

1 **ELK RIDGE PLANNING COMMISSION MEETING**

2 **December 13, 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, December 13, 2012, at 7:00 p.m. at 80 East
7 Park Drive, Elk Ridge, Utah.

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9 **ROLL CALL**

10 *Commissioners:* Kelly Liddiard, Randy Jones, Debbie Cloward, Sharon Dahlstrom, Jed Pfaff (tardy)
11 *Absent:* David Clark, Clint Ashmead, Kevin Hansbrow
12 *Others:* Shay Stark, *Aqua Planner*
13 Marissa Bassir, *Planning Commission Coordinator*
14 Gary Frankovich, Lynn Frankovich, Jared Peterson

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16 **OPENING ITEMS**

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

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19 **APPROVAL OF AGENDA**

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

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22 **ALTERNATE APPROVAL**

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

26
27 **PETERSON LOT LINE ADJUSTMENT**

28 Randy Jones asked if the extension was just going in one direction back.

29 Jared Peterson replied yes.

30 Kelly Liddiard indicated that after the first TRC, he went down to look at the property with the mayor and others back in May. He said
31 there was an issue with the sewer line.

32 Jared Peterson indicated that LEI Engineering has read the sewer and it has been officially abandoned, except physically. Mr. Peterson
33 is supposed to help the city remove some manholes upstream. Mr. Peterson assumes it has been recorded that there is an easement.

34 Planning Assistant said she would check to see if it is recorded.

35 Kelly Liddiard explained where the existing property line was and that he wanted to push his property line back 30 feet into his
36 neighbor, Frankovich's, backyard.

37 Debbie Cloward asked if it was a steep slope behind his house.

38 Gary Frankovich said that the portion of land is pretty level.

39 Kelly Liddiard indicated that it is a step down from where the Frankovich's house is. Mr. Liddiard said he went and looked at it and it
40 made sense as to what the owner's wanted to do.

41 Randy Jones asked if any of the neighbors had any concerns.

42 Kelly Liddiard indicated the lot to the west is vacant, as well as the lot to the east.

43 Randy Jones asked what the deal was with the sewer.

44 Kelly Liddiard explained that there is an abandoned sewer line that runs east and west. It comes down from the west end off of Oak
45 Ridge Drive.

46 Jared Peterson indicated that Lee Haskell did the development. There is a line that runs off from Columbus Lane and goes down and it
47 was supposed to be abandoned. He diverted the line down to the road in Olympic Lane and then there is another line that goes down
48 East side of Frankovich's and it used to catch everything from Columbus. He indicated that Kent Haskell capped it years ago, but never
49 did anything else. LEI, Greg Magleby, needs to verify it all.

50 Randy Jones asked if the sewer line is in the property somewhere.

51 Kelly Liddiard showed Mr. Jones where the sewer line is on the map, as well as the manholes. Mr. Liddiard asked Mr. Peterson if he
52 had to get rid of the manholes.

53 Jared Peterson said he was going to help Cody Black, Public Works, remove the manhole and cap both lines to the west and then there is
54 another by the Lawler's house. They are going to permanently remove that line that was made into a "T". Right now, there is just a
55 plug.

56 Randy Jones asked if that was all a part of the agreement.

57 Jared Peterson said he was just going to help the city as a side note.

58
59 **KELLY LIDDIARD MOTIONED AND SHARON DAHLSTROM SECONDED TO RECOMMEND APPROVAL TO THE**
60 **CITY COUNCIL OF THE PETERSON LOT LINE ADJUSTMENT WITH THE CONTINGENCY OF JARED PETERSON**
61 **HELPING THE CITY TO REMOVE THE MANHOLES AND CAP THE SEWER LINE AS DESCRIBED.**

62 **VOTE: YES – ALL (4), NO – NONE, ABSENT (4) KEVIN HANSBROW, JED PFAFF, DAVID CLARK,**
63 **CLINT ASHMEAD**

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65 **UNRELATED PEOPLE WITHIN SINGLE FAMILY RESIDENCE CODE AMENDMENT**

66 Shay Stark explained that the city council adopted the Facilities for Persons with Disabilities ordinance as the planning commission
67 recommended, but they changed language dealing with four unrelated people in the residence. The change was that if there was a staff
68 member residing in the facility, then they would be counted in the unrelated people. There were three other changes discussed and

wanted the planning commission to discuss and consider. One of the changes would affect the ordinance, but the other changes affected other sections of the city code. The city council would like to add the description of non-family limit of four into each of the residential zones. The reasoning is because the description of a family under the first of the development code [*Chapter 2 Definitions*] listed the non-family limit of four and then it was tied to dwellings and dwelling units so that throughout the code anytime there is a mention of dwellings, the four non-family people would apply. The argument is that when something is in the definition, the definition section is sometimes ignored. It would place the limit in a place where people would be looking for it. It adds redundancy. The recommended language for the affected sections would be as follows. "The number of unrelated individuals residing in a dwelling unit shall not exceed four (4)." There is a section in each residential zone that specifically talks about buildings and dwellings so it does naturally fit within each section.

The planning commission continued discussing the number of foster children (*3 foster children allowed*) within a residence is included as part of the "non-family" limit.

Planning Assistant asked if there were any exceptions.

Shay Stark commented that the sections dealing with housing for the elderly is reviewed because some of the same issues apply with them. He would probably propose taking the "reasonable accommodation" clause out of the disability section and putting it in a separate section because it can't apply. "Reasonable accommodation" applies to all fair housing issues. Right now, the attorneys are scrutinizing the Facilities for Persons with a Disability ordinance, as well as "reasonable accommodation" clauses. After, the residents for elderly can be reviewed. The distances and other things need to match between the two.

Sharon Dahlstrom reiterated the city council's request to add the verbiage for non-family to the residential zones.

ASSISTED LIVING FACILITIES CODE AMENDMENT

Shay Stark explained that as the facilities for disabilities ordinance was passed the distance between facilities was 1350 feet because of the existing assisted living ordinance that has the same distance. That number was entered for consistency.

Randy Jones asked if that was between dwellings or facilities.

Shay Stark indicated that it was between the same types of facilities from the property line. There are some city council people that feel the distance needs to be farther and the recommendation was one mile (5,280 feet).

Kelly Liddiard asked if assisted living and disability facilities have to be one mile apart. Or is it just the same kind of facility.

Shay Stark replied that it is meant for just the same kind of facility. In determining the distance between different types of facilities, they need to be careful not to regulate facilities out of the community and the city could get into trouble.

Kelly Liddiard asked if the city council expressed their reason for the distance of a mile.

Shay Stark didn't know specifically. There were a few members who thought the distance should be farther apart.

Sharon Dahlstrom asked with the density of a mile, how many could actually be within the city?

Kelly Liddiard indicated that if there is an assisted living center and there cannot be another facility within a mile that would regulate it outside the city.

Shay Stark indicated that Alpine City has 4,000 feet distance and Eagle Mountain has one mile and most of the other communities are around 1,000 feet between different facilities. Mr. Stark recommends separating the facilities by saying a mile apart for persons with disabilities and a mile apart for assisted living centers. Then they won't be regulated out of the community.

Kelly Liddiard agrees to separate the two types.

Randy Jones asked how it would affect Mr. Lee Haskell's assisted living center.

Kelly Liddiard indicated that Mr. Haskell's center has already been approved. If the distance was a mile between the two, then the facility for persons with a disability would not be allowed. Then they are essentially being pushed out of the city. Mr. Liddiard thinks the city could get in trouble for doing that.

Shay Stark commented that the "reasonable accommodation" clause would apply in situations for appeal. They would have to show good reason why they need to build their facility in spacing that is closer than a mile. The argument could be made.

Randy Jones isn't sure if he agrees with the mile distance. He understands the reasoning, but he doesn't know why it is a critical distance other than to limit the number within the community. He isn't concerned about limiting the facilities; he is concerned about having it affect the assisted living centers.

Sharon Dahlstrom commented that essentially there could be four assisted living and four disability centers.

Debbie Cloward said that the assisted living centers are limited because the commercial zoning is limited and there would have to be a zoning change to have a commercial assisted living center somewhere a mile away.

Randy Jones commented that there may be distance, but the distance may not fit within the city zone. He doesn't know what he would recommend, but he is just not sure that is the right distance. He would like to limit the number of facilities for disabilities, but he doesn't want to also limit other types of elderly centers.

Sharon Dahlstrom said that the city can't treat one differently from another because that will get the city into trouble.

Shay Stark indicated that in the case of assisted living, it is true that it is commercial and it is really controlled by the commercial zoning more than anything else. Disabilities are residential and they are all over.

Randy Jones commented that there is residential versus commercial zoning, but the distances can't be different. Catch 22. He doesn't know what the answer is.

Shay Stark was thinking that if they took it down to a half mile, as far as assisted living facilities, it doesn't benefit them at all because the commercial zoning is so small the way it is currently zoned. With the other disabilities facilities and a half mile it is going from four up to 12-16 facilities.

Debbie Cloward said she likes the mile distance.

The planning commission would like to get the reasoning for the 4,000 feet distance.

Randy Jones explained that he doesn't want to limit other opportunities that would benefit the city by putting that stipulation.

Debbie Cloward indicated that it wouldn't hurt a commercial situation because of the limited area of commercial zone at this point. If in the future, there is a desire for more commercial, it can be revisited.

Planning Assistant commented that either way, the assisted living is a conditional use so either they would have to come before the city.

136 Kelly Liddiard, Chair indicated that the disabilities facility would also have the right to come in and plead their case through the
 137 reasonable accommodation.
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139 **FACILITIES FOR PERSONS WITH DISABILITIES CODE AMENDMENT**

140 Shay Stark indicated that the city council would like to add stronger language specifically limiting sexual conviction and vital crimes.
 141 Mr. Stark explained that the issue is something that the attorneys are discussing and his recommendation is to table it and see what
 142 comes from the attorneys and then carry it forward. He has no problem with strengthening the language; he wants to make sure they are
 143 not opening up a lawsuit.

144 Kelly Liddiard, Chair said there is a lot to read into sexual convictions and violent crimes that could be anywhere from assault to violent
 145 assault. Mr. Liddiard thinks the planning commission should leave the issue alone for the time being.
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147 **APPROVAL OF 11/15/12 PLANNING COMMISSION MEETING MINUTES**

148 There were not any corrections for the minutes of 11/15/12.
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150 **RANDY JONES MOTIONED AND KELLY LIDDIARD SECONDED TO APPROVE THE PLANNING COMMISSION**
 151 **MEETING MINUTES OF NOVEMBER 15, 2012 AS WRITTEN. VOTE: YES – ALL (5), NO – NONE, ABSENT (3) DAVID**
 152 **CLARK, CLINT ASHMEAD, KEVIN HANSBROW**

153 **CITY COUNCIL UPDATE**

154 There was not any city council members present for an update.
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157 **OTHER BUSINESS**

158 The schedule for the planning commission meetings for 2013 was discussed, as well as the upcoming expiring terms for a few of the
 159 members. The January meeting will be held on January 17th.
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161 **ADJOURNMENT** – Chair, Kelly Liddiard, adjourned the meeting at 7:47 p.m.
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Planning Commission Coordinator