

1 **ELK RIDGE PLANNING COMMISSION WORK SESSION**

2 **March 10, 2011**

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4
5 **TIME AND PLACE OF PLANNING COMMISSION WORK SESSION**

6 A work session of the Elk Ridge Planning Commission was held on Thursday, March 10, 2011, at 7:00 p.m. at 80 East Park Drive, Elk
7 Ridge, Utah.

8
9 **ROLL CALL**

10 *Commissioners:* Randy Jones, Kelly Liddiard, Dayna Hughes, Kevin Hansbrow, Debbie Cloward, Nelson Abbott
11 *Absent:* Jason Bullard, Dan Steele
12 *Others:* Marissa Bassir, *Planning Commission Coordinator*
13 Adam Castor, *LEI Planner*, Erin Clawson, *City Council*, Paul Squires, Lucretia Thyayne
14

15 **OPENING ITEMS**

16
17 **OPENING**

18 Kelly Liddiard, Chair, welcomed at 7:00 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.
19

20 **APPROVAL OF AGENDA**

21 Kelly Liddiard reviewed the agenda and there were not any changes.
22

23 **PUBLIC HEARING AND APPROVAL PROCEDURE AMENDMENT**

24 Adam Castor indicated that the two subjects make an internal reference to a chapter within the code that has been repealed. The
25 information is all still there. It has just been moved to a different section of the code. It was in chapter 14 and has been moved to
26 chapter 11. The first reference is within ordinance 10-9A-15-10 that pertains to the public hearing requirement for a preliminary plat in
27 the HR-1 zone. A public hearing shall be held with the neighboring property owners in accordance with section previously 10-14-5 now
28 10-11F-4D of this title. This was actually brought to the city's attention by Sterling Codifiers when they did their last batch of
29 codifying of city ordinances. It was reviewed with city staff and it was recommended that the planning commission make a
30 recommendation for approval.

31 DESCRIPTION:

32 *This is a recommendation to amend Ordinance 10-9A-15-10 regarding the Public Hearing requirement for a Preliminary Plat in the HR-1 Hillside*
33 *Residential 1 Zone. The code amendment is to clarify a reference to Chapter 14 of the code, which has been repealed. The code amendment reads as*
34 *follows:*

35 **10-9A-15-10: Public Hearing:**

36 *A public hearing shall be held with the neighboring property owners in accordance with section ~~10-14-5~~ 10-11F-4D of this title. This is a formal*
37 *meeting. Concerns and comments from the public shall be taken. Staff and/or the commission shall address any comments that cite code violations or*
38 *health, safety, and welfare concerns. Comments from this hearing can aid the applicant, staff, and the commission to address design elements of the*
39 *development. (Ord. 08-4, 2-26-2008)*

40 RECOMMENDATION:

41 *LEI and City staff have reviewed and discussed this code amendment and recommend that the Planning Commission make a recommendation for*
42 *approval.*

43 FINDINGS:

44 **Elk Ridge Municipal Code**

45 *The public hearing requirement for preliminary plats in the HR-1 Hillside Residential Zone is now described in Article F – Planned Mountain Home*
46 *Developments (MHD) of Chapter 11. The procedure for approval, including the public hearing requirement, was previously written under Chapter 14 –*
47 *Large Scale Developments, which has been repealed and is no longer part of the development code.*

48
49 Adam Castor explained that the second part is to amend ordinance 10-12-28B. It is the actual procedure for approval for power radio
50 antennas and cell phone tower facilities. Again, it is to clarify and correct the reference to chapter 14, which isn't there. It is now in
51 chapter 11 under planned mountain home development article, which was in chapter 14, which has been repealed.

52 DESCRIPTION:

53 *This is a recommendation to amend Ordinance 10-12-28B: Procedure For Approval regarding low power radio service antenna facilities (cellular*
54 *phone transmission towers and facilities). The code amendment is to clarify a reference to Chapter 14 of the development code, which has been*
55 *repealed. The code amendment reads as follows:*

56 **10-12-28B: Procedure For Approval:**

57 *Same as required for approval of a large scale development (see section ~~10-14-5~~ 10-11F-4 of this title).*

58 RECOMMENDATION:

59 *LEI and City staff have reviewed and discussed this code amendment and recommends that the Planning Commission make a recommendation for*
60 *approval.*

61 FINDINGS:

62 **Elk Ridge Municipal Code**

63 *The procedure for approval of low power radio service antenna facilities (cellular phone transmission towers and facilities) is now described in*
64 *Article F – Planned Mountain Home Developments (MHD) of Chapter 11. The procedure for approval was previously written under Chapter 14 –*
65 *Large Scale Developments, which has been repealed.*

66
67 Kelly Liddiard, chair, opened public hearing at 7:04pm

68 No public comment.

69 Kelly Liddiard, chair, closed public hearing at 7:05pm.
70

71 **KEVIN HANSBROW MOTIONED AND DAYNA HUGHES SECONDED TO RECOMMEND FOR APPROVAL OF THE**
72 **AMENDMENTS AS DESCRIBED IN PLANNING COMMISSION STAFF REPORTS 1A AND 1B. VOTE: YES – ALL (6),**
73 **NO – NONE, ABSENT – DAN STEELE, JASON BULLARD**
74

75 **CONDITIONAL USE: ASSISTED LIVING FACILITIES CODE AMENDMENT**

76 Adam Castor provided a background, which included meeting with Lee Haskell late last year for his conditional use permit regarding
77 assisted living facilities. His application generated a lot of questions and concerns about the specific type of facility within the city. LEI
78 is recommending to amend ordinance 10-12-31, which is part of the supplementary regulations, which lists assisted living facilities and
79 standards and conditions that go along with them as a conditional use in all zones of the development code.

80 Dayna Hughes asked if it is a new part of code. There has never been anything in the code about assisted living?

81 Adam Castor replied that the only thing that says anything about assisted living is that it is a conditional use in all zones based on the
82 following standards and conditions. Then it lists a handful of conditions that would go along with a facility of that type. There are
83 actually three parts to the amendment recommendation. 1) Clarify within the development code the two different types of assisted living
84 facilities, per Utah Code, 2) list assisted living facilities as a conditional use only in the C-1 Retail Commercial zone, and 3) include
85 assisted living facilities as a conditional use in the Permitted and Conditional Uses table within the C-1 Retail Commercial Zone. The
86 first part would be to take the language from the Utah code that describes assisted living facilities and the differences between the two
87 and insert that into the development code. It is recommended to take it out of all residential zones and putting it only in the commercial
88 zone. There is a lot of traffic that comes in and out of an assisted living facility, which may not be compatible with a residential area so
89 it would be reasonable to make it a conditional use only in the CE-1 zone, which is to the north end of the city. Because it is a
90 conditional use in the CE-1 Zone, it should be added to the table of permitted and conditional uses. It is currently not in there.

91 **10-12-31: Assisted Living Facilities:**

92 A. Assisted living facility means:

93 I. A type I assisted living facility, which is a residential facility that provides assistance with activities of daily living and
94 social care to two or more residents who:

95 a) Require protected living arrangements; and

96 b) Are capable of achieving mobility sufficient to exit the facility without the assistance of another person; and

97 II. A type II assisted living facility, which is a residential facility with a home-like setting that provides an array of
98 coordinated supportive personal and health care services available 24 hours per day to residents who have been
99 assessed under department rule to need any of these services.

100 B. Each resident in a type I or type II assisted living facility shall have a service plan based on the assessment, which may include:

101 I. Specified services of intermittent nursing care;

102 II. Administration of medication; and

103 III. Supportive services promoting residents' independence and self sufficiency.
104

105 Assisted living facilities are a conditional use in ~~all zones~~ the C-1 Retail Commercial Zone based on the following conditions and standards:
106

107 **10-10A-2: Permitted and Conditional Uses:**

108 Amend the Permitted and Conditional Uses table in the C-1 Retail Commercial Zone to include assisted living facilities as a conditional use.
109

110 Randy Jones asked if Lee Haskell's current proposed property within the CE-1 Zone.

111 Adam Castor indicated that his property is in the commercial zone.

112 Kelly Liddiard commented that it is not going to affect Mr. Haskell's application if this is approved.

113 Dayna Hughes asked if the proposed code is straight up Utah code.

114 Adam Castor indicated it was from the Utah code.

115 Kevin Hansbrow said he would like to discuss item #3 on the agenda "regulations for residential facilities for elderly person code
116 amendment" to know the differences. They seem to both coincide and he is not sure of the differences.

117 Adam Castor indicated the major difference between an assisted living facility and a residential facility for the elderly are overall the
118 type of facility that it is. A residential facility for the elderly cannot be run as a business. It is limited to eight or fewer residents of the
119 facility. They do charge a fee. It is from the Utah code and the Utah code indicates that it has to be listed as a permitted use in all
120 residential zones, but it has to follow the zoning regulations of the zone that it is proposed to be in. Not as much parking as a business is
121 required. There is not any parking requirements established for that type of a facility. He is not an expert and doesn't know all the
122 differences, but the Utah code does specify some differences in the language that is being recommended and inserted into the city's
123 code. He thought that more medical issues were dealt with in an assisted living facility because of the two types of uses. Type I is
124 standard care. The residents can evacuate the facility without assistance. Type II provides an array of coordinated personal and
125 healthcare services on a 24-hour basis. Another thing that was discussed on the conditional use application, perhaps inserting a box for
126 the kind of type of facility so it is known.

127 Kelly Liddiard clarified that the residential facility for the elderly would be able to be in the residential area. Assisted Living is going to
128 be like the Seville in Orem and the residential facility would be like a Beehive home.

129 Randy Jones was concerned that the Beehive home is still a business.

130 Adam Castor said it can't be run as a business. They do charge a fee, but that is only for necessities. "It may not be considered a
131 business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility."

132 Randy Jones asked if that means that it is a non-profit organization.

133 Adam Castor agreed with Randy Jones. It has to be owned by one of the residents or family member of one of the residents so
134 somebody doesn't come and build the facility and then collect all the fees from the residents. The city staff and LEI have reviewed both
135 proposed amendments and would recommend approval.

136
137 Kelly Liddiard, chair, opened public hearing at 7:15pm

138 No public comment.

139 Kelly Liddiard, chair, closed public hearing at 7:16pm.

140
141 **RANDY JONES MOTIONED AND KEVIN HANSBROW SECONDED TO RECOMMEND APPROVAL OF THE**
142 **CONDITIONAL USE: ASSISTED LIVING FACILITIES CODE AMENDMENT (2) AND REGULATIONS FOR**
143 **RESIDENTIAL FACILITIES FOR ELDERLY PERSONS CODE AMENDMENT (3). VOTE: YES – ALL (6), NO – NONE,**
144 **ABSENT – JASON BULLARD, DAN STEELE**

145
146
147 **REGULATIONS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS CODE AMENDMENT**

148 Previous discussion took place in the previous agenda item discussing the differences between an assisted living facility
149 and a residential facility for the elderly. Refer to above.

150 **10-12-39: Residential Facilities For Elderly Persons:**

151 A. A residential facility for elderly persons may not operate as a business;

152 B. A residential facility for elderly persons shall:

153 1. Be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has
154 been placed in trust for a resident;

155 2. Be consistent with any existing, applicable land use ordinance affecting the desired location; and

156 3. Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.

157 C. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of
158 operation and maintenance of the facility.

159 Kelly Liddiard, chair, opened public hearing at 7:15pm

160 No public comment.

161 Kelly Liddiard, chair, closed public hearing at 7:16pm.

162
163 **RANDY JONES MOTIONED AND KEVIN HANSBROW SECONDED TO RECOMMEND APPROVAL OF THE**
164 **CONDITIONAL USE: ASSISTED LIVING FACILITIES CODE AMENDMENT (2) AND REGULATIONS FOR**
165 **RESIDENTIAL FACILITIES FOR ELDERLY PERSONS CODE AMENDMENT (3). VOTE: YES – ALL (6), NO – NONE,**
166 **ABSENT – JASON BULLARD, DAN STEELE**

167
168 **SENSITIVE AREA DRAINAGE DISCUSSION**

169 Nelson Abbott indicated he read the general plan and he was reviewing the sensitive areas map and it is identified on the map where the
170 ridgelines and ravines are located and in looking at the map, there is an area kiddy corner from where he lives at the corner of Salem
171 Hills and Hillside going south where there is a ravine and it is not identified as being on the map. Further down the map, the same
172 ravine picks up on the map. He pointed it out on the map. He indicated it is a fairly substantial ravine. He wondered if it was
173 intentionally left off the map. Some of it has been filled in by illegal dumping, but it is still a natural ravine.

174 Dayna Hughes commented that when the map was created, it was done off of a satellite image and it is possible that if it was filled in, it
175 wouldn't show up on the image.

176 Kelly Liddiard commented that he knew of problems with the drain pipe in that area. If it is filled in, is it still drainage?

177 Adam Castor said existing ground topography would say that it is not drainage.

178 Dayna Hughes commented that back when they were looking at Dan Steele's area and the natural drainage, they had to go back to
179 original terrain. It was her recollection that they went back to the natural topography. If it is filled in, then it isn't acting as drainage
180 anymore.

181 Nelson Abbott explained that if it isn't identified as a ravine on the map, then they can come in and do what they want to do with that
182 ground and fill it in and compound the drainage issues that are present right now and have been since he has been there.

183 Randy Jones asked if Nelson is currently having problems with water draining currently.

184 Nelson Abbott said that when they get heavy rainstorms, sometimes it will back up and come up over the road and run down into
185 Brockbank's and Eppley's. There is a big corrugated drain pipe buried back there.

186 Adam Castor asked if there was a pipe put in and then backfilled.

187 Nelson Abbott explained that there is on the side where there are homes, but where it hasn't been identified as a ravine, he doesn't know
188 if the city could require a developer or builder to address that issue if it isn't identified as such.

189 Dayna Hughes commented that the bigger problem is the runoff from the hillside – the road that is not a road anymore. That whole road
190 just fills with mud and rocks.

191 Kelly Liddiard said he knew that Corbett has talked about the pipe going under Salem Hills Drive there.

192 Nelson Abbott indicated that they have gone up with the jet truck and cleaned it all out. But his main concern is whether or not it is
193 identified as a ravine, then there is something going forward for when someone does want to improve that property, it is ensured that the
194 drainage issues are addressed there.

195 Adam Castor indicated that existing slopes would help control that a little bit, but if it is flat enough through there and it is not identified
196 as a ravine, then it could possibly be built on according to the code.

197 Randy Jones commented that as Salem hills drive goes through, there are mountains on both sides, there is actual road path for that road
 198 to go through and it doesn't have much slope on the actual road bed itself.

199 Kelly Liddiard indicated that they cut through there to put the road in, but on the North side of Salem Hills Drive and the corner of
 200 Hillside it looks pretty flat.

201 Nelson Abbott said it looks flat, but down in there is quite a slope. He can get in there and the road is eye level with him.

202 Kelly Liddiard said if it is like that then it should probably be identified as a drain – full of scrub oak. So the map needs to be amended.
 203 It needs to be researched. Elevations need to be measured. The planning coordinator will put it on the agenda.
 204

205 **APPROVAL OF 2/10/2011 PLANNING COMMISSION MEETING MINUTES**

206 There were a few changes made to the planning commission meeting minutes by Dayna Hughes.

207
 208 **DEBBIE CLOWARD MADE A MOTION AND KELLY LIDDIARD SECONDED TO APPROVE THE MINUTES OF**
 209 **02/10/2011 PLANNING COMMISSION MEETING AS CORRECTED. VOTE: YES – ALL (6), NO –NONE, ABSENT – (2)**
 210 **JASON BULLARD, DAN STEELE**

211
 212 **CITY COUNCIL UPDATE**

213 Erin Clawson indicated there is an opening on the city council currently if anyone wanted to apply for it.

214 Randy Jones asked who vacated their seat.

215 Erin Clawson replied that Derrek Johnson resigned.

216 Dayna Hughes asked what the procedure is to vote a midterm member.

217 Erin Clawson explained that according to state code is that anyone can apply and come before the council that night. The council votes
 218 and it can either be secret ballot and it is suggested not to be and the mayor does not vote and if there is a tie, casting lots would be
 219 applied (cut the deck, roll a dice, draw straws).

220 Dayna Hughes asked when the meeting to decide.

221 Erin Clawson replied March 22.

222 Dayna Hughes asked if there are any applicants.

223 Erin Clawson replied there are currently four applicants. She does not know who those are. Also, the city council voted to spend an
 224 additional \$15,000 to upgrade the Loafer Canyon well, which will save the city considerable money over time.

225 Randy Jones asked what the upgrade included.

226 Erin Clawson said a pump house, a new submerged pump and cleaning. Pretty substantial. The state is requiring it to be inspected and
 227 possibly cleaned. It saves the city a lot when it comes to pumping the water up from the Cloward Well. Weston Youd would like
 228 everyone he knows to volunteer for the city celebration committee and needs someone to chair it. The city will be paying the chair
 229 \$500. A meeting will be held at the city offices on March 17 for that committee.
 230

231 **OTHER BUSINESS**

232 Paul Squires would like to offer his services as an alternate member for the planning commission.

233 Kelly Liddiard said he is going to work on getting on the city council agenda to get Paul Squires as a member.

234 Dayna Hughes indicated that the planning commission bylaws need to be changed first.

235 Kelly Liddiard asked if that has to be done in the planning commission.

236 Dayna Hughes explained that the planning commission bylaws have to be changed to add an additional alternate member so it would be
 237 an 8 and 2 alternate commission.

238 Kelly Liddiard asked if that has to be a public hearing.

239 Adam Castor indicated there needs to be a public hearing first.

240 Kelly Liddiard asked that the planning commission coordinator put that on for the next agenda.
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242 **ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:30 p.m.
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 245

Planning Commission Coordinator

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