

ELK RIDGE PLANNING COMMISSION MEETING
January 18, 2007

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

A regular meeting of the Elk Ridge Planning Commission was held on Thursday, January 18, 2007, 7:05 p.m., at 80 East Park Drive, Elk Ridge, Utah. A quorum of commissioners was not present so no motions could be made.

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

**OPENING REMARKS
& PLEDGE OF
ALLEGIANCE**

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

**APPROVAL OF
AGENDA**

The agenda order and content was reviewed. The agenda was approved with the following changes.

1. Table Item 5 – Ordinance Amendment to Code re: Hillside Development Standards as Scot Bell is not present to review.
2. Table Item 6 – Fire Sprinkler Requirement in New Development as Shawn Eliot is not present.

**1. APPEALS AND
VARIANCE PROCESS
– Presentation by Mayor
Dunn**

Though a quorum was not present, it was decided to proceed with the Mayor's presentations.

Mayor Dunn made the following points:

1. The Mayor explained that the Board of Adjustments is usually 5 citizens who should be trained, who should know code, ordinances, construction standards and the General Plan, and have no biases or influences based on relationships in the community. We have only used the Board twice in the last five years. It is difficult to find people willing to serve on this board.
2. The Mayor, through research in September, found there is a position called "Hearings Adjustor." This is a single individual who has the power and authority of the Board of Adjustments. There is a real certification process to choose this person because their decisions can only be reversed in a legal court system.
3. If a person is denied a request by the Planning Commission or City Council they can appeal to the Board of Adjustments. It is up to the person making the appeal to prove to the Board the merits of their case.
4. The City of Highland uses a Hearings Adjustor for appeals. The Mayor spoke with the City Manager as to why they went this route. They did not feel the decisions their Board of Adjustments had been making in the last 10 years had been accurate because of bias, public influence, and lack of knowledge on the part of their board.
5. Their Hearings Adjustor is a citizen in the community who is a Land Use Attorney who has a practice in Provo. He has a professional background, is an officer of the court and understands land use issues. When a case is presented the applicant pays a fee (about \$150), present their papers to the staff. He then picks up the papers so there is no direct contact until the case is heard.
6. He has time to go over the case then sit down and go over the case with the applicant, who may bring a representative with him. The City has been very pleased with his decisions.
7. The idea of using a Hearings Adjustor was discussed at the Elk Ridge City Council. They liked the idea. The fee for the individual's time would be paid for by the applicant, not by the City.
8. The Mayor talked to our City Attorney, David Church. He said there are not a lot of communities using Hearings Adjustors at present, but as time goes on, there are getting to be more and more as communities find that the Board of Adjustments is not an efficient setup.
9. Our City Council would like to use the same person that Highland uses if he has the time.
10. The Mayor stated that being a member of the Board of Adjustments "requires knowledge of the law and the courage to obey it." He explained that members of the Board do not always become as knowledgeable about the code as they should.
11. The City Council is really encouraged to have the code regarding the Appeal Authority become a part of our City Code. The City Council and Mayor would like to see these appeals and variance decisions made properly.

12. The Council would like to have an Appeals Authority with experience in land use issues. They want someone who does not live in the City so there will be no contention. City Attorney, David Church, does have some ideas of people who might be available.

Questions by Commissioners:

13. Chad Christensen: If the person who appeals disagrees with the opinion of the Appeals Authority, what are his options. Mayor Dunn: The case would then go before the Circuit Court.
14. Dayna Hughes: I like this setup because we all agree that it is very difficult to throw together a Board of Adjustments that is qualified and up to speed. I like the idea of having one person who is qualified. I also like the idea of not having the appeal authority live in the City. Russ Adamson: I am also all in favor of having a knowledgeable person in this position if it just involved interpreting code and law. I had a personal appearance before the Board of Adjustments in the City and did not feel they were adequately qualified. As we are putting a lot of trust on one person, however; we do need to get the right person.
15. Mayor Dunn: The term as specified in the Highland code is 2 years. After 2 years the person can re-up or another person can be appointed.
16. Mayor Dunn: An applicant coming before the Appeals Adjustor is required to prepare their case prior to appearance and prove their position. They must be prepared ahead of time. These meetings of the applicant and appeals authority are public meetings.
17. Mayor Dunn: I wanted to hear your concerns tonight. Chad Christensen: was there another person involved? Ken Young: There was a possibility of having 2 different people: an appeals examiner and a variance examiner. A variance is a request to deviate from the code requirement because of a non-self-imposed hardship. An appeal is having someone else look at a decision (say by the City Council) that you think is unjust.

2. GENERAL PLAN REVIEW

The Mayor introduced this topic by stating our City's General Plan is needing to be reviewed and updated.

He passed out to the commissioners binders containing returned copies of the Feedback Forms he sent out with the newsletter a couple of months ago. In revising the General Plan he advised the commissioners to consider the comments made by citizens in these forms. Twenty-seven percent (27%) of the citizens returned these forms. That is a very impressive percentage. (Five of these binders need to be returned so they can be passed on to the City Council).

The Mayor reviewed the nine elements of the General Plan as follows:

1. The Community Vision Element
2. The Land Use Element – (where zoning descriptions take place, etc.)
(Dayna Hughes mentioned the need to change the descriptions in the pie chart in this element as it implied that the critical environment area was not also residential in certain places)
3. The Circulation and Transportation Element
4. The Public Facilities Element
5. The Moderate Income Housing Element
6. The Economic Element
7. The Environmental Element
8. The Annexation Policy Element
9. The Implementation Element

Some of the points made by the Mayor include the following:

- a. In concept to final phase, we now have about 561 units to be added to our city. That is not counting Phase 4 of Elk Ridge Meadows PUD. That could add another 50-74 units.
- b. The Mayor met this afternoon with all the developers, property owners and professional help of those owning property or developing along 11200 South. They discussed the preservation of 11200 South as a major County arterial. This road is owned and will stay owned by the County. The City will never own this road. It needs to be maintained as a corridor to collect major growth out of our city and Woodland Hills. It may change to a 4-lane road. They do not want a lot of access on and off of this road. There will be studies done by the County on how to preserve these corridors. The Mayor promised the County he would help to preserve this corridor. This type thing would be considered in the Transportation Element of the General Plan.

- c. The Public Facilities Element would consider such things as our percentage ownership of the Salem Sewer Facility (which we will be selling back to Salem). FYI – Payson started installing the new sewer system coming into Elk Ridge about a month ago. They are adding about 400 feet a day. Discussions are currently underway for a new City Center. This would be an item in the Public Facilities Element. The City has talked to two property owners about getting some land for a new City Center. The building we are in now would be rolled over into a Safety Building. It would house an ambulance and the equipment for CERT team response. There would also be a training room, a shower room and changing room for firemen, etc. Also part of this Public Facilities Element would be the collection of impact fees. A study is now underway for road impact fees – this study is being done by Aqua Engineering and will be brought to the City Council next month. Mountainland wrote our Park Impact Fee study in 1999. They are redoing these now. Andrew Jackson and Jim Bolser of Mountainland helped write our last General Plan. We will have in place road, water, sewer and park impact fees which will help to pay for the impact of the new housing on the community.
- d. The Moderate Income Housing Element is required by law. This element was just updated a couple of years ago. This estimates the supply and need for moderate income housing. This is not low-income housing. It is based on the median income for the entire County. We were the third richest median income city in the state last year. It would be unfair to use this standard in determining moderate income levels. Every once in a while this bill is being looked at. They are trying to determine how to punish communities who do not include this in their General Plan. They are looking at withholding any state funding requests from these communities who do not comply. There are no penalties in place now for non-compliance. None of the developers that I am aware of have offered moderate-income-housing. Our code currently provides for moderate-income housing. Mother-in-law apartments in the community have been used to meet the requirements for moderate-income-housing. Some cities encourage developers to put 2 or 3 of the moderate income homes in their developments.
- e. The Economic Element is very short. This is mainly in our City having to do with businesses in the homes. The feedback forms indicate people are wanting something more in the community.
- f. The Annexation Policy Element is an important one. When Mr. Tervort came and requested annexation into Salem rather than Elk Ridge. The City Council told him they did not want that. Salem did not have an annexation policy element. He could not sue Elk Ridge as we have an Annexation Policy. The weak link was that Salem did not have the same protection. They were threatened with suit. We did not protest. We have a written annexation policy with Salem. In that agreement we state that we will not go west of 1600 West, north of our existing boundary, west of the Goosenest existing boundary, or encroach on the golf course. There are several pieces still to be annexed in. The Mayor talked to Woodland Hills mayor and they agreed verbally that we would not annex east of Loafer Canyon Road. This conversation took place about a year ago.
- g. The Implementation Element states that the General Plan is exactly that – a general plan. It needs to be changed as the demographics of the community changes. It needs to be altered and updated. There is some counsel in this element. Changes can cause a dominoes effect and precipitate changes in the City Code.
- h. The reason this is in front of you, is it is the duty of the Planning Commission to review the General Plan and update it. Russ Adamson asked how much of Ken's time we had and if it were appropriate to get his help. We are a small community in the throngs of growth and other cities use staff to do this type work. The Planning Commission is very busy, can we get some help and what are the options. The Mayor stated that there are a few options. Some cities use ad hoc committees to gather the information and write up the element, present it to the commissioners in their packets, who address the concerns and pass the information on the to City Council who adopts or changes. Russ:
- i. The Mayor said he would get the commissioners some help with the General Plan review. He said that after talking to Andrew Jackson at Mountainland (MAG) he was told they had a professional there that could be assigned that task and could use some grant money that they have. The Mayor has written 2 letters to them requesting help in the General Plan re-write

and help rewriting the park impact fee code.

- j. Chad Christensen stated that he felt all our code needs a general review. Dayna Hughes mentioned it would be nice to hear from the City Council to see if we are on the same page regarding the issues the Commission is working on. Also there needs to be better communication so that when they vote on issues, they understand the discussion and concerns of the planning commission regarding those issues. The Mayor mentioned that the information in the packets hopefully causes this communication to occur and stressed the importance of the Council members reading the information in these packets.
- k. The Mayor cautioned the Commissioners to make sure they are not working on their own agendas as they work through issues in Planning Commission.
- l. Ken Young offered the option of having him do the rewrite of the General Plan. He would present a proposal to the City with his fees. He would do the work on week-ends. Possibly some of the grant money MAG has available could be used to pay him. He has had involvement in other communities writing General Plans. He can give us copies of other general plans he has written. This would be done separately from what he does now for the City.

The Mayor thanked the commissioners for listening to his presentation and also for the time and effort they put into their City responsibilities on the Planning Commission and the good work they do. He asked them to take time to read the feedback and use it where they could in applying the changes in the General Plan. He reminded the commissioners that there are three council positions opening up in July and invited them to apply if interested.

3. AMENDMENT TO ELK RIDGE CITY CODE (CE1, CE2, AND SUBDIVISION CODE) REGARDING ROAD GRADES

Ken Young stated that we have updated the Development and Construction Standards with the new road grades but we also need to update the City Code. Russ Adamson mentioned the intersection code change and that there were inconsistencies in the code that needed to be updated.

Ken Young stated that staff can set the public hearing without a motion. The attending commissioners asked him to go ahead and do that. The proposed date was February 15th.

4. TRAFFIC CALMING MEASURES ON ARTERIAL ROADS

Dayna Hughes did some research on traffic calming measures. Her discussion included the following points:

- a. People are going too fast. Especially down Canyon View Drive near Alexander, and down Hillside Drive near Alexander, as well.
- b. For roads currently in place there are some traffic calming options. The one with the highest percentile of effectiveness was the speed hump (not a speed “bump”). She passed out a photo which showed that it is a gradual raising. The effected change in speed is 7 miles an hour. This is a 22% change. The cost of the hump is about \$2,000.
- c. There are also speed tables, raised intersections, traffic circles, narrowing shoulders, half closures, diagonal diverters, etc. etc. None of these are as effective as the speed hump. Their average speed change is only 1 or 2 mph. She also mentioned that trees are hugh traffic calming alternatives.
- d. If we were to put in a speed hump that is 14 feet long, statistics show that it would decrease speed by 22%. In these humps, you can cut out space for emergency vehicles to go thru at a normal or increase speed. The base is wide enough that a normal car cannot use them.
- e. The City snow plow person said that this hump out would be a problem for the snow plow and the blade would destroy it. He said the only method that would work would be dips. Dayna found no information on dips. In the winter the dips would collect water and snow.
- f. At this point Dayna would like to ask for a study to be done in the City to determine where people are going too fast. She wondered what the impact would be on having a 5’ wide shallow 1-2” deep detention in the road. Ken Young did not feel this variance is significant enough to do any good. She wondered how we collect this data without funds for a professional. Possibly get volunteers.
- g. Chairman Christensen suggested going before the City Council to see if this is even an issue

which they want tackled. Dayna Hughes will go before the City Council to check this out.

Ken Young left the meeting at this point.

**5. ORDINANCE
AMENDMENT TO
CODE RE: HILLSIDE
DEVELOPMENT
STANDARDS**

This item was tabled as Commissioner Bell was not present and was going to lead the discussion.

**6. FIRE SPRINKLER
REQUIREMENT IN
NEW DEVELOPMENT**

This item was tabled as Commissioner Eliot was not present and was going to lead the discussion.

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

This item was tabled until the next meeting.

**5. PLANNING
COMMISSION
BUSINESS**

Chairman Christensen announced that he will have to step down from the Commission due to personal reasons and tonight is his last night. At our next meeting we will need to choose a new Planning Commission Chairman and Vice Chairman. Scot Bell's term also expires.

Dayna Hughes asked that we add as an agenda item at our next meeting a discussion on gated communities.

ADJOURNMENT

Russ Adamson adjourned the meeting at 8:42 p.m.

Planning Commission Coordinator