

ELK RIDGE PLANNING COMMISSION MEETING
January 4, 2007

**TIME AND PLACE OF
PLANNING
COMMISSION
MEETING
ROLL CALL**

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, January 4 , 2007, 7:45 p.m., at 80 East Park Drive, Elk Ridge, Utah.

Commissioners: Chad Christensen, Shawn Eliot,, Russ Adamson Kevin Hansbrow, Ed Christensen, Robert Wright
Absent: Scot Bell, Dayna Hughes
Others: Ken Young, City Planner
Margaret Leckie, Planning Commission Coordinator
Ryan Snow, Anthony Bocchino

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

Chairman, Chad Christensen, welcomed the commissioners and guests. Opening remarks were given by Ed Christensen followed by the Pledge of Allegiance.

A MOTION WAS MADE BY CHAD CHRISTENSEN AND SECONDED BY ED CHRISTENSEN TO ALLOW ALTERNATE PLANNING COMMISSION MEMBER, KEVIN HANSBROW, TO PARTICIPATE AS A VOTING MEMBER TONIGHT AS THERE ARE SEVERAL MEMBERS ABSENT. VOTE: YES (4), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SCOT BELL, LATE (2) ROBERT WRIGHT AND RUSS ADAMSON.

**APPROVAL OF
AGENDA**

The agenda order and content was reviewed. The agenda was approved as outlined.

A MOTION WAS MADE BY CHAD CHRISTENSEN AND SECONDED BY KEVIN HANSBROW, TO APPROVE THE AGENDA FOR THE PLANNING COMMISSION MEETING FOR JANUARY 4, 2007, AS OUTLINED. VOTE: YES (4), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SCOT BELL, LATE (2) ROBERT WRIGHT AND RUSS ADAMSON.

PUBLIC HEARINGS

**1. PROPOSED
AMENDMENT TO
ELK RIDGE CITY
GENERAL PLAN
CIRCULATION MAP**

Chad Christensen opened the public hearing on the proposed amendment to the Circulation Element of the General Plan – the Circulation Map, at 7:15 p.m. Shawn Eliot explained that the map under consideration is the same one that was presented to the Commissioners in December, 2006.

Shawn Eliot explained that changes 4, 5, 6 and 7 on the map were taken before the City Council for consideration and were approved. These being:

4. Sky Hawk Lane – lower to Minor Collector
5. Meadow Lark Lane (to Canyon View Drive) – Raise to and make Minor Collector
6. Cotton Tail Lane (Elk ridge Dr. to 112000 S) – New Minor Collector
7. New N/S road, Goosenest Dr. to 11200 South – New Minor Collector (not part of gated community)

The City Council wanted an explanation of why the Planning Commission wanted change #1 – making an extension of Canyon View Drive rather than Loafer Canyon Drive the north/south road going into Salem. They didn't understand why Loafer should merge into the extension of Canyon View rather Canyon View merge into the extension of Loafer Canyon. Shawn Eliot explained that as Canyon View has fewer homes existing, it would be easier to define the usage along that road.

Chad Christensen opening the public hearing for comments. There were none so the public hearing was closed at 7:30

A MOTION WAS MADE BY SHAWN ELIOT AND SECONDED BY KEVIN HANSBROW, TO RECOMMEND APPROVAL OF THE PROPOSED AMENDMENT OF THE CIRCULATION MAP IN THE CIRCULATION ELEMENT OF THE ELK RIDGE CITY GENERAL PLAN. VOTE: YES (4), NO-NONE (0), ABSENT (2) DAYNA

HUGHES AND SCOT BELL, LATE (2) ROBERT WRIGHT AND RUSS ADAMSON.

Robert Wright arrived at the meeting at 7:35 p.m.

Ryan Snow arrived late. He was a part of the group developing in the southern CE-1 section and wanted to make sure the new proposed circulation map was not detrimental to development in that area.

**2. PUBLIC HEARING:
PROPOSED
AMENDMENT TO
THE ELK RIDGE
CITY CODE
REGARDING
ENTITLEMENT,
ADDING SECTION 10-
4-5, ENTITLEMENT
TO LAND USE
APPLICATIONS**

Ken Young explained that we have discussed this in Planning Commission meetings prior to this evening. The issue was brought up when some of the developers wondered at what point they were vested in City code, especially code that was in the process of being amended. Ken stated that he borrowed the verbiage from state code in regards to entitlement or vesting. This code was recommended to the City by the staff of Utah League of Cities and Towns.

He read the following from the proposed code:

“An applicant is entitled to approval of a land use application if the application conforms to the requirements of the City’s land use maps, zoning map, and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

1. the land use authority, on the record,, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
2. in the manner provided by local ordinance and before the application is submitted, the City has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

The following points were made by Ken Young:

- a. This allows the City still an opportunity to amend it’s ordinances and still have the amendments binding on the applicant based on these two exceptions. Otherwise, whatever the code is presently is what the applicant would be held to.
- b. If code has not been worked on in the last 6 months prior to application, amendments would not apply to the applicant.
- c. The rest of the verbiage clarifies the process. He felt it was good verbiage
- d. This is specific to land use applications: subdivisions, re-zones and such, not safety or emergency issues.
- e. Shawn Eliot expressed concern that if a fee is paid at concept level, is an applicant vested at concept. He stated that the City Council did not want to vest applicants at concept. The PUD ordinances states in detail that an applicant is not vested until preliminary. Shawn stated that the attorney, David Church, suggested maybe raising the preliminary application fee and not charging a concept fee.
- f. Shawn Eliot stated that many cities do not have a concept level except in the case of large-scale development.
- g. Ken Young stated that we do do a concept review for most of our development but do not bring them forward for approval. He stated that concept is not required by ordinance to be approved by Planning Commission or City Council. Staff usually handles the review of concept plans other than large-scale developments. The development in the southern portion requires a concept review as there is so much involved in the roads and slopes. Ken wondered if we could add the following verbiage: “that when the complete application is submitted for review by the land use authority” to the wording “and all applications have been paid.” This would take care of the problem. As concept is only reviewed by staff and not the land use authority, there would be no vesting. You could add (as in the case of a PUD) “or as otherwise provided in the code” to handle exceptions.

Chairman Christensen asked if there was any other public comment, there was none, so the

public hearing was closed at 7:35 p.m.

A MOTION WAS MADE BY CHAD CHRISTENSEN AND SECONDED BY ED CHRISTENSEN, TO RECOMMEND APPROVAL TO THE CITY COUNCIL THE PROPOSED AMENDMENT TO THE ELK RIDGE CITY CODE, ADDING SECTION 10-4-5 REGARDING ENTITLEMENT TO LAND USE APPLICATIONS AS OUTLINED WITH THE TWO FOLLOWING ADDITIONS AS TO WHEN ENTITLEMENT OCCURS:

- 1. ADDING VERBIAGE “THAT WHEN THE COMPLETE APPLICATION IS SUBMITTED FOR OFFICIAL REVIEW BY THE LAND USE AUTHORITY”**
- 2. ADDING VERBIAGE “OR AS OTHERWISE PROVIDED IN THE CITY CODE” (THIS INCLUDES THE EXCEPTION IN THE PUD CODE)**

VOTE: YES (5), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SCOT BELL, LATE (1) RUSS ADAMSON.

(Chad Christensen left the meeting early, Russ Adamson arrived late)

3. CODE AMENDMENT REGARDING PARK IMPACT FEE PAYMENT

A handout was passed out explaining an oversight by City staff in not collecting from developers half-park impact fees at the time of final plat. The total of fees not collected amounts to over \$30,000.

Ken Young explained that the City has had some problems with the collection of a portion of the park impact fees that should have been charged to developers prior to the recording of final plat. There was some confusion and administrative problems. There are some subdivisions with final plats recorded who have not paid these fees. We are trying to fix that. The Mayor has decided he would like to bring this forward to the City Council. We just wanted to let you know where we are at with that.

By resolution, half park impact fees are to be paid at the time of final plat recording and half by the building permit applicant. It has been overlooked at the time of final plat. It was not a part of the final plat checklist and this discovery was just made.

We have added this item to the checklist but are wondering if we need to change the code so the fee is collected at just one time rather than having it split. This will be brought forward to the City Council. There was not intention for a motion on your part tonight, we just wanted to let you know what is happening.

Ken Young stated that because the debt was not paid at final plat, does not erase the debt payable. There is nothing in the code or resolution that states the developer should pay this half and permit applicant pay this half, it just states when it is due and payable. We can go back to the developer and tell him this should have been paid and if you don't pay it we are going to charge it to your builder and you should let your builder know this.

Now that this problem has come to light, we have added it to our Final Plat check-list and it won't be a problem any more. It is just a matter of do we want to continue to collect in halves or do we want to change the code and make the whole park impact fee payable all at one time.

Chad Christensen had to leave the meeting early at this point. (Margaret Leckie gave Chad handout for determining when Planning Commission meetings will be held next year.)

4. DISCUSSION OF THE NEED OF TRAFFIC-CALMING MEASURES ON ARTERIAL ROADS

As Dayna Hughes had wanted to lead the discussion on traffic-calming measures, and was absent, this item was tabled until our next meeting.

ED CHRISTENSEN MADE A MOTION THAT WAS SECONDED BY SHAWN ELIOT TO TABLE ITEM 4: DISCUSSION OF TRAFFIC CALMING MEASURES, UNTIL OUR JANUARY 18, 2007 PLANNING COMMISSION MEETING. VOTE: YES (5), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SCOT BELL, LEFT EARLY (1) CHAD CHRISTENSEN.

**5. FIRE SPRINKLER
REQUIRMENTS**

Shawn Eliot spoke with the Fire Chief, Craig Olson. The Fire Chief would like a city-wide requirement for fire sprinklers but the Planning Commission is a little uncomfortable with that. He would at least like to see the requirement in CE1 and CE2 zones and for homes over a certain number of square feet. The minimum square footage still needs to be worked out.

The other problem is that the code that we were borrowing from (Woodland Hills) talks about all applicable fire codes and City development standards. We don't have any City development standards for this. Shawn stated that he needs to do some more research on these fire sprinkler development standards. We don't want to pass a code that refers to a standard we don't have. He will do some homework on the development standard code for fire sprinklers.

The Fire Chief said he would write a memo regarding his recommendation for a fire sprinkler requirement.

Shawn stated he needs to do a little more homework on the development standard. He has the code.

Kevin Hansbrow asked if there was any monetary incentive for installing a system that we could offer people. No one had any suggestions. Shawn Eliot mentioned this could be brought up at City Council.

**6. HILLSIDE
DEVELOPMENT
CODE DISCUSSION**

The discussion of the Hillside Development code amendment was tabled until the January 18 Planning Commission meeting as Scot Bell was going to discuss this and is absent tonight.

**7. APPROVAL OF
MINUTES OF
PREVIOUS MEETING
– DECEMBER 7, 2006**

Ed Christensen

p.1 – Ed Christensen was listed as absent in the motion regarding the agenda approval, and it was Rob Wright who was absent.

p.1 – regarding who seconded the motion on the driveway slope exception, it was Ed Christensen

p.3 – It was Ed Christensen who seconded the motion on the Cloward Preliminary Plat.

p.4 – get verbiage read by Shawn on Woodland Hills Fire Sprinkler code.

A MOTION WAS MADE BY SHAWN ELIOT AND SEONDED BY KEVIN HANSBROW TO APPROVE THE MINUTES OF THE DECEMBER 7, 006 PLANNING COMMISSION MEETING WITH THE ABOVE NOTED CORRECTIONS. VOTE: YES (5), NO-NONE (0), ABSENT (2) DAYNA HUGHES AND SCOT BELL, LEFT EARLY (1) CHAD CHRISTENSEN.

**5. PLANNING
COMMISSION
BUSINESS**

1. APPROVAL OF 2007 PLANNING COMMISSION MEETING SCHEDULE:
 - a. Margaret Leckie passed out a 2007 Calendar and the Planning Commissioners decided to continue holding meetings on the first and third Thursdays of each month. Other than only having one meeting the first week of December, it was decided to hold meetings on all other first and third Thursdays. There was some discussion whether to have the meeting on July 5th. It was decided to wait and see if we will have a quorum, and cancel the meeting if it is determined we don't.
2. Agenda Items for January 18, 2007 Planning Commission Meeting
 - a. The Mayor would like to take 20 minutes to half an hour at the beginning of our next meeting to review two items: 1) Planning Commission review of the General Plan and 2) Discussion of Appeals and Variance Reviews: Board of Adjustments or Hearings Examiner approach
 - b. Hillside Development Code
 - c. Discussion of Traffic-calming Measures
 - d. Jolley Lot Split
 - e. Autumn View Concept for Autumn View development in southern CE1 portion of City
3. Margaret passed out a map of current Elk Ridge City developments.
4. Shawn Eliot mentioned that Mapleton Planning Commission meets twice a month, but one of those meetings is strictly a work session where no approvals or public hearings are held. It would be nice to have a meeting where we only had a work session. Russ Adamson

mentioned some cities (and our City Council) holds a work session prior to the regular meeting.. Ken Young stated that in order to be development friendly, meeting only once a month would slow their process down.

5. Shawn Eliot stated from our code regarding review of subdivision plats from Section 10-15A-2 which states that if a development comes in and is not up to code that the Planning Commission can withhold their approval until the project meets code. There are certain things where we review, approve and recommend approval to City Council and the Planning Commission does not have to send subdivisions forward to City Council until they approve them.

ADJOURNMENT

Russ Adamson adjourned the meeting at 8:20 p.m.

Planning Commission Coordinator