

1 ELK RIDGE PLANNING COMMISSION

2 July 14, 2016

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4
5 TIME AND PLACE OF MEETING

6 A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, July
7 14th, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.
8

9 ROLL CALL

10 *Commissioners:* Stacey Petersen, David Clark, Jim Chase, Lisa Phillips, Bruce Thorpe, Paul Crook

11 *Absent:* Colin Logue (Alternate), Gregg Anderson

12 *Others:* Shay Stark, *City Planner*

13 Brianne Bailey, Planning Commission Coordinator

14 Royce Swenson, Recorder

15 *Public:* JT Webster, Debbie Styles, Katherine Gerber, Ricardo Diaz, Millie Diaz, Dean
16 Ingram, Janet Johnson, Ben Carbone, Darlene Carbone.
17

18 OPENING ITEMS

19 David Clark welcomed at 7:00 PM. Opening remarks were said by David Clark followed by the
20 pledge of allegiance.
21

22 **JIM CHASE MOTIONED AND DAVID CLARK SECONDED APPROVAL OF**
23 **AGENDA WITH CHANGES. NO ACTION ITEMS ON #3 AND #4, DISCUSSION**
24 **ONLY: YES - ALL (6), NO - NONE, ABSENT - (2) COLIN LOGUE, GREGG**
25 **ANDERSON. WE HAVE NOT RECEIVED THE REVISION OF #3 AND #4.**
26

27 PUBLIC HEARING AND ACTION

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

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

36 Discussion ensued regarding International building codes.

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

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

44 Discussion ensued regarding applicable set backs

45 Shay Stark - Recommends amending the Accessory Building Code 10-12-05 **Roof only building greater**
46 **than 700 sq. ft. shall conform to the setbacks found in the applicable zones where it will be located.**
47

48 STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT.
49

50 No public comment at this time open.
51

52 BRUCE THORPE MOTIONS TO ACCEPT THIS WITH THE 2 EXCEPTIONS -
53 SOLAR PANELS: INSPECTION FOR PERMITTING ACCESSORY STRUCTURES
54 WILL BE REQUIRED BASED UPON CURRENT BUILDING CODES AS WELL AS
55 ELECTRICAL CODES. ACCESSORY BUILDING CODES: ROOF ONLY
56 BUILDING GREATER THAN 700 SQ. FT. SHALL CONFORM TO THE
57 SETBACKS FOUND IN THE APPLICABLE ZONES WHERE IT WILL BE
58 LOCATED JIM CHASE SECONDS THE MOTION. VOTE: YES ALL (6), NO-
59 NONE, ABSENT – (2) COLIN LOGUE, GREGG ANDERSON.
60
61

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

63 Shay Stark - Reviewed the memo he prepared. The proposed amendment would be to insert language
64 regarding cul-de-sac length in a section of the code that applies to all zones and remove the other conflicting
65 requirements in the three zones mentioned in the code which are: Hillside Residential Zone 10-9A-13-9,
66 Hillside Cluster Overlay 10-11C-7-12 and Planned Mountain Home Developments Sections 10-11F-7-12. All
67 of the cul-de-sac code **10-15-C** requirements will be moved to one section. Proposed ordinance No. 16-2.
68 Shay Stark, also reviewed a handout on the proposed ordinances on No. 16-2. In PUD and Senior Housing
69 overlays the length and extension of cul-de-sacs cannot be extended.

70 Proposed amendments to Cul-de-sacs:

- 71 (1) Section 1 - All cul-de-sacs shall conform to the Elk Ridge Development Code subsection 10-15-C-5 of this
72 title, Cul-De-Sacs.
- 73 (2) Section 2 - All cul-de-sacs shall conform to the Elk Ridge Development Code subsection 10-15-C-5 of this
74 title, Cul-De-Sacs.
- 75 (3) Section 3 - To the maximum extent possible, the design of the road/travel way system shall provide for
76 continuous circulation throughout the project. Cul-de-sacs (dead end roads) shall be allowed only where
77 unusual conditions exist which make other designs undesirable.
- 78 (4) The addition of Section 5 of the cul-de-sac requirements –
79

80 Section 5 Paragraph A. Use of Cul-de-sacs: The design of the road system shall provide for continuous
81 circulation throughout the project. Cul-de-sacs and temporary dead end roads stubbed for future development
82 must have approval by the planning commission and are only allowed where unusual conditions exist which
83 make other designs undesirable.
84

85 Section 5 Paragraph B. Cul-de-sacs Length: The maximum length of a cul-de-sac shall be 500 feet as
86 measured from the nearest right-of-way line of the adjacent street to the center point of the turn-around with
87 more than 16 dwelling units

88 The planning Commission may grant an exception up to the maximum length of 800 feet in single family
89 dwelling developments where the configuration or topography of the land reasonably limits the ability to
90 provide a second access point to the local street system. The number of dwelling units may not be increased
91 from the maximum 16 dwelling units when the increased length exception is granted. The Planning
92 Commission may grant an exception to the maximum number of dwelling units accessing the cul-de-sac in
93 multifamily dwelling developments to 24 units along the 500 foot maximum length in no case shall the
94 Planning Commission grant a combined exception expanding the maximum

95 Jim Chase – Inquired if Paragraph B, should say “no more 16”.

96 Shay Stark – Confirmed that Paragraph B should say no more than 16 units accessing the cul-de-sac.
97

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

101 equipment to negotiate the turnaround. In no case shall an exception be granted for a turnaround smaller than
102 120 foot minimum diameter.

103
104 Paragraph D. Pedestrian Access: A; Cul-de-sacs shall provide pedestrian connectivity to open space areas,
105 public facilities, trails or adjacent subdivisions. That was just moved from one of the previous descriptions in
106 cul-de-sacs.

107 Shay Stark wanted to make clear that the cities interest is in having a continuous circulation through the city.

108
109 Those are the amendments being proposed.
110

111
112 **STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT**
113

114 No public comment at this time public hearing closed.
115

116 **JIM CHASE MOTIONS TO APPROVE THE AMENDMENTS WITH**
117 **EXCEPTIONS - ADDING THE WORD "NO" IN PARAGRAPH B, TURN-AROUND**
118 **WITH NO MORE THAN 16 DWELLINGS AND AT THE END OF PARAGRAPH B**
119 **ADD THE WORDS "LENGTH AND MAXIMUM NUMBER OF DWELLING**
120 **UNITS. DAVID CLARK SECONDS YES ALL (6), NO- NONE, ABSENT - (2)**
121 **COLIN LOGUE, GREGG ANDERSON.**
122

123 **3. HARRISON HEIGHTS PRELIMINARY PLAT APPROVAL (NO ACTION).**

124 Shay Stark - Reviewed the memo he prepared. At the time this was approved 4 acres was going to house a
125 church but the church will no longer be added in.

126 No action was taken at this time. We are still waiting for revisions.
127

128 **STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT**
129

130 **No public comments at this time, public hearing closed.**

131 Jim Chase - Asked about the frontage on some of the lot and zoning.

132 Shay Stark - Explained the Planning Commission has not received the final plans since the TRC and the
133 question on frontages and zoning can be answered when the Planning Commission has the final plans.

134 Dean Ingram - Explained the grades may need to be adjusted and roads shifted. Dean Ingram discussed the
135 roads and grade changes. The house located in the area is propane which will be changed to natural gas and
136 upgrade the lot and home to fit with the new subdivision.

137 David Clark - Asked why the LDS church was not going in.

138 Dean Ingram - Stated all churches within 20 miles have to be at 100% capacity before a new church is added.
139 If a new ward building is built in the future it will most likely go across the street, which is Salem, but still in
140 the same stake.
141

142 **STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT**
143

144 No comment or action at this time
145

146 **4. DISCUSSION/DECISION FOR HARRISON HEIGHTS PHASE 9 FINAL PLAT APPROVAL**

147 No action or discussion at this time as was approved before the meeting. We are still waiting to for revisions.
148

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

196

197

STACEY PETERSEN OPENED PUBLIC COMMENTS

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

200 Richard Diaz - He has a farm with pigs, cows, and goats which is not located in Elk Ridge City else. He
201 follows the city code and respects his neighbors and loves his city.

202 Millie Diaz - When her dogs are noisy she puts them inside and doesn't want to annoy neighbors. She respects
203 her neighbors and puts her animals inside. She prefers trying to be considerate.

204 Janet Johnson- Commented on how Millie Diaz animals are always barking or cats on her property, how Millie
205 Diaz chickens smell. Janet Johnson had never complained.

206 Stacey Petersen - asked if Millie had permit for her chickens, Millie said yes-back in 2013. Stacey also asked
207 Janet Johnson if the pygmy goats were noisy

208 Janet Johnson - The goats were noisy when they first arrived but they had since quieted down.

209 Bruce Thorpe - Asked Mrs. Johnson if she was going to breed.

210 Janet Johnson - She just wants the pygmy goats for her grandchildren. But also added that yes she would like
211 to breed them when asked again. Mrs. Johnson's lease is up at the end of the month. If the conditional permit
212 is not approved she will move.

213 Mr. Diaz - Wants the code enforcer sent. If the enforcement officer is ok with everything then goats should be
214 allowed.

215 Mrs. Johnson - The fence can be moved and adjusted as needed if approved. She doesn't anticipate being here
216 more than one year.

217 Shay Stark - Asked Planning Commission member, David Clark, if he wants to go look at it. Shay Stark
218 reiterated that if the Planning Commission feels like this fits under conditional use, the Planning Commission
219 needs to be able to apply it fairly in the future.

220 Planning Commissioner's held discussion with Mrs. Johnson.

221 More info needed from Boyd and info from Planning Commission.

222
223 **DAVID CLARK MOTIONS TO TABLE THIS UNTIL FURTHER INFORMATION IS RECEIVED.**
224 **BRUCE THORPE SECONDED THE MOTION YES ALL (6), NO- NONE, ABSENT – (2) COLIN**
225 **LOGUE, GREGG ANDERSON. DAVID CLARK IS EXCUSED TO LOOK AT THE PROPERTY.**
226

227 **6. APPROVAL OF MINUTES FOR MAY 12, 2016**

228 Jim Chase - Said that line #47 needs wordage correction - minimum should be maximum
229 #117 keep the wording as to what the gentleman said.

231 **JIM CHASE MOTIONS TO APPROVE THE MINUTES FOR MAY 12, 2016, WITH THE**
232 **TWO EXCEPTIONS - LINE #47 NEEDS WORDAGE CORRECTION - MINIMUM**
233 **SHOULD BE MAXIMUM AND#117 KEEP THE WORDING AS TO WHAT THE**
234 **GENTLEMAN SAID. PAUL CROOK SECONDS. YES ALL (5), NO- NONE, ABSENT – (2)**
235 **COLIN LOGUE, GREGG ANDERSON. DAVID CLARK IS EXCUSED**
236

237 **7. MAY 26 MINUTES APPROVAL OF MAY 26, 2016**

239 **LISA PHILLIPS MOTIONS TO APPROVE THE MINUTES FOR MAY 26, 2016 AS**
240 **CURRENTLY WRITTEN STACEY PETERSEN SECONDS YES - ALL (5), NO- NONE,**
241 **ABSENT – (2) COLIN LOGUE, GREGG ANDERSON. DAVID CLARK IS EXCUSED.**
242

243 **8. APPROVAL OF MINUTES FOR JUNE 9, 2016**

245 **PAUL CROOK MOTIONS TO APPROVE MINUTES OF JUNE 9, 2016 JIM CHASE**
246 **SECONDS YES ALL (5), NO- NONE, ABSENT – (2) COLIN LOGUE, GREGG**
247 **ANDERSON. DAVID CLARK WAS EXCUSED.**
248
249

250 **9. DISCUSSION PUD OVERLAY ZONE**

251
252 Shay Stark – Went through the information which Jim Chase had put together regarding previous Planning
253 Commission’s discussions the with regards to modifying the PUD zone. Shay Stark would like Planning
254 Commission members to look into the modifications of the PUD zone for open space parks that could help
255 with getting to trails to access the mountain without having to go through private property. Shay Stark
256 expressed the feeling he got from the city council was the city doesn’t want an R-1-12,000 zone. Next zone up
257 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
258 adjacent to the forest land. Shay Stark would like the Planning Commission to look into this, is it reasonable
259 for the developer or not.

260 Bruce Thorpe – Suggested to do away with the R-1-12,000 so it becomes a mute issue and for the Planning
261 Commission to look into this.

262 Stacey Petersen - Asked if the Planning Commission would get rid of some of this, R-1-12,000, will it affect
263 parks and trail connectivity.

264 Shay Stark – Suggested the Planning Commission to look at amenities and values. In Shay Stark’s opinion he
265 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.
266 The median income for the county is what it’s based off of. The city median income for the city is \$10,000-
267 \$15,000 higher than other cities. Should we get rid of county and go to city? Shay Stark recommended all the
268 above questions be researched.

269 David Clark - Thought the city met this requirement with the self-help homes.

270 Shay Stark - Replied yes.

271 Stacey Petersen - Recommended that Planning Commission members really look into this and decide what is
272 best for the city.

273
274 **10. ARTICLE D: SENIOR HOUSING OVERLAY ZONE**

275 Shay Stark - Does not have a problem with the density of Parkside Cove Senior Housing Zone.

276 Shay Stark – In the city council meeting which Shay Stark attended, city council member Brittany Thompson,
277 expressed frustration in why the city is always having to grant exceptions on approval of these projects and
278 wondered why developers shouldn’t be required to follow the code. The exceptions granted with the Parkside
279 Cove Senior Housing Zone was due to the last minute switch of putting Hillside Dr. through, versus having
280 Parkside Cove Senior Housing as its own separate community. If Parkside Cove Senior Housing was zoned as
281 its own separate community the city would not have had the grade issues. Hillside Dr. forced the city to go
282 outside the 6 % grade maximum that is required in that zone. There are very few places the city can develop
283 senior housing where the city would be able to develop everything under 6% grades. There are expressed
284 frustrations about the requirements that the developers can only develop up to 6 acres at a time. The city and
285 Planning Commission needs to be able see the whole picture in a development and grant exceptions to approve
286 a preliminary plat that covers everything and then phase it. When you can only develop 6 acres at a time, the
287 city may realize, down the road, a larger sewer is needed or larger water lines needed to be able to handle
288 further development.

289 Shay Stark- The code was written the way it was due to bankruptcies. The code limits development to 6 acres
290 to protect the city if things fall apart again. It makes it hard to plan for the future.

291 Stacey Petersen – Asked if this could have been done better and if the Planning Commission should have
292 suggested fewer homes.

293 Shay Stark- Requested Planning Commission do a lot of research to see if any changes need to be made. Look
294 at other similar HOA CC&R's/rules/exceptions.

295 Jim Chase – Asked if the Planning Commission can put in codes that 95% has to be owner occupied

296 Shay Stark- Replied to Jim Chase to talk to David Church about this and check with fair Housing Act Laws.
297 Requested all Planning Commission members bring thoughts and changes on the PUD overlay to next
298 meeting.

300 **11. Commercial Signing/Design**

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

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

306 Discussion on water rights also ensued.

307
308 **12. CITY COUNCIL UPDATE**

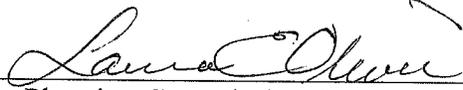
309 No update to report

310
311 **13. OTHER BUSINESS**

312 Nothing to Report

313
314 **JIM CHASE MOTIONED TO ADJOURN THE MEETING AND BRUCE THORPE**
315 **SECONDED. VOTE: YES ALL (6), NO- NONE, ABSENT – (2) COLIN LOGUE,**
316 **GREGG ANDERSON.**

317
318
319 **ADJOURNMENT** – meeting adjourned at 10:10 pm

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323


Planning Commission Coordinator