

1 **ELK RIDGE PLANNING COMMISSION MEETING**

2 **November 8, 2012**

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

6 A regular scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, November 8, 2012, at 7:00 p.m. at 80 East  
7 Park Drive, Elk Ridge, Utah.

8  
9 **ROLL CALL**

10 *Commissioners:* Kelly Liddiard, Jed Pfaff, Randy Jones, David Clark, Clint Ashmead, Kevin Hansbrow  
11 *Absent:* Debbie Cloward, Sharon Dahlstrom  
12 *Others:* Greg Magleby, *LEI Engineer*  
13 Shay Stark, *Aqua Planner*  
14 Marissa Bassir, *Planning Commission Coordinator*  
15 Brian Burke, *City Council*, Weston Youd, *City Council*, Mayor Shelley  
16 Kristin and Sean Roylance, Brian Badders, Dean Ingram, Dave Scoville, Sam Packer, Tracy Thurgood, Jensen  
17 Thurgood, Neil Warr

18  
19 **OPENING ITEMS**

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

21  
22 **APPROVAL OF AGENDA**

23 Kelly Liddiard, Chair, reviewed the agenda and there were not any changes.

24  
25 **ALTERNATE APPROVAL**

26 **KELLY LIDDIARD MOTIONED AND KEVIN HANSBROW SECONDED TO MAKE ALTERNATE, JED PFAFF, A**  
27 **VOTING MEMBER FOR THIS MEETING. VOTE: YES – ALL (4), NO – NONE, ABSENT – (3) DEBBIE CLOWARD,**  
28 **DAVID CLARK, SHARON DAHLSTROM**

29  
30 **PENDING CODE AMENDMENT FOR RESIDENTIAL FACILITIES FOR DISABILITIES**

31 Mayor Shelley provided a background of the substance abuse residential home on Coley’s Cove. The residents had moved in on  
32 October 31. Dustin Long is the executive director for the Payson office and is in charge of putting together the residential facility. They  
33 are contracted with the Berney’s for a drug treatment rehabilitation center for adult male recovery drug offenders. Mayor contacted the  
34 attorney general’s office to find out the legal ramifications and was bounced around to two or three different individuals. The individual  
35 the mayor needs to talk to has still not called him back. He was able to find out that the Licensing division for Utah State has indicated  
36 that there is not a current license for the recovery center. Under fair housing standards, the city has very little discretion as to whether or  
37 not they can do what they want to do. The other issue is the city has limited code regarding the residential facilities for disabilities.  
38 There is an ordinance that permits the use, but there isn’t clarification or direction as to what can or can’t be done. Research is being  
39 continued and he has received a copy of Eagle Mountain’s ordinance, which was later found out it was based on Orem’s ordinance for  
40 the same type of facility. The main things that can be controlled by ordinance are the numbers of individuals that occupy and something  
41 else that he couldn’t remember. He has been in contact with Dustin Long and met with the mayor for the first time today. Dustin has  
42 had numerous interactions with neighboring residents. The issue is that the city would like to have them go through the process  
43 correctly. The mayor said that the individuals need help and everyone knows someone who has an addiction. The mayor would like to  
44 help the facility be successful for their resident’s sake. The office of state licensing contacted Dustin Long and told him there should not  
45 be any residents in the home until the license is done.

46 Kelly Liddiard, Chair asked if there are people currently occupying the home.

47 Mayor Shelley indicated that he had not checked this day. As of the previous night, they were not there. He has had strong denials that  
48 they were there. There were enough evidence and comments that there had been people residing in the home. If anyone is there now, it  
49 should only be employees. There have been people in the home, but they were to have moved out.

50 Neil Warr, public commented that the residents are freely walking unsupervised, which is against the state code for a residential  
51 rehabilitation center.

52 Mayor Shelley indicated he was very direct with Dustin Long about what he felt from all the information that he had received from the  
53 other residents in attendance that they were being very underhanded and doing things under the radar. Dustin Long didn’t seem to agree  
54 with the Mayor and there was a direct conversation. In the end, the Mayor said if it is going to be done, then it needs to be done  
55 correctly. The mayor stated that there will not be any license issued until everything is put into order. There hasn’t been enough time to  
56 look at what is required. Fair housing standards needs to come into play. Those standards become federal agency standards and he  
57 wants to protect the city. He doesn’t want a big fine or some other legal lawsuit because the city hasn’t done their part. The mayor  
58 asked Weston to follow up on the issue and follow through with it. The state licensing examiner recommended looking at Cottonwood  
59 Heights ordinance, as well as Ogden’s code. The city is under some time constraints because of Fair Housing Standards. The plan is to  
60 look at the issue as quickly and efficiently as possible, but there needs to be an ordinance established that would allow the city to  
61 proceed correctly.

62 Kelly Liddiard asked if this home is a satellite from a Payson office. Are they relocating?

63 Mayor Shelley didn’t know the answer because it wasn’t clear to him. The Payson office does not have a current license. They were in  
64 Spanish Fork without a license.

65 Kelly Liddiard commented that it sounds like he is running ahead of the law.

66 Mayor Shelley said after the first contact over the phone with Dustin, contacts were made with the owners of the agency. Dustin Long  
67 was very humbled the second time the mayor spoke with him. The name of the company is Arcadia Recovery LLC.

68 Sean Roylance indicated that the company had a webpage up that identified three locations. The Payson office was an outpatient  
69 facility, which they are currently operating out of. The Elk Ridge location was on the website, as well as the Spanish Fork location.  
70 Neither of which, they don't have licensing through the cities or the state.  
71 Mayor Shelley indicated that the Elk Ridge location has been removed from the website within the last day or so.  
72 Kelly Liddiard asked Weston Youd what the State is looking at.  
73 Weston Youd indicated he didn't know yet. They would have to petition for a license with the state.  
74 Kelly Liddiard was thinking that if they are operating out of Spanish Fork and their license in Payson is not current, then why is the state  
75 not going after them.  
76 Kristen Roylance said that she had talked with John Ortiz that morning and he said that they do not have any way to enforce it. They  
77 cannot remove them.  
78 Kelly Liddiard indicated that they could do an administrative citation.  
79 Kristen Roylance said that they can't. Supposedly, he was saying something to the Attorney General's office to give them notification.  
80 They will have ten days to come into compliance. Kristen's concern is their track record. It is horrible. The state told them to leave.  
81 Where will they go?  
82 Kelly Liddiard asked where the city stands now.  
83 Weston Youd said the reason it was brought to the planning commission is because as the Mayor said, the city cannot limit it or prohibit  
84 it so the city has to be able to accommodate it. How does the city accommodate such a thing?  
85 Kelly Liddiard asked if the city could deny them a business license just by how they are operating in other cities.  
86 Mayor Shelley didn't know if they could.  
87 Randy Jones said the city doesn't even have a code that authorizes that.  
88 Mayor Shelley indicated that there is a permitted use and they know that.  
89 Sean Roylance said they don't have a business license yet to operate in the city. The code is come forth before they obtain a business  
90 license. In the Eagle Mountain code, there is a clause that says they can be denied based on past history.  
91 Mayor Shelley said that what has to be done is not only look at that code, but it has to be clarified with the attorney.  
92 Weston Youd indicated that is Eagle Mountain's code and Elk Ridge will have to adopt their own code. How should the city  
93 accommodate the facility? The city cannot prohibit them, but they can control and enforce it by code. How many people can a  
94 residence within Elk Ridge allow? How is limitations justified? The city doesn't have a police force. There isn't a way to patrol or  
95 monitor it. That needs to be considered. Another thing to consider is location in respect to where would these people get help. There  
96 isn't a hospital close by. Code needs to be drafted because has to be permitted, but there needs to be code in place with conditions that  
97 will satisfy their needs, but also live within the perimeters of what the city can support. There is some urgency behind it because it has  
98 been sprung on the city.  
99 Kelly Liddiard asked if they are renting or buying the house.  
100 Mayor Shelley indicated they have a lease for three years on the property.  
101 Weston Youd said there are some examples of code from Eagle Mountain, Orem, Cottonwood Heights, Sandy and Ogden. Let those  
102 codes be used as a guide to how the city would like its code to deal with it. Currently, there is a limit of non-related people. That should  
103 be made sure that is a part of the conditional use and it cannot exceed what is already established.  
104 Kelly Liddiard asked if they need to get a conditional use permit for it.  
105 Mayor Shelley Yes, that is why it is being brought to the commission.  
106 Weston Youd questioned if there were other businesses within the area, such as a daycare near in proximity that would stop a facility  
107 like this. The structure needs to be set for future requests as well. There will then be code that the city can support.  
108 Jed Pfaff asked what attracted them to Elk Ridge or why they are there.  
109 Mayor Shelley answered that it is just an opportunity. It is a large home. Indications were that they liked the concept that they could  
110 possibly walk up into the mountains and do some therapeutic type things. The mayor also indicated that he was assured that there would  
111 be no one that was convicted of a felon or a child predator and that needs to be in the city code.  
112 Kelly Liddiard commented that would limit their clientele.  
113 Weston Youd said that a code needs to be in place that would be enforced because the state licensing agency cannot even enforce the  
114 licensing already.  
115 Kelly Liddiard didn't understand that.  
116 Kevin Hansbrow asked if they could make a stipulation that they would have to check the people in through the city. That might be  
117 something to ask the attorney.  
118 Mayor Shelley said that is something that the city can receive names and information to the city can do follow up checks.  
119 Neil Warr, public said the city should require them to have their own security force to control their own people. Under state law the  
120 have to be under surveillance.  
121 Mayor Shelley said they didn't know that.  
122 Neil Warr said he talked to another recovery agency, Phoenix Recovery Group. It has taken them eight months to get approved in South  
123 Jordan and they are furious with Arcadia Recovery because they are giving them a bad name. The individual said that they had to have  
124 80 percent approval from the city and all sorts of things. They went through the hoops and are willing to help the city get these people  
125 out who are giving them a bad name. It isn't that the residents are against the facility type, it is just how they are going about it. They  
126 say one thing and then there are five people walking down the street unsupervised.  
127 Kelly Liddiard said they understand they need to come up with a code and asked where to start. There are examples to look at.  
128 Weston Youd said there are city codes to take excerpts from and put together a code for Elk Ridge. The planning commission has the  
129 full support of the city council and would like something as soon as possible.  
130 Mayor Shelley said there are recommendations to contact specific individuals and those who have already done a great deal of research.  
131 Mayor also stated that he is going to contact the Attorney General to make sure the city is going in the right direction. He also indicated  
132 that he had talked to David Church, City Attorney, and he stated that it isn't a matter of whether or not they are going to be there, but  
133 how they are going to be there.

134 Clint Ashmead would like to see the city have some sort of enforcement authority. He thinks it is great that the city can make codes, but  
135 if they cannot be enforced...

136 Mayor Shelley said that the problem is that they work within Federal Guidelines and sometimes trumps anything and everything the city  
137 tries to do. But the city will do everything possible within the law. The city makes the conditions, not someone else.

138 Weston Youd said Federal limitations are only that...the city can go to the point where the city is limited, but don't need to not go as far  
139 as possible. Full ability to do any type of enforcement needed should be exercised within the law. Mr. Youd said it might be a good  
140 idea to form a committee to help support the planning commission in structuring the code. There are a lot of concerned citizens that  
141 could bring suggestions.

142 Kelly Liddiard agreed with the idea.

143 Sean Roylance thinks that the mayor and the city council has been very proactive about the issue and have done a fantastic job in  
144 recognizing the situation and trying to take steps to help the immediate situation, as well as keeping the long term in mind. Where it all  
145 comes from is the fair housing act which says that if normal families are allowed to reside within an area then a drug rehabilitation  
146 center comes in and has to be allowed, as well.

147 Neil Warr commented that the Fair Housing Act protects more individuals. Mr. Warr talked to an attorney that represents one of the  
148 other clinics and they are saying the Fair Housing Act is their crutch, but it is a pretty weak crutch. Fair Housing Act guards individuals  
149 and individual families and homes residents, but not so much a group. They fall under commercial law.

150 Sean Roylance said the act says they can't discriminate, however, it doesn't allow more than what families can do. So if the city allows  
151 2 or 3 unrelated individuals in the complex, there is nothing in the Fair Housing Act that says that they can have more.

152 Weston Youd commented that the city doesn't have to go beyond that accommodation. The city doesn't have to go beyond that  
153 accommodation. Those are individual residents.

154 Kelly Liddiard said he would fight that if he were there. Maybe it's a commercial thing, but he doesn't think they are individual  
155 residents. They are all under one address. Each room would have to have a separate address.

156 Brian Burke, City Council said he had reviewed the document and he thinks that it is a solid document. He thinks the time factor needs  
157 to be considered. Putting together a committee and spending a lot of time going back and forth...time is of the essence. If the city made  
158 something up that can be agreed is a pretty good document that will serve the city for now, then it can be worked on later. Something  
159 needs to be done quickly; something that David Church will approve and something that the city feels 80-90 percent certain of and  
160 change it as time goes on.

161 Clint Ashmead said he agrees, but enforcement is critical.

162 Sean Roylance, public said he would like to see something in addition to just monetary enforcement because they are making a lot of  
163 money and don't care if they have to pay some fines. He would like to see a criminal aspect of it or whatever can be done. More steps  
164 than just a monetary fine because they don't care.

165 Kelly Liddiard said he would look at monetary fines and make them hellacious, but there can also be seizure of property. If they are in  
166 violation of city code and they get the administrative citations and so on, that is the way to enforce it. Then there is something in the  
167 code as far as that the owner of the property is going to be responsible also and could lose the property and the city could foreclose on it.

168 Weston Youd said monetary will not be fining the business, it will be fining the owner or both.

169 Kelly Liddiard said that when the property owner is getting \$2000 a month for rent, whether they are getting \$50,000 or not, the property  
170 owner will say it isn't working and hopefully they have some clause in their lease and can kick them out. Mr. Liddiard didn't know who  
171 owns the house.

172 Kristin Roylance indicated it is Paul Berney who is the owner and is in Canada and has been made aware of the situation and doesn't  
173 care.

174 Planning Coordinator introduced Shay Stark who is the planner from Aqua Engineering who will be helping to put together the code.  
175 He was just brought into the situation that day so he is trying to get up to speed on the issue.

176 Shay Stark said that Title 10 in the state code requires the city to have the ordinance in place because it is required to allow through Fair  
177 Housing and through the state code in the community. He looked at Cottonwood Heights and Ogden code and some other cities and he  
178 said that State code Title 10-9a is pretty specific on what can and can't be done. Most of the codes are based along the language within  
179 the state code. There can be limitations on how many people are in the facility. The city can make sure the facilities are spread out  
180 throughout the community. There can be limits on spacing between facilities and homes. Surveillance requirements have to do with  
181 anything within 500 feet of a school and 24-hour security and security plans. If wanted, they could be restricted to stay within 500 feet  
182 of a school so they are required to have 24-hour surveillance. The other side is that state code requires that all licensure is through the  
183 state. Mr. Stark indicated that he has seen it with real estate. The fact is that someone has a real estate license and someone goes to the  
184 state because there is a problem with the realtor and the state can't do anything about it.

185 Kelly Liddiard said he needs to do research because he knows of an individual who was doing some real estate stuff and they were fined  
186 by the state.

187 Shay Stark said there are those cases, but there are extreme cases where the state has said they can't revoke their license or do anything  
188 in the situation so it doesn't surprise him to hear that it is kind of the same situation. The city can require in the business license that the  
189 types of businesses that are licensed by the state are required to give the city a copy of the state license in order to get a city business  
190 license.

191 Mayor Shelley said they should also require a fire and public health inspection.

192 Neil Warr commented that fire safety, commercial plumbing, double access are in the state code, which that house is not up to par. The  
193 house should be compliant to ADA. It is an interesting situation because the house has to meet commercial standards, but at the same  
194 time, the state says it has to meet residential standards so that when the group leaves someone could live in the house without  
195 modification.

196 Jed Pfaff said something about the zoning being commercial.

197 Neil Warr said it is not recognized. It has to be in a residential zone. It cannot be in a commercial zone. It has to be in a zone that has  
198 similar single family housing in it.

199 Mayor Shelley said the best direction is to work with Shay and get it going in the right direction. The planning commission can work  
200 with the residents to put something in place quickly.

201 Kelly Liddiard said they would like to form a committee. He would like to put something in place that is what they want and not have to  
202 make major changes in the future because there can be too many loopholes working too fast.

203 Weston Youd commented that if there is a loophole in something passed today and something is passed more aggressive later, it is then  
204 grandfathered in.

205 Clint Ashmead indicated he would be willing to be on the committee even though he didn't know a lot about the topic, but was willing  
206 to learn and be involved.

207 Kevin Hansbrow and Randy Jones also indicated they would like to be involved in the committee.

208 Weston Youd would like the committee to work and get something to the planner to have it back to the planning commission by  
209 Monday?

210 It was decided that a work session would take place on Thursday, November 15<sup>th</sup> and a public hearing on Friday, November 23<sup>rd</sup> and  
211 7:00pm. A moratorium or pending ordinance was also discussed as whether or not it could be noticed so no licenses are issued. They  
212 were going to check to see if that was applicable.

213

214 **KEVIN HANSBROW MOTIONED AND CLINT ASHMEAD SECONDED TO PUT A PENDING STATUS ON THE**  
215 **DEVELOPMENT FOR BUSINESS LICENSES FOR FACILITIES SPECIALIZING IN PEOPLE WITH DISABILITIES.**  
216 **VOTE: YES – ALL (6), NO – NONE, ABSENT (2) DEBBIE CLOWARD, SHARON DAHLSTROM**

217

#### 218 APPROVAL OF 10/11/12 PLANNING COMMISSION MEETING MINUTES

219 There were not any corrections for the minutes of 10/11/12.

220

221 **RANDY JONES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE PLANNING COMMISSION**  
222 **MEETING MINUTES OF OCTOBER 11, 2012 AS STIPULATED. VOTE: YES – ALL (6), NO – NONE, ABSENT (2)**  
223 **DEBBIE CLOWARD, SHARON DAHLSTROM**

224

#### 225 CITY COUNCIL UPDATE

226 The previous discussion with a few members of the city council was sufficient for this item.

227

#### 228 OTHER BUSINESS

229 Dean Ingram indicated that he has sat down with the mayor, Shay, and Marissa to discuss some things regarding the project of Elk Ridge  
230 Meadows Phases 5 & 6. He is looking at purchasing the subdivision and would like some direction on what the planning commission  
231 would like to see since it is located at the entrance of Elk Ridge. Mr. Ingram indicated it has density and it is under a development  
232 agreement. The development agreement has been amended. He has heard about the parks and the soccer field and has had some  
233 thoughts regarding the open space. The bankruptcy has caused some issues. He wants to get an idea because it is a big deal. He wants  
234 to have it done right. He wants to know if the open space right across from the school is the best place for it. He is not in a hurry so he  
235 wants to do it right. As a city, do they want all the pocket parks? Is there going to be an HOA? Or should there be an ordinance where  
236 they just pay money to make current parks nicer or expand?

237 Kevin Hansbrow commented that part of the agreement was for the open space so there needs to be open space somewhere whether it is  
238 across the street from the school, he doesn't know. Obviously, they received the density for the open space so that needs to be there.

239 Kelly Liddiard said that the open space is already attached to the parcel.

240 Dean Ingram explained that he is aware of that, but different cities have ordinances where the developer buys TDRs and the city puts the  
241 money towards other stuff.

242 Shay Stark commented that there are ordinances out there like that. The issue is that there is a development agreement that was put into  
243 place and the reason the annexation was approved was because of the conditions in the development agreement. If that ordinance is put  
244 into place, the development agreement would have to be amended.

245 Kevin Hansbrow said he would still like to see the open space. He has heard so many different things with the existing open space and  
246 he would like to know what is going on with that.

247 Mayor Shelley indicated that Greg Magleby has been working with Salisbury. Salisbury bought those lots, but also bought the open  
248 space with it. They have been working to try and make sure the landscaping is in place. It is not in place the way the mayor would like  
249 it. They did some hydro seeding about a week ago and part of the paths. They have also done some work on the sprinkling system.

250 There were also some issues relative to the rural housing. The rural housing director Chris Sainsbury and Chris Salisbury came together  
251 to form an architectural board that would permit everything to move forward and transfer the open space to the city. The question is it  
252 needed to be transferred to the city in working condition so the city doesn't have to spend another \$20,000 to do that. The mayor is  
253 concerned about that and they were hopeful that they could transferred deed and title to the city this week.

254 Kevin Hansbrow commented that there was an occupancy threshold in order to transfer the open space. Have they reached that limit?

255 Mayor Shelley said that his understanding is from Brad Bishop from Rural Housing and Chris Salisbury is that they were to the point  
256 where that could be done. They hope that this week it could be done. Technically, the city is not required to accept it. Because of all  
257 the other issues of finance, bankruptcy and FDIC the city is not obligated to do it, but for the sake of the citizens, his personal feeling is  
258 that the city needs to. Or the city needs to find a way how to do it. If that is the case, the city will have a soccer field and a playground  
259 adjacent to the said property so there will be open space and the school with its open space. So there will be a good deal of open space  
260 not necessarily contiguous, but very close. The code does require a lot of open space and it is identified on the map.

261 Kevin Hansbrow asked if Mr. Ingram was asking to buy the open space back so other parks can be approved.

262 Dean Ingram said that it is a big deal for the city and where there is a school going to be located at the entrance, should there be that  
263 much open space...is this what the citizens want. Or should there be something different there?

264 Kelly Liddiard asked what Mr. Ingram had in mind since he kept asking if the planning commission wanted something different.

265 Dean Ingram said just in talking to people...just how many pocket parks does the city want?  
 266 Mayor Shelley said he was concerned the amount of open space because currently the city doesn't have the manpower to take care of the  
 267 parks.  
 268 Kelly Liddiard asked if the code requires having that much open space and that was confirmed.  
 269 Dean Ingram said it doesn't mean the code can't be changed. There are adjustments that can be made because originally the city taking  
 270 over parks was not planned.  
 271 Kevin Hansbrow said the open space doesn't necessarily have to be a park. It can be natural open space.  
 272 Shay Stark displayed the originally property before the school was planned. Originally, the open space was spread throughout so that  
 273 with each phase developed, there was the 25 percent open space requirement.  
 274 Kevin Hansbrow indicated that they wanted to keep the open space contiguous so there could be walking paths.  
 275 Shay Stark pointed out the pockets are a pain for the city to maintain and police. They turn into weed piles.  
 276 Kelly Liddiard pointed out a specific open space where the monument was supposed to be located.  
 277 Kevin Hansbrow commented that he likes the open space on that main arterial street because if there are street accessible houses then  
 278 there is a concern of safety.  
 279 Dean Ingram said it is a given that there will not be driveways coming out on that street, but as a citizen, his concern is that there will be  
 280 a school that will be fenced and they will probably have the opening on the other side.  
 281 Kevin Hansbrow said that he remembers them talking about traffic calming measures on that road.  
 282 Kelly Liddiard said that is why there are strips on the side of the road.  
 283 Kevin Hansbrow said they had even talked about putting them in the middle of the road.  
 284 Shay Stark said that one of the other things that had changed back when the property was sold, city council or planning commission  
 285 directed that the trail that was originally passing through that property was hoping it would be taken down Cottontail Drive to tie the  
 286 open space back in. It was put at the intersection.  
 287 Randy Jones asked if the school section was where the open space was going to be.  
 288 Kelly Liddiard said the school has been there for some time.  
 289 Dean Ingram said that the road is very expensive. It is 108 feet with landscaping and trail. Does the planning commission really want  
 290 open space on both sides? If there is a trail on the one side, does the planning commission want a sidewalk on the other side because it  
 291 is going to be a highway?  
 292 Kelly Liddiard said he would rather have a sidewalk than people walking on the road. If there is going to be a school there, then yes,  
 293 there needs to be a sidewalk on both sides. That is from a public safety concern, the foot traffic is going to be there with the school. The  
 294 kids need to be off the road. There are residents across from the school that would need that sidewalk. He indicated that the road is that  
 295 wide for the purpose of traffic calming.  
 296 Shay Stark pointed out that code will not allow reducing the size. 108 feet is actually two feet smaller than what the code is.  
 297 Kevin Hansbrow said he likes it the way it is.  
 298 There was a lot of work done on it and it took some time to get the project to the way it was wanted. The project was worked on  
 299 knowing that the school was going to be there. The open space was just for parks. It was to cluster and keeping the natural look. They  
 300 didn't want a lot of digs into the hill. They wanted to keep the rural feeling. The small pocket parks should be expected to remain  
 301 natural.  
 302 The roundabout was discussed that it wouldn't fit because of the elevation there. The roundabout is in the developer's agreement and  
 303 the work to make the roundabout work was supposed to be continued.  
 304 Shay Stark indicated there was a discussion in the minutes that indicated the roundabout could be moved over to fit some on the city's  
 305 property on the corner.  
 306 Kevin Hansbrow said that at the time, it was commercial property and it would affect Cloward's property as well.  
 307 Shay Stark asked if there was an official motion to remove the roundabout because as of the current amendment the roundabout is still  
 308 required.  
 309 Kevin Hansbrow said if the roundabout is not going to work, then the agreement will need to be amended. He thinks the roundabout is  
 310 negotiable.  
 311 Kelly Liddiard said the reason there is so much open space in the development is because there is only one park in Elk Ridge and the  
 312 city is way behind with the open space requirements – certain amount of open space per amount of people. That is where it came from  
 313 and that was the way to get the open space and be compliant. It all flows together.  
 314 Dean Ingram said he has to make sure the project makes sense, but he would love to see it go forward. It is going to be an \$80,000 road.  
 315 He also asked about readdressing the fire sprinkler requirement.  
 316 Kelly Liddiard said no. The time and property the fire sprinklers save is worth it. Sprinklers are not required for existing homes. Only  
 317 new construction.  
 318 Kevin Hansbrow commented that it is all about saving lives. He explained that the planning commission's main job is the health, safety,  
 319 and welfare of the people of Elk Ridge. Being a volunteer fire department, they cannot go into the home unless they have three certified  
 320 people and it would take too much time.  
 321 Dean Ingram commented that maybe there should be a choice whether they want to put fire sprinklers in their home.  
 322 Further discussion took place defending why fire sprinklers should be in every home in Elk Ridge with the risk of wild fire.  
 323 Kelly Liddiard said that if Mr. Ingram would like to have the requirement addressed, then he will need to get it on an agenda.

#### 324 **CODE AMENDMENT FOR COMMERCIAL ZONE FENCE REQUIREMENT**

325 Greg Magleby quoted from current city code from 10-12-37-G-13: "The location, heights, and type of materials used for fencing (a 6  
 326 foot masonry fence may be required when commercial development is adjacent to a residential zone or use)." Then he quoted the next  
 327 code specific to Commercial from 10-12-31-C8: "The facility shall have a rear yard sight obscuring fence." A single fence out in the  
 328 middle of a field does not do anything for anyone. It doesn't obscure anything. It is recommended that the code for the assisted living  
 329 site requirements: "The facility may be required to have a rear and side yard sight obscuring fence when adjacent to incompatible  
 330

331 commercial uses. A 6 foot masonry fence may be required when located adjacent to a residential zone or use.” Then it can be looked at  
 332 to whether the fence is needed.  
 333 Kevin Hansbrow asked if there should be a “maybe” in the code. Should it say “if it is adjacent a residential zone”?  
 334 Greg Magleby said there could be a “shall” when it is against a residential zone.  
 335 It was discussed that the ordinance will read as follows: “The facility may be required to have rear and sight obscuring fence when  
 336 adjacent to incompatible commercial uses. A six foot masonry fence shall be required when located adjacent to a residential zone or  
 337 use.”  
 338

339 **BUILDING SIZE ORDINANCE DISCUSSION**

340 Greg Magleby explained that with each residential zone there is a part that talks about dwelling size within that zone. Each says the  
 341 same thing – minimum square footage 1200 sq ft and didn’t have any distinctions. If there are distinctions in the zone, there needs to be  
 342 distinctions in product as well. It is proposed to get rid of text and refer to the chart in 10-6-2. That way only the chart has to be  
 343 changed and there will be one place to find all the sizes and be able to compare, which is much more user friendly. Along with the  
 344 chart, there is definition as what is counted with square footage as follows: “A. All dwellings must provide a minimum finished living  
 345 space area. For purposes of calculating required finished area, square footage in basements shall not qualify. For multi-story houses,  
 346 finished area on floors that are at least 50 percent below the finished grade of the lot shall not count towards the required finished area.”  
 347

Zone	Minimum Lot Size (sf)	Rambler		Multi-Story	
		N Basement (sf)	With Basement (sf)	No Basement (sf)	With Basement (sf)
R-1-12,000	12,000	1,600	1,400	2,000	1,800
R-1-15,000	15,000	1,800	1,600	2,200	2,000
R-1-20,000	20,000	2,000	1,800	2,400	2,200
R&L-1-20,000	20,000	2,000	1,800	2,400	2,200
HR-1	40,000	2,500	2,200	2,800	2,400
Hillside Cluster Overlay	20,000	As Approved by City Council		As Approved by City Council	
RR-1	20,000	2,000	1,800	2,400	2,200
PUD Overlay	7,500	As Approved by City Council		As Approved by City Council	
CE-2	5 ac.	2,000	1,800	2,400	2,200
Mountain Home Development	20,000	As Approved by City Council		As Approved by City Council	

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 350  
 351 **STORM DRAIN CODE ORDINANCE**

352 Greg Magleby said as a result of the storm drain study, there needs to be code set in place. Instead of everyone coming up with their  
 353 own storm event, LEI is giving them one. Here is a plan and how to calculate it. The method with storm drains that they would like to  
 354 see... Criteria with the pipe work and the detention basin, slopes and maximum depths. Storm drains have to have some flexibility  
 355 because there may be a situation where it can work and would work better, but it doesn’t necessarily fit everything. There are some  
 356 methods that give consideration of approval by the city engineer. “2A – To maximum extent possible, surface water produced from the  
 357 subdivision development shall be properly disposed of within the limits of the subdivision. If not possible within limits of the  
 358 development, alternative disposal methods offsite may be considered as approved by the city engineer.” The city wants to know how  
 359 they are going to be disposing of their waste. Developers will do the right thing if you tell them what is expected in the beginning.  
 360

361 Public Hearings for dwelling size, commercial fence requirements and storm drainage codes will be scheduled for November 23<sup>rd</sup>.

362  
 363 **ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 8:58 p.m.  
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 365  
 366  
 367