

1 **ELK RIDGE PLANNING COMMISSION**

2 **November 17, 2016**

3
4 **TIME AND PLACE OF MEETING**

5 A regularly scheduled meeting of the Elk Ridge Planning Commission was held on
6 Thursday, November 17th, at 7:00 p.m. at 80 East Park Drive, Elk Ridge, Utah.

7
8 **ROLL CALL**

9 *Commissioners:* Stacey Petersen, David Clark, Jim Chase, Bruce Thorpe, Jared Barton,
10 Jared Peterson

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

12 *Others:* Shay Stark, City Planner

13 Laura Oliver, Planning Commission Coordinator

14 Royce Swenson, Recorder

15 *Public:* David Cherrington, Tonya Cherrington, Court Tuttle, Andi Thorpe,
16 Brett Robbins, Billie Robbins, Josh Boehler, Brian Burke

17
18 **OPENING ITEMS**

19 Stacey Petersen welcomed at 7:00 PM. Opening remarks were said by Andi Thorpe
20 followed by the pledge of allegiance.

21
22 **JARED PETERSON MOTIONED AND BRUCE THORPE**
23 **SECONDED APPROVAL OF AGENDA: YES - ALL (6), NO - NONE,**
24 **ABSENT - (2) COLIN LOGUE (ALTERNATE), LISA PHILLIPS.**

25
26 **PUBLIC HEARING AND ACTION**

27 **1. Rezoning of City Property Parcel Number 30:074:0129**

28 Stacey Petersen turned the time over to Shay Stark, City Planner.

29 Shay Stark – Shay drew a diagram on the whiteboard of the area surrounding the city property
30 parcel 30:074:0129. The proposal is to rezone this parcel from public parcel to residential R-
31 1-15,000 to develop it into 4 lots.

32 David Clark – Asked if the City Council had already made a decision on rezoning the parcel to
33 residential and if this is coming back to the Planning Commission for public hearing as a
34 formality.

35 Shay Stark – An application was submitted in January 2016 by Elk Ridge City to have this
36 property rezoned to residential. At that time the Planning Commission had active discussions
37 on rezoning the property. City Council concurrently was having discussions as well. The
38 City Council decided to table the matter due to budgeting issues that the council was
39 involved with at that time. No decision had been made previously by the City Council or the
40 Planning Commission. The Planning Commission is having a public hearing at this time in
41 order to get public input as part of the rezoning process. The Planning Commission will
42 make their recommendation to the City Council.

43 David Clark – Asked if this area was supposed to be a soccer park.

44 Shay Stark – There have been a few different proposals for this area in the past such as a
45 cemetery, park, a soccer park etc. Nothing has been finalized.

46 Bruce Thorpe – Asked if the City Council is the impetus for putting this back on the agenda for
47 public hearing or is this on the agenda due to a previous deadline.

- 48 Shay Stark – Confirmed that it is the City Council that has put this back on the Planning
49 Commission’s agenda. It is not due to a previous deadline. The City Council is actively
50 moving on this and would like the Planning Commission’s input on this matter.
- 51 Stacey Petersen – Asked if the sale of this property is to balance the budget or because this is the
52 best use of this land.
- 53 Shay Stark – Is unable to answer that question at this time. Initially when the rezoning of this
54 property was discussed it was for budgetary purposes. This property was bought at a very
55 premium price. The city does have a fairly large bond on this property. Selling the property
56 would enable the city to pay off this bond. Shay Stark asked for clarification from Royce
57 Swensen, City Recorder, what the annual payment was on the bond.
- 58 Royce Swensen – Elk Ridge City pays \$70,000 once a year on the bond.
- 59 David Clark – Asked how much the total bond was for.
- 60 Shay Stark – The bond was for around 1 million dollars.
- 61 Bruce Thorpe – Asked what the outstanding balance on the bond is currently.
- 62 Shay Stark – Estimated the balance to be half a million dollars.
- 63 Bruce Thorpe – Asked if it was known how the City Council is planning to use the money from
64 the sale of the property.
- 65 Shay Stark – There has not been any plan finalized for any money made from the sale the land.
- 66 Bruce Thorpe – Asked if there is a plan for the rest of the land that the city owns there.
- 67 Shay Stark – The city, at this time, would like to leave this area open. There are a few City
68 Council members that would like to have a new city center with more offices, and an event
69 center that could be rented. The park is still on the table. The reality is that the budget cannot
70 handle the amount of open space and parks.
- 71 Jim Chase – The property, if sold, will bring down the debt considerably. The City Council
72 thinks it will take the sale of 1 improved lot to pay for the improvements of all 4 lots. The 3
73 remaining lots, sold at 100 - 125k, paid on the balance of the loan, will bring it down
74 considerably, but it will still be 2 or 3 years before the loan is paid off. The \$70,000
75 payment will not go away, it is a non-negotiable, fixed payment.

76
77 **STACEY PETERSEN OPENED THE MEETING FOR PUBLIC COMMENT.**

- 78
79 David Cherrington- Asked if the city had thought about selling the property on the corner (at the
80 roundabout) that had been donated to the city.
- 81 Shay Stark – State Law prohibits the sale of property that is donated to a city. Property that has
82 been donated to a public entity cannot sell that property for 15 years. After 15 years the city
83 can sell the property but the city would still have to go through a lot of red tape.
- 84 Bruce Thorpe – Asked if the property on the corner had been donated or if the city had picked it
85 up during a bankruptcy.
- 86 Shay Stark – The property on the corner was dedicated to Elk Ridge City.
- 87 Tonya Cherrington – The Cherrington’s home is right across the street from this parcel. Their
88 home will be the most affected by rezoning this parcel as residential. Tonya asked if there are
89 any building requirements that would regulate the height of the homes. Her view will be
90 completely blocked. They purchased and designed their home accordingly because they were
91 told that the area across from their home was going to be a park. If a huge, tall home is built
92 across from their home, that is all they will have, a view of that home. Not everyone cares
93 about a view but the Cherrington’s were told, in the beginning, that there was going to be a
94 park there. The Cherrington’s saw a drawing of the park and they feel that the Planning
95 Commission and the city is not taking into consideration what the neighboring home owners
96 were told in the beginning when they bought their lots. The Cherrington’s and their

97 neighbors have tried to beautify Elk Ridge with their lots and now it's almost like the city's
98 problem has become their problem.

99 David Clark – Asked about the elevation of the land on the other side of the street from the
100 Cherrington's and if a one story home was built there would they have a view.

101 David Cherrington – A one story home will block their view completely.

102 Shay Stark – The building code has a 35 feet maximum height restriction. Homes that are built
103 on grades would use the average of the front and the back of the home. You won't have 35
104 feet in the front, it's going to be an average between the front and the back. With 2 stories
105 and with the modern high pitched roofs they can get pretty high, which is still in line with the
106 code. Also, the house will sit above the ground for drainage.

107 Tonya Cherrington – Asked if the city can sell the property on Goosenest Drive instead of this
108 parcel, then the city wouldn't block anyone's views.

109 Andi Thorpe – Feels that this is all a little premature to even make these types of decisions
110 because the city doesn't know what size it wants to make the community center, the shape of
111 the lots, etc. She is not convinced that the sale of 1 lot would then pay for all 4 lots for
112 several reasons: 1) There is no guarantee what the city is going to do with the property
113 behind them. As lot views she doesn't think that is a good guarantee at all. Usually people
114 will come around and talk to the neighbors and they will tell them there is no guarantee.
115 There is no guarantee the city is going to get the kind of money they are talking about. She
116 would like to see an economic feasibility study on that. 2) There is not a statement of where
117 that money is going. It is so ambiguous. Why is the city selling this parcel if they do not have
118 a distinct plan for the money? It seems like the city is putting the cart before the ox. The city
119 should have a plan for the land before the city starts giving away land that it might need.

120 David Clark – That is exactly what the Planning Commission is doing. The Planning
121 Commission hasn't made any decisions. The Planning Commission is opening it up to the
122 public to make sure that the Planning Commission can make an educated decision and be
123 able to take everything in to consideration.

124 Billie Robbins – The public is frustrated because their understanding is that there was going to
125 be a park. They thought they had voted, but maybe they thought the survey was the vote.
126 There is a huge misunderstanding. The homes owners were very obviously misled. A park
127 was a huge selling point for all of them. That is why the Robbin's bought where they did.
128 Billie is a principle at an elementary school. People rent the elementary school's fields for
129 boat loads of money. The city could put in soccer fields and rent them out to Accelerated
130 Soccer, baseball etc. for lots of money. If the city can get a Park & Rec like Salem, and
131 Spanish Fork the city can bring in lots of money. If the city can get someone in here to run a
132 Park & Rec., the way it should be ran, the city can make a lot of money. Yes, the city would
133 have to pay a Matt Marzel but look what he has done, he has tripled Salem's income

134 Stacey Petersen – Some numbers about that would be very helpful for the City Council to have.
135 Thank you for your input.

136 Brian Burke – A few years ago under Mayor Shelley, he thought that the City Council had
137 decided to sell that property on the corner and dismantle the house and asked if the Planning
138 Commission could bring him up to speed on that.

139 Shay Stark – There has not been any movement on that property by the City Council.

140 Josh Boehler – He lives in that subdivision as well. He has a couple of little girls and there are a
141 few other young children in the neighborhood. It is hard for their family to access any
142 recreation in their subdivision. They have to climb up the big hill or drive to another park in
143 the area. He is personally against the rezoning. He also thinks they have overestimated the
144 value of the lots. He would like to keep the lots for recreation.

145 Court Tuttle – He lives next to the parcels and he is against rezoning the property. If the
146 Planning Commission wants to see how views will be blocked, they can look at his home.

147 His concerns are like everyone else that has spoken. It was represented to him that this land
148 would be a park. He bought his land based on that. He talk to Mayor Shelly and the city
149 personnel and Mayor Shelley told him just this past summer that the city was going to start to
150 put in the park. Another concern is the city doesn't know what they are going to use that
151 money for. He agreed with Josh Boehler that the city is over shooting on what those lots are
152 worth, as being someone who bought the exact same lot.

153 Stacey Petersen – Encouraged all present to talk to the City Council.

154 Brett Robbins - He lives right across the street from where these homes are going be built. The
155 reason they bought their lot is because one of the council member's, who is still a council
156 member, had it on his Facebook Page (he recently had to change it to an Unofficial Facebook
157 page) had the plans for the park on the Facebook page. He is not in favor of rezoning the
158 land. The neighborhood will more than likely turn into Arive Homes, he (Dean Ingram)
159 owns Elk Ridge and controls City Council.

160 Dave Clark – Assured the public that Dean Ingram did not control the Planning Commission.

161
162 **STACEY PETERSEN CLOSED THE PUBLIC HEARING**

163
164 David Clark – Inquired as to what the General Plan says the parcel is slated as.

165 Shay Stark – The General Plan shows a park in this area.

166 Billie Robbins – Nebo School district will bond to build a middle school around 2018 along with
167 a park in Elk Ridge City. She asked if the city would get more money because a school will
168 be coming in.

169 Shay Stark – A school does not benefit a city financially at all.

170 David Clark – Asked for clarification as to whether the survey showed if less open space was
171 wanted.

172 Shay Stark – The most current survey showed more park and open space was wanted but the
173 survey also showed that very few wanted to pay more in taxes.

174 David Cherrington – Asked where all the impact fees were going with all the homes being built.

175 Shay Stark – Explained where and how the impact fees are distributed.

176 Stacey Petersen – Strongly urged everyone in attendance to attend City Council meetings. She
177 asked all Planning Commission members to share their thoughts.

178 Jared Peterson – He is torn. He looks at this as a standard property rights issue. From a property
179 rights stand point, if this property was owned by a farmer, the farmer would be able to do
180 what he wanted with it. Since it is the city that owns it, the city has to follow certain
181 protocol. You have to look at both sides. He does not see a problem with rezoning this land
182 to residential, but on the other hand, it is public use on the general plan. In listening to the
183 input here from the public, this land has been represented as something. When he moved in
184 to Elk Ridge, David Clark's whole development was not there (Elk Ridge Meadows 1). This
185 development where the parcel is, wasn't here. Development happens and the only way to
186 prevent it is to buy the property yourself.

187 Shay Stark – Public use means any of public facility can be built.

188 Stacey Petersen – The only thing that the city has, that the other property owners do not have, is
189 that there is a General Plan, and the Planning Commission has to base the decision on that.
190 The city talked heavily about a park. It was on the web site and you could choose which park
191 you liked better. That plan has changed since then, which is the nature of public lands.

192 David Clark – The General Plan is not set in stone.

193 Shay Stark – And that is why the Planning Commission has to go through this discussion. What
194 is being asked here is to amend the General Plan.

195 Bruce Thorpe – Asked if the Planning Commission does not recommend that the City Council
196 move forward with rezoning the parcel from public use to residential, can the City Council
197 go ahead with it anyhow.

198 Shay Stark – Confirmed, yes, the City Council can rezone it anyhow. The Planning Commission
199 gives a recommendation to the City Council and the City Council then decides.

200 David Clark – He has learned that the General Plan is nothing more than an idea. He got on the
201 Planning Commission because he felt like he needed to do something because development
202 was happening around him. He has sat through many meetings with this same topic and there
203 is nothing that guarantees a view. He feels it is frustrating. Before he built his house he
204 looked at the General Plan, talked to neighbors, went to the schools and churches and the
205 General Plan has totally changed. He also agrees that if this were a farmer selling these lots,
206 he would have every right to do with his property what he wants.

207 Bruce Thorpe – He can see the financial benefit that the city has in selling the property, but the
208 Planning Commission does not know what the plan is for the use of the money and maybe
209 this is not the highest and best use of the land. To some degree, he believes that the Planning
210 Commission's job is to represent the feelings of the community. He is not a disinterested
211 party, his lot backs up to this parcel in question. He did the same thing that the rest of the
212 neighboring residents did in talking to the city on several occasions. There were no promises.
213 The city made sure that there were no guarantees, but on the other hand, when you go into
214 the city office enough times, one gets comfortable in what is going to happen. There were no
215 mentions of any alternative purpose for that property. The city even came and bulldozed a
216 hill on the lot. Bruce asked the man who was supervising, who was the City Council member
217 over parks, what was going on and that City Council member said the city was getting ready
218 to put in the park. To some degree he wants to represent the community's feelings to the
219 City Council and maybe this isn't the best and highest use of this land and that the city needs
220 to go back to the original plan and keep the open spaces, splash pad, or something that would
221 be unique to Elk Ridge and make it a place where people would want to come. He is
222 interested in Billie Robbins idea of leasing park land out and wondered if she could get the
223 figures on this.

224 David Clark – He would like to know if it would be cheaper to outsource park maintenance to
225 save money.

226 Shay Stark – The city looked into having park maintenance outsourced and it was actually more
227 expensive.

228 Stacey Peterson – Feels that the Planning Commission needs more information on the parcel.

229 Jim Chase – He has mixed feelings on this as well and the general indecision on the land. He
230 feels that there needs to be more of a plan before the city sells that land. The city needs to
231 look at the bigger plan. A view has no value, it's nice to have but it is not guaranteed. You
232 cannot buy a view unless you own the land so your view cannot be blocked. Building on
233 Goosenest instead would just block someone else's view. His biggest concern that has been
234 brought up tonight is there is no plan or decision on what the city is going to do with the
235 money when they sell it. The recommendation for parks is 13 acres for every 1000 – 1200
236 people, we are below that acreage. The survey said that people want more parks. When more
237 people come into the city there is going to be more pressure on the existing parks. Down the
238 road when these kids grow up there is going to be an outcry for more parks and why the city
239 didn't create the parks when the city had the ground. He would like more input and
240 assurances on where the money is going to go before the Planning Commission sends a
241 recommendation to the City Council to sell these lots.

242 David Clark – The city bought this land for a million dollars, what was the plan for this land
243 then? He feels like the city should stick with that plan.

244 Jared Barton – He feels that the city has a big problem with the \$70,000 yearly bond payment.
245 The city cannot continue to afford to pay that and needs to do something about that. It is not
246 being paid off. The park was a theory, an idea, but, until the City Council gives the Planning
247 Commission a better plan on what the city is committed to, then the Planning Commission
248 cannot approve the rezoning. He is fine leaving it as it is but he is in favor in the city doing
249 something to get rid of the bond. The sale of this property would help in a large way. A
250 valuation needs to be done on the property.

251 David Clark – Worst case scenario: if the city can't sell the lots and the city wants to recoup the
252 city's loss then they could try to rezone this parcel commercial. The city is backed into a
253 corner and they do not have a lot of options. No matter what option the city chooses they are
254 going to ruffle someone's feathers.

255 Bruce Thorpe – Asked for confirmation from Royce Swensen that the city is making the \$70,000
256 payment and that the payment is budgeted for.

257 Royce Swenson – Yes, the city is able to make those payments and it has been budgeted for.

258 Jared Barton – The city has a lot of equipment that is getting old. There was a discussion about
259 raising taxes and the city has a \$70,000 payment that they, potentially, have a way to pay off.
260 One thing will impact few or one thing will impact everyone.

261 Stacey Petersen – The bottom line is that the Planning Commission wants a plan.

262 Shay Stark – The Planning Commission can table this discussion until next time and asked the
263 City Council to clarify what this money is going to be used for. It looks to Shay Stark that
264 the whole Planning Commission would like more information about what direction the City
265 Council would like to go with this and from the financial side of it he thinks it is wise to
266 button that down. The city was supposed to be updating the General Plan right now since the
267 survey results were completed. There have been some big fires that have delayed those
268 updates. The General Plan is to be updated every 5 years. If no substantial physical action
269 happens on a property, those plans can change. The Planning Commission is only concerned
270 about sending a recommendation on the property. The Planning Commission is a land use
271 board and not a financial board. If the Planning Commission sends a recommendation of no
272 with their explanation tonight then the City Council may come back with answers to the
273 Planning Commissions questions. If the Planning Commission tables it and asks for that
274 information then he is not sure where the matter will go.

275 Jared Barton – Thinks that the matter should be tabled.

276 David Clark – Thinks that the Planning Commission should say no. The city should stick with
277 the plan, whether it is building a city building there or a park.

278
279 **JARED PETERSON MOTIONS TO RECOMMEND THE PLANNING COMMISSION**
280 **TEL THE CITY COUNCIL NO TO REZONING THE PARCELS, THE CITY NEEDS**
281 **TO STICK TO THE CITY GENERAL PLAN. JIM CHASE SECONDS THE MOTION.**
282 **VOTE: YES ALL (6), NO- NONE, ABSENT – (2) COLIN LOGUE (ALTERNATE),**
283 **LISA PHILLIPS.**

284
285 **2. APPROVE MINUTES OF SEPTEMBER 22, 2016**

286
287 **JIM CHASE MOTIONS TO APPROVE THE MINUTES FOR SEPTEMBER 22, 2016,**
288 **WITH ONE EXCEPTION - LINE 51 DAVID CHURCH CHANGED TO BRITTANY**
289 **THOMPSON. DAVID CLARK SECONDS. YES (5), NO - NONE, ONE (1) ABSTAIN –**
290 **JARED PETERSEN. ABSENT – (2) LISA PHILLIPS, COLIN LOGUE**
291 **(ATLTERNATE).**

292
293 **3. APPROVE MINUTES OF OCTOBER 13, 2016**

294
295 **DAVID CLARK MOTIONS TO APPROVE THE MINUTES FOR OCTOBER 13,**
296 **2016, WITH ONE EXCEPTION - LINE #42 INCASE CHANGED TO IN CASE.**
297 **STACEY PETERSEN SECONDS. YES - (5), NO - NONE, ABSTAIN- JARED**
298 **PETERSON. ABSENT – (2) LISA PHILLIPS, COLIN LOGUE (ATLTERNATE).**
299

300 **4. APPROVE MINUTES OF OCTOBER 27, 2016**

301
302 **BRUCE THORPE MOTIONS TO APPROVE THE MINUTES FOR OCTOBER 27,**
303 **2016, AS WRITTEN. JIM CHASE SECONDS. YES - (5), NO - NONE, ABSTAIN –**
304 **JARED PETERSON. ABSENT – (2) LISA PHILLIPS, COLIN LOGUE**
305 **(ATLTERNATE).**
306

307 **DISCUSSION ITEMS**

308 **5. COMMERCIAL SIGN ORDINANCE**

309 Shay Stark – Because of the large scope of this amendment the City attorney will be asked to
310 review it for guidance. Jim Chase has put together a draft of the amendments to the signage
311 code. Shay did not see anything in the draft that could be a problem. The only issue Shay
312 sees is in being able enforce it.

313 Jared Barton – Asked if it was possible to write the signage code more simply.

314 Shay Stark – In land use issues if something is vague in the law and the court deems that it is
315 vague, the courts will automatically rule in favor of the home/business owner.

316 Discussion ensued on backlighting, school signs, state code, and how much commercially zoned
317 land does the city really have and would the city need a lengthy commercial signage code.

318 Jared Peterson – Recommended that the Planning Commission define what sign a business can
319 do instead of what they cannot do, like Thanksgiving Point. A business can only put in a
320 certain type of sign and everything else is not permitted.

321 Shay Stark – Believes that it is legal to do that. There are going to be businesses that will not
322 come here because they cannot get the signage the business needs. It may be necessary to
323 state what the criteria would be for consideration for an exception.

324 Discussion ensued on criteria and restrictions.

325 Shay Stark – Suggested that the Planning Commission drive through Thanksgiving Point to view
326 the signage.

327 Jared Peterson - Will see if he can get a copy of the signage code used by Thanksgiving Point.
328 The Planning Commission will look into going in the direction of what signage is allowed
329 instead of what is not allowed.
330

331 **6. COMMERICAL CODE**

332 Stacey Petersen – Tabled the discussion due to the late time.

333 **7. CITY COUNCIL UPDATE**

334 No update to report

335 **8. OTHER BUSINESS**

336 Nothing to Report
337

338 **DAVID CLARK MOTIONED TO ADJOURN THE MEETING**

339
340 **ADJOURNMENT** – meeting adjourned at 9:27 pm

341 
342 _____
Planning Commission Coordinator