

1 **ELK RIDGE PLANNING COMMISSION SPECIAL MEETING**

2 **July 28, 2011**

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

6 A special meeting of the Elk Ridge Planning Commission was held on Thursday, July 28, 2011, at 7:00 p.m. at 80 East Park Drive, Elk
7 Ridge, Utah.

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9 **ROLL CALL**

10 *Commissioners:* Kelly Liddiard, Kevin Hansbrow, Nelson Abbott
11 *Absent:* Randy Jones, Dayna Hughes, Dan Steele, Debbie Cloward, Sharon Dahlstrom
12 *Others:* Marissa Bassir, *Planning Commission Coordinator*
13 Adam Castor, *LEI Planner*, Dorothy Cloward, Randy Cloward, David Clark, Chris Salisbury, Max Staheli, Rod
14 Cloward

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16 **OPENING ITEMS**

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18 **OPENING**

19 Kelly Liddiard, Chair, welcomed at 7:07 PM. Opening remarks were said by Kevin Hansbrow followed by the pledge of allegiance.

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21 There was not a quorum of four commission members so action could not be taken.

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23 **APPROVAL OF AGENDA**

24 Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.
25 Planning Coord. indicated City Council Member, Erin Clawson, would be tardy for the city council update.

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27 **WILLIAMS CONDITIONAL USE PERMIT PUBLIC HEARING**

28 Kelly Liddiard thought it looked like a nicely done application.
29 Nelson Abbott indicated that he went to visit with the Williams to see where the coop was at. He said Mr. Williams was definitely
30 thinking outside the box. Mr. Abbott said he had a neat way of locking it up so the birds are safe from predators. There is a ramp that
31 comes down, but at night, they pull the ramp up and it locks in place. He indicated that they had a coyote get the Williams' dog. He
32 was impressed. In looking at the proximity of the neighboring houses, Mr. Abbott wished he had the distance.
33 Kelly Liddiard opened the public hearing at 7:07 PM.
34 There was not any public comment and the Williams family was not in attendance because they were on vacation.
35 Kelly Liddiard closed the public hearing at 7:10 PM.

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37 **ELK RIDGE MEADOWS PHASE 2B PRELIMINARY PLAT (3 LOTS) & ELK RIDGE MEADOWS PHASE 2 PLAT VACATION**

38 Chris Salisbury, developer, was torn as to whether or not they continue with this item on the agenda. They submitted to be on the
39 agenda a few weeks ago right after TRC and shortly after that Mr. Salisbury learned that what they wanted to do with the lots potentially
40 required the approval of everyone that lived within the community so they took a step back to reorganize and educate the community.
41 There were some rumors that the park and open space was going to completely go away – that Salisbury was going to sell it and develop
42 it. There was a meeting with the members of the community to provide information and a little background on the project. Salisbury's
43 main goal is that they would like to see the park, open space A and B, restored to its originally glory. They would like to see that done
44 sooner than later. In the meeting with the residents on July 21, 2011, they were given 3-4 options. The first option was to form an HOA,
45 which Mr. Salisbury didn't think anyone wanted. There was one individual who asked questions about it, but for the most part Mr.
46 Salisbury thought the community was against that. The second option was to take the open space C and D and change it into three lots.
47 The third option was to let the community get built out. The city is currently collecting money from Salisbury from every building
48 permit and they are also holding money that should go to Dave Milheim for the water tank reimbursement until that issue gets resolved.
49 It is estimated to take about two years to get that taken care of and then there will be funds there to take care of the park. The fourth
50 option was brought up by the residents to possibly buy open space C and D. Salisbury is looking at that option and coming up with a
51 price in preparation for the August 11 meeting with the residents. They are torn because they are not sure what is going to happen with
52 the surety bond company, Milheim and the city. That puts option three on hold and Salisbury is not sure which direction the residents
53 would like to go.
54 Adam Castor added that the initial application was for the plat of the vacation of the open space to create the three residential building
55 lots. The TRC met with Chris Salisbury and based on the initial findings, was a recommendation for approval of his application with the
56 condition of the redline revisions get made on the plat and then a draft development agreement be written to change the terms of the
57 development agreement that is in place currently. That was the recommendation until July 28, 2011. The correspondence that has gone
58 back and forth with Chris Salisbury and the uncertainty of what they are going to do. There is another community meeting on August
59 11. So the staff report was updated to recommend the decision on the application be tabled until they have had the opportunity to meet
60 with the residents again and see what happens with the surety bond issue.
61 Kelly Liddiard questioned why the city would want to vacate the trail system in the open space
62 Adam Castor explained that it has to do with who assumes ownership and maintenance of the open space. Right now, with the
63 development agreement, at 50% occupancy, the city assumes maintenance of all of that open space, including the two parcels that are
64 proposed to be building lots. The city has not indicated the desire to maintain those small portions and it is also not shown on the general

65 plan as open space anymore. The open space map does not show it as open space, nor does the trails map. Mr. Castor thinks that the
66 maps were changed when the development agreement was proposed.

67 Kelly Liddiard remembered going through all the trails maps with the General Plan and he didn't remember that trail not being included.

68 Adam Castor said it is basically from a maintenance standpoint from Corbett Stephens, Public Works Director.

69 Kevin Hansbrow commented that it is so the city doesn't have to take responsibility for it. And because there wasn't any HOA formed
70 from the beginning. Mr. Hansbrow said it is right in the middle of the trail and doesn't know why it would be taken out. The main
71 objective was to get open space. The reason for the bonus density was because of the open space.

72 Chris Salisbury indicated that the trail that exists, as it goes into Cloward's property, there are no plans to continue the trail on. Mr.
73 Salisbury talked to Tony Trane because he was wondering what the meeting was about and he explained everything to Mr. Trane. Mr.
74 Salisbury said they are looking at the proposed plan because there is no plan to continue the trail and the Clowards are not doing
75 anything with their ground. If they are going to do anything with it, they are going to go with the standard zoning so they are not going
76 to ask for additional density and they don't have to participate in the trail system.

77 Kevin Hansbrow indicated that the kids use it like crazy. His in-laws live there and the kids use the trails around there. Things can
78 change. Even though, it is a trail to nowhere, it is still one of the few trails within the city.

79 Chris Salisbury commented that it is only the trail that is indicated on page 3 on the lots 84, 85, and 83. All the rest of the trails will
80 remain. If it ends up staying, it stays and that's fine. The catalyst is that Salisbury wants the park in now. Changing the open space into
81 lots and generating the revenue from those lots allows Salisbury to dump the revenue into the park. They are just trying to improve the
82 community now rather than later. They are trying to make the best community they can.

83 Kelly Liddiard explained that the planning commission and city council went to a lot of work to get the trails in the general plan and
84 looking into the future of having those. There was even discussion about the Cloward's property and they had some input on that and he
85 thinks that they were going to continue those on. He doesn't know if that is still their interest.

86 Kelly Liddiard opened the public hearing at 7:20pm.

87 David Clark indicated that he lives on lot 39 – his backyard faces the Cloward's property. Dal Olsen and he are on opposite sides. When
88 they were sold their lots, they were under the impression that there was a trail system there and that is the reason they picked those lots.
89 It was a surprise when they found out the intentions of Mr. Salisbury. Olsen's home was built and closed. Mr. Clark's lot was excavated
90 and the footings were poured and he had sold his home so he was in an awkward position. Mr. Clark knows that the people that are also
91 affected by the proposed plan also have the same feelings that he does that why not leave it the way it was intended. Who is to say what
92 is going to happen in five or ten years. He looked at the General Plan for the city and it looks like the trail connects and it goes on
93 around the city. That is how he based his decision to buy that lot.

94 Kelly Liddiard asked why it isn't on the general plan.

95 Adam Castor indicated on the 2010 general plan map for trails/open space, that trail is not there. It was on the previous general plan.
96 The planning commission members wanted research done on why it was changed. It was thought that it was left out due to the
97 developer's agreement.

98 Nelson Abbott commented that there were four different options on the table and the possibility of leveraging it and restoring the park.
99 Looking at the lots one section between the two lots is a lot narrower than the other piece. He asked Mr. Salisbury what would preclude
100 him from maybe working something out where the trail stayed, but sold some of the additional open space to the adjacent property
101 owners – not as building lots, but as open space.

102 Kevin Hansbrow doesn't think that is the property owner's responsibility. He doesn't see that as an option or how that is functional.

103 Chris Salisbury said as he understands it, it allows the open space to remain there and then the city doesn't have to maintain it and the
104 city is also not liable for it either.

105 David Clark commented that the question that was brought up was that phase 1 and the city was going to taking on that portion of it and
106 people found it odd that the city was going to keep one part of it, but not the other - all to maintain a park. Mr. Clark didn't gain a sense
107 of urgency by the residents to have the park up and running that soon. He was willing to do whatever it takes to keep the open space.

108 Adam Castor indicated that the trail shows up on the 2008 maps, but all the 2009 and 2010 maps do not have it.

109 Kelly Liddiard asked if that could be researched and see if there is a reason as to why it was removed. Mr. Liddiard referred back to Mr.
110 Hansbrow's comment about the density because of the excess open space.

111 Adam Castor commented that the actual square footage of the open space was purposed to be applied to the west side of open space B so
112 the open space won't necessarily be lost.

113 Kevin Hansbrow looks at it as the people bought land with the intention of it being open space and to now take that away from them or
114 ask them to pay for it doesn't seem right. An HOA was not going to be part of it. His father-in-law wouldn't even consider an HOA
115 when they were looking to buy. If it was at the beginning before people purchased property, then it would be a different situation. That
116 wouldn't be fair to the current owners in any way.

117 Randy Cloward commented that they are doing a lot of excavation and digging into the hillside and taking away a lot of material from
118 the hillside. He asked if there was a plan to put in a retaining wall or retaining with vegetation because erosion is going to occur. There
119 is a steep cut on the east end.

120 Kelly Liddiard said he hasn't been down there and will have to take a look at it.

121 Chris Salisbury didn't know about it either.

122 Randy Cloward also commented that he can appreciate the park and beautify it and make it look nice. They just want to make sure there
123 is some money involved to take care of it.

124 Kevin Hansbrow said that as much as he would like to see the park up and running, he sees it as Salisbury bought the subdivision and he
125 sees that responsibility falling on them. Mr. Hansbrow is grateful they took over the subdivision, but he doesn't see charging the current
126 owners under the contract that they have bought under.

127 Chris Salisbury responded about what people bought under and their expectation of open space C and D being there. Salisbury bought
128 the community with the understanding the city was going to improve the open space A and B with surety bond money and that is not
129 happening. Salisbury is still continuing and is under no contractual obligation to improve anything. They have a lot of work left to do in
130 Elk Ridge Meadows phase 2 and they also have another phase on the west side of the open space they are talking about. Salisbury is

131 going to be in Elk Ridge for a long time and the reason why they have chosen the route that they have is because there is a question of
132 the validity of the current developer's agreement. Right now, the developer's agreement says the city will improve the park with surety
133 bond money, which no one knows if the city will get it. In the same document, it is requiring Salisbury Homes to pay over \$1400 per
134 building permit to go towards to the park. The city doesn't know if they can be held liable for that surety money, but they have never
135 said anything about not paying that \$1400. Salisbury is still paying it. They are trying to take a very convoluted and messy situation and
136 walk away with it with something the city is proud of, something Salisbury is proud of, and something the residents are happy to live in.
137 If that means that it is open space when they are done, then so be it. Their priority is to get the park in there knowing they have no
138 control over the surety bond company, Milheim, or the city. So they are looking what they do have control over. They have influence on
139 the lots because they own the majority of the lots. So that could be a solution. If not, then they will wait it out and hopefully the
140 situation with the surety bond will be worked out. The question is still there what happens to the money that is paid for each building
141 permit that goes to the park. He doesn't want to get attorneys involved because attorneys are the only ones that would win.
142 Kevin Hansbrow indicated that there needs to be more information as far as the surety bond. He thinks that this discussion is premature.
143 Kelly Liddiard said he appreciated what Mr. Salisbury has said and he doesn't want to get attorneys involved either. His concern is what
144 is best for the city and what the intent was when it was designed. Salisbury did assume that responsibility, but he wasn't saying that it
145 can't be changed. So Mr. Liddiard wants to know when the trail map was changed and why, and surety bond information.
146 Randy Cloward asked if there is enough money in the bond to take care of cleaning up.
147 Kelly Liddiard commented that since the large wall of RL Yergensen, they have tried to protect the city as much as they can so that
148 doesn't happen.
149 David Clark said that Salisbury estimate the surety bond would be about \$210k. \$100k would go for overlay and \$60k would go for
150 repairs leaving \$50k for improvements to the park.
151 Chris Salisbury mentioned that they are still paying money for every permit and there should be about \$100k from that.
152 Kelly Liddiard closed the public hearing at 7:34pm.
153 Kelly Liddiard tabled the issue because it cannot be voted upon until there is a quorum and there is more information brought forward.

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156 **APPROVAL OF 6/9/2011 PLANNING COMMISSION MEETING MINUTES**

157 The approval of the minutes was tabled due to the lack of a quorum.

158
159 **CITY COUNCIL UPDATE**

160 Erin Clawson was not in attendance for the city council update.

161
162 **OTHER BUSINESS**

163 The city council will be having a joint work session on Tuesday, August 9, 2011 at 6:00 pm regarding the single access code. The
164 mayor would like to get it done and off the table.

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166 **ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:40 p.m.

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171 Planning Commission Coordinator
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