meeting.*

59
60 ***Planning Commission Vice Chair and Temporary Chair***

61 *Duties of the Vice Chair: The Vice Chair, during the absence of the Chair, shall have and perform all of the duties and functions of*
62 *the Chair.*

63 *Temporary Chair: In the event of the absence or the disability of both the Chair and Vice Chair, a majority vote of the Commission*
 64 *at their regularly scheduled meeting shall determine which Planning Commission member shall serve as temporary Chair until the*
 65 *Chair or Vice Chair returns. In such an event, the temporary Chair shall have all the powers and perform the functions and duties*
 66 *assigned to the Chair of the Commission.*

67
 68 **Planning Commission Members**

69 *Meeting Attendance:*

70 *Attendance of planning commission meetings is important so that the commission can be equally educated on planning issues as well*
 71 *as gain a deeper understanding of developing and administering the development and subdivision codes and general plan. To attain*
 72 *a well educated commission, an individual commission member's attendance shall remain above 70%.*

73
 74 **Planning Commission Coordinator - Marissa Bassir**

75 *It shall be the duty of the Planning Commission Coordinator to:*

- 76 1. *Post public notices of regular and special Planning Commission meetings, consisting of a quorum, 24 hours prior to the*
 77 *meeting.*
- 78 2. *Attend every session of the Commission, to take and record the roll, to read any communications, resolutions or other papers*
 79 *which may be ordered to be read by the Chair of the meeting and to receive and bring to the attention of the Commission all*
 80 *messages and other communications from other sources.*
- 81 3. *Keep the minutes of the proceedings of the Commission and to record them.*
- 82 4. *Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission.*
- 83 5. *Ensure Commissioners receive materials pertinent to regularly scheduled Commission meetings by the Friday prior to*
 84 *Planning Commission meeting.*

85 *Additional duties may include:*

- 86 1. *Address development application questions and concerns to the greatest extent possible;*
- 87 2. *Correspond with the City Planner on development application questions and concerns, and relay information back to those with*
 88 *questions and concerns;*
- 89 3. *Process development applications;*
- 90 4. *Assist the Planning Commission Chair and the City Planner with the preparation of Planning Commission and TRC meeting*
 91 *agendas;*
- 92 5. *Correspond with the City Planner regarding the scheduling and coordination of TRC meetings;*
- 93 6. *Participate in TRC meetings, keep the minutes of the proceedings, and to record them.*

94
 95 **Planning and Zoning Administrator – Corbett Stephens**

96 *It shall be the duty of the Planning and Zoning Administrator to:*

- 97 1. *Address planning and zoning issues to the greatest extent possible;*
- 98 2. *Correspond with the City Planner and the Planning Commission Coordinator to resolve all planning and zoning issues;*
- 99 3. *Participate in TRC meetings and assist with the review of all development applications.*

100
 101 **City Planner – Adam Castor**

102 *It shall be the duty and responsibility of the City Planner to:*

- 103 1. *Correspond with the Planning Commission Coordinator and the Planning and Zoning Administrator to resolve questions and*
 104 *concerns related to development applications and the Development Code;*
- 105 2. *Correspond with the Mayor on a regular basis to ensure that he is informed of all planning related matters;*
- 106 3. *Participate in TRC meetings and assist with the review of all development applications;*
- 107 4. *Assist the Planning Commission Chair and Planning Commission Coordinator with the preparation of all Planning*
 108 *Commission meeting agendas*
- 109 5. *Participate in Planning Commission meetings and present agenda items to the Commission;*
- 110 6. *Participate in City Council meetings and present agenda items to the Council;*
- 111 7. *Prepare staff reports for all major issues presented to the Planning Commission and City Council;*
- 112 8. *Review the Development Code periodically for inconsistencies and make amendment recommendations that will clarify any*
 113 *conflicting regulations and ensure compliance with the General Plan*

114
 115 **Technical Review Committee (TRC) – Mayor, City Planner, City Engineer, Planning and Zoning Administrator, Planning**
 116 **Commission Chair, and Fire Chief (as needed)**

117 *It shall be the duty and responsibility of the Technical Review Committee to:*

- 118 1. *Review all development applications and plans for completeness and adherence to the Development Code and General Plan;*
- 119 2. *Hold initial meetings with developers and applicants to review and discuss development application requirements;*

- 120 3. *Provide applicants with recommendations and redlines to ensure that applications are complete and that proposed*
 121 *developments will meet the requirements of the Development Code, and are consistent with the General Plan;*
 122 4. *Make recommendations to the Planning Commission on development applications and requests.*
 123 *Ensure that all issues related to development applications are resolved prior to making a recommendation to the Planning Commission.*
 124

125 Adam Castor reiterated that he put the presentation together so it would get the commissioners thinking about the changes that will take
 126 place at the next planning commission meeting next month and also to talk about the fact that the process is really where all the issues
 127 related to planning and development should be worked out, addressed, and discussed. A lot of the issues should be worked out at the
 128 TRC level. When development applications are submitted for just about anything, they will go to the TRC first.

129 Kevin Hansbrow commented that if the developer wants to go to the planning commission first, they have that option.

130 Adam Castor indicated that is stated in the process – it is only concept review by planning commission. So that gives the applicant the
 131 opportunity to present the project and ensure that it is in compliance with the development code and the General Plan. It is important
 132 that the issues get worked out at the TRC level first and foremost and then planning commission before it goes to the city council. When
 133 city council has the application, they have the recommendations from the planning commission and the TRC so that they are well
 134 informed and all the issues that may have come up throughout the development application process are addressed prior to getting to the
 135 city council. There have been a couple of applications that have gone back and forth from city council to planning commission and it is
 136 not an efficient process and doesn't accommodate the fees charged.

137 Paul Squires asked if it would be possible to get a report of the violations for code enforcement from Corbett Stephens as part of his
 138 duties. He would like some feedback of cleanup in areas or landscaping issues.
 139

140 PLANNING COMMISSION 2011 MEETING SCHEDULE

141 Kelly Liddiard indicated that it had been proposed that the planning commission meet the 2nd Thursday of each month for the 2011 year.
 142

143 **JASON BULLARD MOTIONED AND KELLY LIDDIARD SECONDED TO ACCEPT THE PLANNING COMMISSION**
 144 **MEETING SCHEDULE FOR 2011. VOTE: YES – ALL (5), NO – NONE, ABSENT (3) DAYNA HUGHES, DEBBIE**
 145 **CLOWARD, DAN STEELE.**
 146

147 APPROVAL OF 12/09/2010 PLANNING COMMISSION MEETING MINUTES

148 There were not any changes made to the planning commission meeting minutes.
 149

150 **PAUL SQUIRES MADE A MOTION AND RANDY JONES SECONDED TO APPROVE MINUTES OF 12/09/2010**
 151 **PLANNING COMMISSION MEETINGS. VOTE: YES – ALL (5), NO –NONE, ABSENT – (3) DAYNA HUGHES, DEBBIE**
 152 **CLOWARD, DAN STEELE**
 153

154 CITY COUNCIL UPDATE

155 Erin Clawson, City Council indicated she attended the city council meeting via speakerphone in and out. The council tabled the code
 156 amendment recommendation from LEI until the meeting with Elk Haven E consultant, Krisel Travis.

157 Kelly Liddiard asked why the city council tabled it.

158 Erin Clawson deferred to Weston Youd, *city council*.

159 Weston Youd indicated the same code was being discussed twice simultaneously. The motion was to table it until Krisel Travis' Code
 160 amendment was addressed.

161 Kelly Liddiard commented that the developer already had an application in place and then the city is talking about amending the code.
 162 He asked if the developer comes in under the existing code at the time of application.

163 Adam Castor indicated that her application was submitted back in May of 2010. She would have come in under the code existing at the
 164 time. He also indicated that the planning commission recommended approval of the recommended code from LEI that was then moved
 165 on to city council.

166 Erin Clawson said she made a motion to accept the LEI code amendment and it was never seconded.

167 Adam Castor said it was tabled so it is still with the city council. At the time, her application was tabled until the city council made a
 168 decision on the code amendment from LEI. There are still two code amendments floating around. Krisel Travis called in earlier to have
 169 the code amendment from Elk Haven E removed from the agenda. He thinks she is very upset over how her code application has been
 170 handled and so she is now talking about bringing her attorney in. It's a complicated issue and that is why the process needs to be
 171 followed and efficient.

172 Kelly Liddiard asked if that hadn't been done.

173 Adam Castor indicated he didn't think it had been done since the issue had been to two planning commission meetings and three city
 174 council meetings. Based on the action on the LEI code amendment, the logical action in his mind would be to deny it.

175 Jason Bullard asked what his feeling was on the city council meeting.

176 Adam Castor said there are still a lot of issues that came up – dead end roads versus stub roads; the number of allowable lots on a single
 177 access road. It wasn't completely clear to him as to why it would have been tabled, other than the process and the fact that the
 178 developer's application had still not been acted upon.

179 Kelly Liddiard said in the minutes from December 9th that there was a discussion on the 750 feet and the IFC allowing an exception to
 180 that and he said that Adam Castor had told the planning commission that the exception is there. Later on, Adam Castor was telling the
 181 planning commission that it is 750 feet.

182 Adam Castor indicated that LEI's code amendment includes that if terrain features don't allow for a secondary access. All
 183 developments within the urban wildland interface area must provide dual access. The ordinance within the HR-1 zone says anything
 184 over 16 lots must provide secondary access. There are two different codes for the same area with an exception of 750 feet. There was
 185 some hang-ups over a cul-de-sac and stub road.

186 Paul Squires asked if a dirt road at the end of a stub or cul-de-sac be sufficient.

187 Adam Castor replied no. It has to be built to city standards in the building code.

188 Kelly Liddiard is concerned that he was misled at the last meeting. 750 feet is not even going to allow the 16 lots. Only 12 lots, if that.

189 Adam Castor explained that anything beyond 16 lots is going to require special approval anyway according to the fire code.

190 Kelly Liddiard asked if an applicant could come in and show their plan and they can only go a certain length and it will be a stub road

191 because it will be continued later, can they go with the guidelines from the IFC to get more than 750 feet.

192 Adam Castor said no because the IFC is not an ordinance.

193 Kelly Liddiard said as the proposed ordinance as drafted refers back to the IFC.

194 Adam Castor explained that it does. It recognizes certain requirements and provisions of the IFC. He is recommending that 750 feet be

195 allowed with an exception, but the "meat" of the ordinance is a direct reflection and implementation of the General Plan which says

196 don't allow any development in that area without providing dual access. Right now, the city doesn't have the ordinance and the zoning

197 regulations that support that.

198 Jason Bullard indicated at the last meeting it was voted to accept that ordinance. The developer is upset because the proposed ordinance

199 will make it more restrictive now.

200 Adam Castor indicated it is not making it more restrictive. It is implementing our General Plan, which is making the developers provide

201 dual access.

202 Kevin Hansbrow said that the plan has faults in places that have been there for so long. From the meeting on October 28th, he thought

203 they could have 750 feet, but there could be more with an exception.

204 Adam Castor indicated that with special approval, the fire code does allow it.

205 Kelly Liddiard indicated that there is a double standard.

206 Adam Castor disagreed because the IFC is not the city's ordinance so if there is a stricter ordinance in place; that trumps the IFC. The

207 IFC doesn't take into consideration zoning regulations, minimum lot frontages, etc.

208 Kelly Liddiard asked if the new proposed code that has been tabled by the city council is more restrictive than the IFC.

209 Adam Castor said it is because it requires dual access, which is what the General Plan says. If there are certain features that make it

210 impractical then a single access code up to 750 feet would be allowed with special exception.

211 Erin Clawson commented that when the General Plan was done, it was done with specific things in mind to work with developers so

212 they can develop, but also to be the best for the city of Elk Ridge. So it seems like there is an underlying tone to really go out of the way

213 for the developer, such as making exceptions.

214 Kelly Liddiard said he is not trying to go out of his way for the developer. That is why he keeps saying to the planning commission that

215 they are looking at the code and not worrying about the developer, Krisel Travis. He doesn't want her brought into the discussion.

216 However, he is concerned about that development and any other development in that part of town because they are going to be very,

217 very limited due to the way the proposed code is written.

218 Erin Clawson asked if there is something wrong with it being limited if the terrain permits it being limited or is better to have it limited.

219 Her concern is whatever happens in that area, she is not against development, and she just knows that it is inherited in the lower part of

220 the city. She thought the general plan was great in taking it into consideration.

221 Kevin Hansbrow commented that no one will ever build up there with only being allowed 750 feet of road, which they can only get

222 maybe 12 lots. It is almost being made to where they can't because to get the roads built it is very expensive.

223 Kelly Liddiard commented that if there is a certain amount of acreage owned, and they want to develop it and 750 feet is as far as it can

224 go and then it can't be continued, the costs are probably so prohibitive because of the area where it's at that it probably will never be

225 developed. Then the owner past the property is probably not going to develop because they are landlocked. His concern is that it will be

226 detrimental down the road.

227 Adam Castor said it's going to force coordinated development in that area with multiple developers.

228 Erin Clawson asked if coordinated development is better.

229 Kelly Liddiard said it was good.

230 Adam Castor said it was not impossible to do it.

231 Kevin Hansbrow said he would like to see how it could be done because for everybody to get their ducks in a row; financing...it's not

232 just them coming and saying they have a great idea. It is them having all the financing available. There is more to it than just here is a

233 way that it could be done. Back when the economy was good, it was still almost impossible for it to get done. Why not the exception

234 instead of just saying it is never going to happen.

235 Adam Castor hypothetically said that all the developers up there get coordinated. They bring in the plan where it connects the road.

236 They have everything in place. They could still stub off with a cul-de-sac and develop other areas. What it is designed to do and what

237 the intent is to stop somebody from going from the end of the road that is currently there that may have 30-40 lots and creating another

238 stub road that may have 30 lots on it that is close to half-mile long. The lot frontages have to be considered.

239 Kevin Hansbrow said that exception has to be allowed to happen. Just because they allow the one exception doesn't mean they have to

240 allow for another exception.

241 Kelly Liddiard said his confusion was that the exception in the proposed code is "up to" and not "over" 750 feet.

242 Kevin Hansbrow said doesn't think it has to be one way or the other. He is saying that to limit them and saying that is not how the city

243 wants it. Then the developer will have to come through with another code amendment request. If there is an exception in there now,

244 then it won't have to be fixed later to have an exception.

245 Adam Castor said that he understands that the exception doesn't guarantee that it is going to happen. The question is the planning

246 commission wrote the general plan, is the general plan going to be amended to allow stub road development? If there aren't the

247 ordinances to enforce it, then there is six months of going back and forth with the city council.

248 Kevin Hansbrow commented that they all still have to be expected. There isn't just a blanket exception on all the extra stub roads.

249 Adam Castor said there still has to be code in place that implements your general plan and if it's not practical with terrain features that is

250 where the exception comes into place. It is not because someone wants 30-40 lots and they can't because it is limited to 750 and they

251 can't afford to build the road. The petitioner has to prove that – not for financial reasons. That is not smart growth.

252 Kelly Liddiard said the fact that there are still questions with the exception, he doesn't think the code amendment or the current code is
253 well-written the way it is. He also indicated that Randy Jones brought up a good point last meeting that if there are exceptions, where
254 will it end?
255 Paul Squires commented that based on the economy, an exception should be made for the area.
256 Kelly Liddiard said the economy will rebound. It has done it for a thousand years.
257 Kevin Hansbrow explained that if a developer came to the planning commission with a smart plan and there are fire sprinklers to protect
258 from fire issues. There is an exception made to have external fire sprinklers if they are going to make a stub road. He said with the
259 exception there could be safety measures that have to be made. If a developer came in with a smart plan and the road was over 750 feet,
260 right now, it could not be accepted. The code would have to be changed.
261 Adam Castor said the current code allows it, but the code amendment would not. It is only up to 750 feet. The possibility is there under
262 the current code, but the more astringent code has to be applied.
263 Randy Jones commented that the General Plan also prohibits it.
264 Randy Jones was corrected that the General Plan is not code, simply a guide.
265 Erin Clawson commented that the General Plan should not be counteracted against. It was voted on by the council for reasons that were
266 in there and because it was good.
267 Weston Youd said there are two ways to approach to support a general plan. If there is a developer who wants to use his land and has
268 two options. One, they can make a cul-de-sac to fit the code. The code has to allow that because they have the right number of lots on a
269 cul-de-sac. Whereas, if there is an option to stub the road and get three or four more lots, it will allow the general plan to take effect in
270 the transportation element there should be a continuous road going through there. In the future, the transportation element of the general
271 plan can go through it. If they just put a cul-de-sac then it won't be supporting the transportation element of the general plan. So that
272 should be taken into consideration, as well. There are many sections of the general plan, not just the development section and all
273 sections of the general plan must be taken into account.
274 Jason Bullard let's say there was a development that came in and they had a good plan and it was 850 feet in order to get two more lots.
275 And that was the difference in being able to build the division and not build it, how bad would it be going away from the plan by going
276 those extra 100 feet to get those two lots to make the development happen versus saying they can't do it and because the two lots aren't
277 there totaling \$100-200,000 so they can't build it. That's where he was looking at the exception of being able to go further than 750 feet
278 so they could look at each development individually. If the plan looked and fit; everything was good about it and the developer needed
279 to, could the planning commission look at that and make an exception.
280 Adam Castor commented that it is still a dead-end road without a dual access. Is the planning commission comfortable ignoring the all-
281 caps, bullet item in the general plan to not allow any development without secondary access by allowing stub road development or not.
282 There are a lot of other issues, such as evacuation, ability for firefighters to get up there and that is the major concern.
283 Kelly Liddiard commented that it may need to be re-worked and possibly come back to the planning commission.
284 Erin Clawson indicated that there needs to be a code that everyone feels comfortable with and stick by. And have developers come in
285 under that code. This is the code; develop in Elk Ridge or not.
286 Jason Bullard asked if it is going to come back to the planning commission, are they going to allow for "X" amount of feet. Can they go
287 1500-2000-9000 feet? Is there going to be a number on it? Or are they just going to say no and look at each one separately, which
288 there again, that falls back to saying there really isn't a code or guideline. The planner wrote the code to fit the plan that was written. If
289 the 750 feet is taken out and they want to look at each project individually, the planner is not going to come back and tell the planning
290 commission that they can go to 1000 feet because it doesn't fit the general plan. The only other option is to leave it wide open.
291 Adam Castor said they can cap it at whatever is wanted, but it makes sense to address the fire code because anything beyond 750 feet
292 requires special approval anyway.
293 Jason Bullard said when the code was read, the sprinklers did allow for a longer road.
294 Adam Castor also indicated more units on a single access if there are more than 30. He asked the planning commission to consider the
295 fact that the International Fire Code doesn't take into consideration the lot terrains and it doesn't take into consideration lot frontages.
296 Kevin Hansbrow liked the proposed code as the rule, but he would like to see that there could be an exception made. He doesn't like
297 that is the final...
298 Randy Jones commented that if one exception is allowed, why wouldn't they want to allow a second and then there is going to be a
299 bunch of stub roads all over.
300 Adam Castor said that is why there is a general plan to guide. Do they want to force the development in that area of town to be
301 coordinated so that dual access is provided?
302 Further discussion took place regarding use of cul-de-sacs and the code not allowing cul-de-sacs unless terrain features make it
303 impractical to provide a dual access road. HR-1 Zone Code: *"The design of the road system shall provide for continuous circulation
304 throughout the project. Cul-de-sacs and temporary dead-end roads stubbed for future development must have approval by the planning
305 commission and are only allowed where unusual conditions exist which make other designs undesirable."*
306 Adam Castor indicated that good development would provide dual access. There shouldn't be a need for an exception. Leapfrog
307 development is not allowed in the general plan. The proposed recommendation from LEI is to try to eliminate that kind of development
308 because it is not safe. There are a lot of problems associated with it.
309 Kelly Liddiard asked what standard would be used for the exception. The general plan is the standard that should be followed. The
310 general plan would be sidestepped if an exception was allowed and that is not good management.
311 Jason Bullard commented it would be nice if a developer came and they have a plan and the city has the guideline and trying to get a
312 code amendment so they can go further. It gives the city the chance to make it the developer's responsibility to make it work it out with
313 the other developers and then if it doesn't work, then it can be looked at again as an exception. If the exception is not there, then it is
314 done.
315 Kelly liddiard said it is a difficult area to develop because of the terrain and the many land owners in the area.
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318 There was not any other business.

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320 **ADJOURNMENT** – Co-Chair, Kelly Liddiard, adjourned the meeting at 8:20 p.m.

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Planning Commission Coordinator