

February 21, 2006

Minutes of the Alpine City Planning Commission meeting held February 21, 2006 at Alpine City Hall. The meeting was called to order at 7:00 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum:

Chairman Jannicke Brewer

Commission Members: Jim Tracy, Kimberly Bryant, Brian Baxter, Lincoln Watkins. Mike Mickelson and Steve McArthur were not present.

Staff: Charmayne Warnock, Shane Sorensen, Ted Stillman

Others: April Riley, Jeff Robb, Gary Webb, Amberlee Buckner, Clark Olsen, Kim Lambourne, Cory Bangerter, Craig Larsen, Steve Larsen, Steve Crain, Mark Martin

The prayer was offered by Brian Baxter.

1. PUBLIC COMMENT: Jim Tracy said Ace Disposal had invited the members of the Planning Commission to attend a field trip on March 3, 2006 at 10:00 am to the hand-sorting recycling facility. It was part of the recycling effort.

2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS: None

3. GENERAL PLAN: Jannicke Brewer listed some of the things the City had accomplished since the General Plan was adopted in 1997 and updated in 2001. They were:

1. Pressurized irrigation
2. Burgess Park expansion – recreational complex
3. Smooth Canyon Park
4. Expanded open space, parks and trails
5. Roundabout
6. Extension of Canyon Crest Road and Long Drive
7. Construction of Ridge Drive and Healey Boulevard
8. Addition and renovation of City Hall
9. New fire station
10. Improvements to rodeo grounds
11. Cemetery expansion
12. Main Street Bridge
13. Controlling growth with PRD Ordinance, Hazards Ordinance, Hillside Protection Ordinance.
14. Formation of several committees including the PRO Committee, Cemetery Commission, Arboretum Committee, Historic Gateway Committee

In preparation for updating the General Plan, Jannicke Brewer said she'd reread the survey that was recently taken, and summarized what seemed to be people's greatest concerns for Alpine. They were:

- Keep the small town fee, be family centered and safe
- Open space: Protect and acquire and expand open space, parks and trails
- Protect hillsides
- Control growth
- No motorized vehicles in open space
- Access to the mountains

Other questions on the survey dealt with the following questions:

- Commercial – how much and where? Should there be a grocery store, post office, etc.
- Library – yes or no
- Recreation program – recreation center (swimming pool) yes or no

Diversity in housing, such as condos
Street lighting

The Planning Commission discussed the vision statement. It was decided they would include arts and cultural events under *Alpine Values a Strong Sense of Community* along with sports and recreation.

Kimberly Bryant said she'd like to include the Lost Child Program in the emergency section of the General Plan.

Jim Tracy noted that there were a number of places where it said Alpine City would establish something. He said they needed to be careful about what they said they were going to establish, otherwise it could come back on them later if the City had said they were going to do something and didn't do it.

Jannicke Brewer said they needed to be more specific in their goals rather than stating vague generalities like saying it would be a "friendly" city. They also needed to decide what would be shown on the Land Use Map. For example, would Sliding Rock open space be available to the public?

Shane Sorensen suggested they distinguish between church and civic open space. He also recommended they delete the Sensitive Lands Line off the map since other more detailed maps based on specific hazards had taken its place.

Jannicke Brewer asked about extending the commercial zone south of the roundabout. Jim Tracy said they had just denied a request for a commercial rezone in the area south of the roundabout. If they didn't intend to do it, it shouldn't be there. He also questioned the section in the General Plan that said the city would provide tax and zoning incentives to restore and preserve historic buildings, or a tax incentive to not develop land. He asked if a city actually had the capability of giving tax incentives. Ted Stillman said it was difficult and generally done at a higher level.

Jim Tracy also questioned the language stating the city would pass a bond initiative. The city could propose one, but the voters actually passed it.

Other items of discussion included:

1. Architectural guidelines for commercial - - Alpine already had them
2. Creating a farmers market - - The ordinance already allowed individual produce stands
3. Support for restaurants, ice cream and specialty shops - - Already permitted uses in the commercial zone.
4. Discourage national franchise project unless building is congruent with town center

Lincoln Watkins said the PRO Committee had discussed the problem of vacant lots and unsightly yards.

Kim Bryant said that a few years ago they had a Beautification Committee that was quite successful in getting people to clean up their yards. They took a positive approach to beautification with awards, etc. It was done voluntarily rather having a Gestapo-type committee going around telling people they had to do it.

Jannicke Brewer said they should identify specific goals when improving city property such as well houses and open space.

Shane Sorensen said they'd had problems with people moving in next to public open space and wanting to landscape it with sprinklers and plantings when it had been designated as natural open space.

Jannicke Brewer said they should address “monster houses” in the in-fill portion of the general plan. New homes should be harmonious with the existing neighborhood.

4. LDS CHURCH SITE PLAN – 200 N. ALPINE BOULEVARD: The Planning Commission had previously recommended approval of the church site plan at their meeting of January 17, 2006 and sent it on to the City Council.

At the City Council meeting, several citizens who owned property adjacent to the church site objected to the site plan as drawn, saying they didn’t want to have the trees behind their homes taken out or the ditch piped. The City Council recommended the representatives of the LDS Church meet with the property owners and try to come up with a plan they could all agree on, then take it back to the Planning Commission.

A new plan was drawn which showed a buffer strip between the homes and the church site. According to a letter from Craig Larsen, Real Estate Project Manager for the LDS Church, the adjoining property owners said they would purchase the buffer strip on several conditions: 1) they could work out a mutually agreeable purchase price with Mr. Ercanbrack; 2) the ditch would not be piped; 3) Alpine City would purchase a 20-ft easement for a walking path for the same price per square foot as the buffer strip; 4) Alpine City would approve any lot lines adjustments or subdivision amendments to create legal conveyance of the buffer area and walking path.

Adjacent property owners David G. Beckstrand and Michael J. Fitzgerald sent a similar letter to Alpine City which is attached at the end of the minutes. Robert C. Sorenson signed in behalf of Mr. Fitzgerald.

Ted Stillman said staff recommend East Field Ditch be piped. The Public Works and Engineering Department for Alpine City had discussed the request to leave the ditch open, and felt strongly that it should be piped as required by ordinance to prevent flooding and control storm water flows. Changing property lines to remove the ditch from the church site would not eliminate maintenance and access concerns for the ditch.

Ron Devey from the Public Works Department was present. He said there had been problems in the past with ditches that were not piped, and this one should be piped in order to prevent problems with flooding in the spring.

Jannicke Brewer said she would prefer to go with staff recommendation regarding ditches because they were the ones that had to maintain them.

Church representative Kim Lambourne asked if the ditch would still have to be piped if they did a site plan instead of a subdivision.

Jannicke Brewer said the ordinance required site plans to meet the same requirements as a subdivision.

Neighboring property owner Clark Olsen said the vegetation would all have to come out if the ditch was piped. He asked about the riparian area, and said he’d like to see the written agreement stating where it was supposed to be. Ron Devey said the agreement with CUP took the riparian area to Alpine Boulevard. Clark Olsen said he voted his water shares in favor of pressurized irrigation because he thought the riparian area went to his house.

Kim Lambourne noted that if the neighbors felt strongly enough about leaving the ditch open, the plan the Church was presenting that evening may be moot.

Clark Olsen referred to the letter from Beckstrand and Fitzgerald, saying that Robert Sorenson had signed for Fitzgerald since he was blind.

Kim Bryant said the letter stated that if the City did not agree to their conditions, they would pursue other recourse. She asked if they meant they would seek legal counsel. Clark Olsen said it did. He said they were trying to protect their 2.5 million dollar homes. If homes were built on the Ercanbrack ground instead of a church, the property owners would probably also want to keep the ditch open.

Jannicke Brewer said that even if homes were built on the property, the ordinance required the ditch to be piped. She explained that the ordinance did not require ditches to be piped when Hunt Club was approved, but that had changed.

Kim Bryant said she could understand their frustration about having the landscape behind their homes change. She said when she built her home she could have sworn it would remain undeveloped behind her because it was a gully, but the property owners had been given approval to bring in fill and build a house. She said the only way to stop development was to buy the property yourself.

Lincoln Watkins asked if the ditch would be piped in a straight line or if it would follow the curve of the streambed. Shane Sorensen said it was logical to pipe in a straight line.

MOTION: Jim Tracy moved that the LDS Church Site on Alpine Boulevard comply with ordinance and pipe the East Field ditch in such a way that it left as much of the natural vegetation as possible. Brian Baxter seconded. Ayes: 4 Nays: 0. Motion passed.

MOTION: Jim Tracy moved to recommend that the City Council purchase a 10-foot walking path between Alpine Boulevard and Meadowbrook. Brian Baxter seconded. Ayes; 4 Nays: 0. Motion passed.

Clark Olsen said a 10-ft. path would be an alleyway. He said it should be 20 feet wide.

Ron Devey said an asphalt path would be 8 feet wide. Shane Sorensen said an easement for the water line and storm drain would fit within a 10-foot easement. They needed to consider the cost to the City.

Lincoln Watkins said he felt there was more parking than was needed or required by the ordinance, and he would like to see the top row of parking taken out and replaced with landscaping. Jannicke Brewer said the Church had requested extra parking because they didn't want people parking on the street.

5. CANYON BROOK SUBDIVISION – STEVE LARSEN: Ted Stillman said Steve Larsen had submitted a new concept plan which was actually his original plan before Lynn Broadbent's property was included in the proposal. He said Lynn Broadbent had decided not to develop his ground and Canyon Brook was back to 3 lots with open space on either side of Fort Canyon Road. Shane Sorensen calculated a density of 3.03 lots.

Jannicke Brewer said the first thing the Planning Commission needed to do was decide whether or not to go back to the beginning since this was a revised plan.

Jim Tracy said that since they had new members on the Planning Commission it made sense to reconsider the issues on driveways and open space.

Jannicke Brewer said most of the area was very steep with some flat area along the stream. The proposed lot layout was very unusual and they had considered a cul-de-sac so the lots would have frontage. But it would be a very long cul-de-sac and it would need an exception plus the maintenance would be considerable. The other option was a very long shared driveway for two of the lots, which was shown on the plan.

Regarding open space, Jannicke Brewer said Steve Larsen wanted it to be private. The Planning Commission had previously recommended that the open space be public, but Mr. Larsen appealed to the City Council and they voted to make it private open space.

Jim Tracy said he didn't have a problem with the long driveway, but he felt the open space should be public.

Lincoln Watkins said he could not see three homes sustaining the open space. He said David Church had said that one of the main problems with homeowners associations (HOAs) was that they tended to become defunct. HOAs were even less likely to be active when properties changed hands. He said it made more sense to have the city in charge of the open space so involvement was consistent and ongoing.

Jim Tracy said one of the problems with HOAs was that they often created conflict among neighbors.

The Planning Commission discussed the CC&Rs. Jannicke Brewer said this was the fourth time Mr. Larsen had submitted the CC&Rs and nothing had changed. It listed activities and uses that were not permitted in open space under a conservation easement.

According to the Zoning Ordinance, Section 3.16.6.1 Private Open Space is retained through conservation agreements. Section 3.16.6.3.1 defines Natural or Conservation Open Space as soil left undisturbed. Recreational improvements would be limited to natural or road base surface trails, trailhead parking, scenic overlooks and other improvements incidental to the natural area. Revegetation or additional plantings must be approved by the Planning Commission.

Section 3.9.7 in the PRD Ordinance stated that an open space preservation agreement would be executed with the City prohibiting any excavating, making additional roadways, installing additional utilities, constructing any dwellings or other structures, or fencing or conducting or allowing the conduct of any activity that would alter the character of the open space area from that initially approved without the prior approval of the City.

Jannicke Brewer said the CC&Rs submitted for Canyon Brook described uses such as barns, grazing, fencing, etc. that would be debatable in open space with a conservation easement. She also noted that Steve Larsen was currently doing a lot of excavating along the stream and in the area that would fall under open space. She questioned the legitimacy of making a lot of changes in future open space while the subdivision was in the approval process, then expecting the City to accept them as part of the PRD. She said there was a lot of disturbance along the stream.

Steve Larsen said Lynn Broadbent had backed out because he was discouraged with the City's interpretation of the code. He said that as far as the CC&Rs went, his attorney included a definition for anything that might come up. The clarification of permitted activities should be determined by Alpine City. He said his attorney said he was just quoting the ordinance.

Jannicke Brewer asked about the use of both "open space" and "common area" in the CC&Rs. She said there were sections in the CC&Rs that were not in Alpine City's Ordinance.

Steve Larsen said the ordinance stated ownership of the open space needed to be conveyed to an HOA, and he would do that. He said that the ordinance did not say the HOA could not define the use of the open space. He said he'd already been to the City Council and they voted for private open space. It seemed counterproductive to go back to the beginning.

Kimberly Bryant said that, although there was a new member on the City Council, the three members who voted in favor of private open space were still there, and although she couldn't speak for them, she expected they would vote the same way again.

MOTION: Lincoln Watkins moved to approve the concept plan for Canyon Brook Estates with the following conditions that parcels A and B be public open space and there be a 50-ft wide conservation easement along the stream with unfettered access provided for the driveways. Jim Tracy seconded. Ayes: 4 Nays: 0. Motion passed.

Steve Larsen asked if he appealed to the City Council and they overturned the motion, would he have to come back to the Planning Commission.

Ted Stillman said he would.

6. SHEPHERD MINOR SUBDIVISION – 32 NORTH 100 WEST – WILL JONES: Ted Stillman said the Board of Adjustment had granted a variance of 14 feet on the width of the lot at their meeting of February 9, 2006. The lots met the size requirement for that zone of 10,000 square feet. The Planning Commission would need to set a public hearing.

Jannicke Brewer explained that when the homes in that area were built, Alpine City allowed narrower frontages.

MOTION: Jim Tracy moved to set a public hearing for March 21, 2006 on the Shepherd Minor Subdivision. Lincoln Watkins seconded. Ayes: 4 Nays: 0. Motion passed.

7. HUNTERS RIDGE SUBDIVISION – 300 N. MAIN – GARY WEBB: Ted Stillman said the City Council approved the exception on the length of the cul-de-sac. There were no other issues that needed to be resolved prior to granting concept approval.

Jannicke Brewer asked about the water rights. Gary Webb said there were water rights with the property and additional rights had been secured.

Gary Webb asked that the name be Hunters Ridge Circle.

MOTION: Jim Tracy moved to grant concept approval to Hunters Ridge Circle subdivision. Brian Baxter seconded. Ayes: 4 Nays: 0. Motion passed.

8. TELECOMMUNICATION ORDINANCE: Ted Stillman the City had received a request for a cell tower from T-Mobile which prompted an update of the Telecommunication Ordinance. He said Steve Crain had provided valuable assistance in developing the ordinance.

The only location where a cell tower was presently allowed was Shepherd's Hill. T-mobile had wanted to locate a tower on Cemetery Hill or at Alpine Elementary, but the City preferred to locate cell towers in Lambert Park at the rodeo grounds.

Jim Tracy said the ordinance required stealth towers, but he'd rather have it read that they preferred stealth tower so there would be some flexibility. He also noted that the ordinance did not mention wall-mounted antennae. He said that if they were not going to allow them, they should say so, and if they were, they should identify where they would be allowed. Also, it did not mention the power lines that would serve the cell tower, and suggested the ordinance specify that the power lines should be located underground. They may also want to use a third party to negotiate the lease.

Steve Crain said they could include that provision, but it usually wasn't necessary to incur the expense of the third party.

Relative to landscaping requirements, they should be recommended by the Planning Commission and City Council. Since there was no landscaping at the rodeo ground, it would look odd to have a

small landscaped area around the cell tower. Shane Sorensen suggested the fencing be compatible with the chain link fencing around the rodeo ground.

9. PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE: Ted Stillman said that at the last meeting the Planning Commission had received a clean copy of the revised PRD Ordinance. This time they received a marked copy so they could see what changes were made.

The Planning Commission discussed previous PRDs and how they might have been affected if the ordinance in place at the time were the same as the revised ordinance. Jannicke Brewer said the City got the park in Smooth Canyon which they may not have otherwise gotten if a PRD had not been required. Twin River was another example of where the City received the open space and trails along the creeks rather than having the lots go all the way across the streambed. She said that in most cases, the community had benefited from the PRD Ordinance. The City had lost the opportunity for natural open space and a trail along Dry Creek when the Ranch at Westfield Park was approved because it was developed before the PRD Ordinance was written.

Lincoln Watkins asked if anyone had ever come to the City and said that the PRD Ordinance limited their rights.

Jannicke Brewer said Steve Larsen was the first. Others had accepted that the increased density made up for the open space. She said Healey Heights was another wonderful example of a successful PRD with a great layout and open space.

Lincoln Watkins said he wondered if they would be weakening the ordinance by changing it. It might make sense for Canyon Brook, but what about future developments.

Jannicke Brewer said they would need to make sure there was language requiring a conservation easement if a regular subdivision were developed with sensitive lands. She said she did have concerns with revising the PRD Ordinance because it was the best tool they had to protect sensitive areas. Another tool they had was designating park areas on the Land Use Map.

Ted Stillman said they could leave the ordinance like it was and look at each proposal on a case by case basis.

Lincoln Watkins said he felt there was already some middle ground provided by the allowance of exceptions.

In relationship to Canyon Brook, Jannicke Brewer said that Steve Larsen still had the right to build a home on his property. But if he wanted the City to provide the opportunity for financial gain by allowing him to have more lots, there should be some kind of exchange or benefit for the City.

Jannicke Brewer said the City hadn't really taken advantage of the sentence in the ordinance that gave the City sole discretion in deciding whether or not a development would be a PRD. They were not required to do a PRD every time.

The Planning Commission discussed what changes needed to be made to the PRD Ordinance. It was agreed there needed to be language on how to treat fractions when determining density. Lincoln Watkins pointed out that there was a big difference in the percent of increase between rounding up from 5 lots to 6 lots or rounding up from 20 lots to 21 lots.

Others changes or additions to the ordinance included addressing the minimum lot size requirement, definition of an HOA, and taking out the references to a CE-50 zone. They may also want to look at the allowed frontage of lots in cul-de-sacs. The narrow lots resulted in a lot of applications for variances to the Board of Adjustment.

Jannicke Brewer said that if anyone had other thoughts or suggestions on the PRD Ordinance they should give them to Ted Stillman.

10. CONTINUING EDUCATION: Ted Stillman said to read Chapter 2 of Land Use Regulation.

11. APPROVE MINUTES OF FEBUARY 7, 2006.

MOTION: Lincoln Watkins moved to approve the minutes of February 7, 2006 as corrected and adjourn. Brian Baxter seconded. Ayes: 4 Nays: 0. Motion passed.

The meeting was adjourned at 9:50 pm.