

1 ELK RIDGE PLANNING COMMISSION

2 September 22, 2016

3  
4 **TIME AND PLACE OF MEETING**

5 A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday,  
6 September 22, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

7  
8 **ROLL CALL**

9 *Commissioners:* Stacey Petersen, David Clark, Bruce Thorpe, Jim Chase, Paul Crook

10 *Absent:* Colin Logue (Alternate), Lisa Phillips,

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

12 Royce Swensen, *City Recorder*

13 Laura Oliver, *Planning Commission Coordinator*

14 *Public:* Ethan Mayfield, Levi Ward, Justin Carter

15  
16 **OPENING ITEMS**

17 Stacey Petersen welcomed at 7:10 PM. Opening remarks were said by Jim Chase followed by the  
18 pledge of allegiance

19  
20 **APPROVAL OF AGENDA**

21 There were no changes to the agenda.

22  
23 **JIM CHASE MOTIONED TO APPROVE THE AGENDA AND BRUCE THORPE**  
24 **SECONDED. VOTE: YES - ALL (5), NO - NONE, ABSENT - (2) COLIN LOGUE (Alt), LISA**  
25 **PHILLIPS**

26  
27 **ACTION ITEMS**

28 **1. ACCESSORY BUILDING CODES SECTION 10-12-05**

29  
30 Shay Stark – City council sent Accessory Building code section 10-12-05 back to the Planning Commission to  
31 look at Section C. The City Council would like to add the line “*Any object or enclosed space, which its*  
32 *intended primary purpose as constructed or manufactured, differs from its proposed purpose as an*  
33 *accessory building.*”

34  
35 Discussion ensued on to how to phrase the line so as to not have to list any particular item and to encompass  
36 all items that would be prohibited.

37  
38 The Planning Commission agreed to add the proposed sentence with the addition of following:  
39 “unless the Planning Commission determines that the item is aesthetically consistent with the home and  
40 surroundings”.

41  
42 The complete proposed amended sentence the Planning Commission is sending back to the City Council is:

43  
44 **“Any object or enclosed space, which its intended primary purpose as constructed or manufactured,**  
45 **differs from its proposed purpose as an accessory building, unless the Planning Commission**  
46 **determines that the item is aesthetically consistent with the home and surroundings.”**

47

48 Discussion ensued regarding the maximum height of an accessory building. **Planning Commission agreed**  
49 **that the language should state that the accessory building cannot be taller than the primary**  
50 **residence.**

51 Jim Chase – City Council Member Brittany Thompson, would like 1A - *said building* be amended to *principle*  
52 *building.*

53 Shay Stark – The city council would also like the Planning Commission to discuss home occupations that are  
54 in accessory buildings and not in the primary residence. Shay read the current home occupations code. The  
55 current code already states that a home occupation cannot be in an accessory building.

56 Discussion ensued regarding occupations that might be in an accessory building, such as comparing a dance  
57 studio to a machine shop, mechanic or a contractor and what is realistically enforceable.

58 Shay Stark – Asked the city recorder, Royce Swensen, if there are any contractors that have a business license  
59 with Elk Ridge City which are running their business out of their home.

60 Royce Swensen – Replied that Elk Ridge City does have some contractors that have a business license with  
61 Elk Ridge City. It is when neighbors complain that the city is made aware of a problem and then the code  
62 is enforced.

63 Stacey Petersen – The Planning Commission needs to make sure that this section of the code remains so that  
64 when and if there is a problem and the code needs to be enforced, the City has some recourse.

65 The Planning Commission agreed that the language was already stated clearly in the code and no change was  
66 needed to the code.

67

68 **DAVE CLARK MOTIONS TO AMEND ACCESSORY BUILDING CODE 10-12-05**  
69 **ADDING SECTION C ITEM 4; ANY OBJECT OR ENCLOSED SPACE, WHICH ITS**  
70 **INTENDED PRIMARY PURPOSE AS CONSTRUCTED OR MANUFACTURED,**  
71 **DIFFERS FROM ITS PROPOSED PURPOSE AS AN ACCESSORY BUILDING,**  
72 **UNLESS THE PLANNING COMMISSION DETERMINES THAT THE ITEM IS**  
73 **AESTHETICALLY CONSISTENT WITH THE HOME AND SURROUNDINGS.**  
74 **AMEND A1A – REMOVING FROM SAID BUILDING AND REPLACING IT WITH**  
75 **PRINCIPLE BUILDING. BRUCE THORPE SECONDS THE MOTION. VOTE: YES -**  
76 **ALL (5), NO - NONE, ABSENT - (2) COLIN LOGUE (Alt), LISA PHILLIPS**  
77

78 **2. REVIEW AND APPROVE MEETING MINUTES FOR JULY 14, 2016**

79

80 Jim Chase - Line 194 typo “is a member”- is should be changed to “*if a member*”

81 Bruce Thorpe – Line 134 change to “*discussed the road and grade changes*”. Line 82 add the word “*and*”  
82 between commission and are.

83

84 **DAVE CLARK MOTIONED TO APPROVE MEETING MINUTES FOR JULY 14, 2016**  
85 **WITH THE NOTED CHANGES. PAUL CROOKS SECONDS. VOTE: YES - ALL (5), NO -**  
86 **NONE, ABSENT - (2) COLIN LOGUE (ALT), LISA PHILLIPS**  
87

88 **3. REVIEW AND APPROVE MEETING MINUTES FOR AUGUST 11, 2016**

89

90 Jim Chase – Typo line 80, remove duplicate l.

91 Jim Chase – Jim Chase voted Nay on Hobby Animal motion. Change Approval and Nay counts.

92

93 **JIM CHASE MOTIONED TO APPROVE MEETING MINUTES FOR AUGUST 11, 2016**  
94 **WITH THE NOTED CHANGES. BRUCE THORPE SECONDS. VOTE: YES - ALL (5), NO -**  
95 **NONE, ABSENT - (2) COLIN LOGUE (ALT), LISA PHILLIPS**  
96

97

**PLANNING COMMISSION BUSINESS**

98

99

#### 4. DISCUSSION ON COMMERCIAL SIGNAGE/DESIGN CODE

100 Shay Stark – Lee Haskell, Developer, is planning a commercial development and has spoken with Shay Stark  
101 about design issues. Lee Haskell is moving forward as quickly as he can to bring a preliminary application  
102 in.

103 Laura Oliver – Lee Haskell brought in an application yesterday, September 21, 2016, with payment.

104 David Clark – Asked if the Planning Commission could look at the application.

105 Stacey Petersen – Asked what Lee Haskell bringing in the application in yesterday means regarding any  
106 changes to the commercial code.

107 Shay Stark – Lee Haskell's application for a commercial development would fall under the current code. The  
108 Planning Commission needs to look at design style and amend the commercial code to something fairly  
109 simple in order to get something in the code that gives the Planning Commission and the City more  
110 control. Shay Stark went through a rough draft of commercial code changes that Jim Chase had drafted.  
111 The Planning Commission may have a better vision for the aesthetics of commercial buildings in Elk  
112 Ridge City than someone who does not live here. The real question is how technical the Planning  
113 Commission can be with the commercial code and what can the Planning Commission reasonable enforce.  
114 The signage section of the commercial code should be developed at the same time because the signage  
115 needs to match the aesthetics of the commercial structures. Shay Stark asked Laura Oliver to send to the  
116 Planning Commission the memos from the previous discussion the Planning Commission had in 2014 on  
117 signage. At that time Colin Logue was going to help modify that ordinance but due to illness and work  
118 schedule, those changes never took place. The signage code is very weak as far as commercial  
119 development is concerned. Another problem is that there are too many home builder/developer signs all  
120 over the place and the length of time that the signs are up. There are developers that have had signs up  
121 years before and long after the development has been completed. In one instance there were signs up for  
122 years for a developer that was not even building in Elk Ridge City.

123 Stacey Petersen – Asked for clarification in the case that Lee Haskell does not do a commercial development at  
124 this time and several years pass, does the next person have to reapply and will they have to go by these  
125 standards that the commercial code has now.

126 Shay Stark – If Lee Haskell determines that he is not going to go through with the commercial development  
127 and if the application sits for a year without completion, it expires. If a developer turns in an application  
128 and the Planning Commission does not act on it in 180 days the application is automatically approved by  
129 inaction.

130 Stacey Petersen – Asked for confirmation on if the Planning Commission needs to take action on Lee  
131 Haskell's development before 180 days of the date of application expires and that Lee Haskell's  
132 development falls under the current commercial code.

133 Shay Stark – The Planning Commission needs to take action before the 180 days expires and any changes  
134 made to the commercial code does not apply to Lee Haskell's commercial development. The Planning  
135 Commission needs to take the time now to amend the commercial code correctly for future commercial  
136 development.

137 Stacey Petersen – The Planning Commission needs to make sure that the Planning Commission protects the  
138 city against anything that Elk Ridge City residents would not want. The Planning Commission can't take a  
139 year to draft the amendments, even though that is typically how long it takes to make changes of this  
140 magnitude.

141 Shay Stark – Shay Stark pointed out the commercial property owned by Lee Haskell and Mr. Kay on the  
142 overhead projector. Shay Stark also pointed out the property owned by Chad Brown which is also  
143 commercial. Chad Brown went to the city council and asked about rezoning that commercial property to  
144 residential. Chad Brown could also decide to change his mind and develop that property commercially. If  
145 the code is not changed then that application will also fall under the current code.

146 Dave Clark – This tell us that we need move fast and make amending the commercial code a priority.

147 Jim Chase and Shay Stark – Both stated that this will go back and forth between the Planning Commission and  
148 the City Council numerous times. This will take some time to complete.

149 Shay Stark – Just because Elk Ridge City does not have a strong commercial code does not mean that the  
150 Planning Commission doesn't have power to persuade and negotiate to get something that fits within the  
151 Elk Ridge City residential community. We cannot, however, deny a developer the right to develop their  
152 commercial property.

153 Jim Chase – The way the commercial code is now a developer can come in with a metal building if they  
154 wanted to.

155 Shay Stark – The reason they can do that is because it is not prohibited. They can come in with a tent.  
156 Shay Stark brought the current commercial code up on the overhead projector and read through it with the  
157 Planning Commission.

158 Dave Clark – Pointed out that that current commercial code 10-10A-1 paragraph B does seem to give the city at  
159 least some protection. The code states: In order to accomplish the objectives and purposes of this  
160 development code and to stabilize and protect essential characteristics of this zone, the following  
161 regulations shall apply in the C-1 retail commercial zone.

162 Jim Chase – Pointed out that placing parking in the back of a commercial development, as stated in the code,  
163 would impact Lee Haskell's development since he is planning on placing parking in the front of his  
164 development.

165 Shay Stark – Parking is really clear on the current commercial code. The spacing of buildings is not in the  
166 code, if you have multiple buildings. Other than the height requirement, the code does not provide any  
167 aesthetic requirements.

168 Stacey Petersen – The Planning Commission has discussed this before and recommended the Planning  
169 Commission taking one section at a time.

170 Shay Stark – Showed pictures on the overhead projector of various buildings, which Lee Haskell presented  
171 previously, of various mix use buildings. Shay pointed out various elements on the buildings, such as  
172 fascia, pitched roofs, percentages of materials used, windows, and materials on the backside of the  
173 commercial building. The Planning Commission needs to go through these types of items and have a good  
174 idea of what the Planning Commission wants to do so that the discussion and decisions on the commercial  
175 code can progress.

176 Dave Clark – Recommends that the Planning Commission make the commercial code the only item of  
177 discussion for one Planning Commission meeting. The Planning Commission needs to take a week and  
178 study the current commercial code and look at different buildings.

179 Shay Stark – Recommends that the Planning Commission take pictures of various buildings and email them to  
180 Laura Oliver.

181 Stacey Petersen – Requested that all Planning Commission members take 5 pictures of commercial buildings  
182 and have them to Laura Oliver by Monday October 7th.

183 Dave Clark – Created a Google Photo page for all Planning Commission members to upload the pictures they  
184 have taken.

185 Stacey Petersen – The Planning Commission and the City Council need to work together on the commercial  
186 code amendments and then do the public hearing. This will negate some of the back and forth between the  
187 Planning Commission and the City Council.

188 Shay Stark – Agreed that might work best to help shorten a possibly very lengthy process of amending the  
189 commercial code.

## 191 **5. DISCUSSION OF SECTION 10-18-5 HOBBY ANIMALS**

192 Dave Clark – He reviewed the motion of the proposed amendment to Section 10-18-5 Hobby Animals made  
193 on the September 8, 2016 Public Hearing. The approved motion was: "To allow 2 pygmy goats as pets, no  
194 intact males, no breeding with possible amendment to the code". The Planning Commission can keep it  
195 this simple or go further in-depth with the code and address the smell, tethering, licensing and licensing  
196 fees, life time fees etc.

197 Royce Swensen – It has been discussed that the approval of conditional permits be done at the staff level at the  
 198 Elk Ridge city office and not through the Planning Commission and City Council. There are developers  
 199 telling realtors that chickens are allowed in areas where they are not.  
 200

201 Discussion ensued on the fees and enforcement.

202 Dave Clark – The Planning Commission needs to decide to either use the original proposal or expand the code.

203 Stacey Petersen – All Planning Commission members need to read the original proposal and think about  
 204 whether to expand the animal code and discuss it again in the very near future. The priority right now is the  
 205 commercial code.  
 206

## 207 **6. DISCUSSION ON SECTION 10 ARTICLE E: PUD OVERLAY ZONE**

208 Shay Stark – The last time this was discussed the Planning Commission decided the survey results are needed  
 209 before a decision could be made. All members of the Planning Commission need to review the survey  
 210 results for the next discussion in order to make a decision on the PUD.  
 211

## 212 **7. DISCUSSION ON SECTION 10 ARTICLE D; SENIOR HOUSING OVERLAY ZONE**

213 Shay Stark – The Senior Housing overlay zone only has a few issues that the Planning Commission has looked  
 214 at that did not work very well with the Parkside Cove development. There are some issues with the 6%  
 215 maximum slope requirement. The 6% maximum slope requirement doesn't work on a mountain side  
 216 community and 6% maximum slope requirement has nothing to do with ADA. The ADA can go up to 8%.  
 217 The Planning Commission and the City Council have had to give exceptions to the 6%. The Planning  
 218 Commission needs to change the code to remove the 6%.

219 The other issue is the Senior Housing Overlay needs to state the age as 55 or older in order to be truly  
 220 senior housing and meet FHA requirement.

221 Jim Chase – Went through the changes he made to the Senior Housing Overlay Zone: Findings- deleted the  
 222 Findings and moved The Purpose into its place and deleted the old Purpose. Deleted the reference TR-1000  
 223 which Elk Ridge City no longer has. All language has been changed to 55 and older. Common household  
 224 pets only, hobby animals are not allowed, Accessory apartments are not allowed. Setbacks stay the same  
 225 for minimal acreage; minimal acreage for senior housing projects shall be 2 acres. It used to read 1 acre  
 226 and the max was 6 acres. It also references the new landscaping code. There are some changes on minor  
 227 clerical issues.

228 Shay Stark – R-15,000 is the only zone the in which senior housing can be developed. In looking at the map of  
 229 Elk Ridge City there is not a lot of R-15,000 land to put another senior housing development. Shay Stark  
 230 asked the Planning Commission if they thought there were any other areas that may be suitable for a senior  
 231 housing development.

232 Discussion ensued on senior housing developments being allowed in areas other the R-15,000.

233 All Planning Commission members are in agreement with the changes and agreed to leave in the R-15,000 in  
 234 place, with out change.  
 235

## 236 **CITY BUSINESS**

### 237 **8. CITY COUNCIL UPDATE**

238 Ty Ellis will be sworn in as mayor. No other city council update  
 239

### 240 **9. OTHER BUSINESS**

241

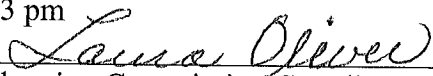
242 **JIM CHASE MOTIONED TO ADJOURN THE MEETING.**

243

244 **ADJOURNMENT** – meeting adjourned at 9:33 pm

245

246

  
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 Planning Commission Coordinator