

1 **ELK RIDGE PLANNING COMMISSION**

2 **April 13, 2017**

3
4 **TIME AND PLACE OF MEETING**

5 A regularly scheduled meeting of the Elk Ridge Planning Commission was held on Thursday, April
6 13, 2017, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

7
8 **ROLL CALL**

9 *Commissioners:* Jared Peterson, David Clark, Stacey Petersen, Jim Chase, Bruce Thorpe,
10 *Absent:* Jared Barton
11 *Others:* Royce Swensen City Controller
12 Nelson Abbott, City Council
13 *Public:* Colleen Chapman, Kirk Chapman, Brian Chapman, Jan Donegan, Richard Donegan

14
15 **OPENING ITEMS**

16
17 Jared Petersen welcomed at 7:00 PM. Opening remarks were said by Bruce Thorpe followed by the pledge
18 of allegiance.

19
20 **JIM CHASE MOTIONED TO APPROVE THE AGENDA. BRUCE THORPE SECONDED.**
21 **APPROVED - VOTE: YES - ALL (5), NO - NONE, ABSENT - (1) JARED BARTON**

22
23 **PUBLIC HEARING AND ACTION**

24 **GLADSTAN VIEW ESTATES PRELIMINARY PLAT APPROVAL**

25 Jared Petersen – Turned the time over to Shay Stark, City Planner to introduce Gladstan View Estates
26 development

27 Shay Stark, City Planner – Gladstan View Estates is located along Elk Ridge Drive. These lots will be backing
28 the golf course along the west side of Elk Ridge Drive. Beginning at the end of the homes across from
29 Olympic Drive up the hill almost to Gladstan Drive. It is a single row of single family lots. There are 6
30 very large lots on the south end with smaller lots going down the hill to the north. Burt is officially the
31 developer on part of it with Dean Ingram. Shay Stark, City Planner turned the time over to Dean Ingram,
32 developer, to further explain the development.

33 Dean Ingram – Arive Homes will build the homes. It is a standard development of single family homes. The
34 owners of the lots will be able to pick out their own floor plans. There are no CC&Rs on the homes, Elk
35 Ridge City's code and ordinance will apply.

36
37 **JARED PETERSON OPENED THE PUBLIC HEARING.**

38
39 Jan Donegan – Asked if there had been any plans made for water run-off and current sump pumps and is there
40 a concern about sewage, plumbing and water.

41 Shay Stark, City Planner – Elk Ridge is very fortunate because it sits on a lot of gravel. Sump pumps are a
42 very efficient way to get rid of the water. There is a large hole dug, which is filled with gravel. Catch
43 basins catch the water above ground and sends it down into the sump and then the water trickles down
44 through the gravel and continues down subsurface, which eliminates a lot of flooding issues. Every
45 subdivision that comes in is required to provide a geo tech report on what the soil looks like. Then an
46 engineer analyses the data against 25 year storms and 100 year storm etc. He then designs the plan for
47 sewage and run off accordingly.

48 Jan Donegan – There have been 4 homes south of their home which have been flooded the last couple years,
49 not through the windows but up through the basements floor and walls. There are residents on the other
50 side of Elk Ridge Drive that have flooded as well.

- 51 Dean Ingram – Every hole that Arive Homes digs has a soils report done. When building on the side of the
52 mountain you will have water that comes down the mountain and will shed across. There are times that the
53 flooding is due, in part, from poor planning on the way down spouts and grading of the lots around the
54 home are prepared which puts too much water around the foundation of the home. This is all engineered
55 with the sumps and is more of a risk right now then it will be after the subdivision is finished.
- 56 Richard Donegan – Asked if the driveways will be graded at less them 12% to make them high enough so that
57 they can be seen by those traveling on Elk Ridge Dr.
- 58 Jared Petersen – Per Elk Ridge City code the driveways cannot be greater than 12% grade. They will have to
59 be filled.
- 60 Shay Stark, City Planner – He asked the city engineer asked where the buildable area is on the lots that are
61 lower, so that the grades will comply with the city’s code. The home owners can also plan their homes so
62 that the driveways are higher.
- 63 Dean Ingram – There are specification on these lots that they have to have a hammer head driveway or such so
64 that they are not backing out into a 30 mph road.
- 65 Jared Petersen – The developer is not looking for any exceptions for the lots and they all comply with the city
66 code.
- 67 Richard Donegan – Asked when the water studies were completed. It has been a heavy water year and there
68 are developments in Spanish Fork that are flooding. He disagrees that the run off will be better controlled
69 with the development and believes that the water will be pushed off into the road.
- 70 Shay Stark, City Planner – Federal Law requires, for any lot, a developer to look at the historical water event
71 of the land
- 72 Richard Donegan – That doesn’t necessarily happen based on what he has seen in other cities. Spanish Fork
73 did that and they had to put stop orders due to basements being flooded.
- 74 Dean Ingram & David Clark – Asked what area of Spanish Fork he is referring to.
- 75 Richard Donegan – The Bach homes, Walmart area.
- 76 Dean Ingram – That is a flat area as opposed to this area. The issue here is the way a owner grades his home
77 out and long with other finishes on the home. Elk Ridge City is proactive and the City Planner and
78 engineers look at every lot and house plans.
- 79 Shay Stark, City Planner – His office does a site review on every building permit. Every problem that the city
80 planner has found, due to flooding, is a problem that the homeowner created or their neighbor. The city has
81 created a code that a home owner cannot drain their property onto their neighbor’s property.
- 82 Jan Donegan – Asked if there will be a retaining wall put in below her home on Gladstan Dr.
- 83 Dean Ingram – Yes they will put in a retaining wall if needed.
- 84 Jan Donegan – Asked how wide the road will be.
- 85 Jared Petersen – The road is 56 feet wide.
- 86 Shay Stark, City Planner – The road is a single lane road and will be widened at Park Drive to accommodate a
87 left hand turning lane.
- 88 Collen Chapman – Asked where the concrete trail is going to be.
- 89 Shay Stark, City Planner – The trail is the sidewalk and is behind the curb and gutter.
- 90 Richard Donegan – Asked where the utility easement is located.
- 91 Shay Stark, City Planner – The easement is going behind the sidewalk.
- 92 Jan Donegan – Asked when the next opportunity that the public can comment on this will be.
- 93 Jared Petersen – This is your opportunity right now and asked if there were any other questions or concerns.
- 94 Jan Donegan – Her home was built in 2000 and may not have the same requirements to protect her from runoff.
- 95 Shay Stark, City Planner – The building codes have not changed that much since 2000. Yards are graded
96 according to the code when they are built. Homeowners come in later and change the landscaping which
97 can cause water and flooding problems.
- 98 Jan Donegan – She had problems in California and asked about what happens in the future regarding homes
99 being built and about CC&Rs.

100 David Clark – That was California and this is Utah. The foundation of her home is built in rock and hard clay.
101 It won't have the same problems as in California.

102 Shay Stark, City Planner – If this development approved it will be approved under the current code. If a home
103 is built 20 years from now that home will be built according to the code that is affect at that time. Elk
104 Ridge City does not enforce or record CC&Rs. Those are between the developer and the homeowner.

105
106 **JARED PETERSON CLOSED THE PUBLIC HEARING.**

107
108 Jared Petersen – On the cross section on 2B shows the sidewalk being lower than the curb. That needs to be
109 corrected. Also there is a cap on the waterline up at the top on 4A. He would prefer that it is not a dead-
110 end line and to be able to flush that line.

111 Shay Stark, City Planner – He talked to Scott, the engineer and they are looking at placing the hydrant in that
112 area depending on the spacing.

113 Jim Chase – Asked if the drainage ditch on the back of the lots is permanent.

114 Shay Stark, City Planner – There is a catch basin that will go out to the retention pond. If there is significant
115 run off it will go to the retention pond. The city is trying to protect the golf course from having dirt wash
116 down onto the grass. The city does not expect a great deal of run off- This goes back to the site review as
117 well in reviewing run off from properties. Once homeowners get their yards in the run off and erosion is
118 less.

119 David Clark – Asked how common are sewer lift pumps in Elk Ridge and if there has ever been any issues
120 with them

121 Shay Stark, City Planner – On Goosenest Drive there are 6 lift pumps. Olympic Drive has 1 or 2. There are a
122 few scattered around. As far as he knows there has not been any issues with them. It is the home-owners
123 responsibility. The systems have become quite reliable. There is a holding tank with 2 pumps, dependent
124 on the system, which have alarms on them if the tanks are getting too full. They are built so that a resident
125 can work on them.

126 Jared Petersen – Asked if there was anything else regarding Gladstan View Estates.

127
128 **STACEY PETERSEN MOTIONED TO APPROVE THE GLADSTAN VIEW ESTATES**
129 **PRELIMINARY PLAT WITH THE FOLLOWING EXCEPTIONS: NOT HAVING A**
130 **DEAD END LINE AND RAISING THE TRAIL 2 INCHES TO MEET THE CURB**
131 **SECONDED BY JIM CHASE APPROVED - VOTE: YES - ALL (5), NO – NONE (0),**
132 **ABSENT - (1), JARED BARTON**

133
134 **APPROVAL OF MARCH 23, 2017 MINUTES**

135 No changes

136
137 **STACEY PETERSEN MOTIONED TO APPROVE THE MINUTES FOR MARCH 23,**
138 **2017 JIM CHASE SECONDED. VOTE: YES – ALL (5) NO – 0, ABSENT - (1), JARED**
139 **BARTON**

140
141 **GENERAL PLAN - LAND USE –**

142 Jared Petersen – Jared Barton, is not here this evening with the computer showing the General Plan and
143 comments, we can continue the discussion.

144 Jim Chase – We talked about de-emphasizing economic growth.

145 Shay Stark, City Planner – Suggested, since Jared Barton was absent, that the Planning Commission
146 look at the different zones.

147 Jared Petersen – The Planning Commission did talk about grouping similar zones together under one
148 zone and doing away with some others. The zone are C1 Commercial, Public Facility, Residential
149 there is R-12,000, R-15,000, R-20,000 and Residential R&L 30,000. Rural Residential and
150 Hillside Residential the Planning Commission discussed combining them, with maybe critical and
151 future Residential as well. Asked Shay Stark, City Planner why future Residential is not just
152 zoned.

153 Shay Stark, City Planner – All land within Elk Ridge City is zoned. Land within the annexation
154 boundary and currently in the county, is not zoned. This is referred to as future residential on the
155 land use map. The city doesn't have a lot of area that is not annexed in. There is some land on
156 11200, some in Loafer Canyon and then some on the south end of the city. Shay is unsure about
157 the annexation agreement between the city and Woodland Hills.

158 Nelson Abbott – The annexation boundary line between the city and Woodland Hills will be revisited
159 soon. Nelson spoke with a city council member from Woodland Hills. And the new Mayor wants
160 to try and facilitate this. Woodland Hills has a developer who is eager to build in this area and
161 cannot until it is clear what city it will be part of.

162 Jared Petersen – Recommends that the future annexation areas remain labeled as future annexation area
163 and not a specific future zone and zone it when it is annexed into the city.

164 Nelson Abbott – The reason the south end was labeled as future Hillside is to protect the area from a developer
165 coming in and trying to put in commercial or R-12,000. The city has already had developers trying to put
166 very high density lots there.

167 Shay Stark, City Planner – Zoning becomes a legal question as well. Showing a judge that the General Plan
168 has had an area zoned a particular way for years, protects the city and becomes a negotiation tool against
169 a developer building something that is not wanted in that area. The city has more power when someone is
170 trying to come into the city and change the zoning.

171 Bruce Thorpe – There is an area on the north side of the round about that is showing as commercial as well as
172 north and east it has Rural Residential has that been changed and what is the difference between Rural
173 Residential and R-1-20,000. Asked if the map was out dated.

174 Shay Stark, City Planner – The map is out dated. The difference is in what rights landowners have within the
175 zones. R-1-20,000 allows hobby animals where an R&L zone allows livestock.

176 Jared Petersen - Asked what the difference was between the Hillside and Critical Environment Zones.

177 Shay Stark, City Planner – The Critical Environment is an overlay area. The city did a study to look at the
178 various environmental issues: ridge lines, drainages, fault lines, slope analysis. The idea behind the
179 Critical Environmental overlay, for certain areas being developed, is to make sure they are given
180 conditional consideration. In Gladstan View Estates, Shay spoke with Dean Ingram specifically about
181 where the each individual lots were the most buildable. It was not good enough to just have a lot size on
182 these. Shay had Dean do slope analysis because there are some areas on a couple of those lots that have
183 30% slopes that the city doesn't want the developer to touch. Because of the critical overlay the city is
184 able to require that from the developer. Shays personal opinion is that the city should be able to require
185 that anywhere in the city that has issues. An example of that is along Loafer Canyon Road; there is a
186 bluff that drops off along there. When the developers come in they are going to want to put a road in
187 across it to tie in with a road. Along Park Drive where it goes down into the canyon you can see where
188 everyone's backyard is sloughing off and eroding. The city needs to be able to address those issues
189 beforehand. Had slope analysis issues been dealt with when part pf Park Drive was developed, the city
190 may not have some of the issues it has today.

191 Nelson Abbott – This area (Loafer Canyon) needs to be updated with the critical environment overlay.

192 Jim Chase – Agrees that the city needs have the entire city under Critical Environment overlay.

193 Nelson Abbott – That Loafer Canyon area specifically though, needs to be considered Critical Environment.

194 This is an area that the city has a chance to do it right. The city needs to get it right.

195 Shay Stark, City Planner – Agrees that it needs to be spelled out what the future zones will be. Shay also thinks
196 that there should be no building above 30% grades and up should be in the miscellaneous codes, which
197 cover all zones, and not in just one zone. There are 30% grades in more than 1 area and could have
198 given the city more power in having some of the previous developments reconfigured. The code didn't
199 give the city enough backing but the developer was very cooperative.

200 Jared Petersen – Asked if it is possible to get rid of some of these zones and call them something else.

201 Shay Stark, City Planner – Yes. He has given this a lot of thought. If the city moves everything in the hillside
202 zone into that chapter 12 misc. general requirements - does the city get rid of the Hillside Zone? No it
203 does not. There is a lot of land on the mountain that should not be developed into less than ½ acre lots.
204 There are elements of the Hillside Zone that needs to stay in place. Some of the slope requirements,
205 among other items, can move into the misc. codes so they apply to everything but because of the
206 typography, the Hillside Zone needs to be maintained. The city needs to maintain this zone for many
207 years so that city is protected against developer wanting to build high density housing there.

208 Nelson Abbott – Suggested the PUD be removed. If the land is not already annexed in, then it will be annexed
209 in with what Elk Ridge City wants. The south end of the city is too important to the city and the
210 residents.

211 Jared Peterson – If there is a reason to keep all of the existing zones then the city should keep them but
212 wondered if there is anything within these zones that need to be changed.

213 Shay Stark, City Planner – The overlays; PUD, Senior Housing, Mountain Home and Clustered home on
214 mountain side are the 4 overlays the city has in the code.

215 Nelson Abbott – The city does not need to keep in the Senior Overlay and the PUD. They have outlived their
216 purpose.

217 Jared Petersen – Agrees, if the overlays are no longer needed then the city needs to take them out. Asked if the
218 cluster home outlined in the code.

219 Nelson Abbott – It is like the PUD code but for the mountainous area.

220 David Clark – If the PUD is taken out does it affect the trail system.

221 Nelson Abbott – No. It was put in place to get the trails and since those developments are almost fully
222 invested, taking out the PUD will not affect them. The city is almost built out and most of these overlays
223 are no longer needed.

224 Jared Petersen – Asked if it was possible to make a motion and have these overlay zones changed now.

225 Nelson Abbott – Will take this to the Mayor and the city council and see if the Planning Commission can
226 move forward with changing this code now.

227 Jared Petersen – Asked if there are any other items in this section that needs to be discussed.

228 Jim Chase – There are lots that are not legal that may need special consideration.

229 Shay Stark, City Planner – There was a plat for these lots that went through approval. The property went into
230 bankruptcy. The improvements were not done. The bank had heard that the lots had been improved and
231 sold lots. All the lots in here (Belle Vista Lane) are around 12,000 and some smaller. They do not meet
232 the current zoning. He has had 3 different people come in to talk to him about these lots and in order to
233 finish this off they need to get multiple property owners to sell or sign off to pay for their part of the
234 improvements. This area is zones R-15,000.

235 Nelson Abbott – The people who want to develop are in the middle of the street, the people on the end do not
236 want to develop.

237 Jared Petersen – Asked for clarification on what was wrong with the lots.

238 Shay Stark, City Planner – They are not legal lots. They are not vested in the code. If they had been recorded
239 and legal lots they would have been vested in the code. Since they are not the city will not let them record
240 until they bond or finish the improvements, since that is what is required. None of them fit 15,000, they
241 don't fit anything in the city code.

242 Bruce Thorpe – Asked if this a big issue for the city or more or less a private owner matter and if there is
243 something the Planning Commission can address in this plan or is it up to the private owner.

244 Shay Stark, City Planner – The issue is someone can come in and say the city is denying them the right to use
245 their property. They can go to court.

246 Bruce Thorpe – Asked if they bought the property before or after it was zoned.

247 Shay Stark, City Planner – That is hard to know. They bought it during a bankruptcy sale and Shay does not
248 think it was zoned R-15,000. He would have to look at the records.

249 Nelson Abbott – These lots are already next to lots of the same size. It would make sense to make these
250 allowed in the code.

251 Jared Petersen – Suggested that area be rezoned to fit the rest of the street.

252 Shay Stark, City Planner – If the land owners got together and showed that it was not zoned R-15,000 and that
253 everyone else on the street has the same lots and the other people were allowed to develop and they
254 weren't then the judgement would go against the city.

255 Jared Petersen – So the city has 2 choices: leave it as is or change the zoning.

256 Nelson Abbott – The chances of them not getting an exception as they come forward are pretty slim.

257 Further Discussion regarding the R1-15,000 and the smaller lots. Perhaps noting it in the General Plan and or
258 waiting until the property came before Planning Commission and deal with it then with an exception.

259

260 **CITY COUNCIL UPDATE**

261 No City Council updates

262

263 **OTHER BUSINESS**

264 Fencing along the back side yard of corner lots, which extend to the sidewalk, that border a front yard and
265 impede a clear view of driveways and or other motorists.

266 Discussion ensued with diagrams placed on the overhead projector. The Planning Commission decided to
267 place it on the agenda for a more through discussion and possible revision of the city code.

268

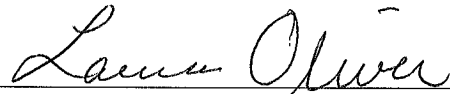
269 **MEETING WAS ADJOURN AT 8:35 pm**

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Planning Commission Coordinator