ELK RIDGE PLANNING COMMISSION
July 14, 2016

TIME AND PLACE OF MEETING

A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, July 14th, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

ROLL CALL

Commissioners:	Stacey Petersen, David Clark, Jim Chase, Lisa Phillips, Bruce Thorpe, Paul Crook
Absent:	Colin Logue (Alternate), Gregg Anderson
Others:	Shay Stark, *City* Planner
	Brianne Bailey, Planning Commission Coordinator
	Royce Swenson, Recorder
Public:	JT Webster, Debbie Styles, Katherine Gerber, Ricardo Diaz, Millie Diaz, Dean Ingram, Janet Johnson, Ben Carbone, Darlene Carbone.

OPENING ITEMS

David Clark welcomed at 7:00 PM. Opening remarks were said by David Clark followed by the pledge of allegiance.

JIM CHASE MOTIONED AND DAVID CLARK SECONDED APPROVAL OF AGENDA WITH CHANGES. NO ACTION ITEMS ON #3 AND #4, DISCUSSION ONLY: YES - ALL (6), NO - NONE, ABSENT - (2) COLIN LOGUE, GREGG ANDERSON. WE HAVE NOT RECEIVED THE REVISION OF #3 AND #4.

PUBLIC HEARING AND ACTION

1. PROPOSED AMENDMENTS TO THE ACCESSORY BLDG CODES, SECTION 10-12-05

Shay Stark, The Planning Commission has discussed this a few times before and Shay Stark feels this has come together well. The proposed amendments provide fair use of property and gives the city better clarity on what is required and how to determine what is required for these accessory structures. Questions sent into AJ Smith, building inspector for the city, have not come back to Shay Stark yet regarding solar panels. Do solar panels need a permit on an accessory building? Shay Stark recommended the Planning Commission add wording referencing current electrical code - **Inspection for permitting accessory structures will be required based upon current building codes as well as electrical codes.**

Discussion ensued regarding International building codes.

Bruce Thorpe - Asked for clarification on Accessory Building Code 10-12-05: section H- Are the applicable setbacks referring to those also found in section E?

Shay Stark – Section H refers back to 10-12-33. The idea was a roof only structure that was less than 700 sq. ft., didn't require a conditional use permit. A roof only structure greater than 700 ft. would require a conditional use permit. The roof only structures over 700 sq. ft. would require footings and would require a building permit also. The Planning Commission would want to make sure that this is being looked at that early and letting the people know that they would need a building permit.

Discussion ensued regarding applicable set backs

Shay Stark – Recommends amending the Accessory Building Code 10-12-05 **Roof only building greater than 700 sq. ft. shall conform to the setbacks found in the applicable zones where it will be located.**

STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT.

No public comment at this time open.

BRUCE THORPE MOTIONS TO ACCEPT THIS WITH THE 2 EXCEPTIONS - SOLAR PANELS: INSPECTION FOR PERMITTING ACCESSORY STRUCTURES WILL BE REQUIRED BASED UPON CURRENT BUILDING CODES AS WELL AS ELECTRICAL CODES. ACCESSORY BUILDING CODES: ROOF ONLY BUILDING GREATER THAN 700 SQ. FT. SHALL CONFORM TO THE SETBACKS FOUND IN THE APPLICABLE ZONES WHERE IT WILL BE LOCATED JIM CHASE SECONDS THE MOTION. VOTE: YES ALL (6), NO-NONE, ABSENT – (2) COLIN LOGUE, GREGG ANDERSON.

2. PROPOSED AMENDMENT TO CUL-DE-SAC CODES 10-15-C

Shay Stark - Reviewed the memo he prepared. The proposed amendment would be to insert language regarding cul-de-sac length in a section of the code that applies to all zones and remove the other conflicting requirements in the three zones mentioned in the code which are: Hillside Residential Zone 10-9A-13-9, Hillside Cluster Overlay 10-11C-7-12 and Planned Mountain Home Developments Sections 10-11F-7-12. All of the cul-de-sac code **10-15-C** requirements will be moved to one section. Proposed ordinance No. 16-2.
Shay Stark, also reviewed a handout on the proposed ordinances on No. 16-2. In PUD and Senior Housing overlays the length and extension of cul-de-sacs cannot be extended.
Proposed amendments to Cul-de-sacs:
(1) Section 1 - All cul-de-sacs shall conform to the Elk Ridge Development Code subsection 10-15-C-5 of this title, Cul-De-Sacs.
(2) Section 2 - All cul-de-sacs shall conform to the Elk Ridge Development Code subsection 10-15-C-5 of this title, Cul-De-Sacs.
(3) Section 3 - To the maximum extent possible, the design of the road/travel way system shall provide for continuous circulation throughout the project. Cul-de-sacs (dead end roads) shall be allowed only where unusual conditions exist which make other designs undesirable.
(4) The addition of Section 5 of the cul-de-sac requirements –

Section 5 Paragraph A. Use of Cul-de-sacs: The design of the road system shall provide for continuous circulation throughout the project. Cul-de-sacs and temporary dead end roads for future development must have approval by the planning commission are only allowed where unusual conditions exist which make other designs undesirable.

Section 5 Paragraph B. Cul-de-sacs Length: The maximum length of a cul-de-sac shall be 500 feet as measured from the nearest right-of-way line of the adjacent street to the center point of the turn-around with more then16 dwelling units
The planning Commission may grant an exception up to the maximum length of 800 feet in single family dwelling developments where the configuration or topography of the land reasonably limits the ability to provide a second access point to the local street system. The number of dwelling units may not be increased from the maximum 16 dwelling units when the increased length exception is granted. The Planning Commission may grant an exception to the maximum number of dwelling units accessing the cul-de-sac in multifamily dwelling developments to 24 units along the 500 foot maximum length in no case shall the Planning Commission grant a combined exception expanding the maximum
Jim Chase – Inquired if Paragraph B, should say "no more 16".
Shay Stark – Confirmed that Paragraph B should say no more than 16 units accessing the cul-de-sac.

Paragraph C. Cul-De-Sac Turnaround Diameter: Each cul-de-sac shall be terminated with a turnaround or loop road of not less than 120 feet in diameter at the property line. The City Engineer may require an increased diameter if design conditions necessitate increased diameter in order for large vehicles and emergency

equipment to negotiate the turnaround. In no case shall an exception be granted for a turnaround smaller than 120 foot minimum diameter.

Paragraph D. Pedestrian Access: A; Cul-de-sacs shall provide pedestrian connectivity to open space areas, public facilities, trails or adjacent subdivisions. That was just moved from one of the previous descriptions in cul-de-sacs.
Shay Stark wanted to make clear that the cities interest is in having a continuous circulation through the city.

Those are the amendments being proposed.

STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT

No public comment at this time public hearing closed.

JIM CHASE MOTIONS TO APPROVE THE AMENDMENTS WITH EXCEPTIONS - ADDING THE WORD "NO" IN PARAGRAPH B, TURN-AROUND WITH NO MORE THAN 16 DWELLINGS AND AT THE END OF PARAGRAPH B ADD THE WORDS "LENGTH AND MAXIMUM NUMBER OF DWELLING UNITS. DAVID CLARK SECONDS YES ALL (6), NO- NONE, ABSENT – (2) COLIN LOGUE, GREGG ANDERSON.

3. HARRISON HEIGHTS PRELIMINARY PLAT APPROVAL (NO ACTION).
Shay Stark - Reviewed the memo he prepared. At the time this was approved 4 acres was going to house a church but the church will no longer be added in.
No action was taken at this time. We are still waiting for revisions.

STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT

No public comments at this time, public hearing closed.
Jim Chase - Asked about the frontage on some of the lot and zoning.
Shay Stark - Explained the Planning Commission has not received the final plans since the TRC and the question on frontages and zoning can be answered when the Planning Commission has the final plans.
Dean Ingram - Explained the grades may need to be adjusted and roads shifted and went through a discussed the roads and grade changes. The house located in the area is propane which will be changed to natural gas and upgrade the lot and home to fit with the new subdivision.
David Clark - Asked why the LDS church was not going in.
Dean Ingram - Stated all churches within 20 miles have to be at 100% capacity before a new church is added. If a new ward building is built in the future it will most likely go across the street, which is Salem, but still in the same stake.

STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT

No comment or action at this time

4. **DISCUSSION/DECISION FOR HARRISON HEIGHTS PHASE 9 FINAL PLAT APPROVAL**
No action or discussion at this time as was approved before the meeting. We are still waiting to for revisions.

5. APPROVAL OF CONDITIONAL USE PERMIT HOBBY ANIMALS (PYGMY GOATS).

Shay Stark - Went over the information on he provided to the Planning Commission on pygmy goats. Shay Stark gave the Planning Commission 15 pages about pygmy goats so that the Planning Commission could understand the sections of code that apply to pygmy goats and to get a feel for what pygmy goats are. Pygmy goats are small, communal animals. The application is for 2 pygmy goats. The section of code and definition pygmy goats would apply to are Hobby Animal 10-2-2 and 10-18-5. Under the R-1-15,000 zone Hobby Animals are a conditional use permit. The code doesn't say specifically goats or pygmy goats. Hobby Animal code mentions "like animals". Shay explained the Planning Commission is setting a precedence because nothing has come before the Planning Commission with pygmy goats before. The Planning Commission hasn't approved a conditional use for animals not already mentioned in the code. If the Planning Commission moves forward and the conditional use is approved, the Planning Commission needs to make sure that the Planning Commission is clear on the justification for approving the conditional use permit in order to apply conditional use permits fairly across the board.

The closest hobby animal stated in the code to a pygmy goat is a miniature horse. A livestock management plan will need to be provided by the applicant. The Planning Commission received a livestock management plan from the applicant which generally shows where the pen and shelter will be located. A livestock management plan is a little more detailed then what was presented by the applicant but will work for the drawing portion of the livestock management plan.

The Planning Commission will also have to make sure that the shelter meets the setback requirements as far as the fencing. Code Section #3a-f says that the area that the pygmy goats are kept in needs to be closer to the animal owners homes than the other neighboring homes.

Stacey Petersen- Asked what is the difference with having too many rabbits, cats etc.

Shay Stark – The number of animals is a serious issue. One solution is to grant a condition use for 2 pygmy goats, but the animals need to both be females.

Stacey Petersen- If the pygmy goats are not gone after the first 5 months then the pygmy goats can be reported and the conditional use permit can be come void because the animal owners have not kept to the conditions of the permit.

David Clark – Asked for clarification as to why they are discussing a conditional permit after the fact and how long Janet Johnson has had the goats.

Janet Johnson – The pygmy goats were at Janet Johnson's home for about a week or 2 and then she was asked to remove them. There are 2 female pygmy goats. Janet Johnson's sister moved and Janet took the goats. Janet knew she needed to get the permit. She called 2 weeks prior to talk to someone at the city office. Janet did not get the feeling that it was going to be a big thing.

David Clark - Asked Mr. Diaz about the nuisance smell and noise.

Richard Diaz- Stated the females are pregnant. He is upset about the smell, flies and noise.

Shay Stark - Explained that Janet Johnson had applied for a conditional use permit a couple of weeks ago and the city started to process the permit and that Shay Stark was the one that looked at it, flagged it and informed the city that Janet Johnson was not the owner of the property. The Planning Commission needs to have the owners of the property turn in the conditional use permit from a legal perspective. The city and Janet Johnson have been trying to work through this process for a while. Mrs. Johnson rents the home where she lives and has been in contact with the original homeowners who live in Florida.

David Clark and Bruce Thorpe - Asked is Janet Johnson was breeding for profit.

Janet Johnson- Wants to breed the pygmy goats and then the pygmy goats are gone in 8 weeks.

David Clark - Asked the corral is 3650 sq. ft.

Janet Johnson - It has been changed to 40"x 30" roughly.

Shay Stark - Asked is a member of the Planning Commissioner wanted to look at the property after meeting. David Clark expressed interest.

STACEY PETERSEN OPENED PUBLIC COMMENTS

Catherine Gerber - Feels Mrs. Johnson is a kind and nice person, and teaches grandkids to love animals. She wants the Planning Commission to approve the permit.

Richard Diaz - He has a farm with pigs, cows, and goats which is not located in Elk Ridge City else. He follows the city code and respects his neighbors and loves his city.
Millie Diaz - When her dogs are noisy she puts them inside and doesn't want to annoy neighbors. She respects her neighbors and puts her animals inside. She prefers trying to be considerate.
Janet Johnson- Commented on how Millie Diaz animals are always barking or cats on her property, how Millie Diaz chickens smell. Janet Johnson had never complained.
Stacey Petersen - asked if Millie had permit for her chickens, Millie said yes-back in 2013. Stacey also asked Janet Johnson if the pygmy goats were noisy
Janet Johnson - The goats were noisy when they first arrived but they had since quieted down.
Bruce Thorpe - Asked Mrs. Johnson if she was going to breed.
Janet Johnson - She just wants the pygmy goats for her grandchildren. But also added that yes she would like to breed them when asked again. Mrs. Johnson's lease is up at the end of the month. If the conditional permit is not approved she will move.
Mr. Diaz - Wants the code enforcer sent. If the enforcement officer is ok with everything then goats should be allowed.
Mrs. Johnson - The fence can be moved and adjusted as needed if approved. She doesn't anticipate being here more than one year.
Shay Stark - Asked Planning Commission member, David Clark, if he wants to go look at it. Shay Stark reiterated that if the Planning Commission feels like this fits under conditional use, the Planning Commission needs to be able to apply it fairly in the future.
Planning Commissioner's held discussion with Mrs. Johnson.
More info needed from Boyd and info from Planning Commission.

DAVID CLARK MOTIONS TO TABLE THIS UNTIL FURTHER INFORMATION IS RECEIVED. BRUCE THORPE SECONDED THE MOTION YES ALL (6), NO- NONE, ABSENT – (2) COLIN LOGUE, GREGG ANDERSON. DAVID CLARK IS EXCUSED TO LOOK AT THE PROPERTY.

6. APPROVAL OF MINUTES FOR MAY 12, 2016

Jim Chase - Said that line #47 needs wordage correction - minimum should be maximum
#117 keep the wording as to what the gentleman said.

JIM CHASE MOTIONS TO APPROVE THE MINUTES FOR MAY 12, 2016, WITH THE TWO EXCEPTIONS - LINE #47 NEEDS WORDAGE CORRECTION - MINIMUM SHOULD BE MAXIMUM AND#117 KEEP THE WORDING AS TO WHAT THE GENTLEMAN SAID. PAUL CROOK SECONDS. YES ALL (5), NO- NONE, ABSENT – (2) COLIN LOGUE, GREGG ANDERSON. DAVID CLARK IS EXCUSED

7. MAY 26 MINUTES APPROVAL OF MAY 26, 2016

LISA PHILLIPS MOTIONS TO APPROVE THE MINUTES FOR MAY 26, 2016 AS CURRENTLY WRITTEN STACEY PETERSEN SECONDS YES - ALL (5), NO- NONE, ABSENT – (2) COLIN LOGUE, GREGG ANDERSON. DAVID CLARK IS EXCUSED.

8. APPROVAL OF MINUTES FOR JUNE 9, 2016

PAUL CROOK MOTIONS TO APPROVE MINUTES OF JUNE 9, 2016 JIM CHASE SECONDS YES ALL (5), NO- NONE, ABSENT – (2) COLIN LOGUE, GREGG ANDERSON. DAVID CLARK WAS EXCUSED.

9. DISCUSSION PUD OVERLAY ZONE

Shay Stark – Went through the information which Jim Chase had put together regarding previous Planning Commission's discussions the with regards to modifying the PUD zone. Shay Stark would like Planning Commission members to look into the modifications of the PUD zone for open space parks that could help with getting to trails to access the mountain without having to go through private property. Shay Stark expressed the feeling he got from the city council was the city doesn't want an R-1-12,000 zone. Next zone up is R-1-15,000 that this applies to. In order to have access to the mountain the city would need to have a park adjacent to the forest land. Shay Stark would like the Planning Commission to look into this, is it reasonable for the developer or not.
Bruce Thorpe – Suggested to do away with the R-1-12,000 so it becomes a mute issue and for the Planning Commission to look into this.
Stacey Petersen - Asked if the Planning Commission would get rid of some of this, R-1-12,000, will it affect parks and trail connectivity.
Shay Stark – Suggested the Planning Commission to look at amenities and values. In Shay Stark's opinion he doesn't want to see it go down to R-1-8,000. Should the Planning Commission keep the PUD or get rid of it. The median income for the county is what it's based off of. The city median income for the city is $10,000-$15,000 higher than other cities. Should we get rid of county and go to city? Shay Stark recommended all the above questions be researched.
David Clark - Thought the city met this requirement with the self-help homes.
Shay Stark - Replied yes.
Stacey Petersen - Recommended that Planning Commission members really look into this and decide what is best for the city.

10. ARTICLE D: SENIOR HOUSING OVERLAY ZONE

Shay Stark - Does not have a problem with the density of Parkside Cove Senior Housing Zone.
Shay Stark – In the city council meeting which Shay Stark attended, city council member Brittany Thompson, expressed frustration in why the city is always having to grant exceptions on approval of these projects and wondered why developers shouldn't be required to follow the code. The exceptions granted with the Parkside Cove Senior Housing Zone was due to the last minute switch of putting Hillside Dr. through, versus having Parkside Cove Senior Housing as its own separate community. If Parkside Cove Senior Housing was zoned as its own separate community the city would not have had the grade issues. Hillside Dr. forced the city to go outside the 6 % grade maximum that is required in that zone. There are very few places the city can develop senior housing where the city would be able to develop everything under 6% grades. There are expressed frustrations about the requirements that the developers can only develop up to 6 acres at a time. The city and Planning Commission needs to be able see the whole picture in a development and grant exceptions to approve a preliminary plat that covers everything and then phase it. When you can only develop 6 acres at a time, the city may realize, down the road, a larger sewer is needed or larger water lines needed to be able to handle further development.
Shay Stark- The code was written the way it was due to bankruptcies. The code limits development to 6 acres to protect the city if things fall apart again. It makes it hard to plan for the future.
Stacey Petersen – Asked if this could have been done better and if the Planning Commission should have suggested fewer homes.
Shay Stark- Requested Planning Commission do a lot of research to see if any changes need to be made. Look at other similar HOA CC&R's/rules/exceptions.
Jim Chase – Asked if the Planning Commission can put in codes that 95% has to be owner occupied
Shay Stark- Replied to Jim Chase to talk to David Church about this and check with fair Housing Act Laws. Requested all Planning Commission members bring thoughts and changes on the PUD overlay to next meeting.

11. Commercial Signing/Design

Discussion ensued: Elk ridge needs to be a business friendly environment and design requirements reasonable. Design standards: Roof pitches, colors, materials, character, signage.

Stacey Petersen said Dan Shaw would be a good person to speak to about for commercial development Stacey feels a good vision for Elk Ridge is a bedroom community, there is no downtown or historic reference to go with. Look into Nibley, Utah commercial design

Discussion on water rights also ensued.

12. CITY COUNCIL UPDATE

No update to report

13. OTHER BUSINESS

Nothing to Report

JIM CHASE MOTIONED TO ADJOURN THE MEETING AND BRUCE THORPE SECONDED. VOTE: YES ALL (6), NO- NONE, ABSENT – (2) COLIN LOGUE, GREGG ANDERSON.

ADJOURNMENT – meeting adjourned at 10:10 pm

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Planning Commission Coordinator