

January 3, 2006

Minutes of the Alpine City Planning Commission meeting held January 3, 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, Brian Baxter, Lincoln Watkins, Kimberly Bryant, Steve McArthur. Mike Mickelson was excused.

Staff: Ted Stillman, Shane Sorensen, Charmayne Warnock, Jay Healey

Others: Brian Higbee, Maria Carey, Sonja Carey, Jen Skousen, Greg Barnett, Gary Webb, Dave Taylor, Ken Berg, Mike Powell, Larry Laycock, Logan Laycock, Debra Bates, Bruce Bates, Royce Veater, Tracy Wallace, Alex Johnson, Lynn Broadbent, Blaine Hudson, Steve Snyder, Todd Miller, John Clark, Kathryn Clark, Roger Whitby, Jason Chaffetz, Brandon Bates, Becca Jeppson, Thomas Whitchurch.

The prayer was offered by Jannicke Brewer.

Chairman Jannicke Brewer welcomed two new members to the Planning Commission. Kimberly Bryant would be the representative from the City Council, replacing Thomas Whitchurch. Brian Baxter would be filling the seat left by Dale Porter. Dale Porter had served Alpine City as a member of the Planning Commission for about 13 years, and the City was grateful for his diligent and knowledgeable service to the community.

Brian Baxter said he lived in Alpine for just over 5 years, and had served on the Board of Adjustment for about that long. He said he had a Masters Degree in Public Administration.

Jannicke Brewer said the agenda was very lengthy, and because of that, she would be limiting public participation except for comment on new subdivisions as required as part of the notification process.

1. PUBLIC COMMENT: There was no public comment.

2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS

Platinum Images – 304 W. Meadowlark Drive – Ted York: Mr. York requested a permit for his photography studio. He expected 2 to 5 customers would visit his home each week. On his application he indicated that he would be using 625 square feet in a detached garage for his business.

Jannicke Brewer said there was a problem with the detached garage and the size of the business. The Home Occupation Ordinance required home businesses to be conducted within the home or in an attached garage. The business was supposed to be incidental to the residential nature of the home, and could occupy no more than 500 square feet or 25% of the area of main floor, whichever was less.

It was determined that the York's garage would be considered attached since it was within 5 feet of the home and was attached by a deck. However, the business still exceeded the allowable size. The Planning Commission suggested he consider using less than 625 feet for his business and reapply.

Seasons Shared, LLC – 271 W. International Way – Cheri Maude: Ms. Maude requested a permit for her business of designing and shipping books and dolls. No customers would visit the home. She indicated on the application that she would be using the garage for storage. The Planning Commission had a question about whether or not the garage was attached, and since she was not present to answer questions, the application was tabled.

MOTION: Jim Tracy moved to deny a conditional use permit for a home occupation for Ted York dba Platinum Images based on the finding that the area of the home occupied by the business exceeded the area allowed by ordinance, and table Cheri Maude's application for Seasons Shared until she was present to answer questions. Lincoln Watkins seconded. Ayes: 5 Nays: 0. Motion passed.

3. WHITBY WOODLANDS SUBDIVISION – PRELIMINARY PLAT EXTENSION: Ted Stillman said the developers of Whitby Woodlands had requested an extension on the preliminary plat.

MOTION: Jim Tracy moved to extend the preliminary plat approval for Whitby Woodlands Subdivision for one year. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

4. TAYLOR MEADOWS SUBDIVISION – REVISED CONCEPT – DAVE TAYLOR AND BRIAN HIGBEE: Ted Stillman said there was quite a bit of information on the subdivision including the review from Bowen-Collins, the developer's response to the Bowen-Collins letter, and a packet of information prepared by Planning Commission member Lincoln Watkins.

Shane Sorensen briefly reviewed the comments and observations from Bowen Collins regarding potential flood hazards for Taylor Meadows Subdivision. They were:

1. The area is located in the 100-year flood plain and is generally not well suited to development. The area will be subject to shallow flooding from Dry Creek as well as from local streets to the northeast during extreme flood events.
2. The east bank of Dry Creek appears to have a natural or constructed berm with a crest located in the central portions of lots 6, 7, 8 and 9. The west side of the berm drains to the creeks.
3. It appears that some water could leave the channel about 250 feet upstream of lot 5.
4. The HEC-RAS model indicates that water will leave the Dry Creek channel just upstream of 100 South during a 100-year flood. However it is not shown on Concept Plan 8.
5. If the culvert on 100 South is not large enough, backwater effects will increase the 100-year flood elevation upstream of the culvert. If the 100-year flood elevation is 4950 feet, it would inundate approximately half of lot 9 as currently graded.
6. Lots 6 and 7 (as currently graded) would likely be inundated during the 100-year flood.
7. Lot 5 may be subject to an erosion hazard during extreme flood events due to a bend in Dry Creek at this location.
8. If the landscaped storm drain pond is a detention facility that will discharge into Dry Creek, it will be filled from Dry Creek during a 100- year flood and could result in flooding.

Shane Sorensen said Bowen Collins had listed a number of recommendations to mitigate the above observations and concerns. They would be reviewed at the next meeting.

Developer Brian Higbee submitted a written response to the concerns raised by Bowen Collins which included:

1. The area proposed for development has an exception from FEMA. We have already acknowledged that there was water in the lower areas of the property. Those areas will be open space and the cul-de-sac.
2. The west bank is lower in most areas than the east bank.
3. The City should fix the area by lot 5 if they obtain the property so the water will not leave the bank. No one has ever seen water leave the bank.
4. Should be addressed by Bob Carrie
5. The top of the basements will be 3 feet above the base flood elevation which is more than Bowen Collins is recommending. We have an accepted FEMA drawing.

6. We have changed these drawings (lots 6 & 7), and are deeding areas on the back of the lots to the City.
7. We are looking at older air photos to see if there is erosion on lot 5.
8. We will construct a berm along the channel and install a flap gate. Elevations will be determined on final construction drawings.

Regarding item 5, Bob Carrie writes. We are more than compensating by going to 3 ft. instead of the 2 ft. recommendation. He said he'd spoken to homeowners on the west side of the stream and they said they'd never had a water problem in their basements. He recommended all homes in the subdivision waterproof the outside of their basement walls and possibly put a drain around the home foundation.

Brian Higbee concluded. "Erosion problems in the mountain have been mitigated considerably, road culverts and their capacity dramatically improved, and our basement's top elevations will be higher than the flood plain was. It is my opinion that one of the major issues Alpine City needs to look at . . . is keeping the deadwood and other items cleared from the streambeds to prevent blocking of culverts under the roads."

Lincoln Watkins said he'd been trying to collect information on the area proposed for Taylor Meadows Subdivision. He said he'd talked to professionals about the 100-year flood plain based on computer models, and was told that known flooding was a better indicator of what would happen than computer models. He had talked to eyewitnesses of the flood in 1951, and was told that the flooding covered both sides of Dry Creek and went as far west as 200 East.

Lincoln Watkins said the cloudburst lasted 2 hours and was tame compared to other rainfall that occurred. A big problem was the boulders and trees that came out of the canyon and clogged the culverts.

He said a new complication to flooding was the dramatically increased number of homes in the northeast quadrant. In 1951, there were 17 homes. Presently there were about 720 homes. It would be impossible to calculate the amount of impervious material in the area that would effectively reduce the ground's ability to absorb water. The Bowen Collins report did not address the amount of building that has occurred in the northeast quadrant.

Lincoln Watkins said that no substantial mitigation program had been put in place since the flood of 1951. He felt it was a matter of time before another flood occurred.

Jannicke Brewer asked if a LOMA (letter of map amendment) was a federal regulation, or if the City was responsible.

Ted Stillman said a LOMA legally took an area out of the flood plain, and it was done by FEMA. Shane Sorensen explained that a LOMA was a more specific study of the area in which they looked at actual cross-sections.

Brian Higbee said the calculations for the LOMA were done in Colorado by Michael Baker Engineering.

Ted Stillman said they would review Bowen Collins recommendations for mitigation at the next meeting.

Brian Higbee said they already had concept approval for Taylor Meadows and would like to move forward. Jannicke Brewer said the ordinance allowed the Planning Commission to ask for more information. In addition, the City Council had asked them to consider the application very carefully.

MOTION: Jim Tracy moved to table Taylor Meadows Subdivision until the next meeting. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

5. CANYON BROOK SUBDIVISION: Ted Stillman said the main issue on Canyon Brook was whether or not the open space could be privately owned by an individual. Lynn Broadbent wanted to develop his property as a PRD, and keep the open space in his name for his private and exclusive use.

Lynn Broadbent explained that he had lived on his property for forty years. His culinary water supply came from the upper end of the open space and he wanted to be able to ensure the purity of his water. He said he was willing to maintain the rural atmosphere and beauty of the canyon by agreeing to a conservation easement on his property, but he wanted to be able to retain ownership and control of the property. He said the City Council voted for it to be that way.

Jannicke Brewer clarified that the Council voted that the open space could be private open space, but the ordinance required private open space to be conveyed to a homeowners association. Also, the list of improvements that Mr. Broadbent wanted to make on the open space as outlined in his proposed CC&Rs included streets, fences, walls, storage areas and incidental structures, and did not fit within the definition of a conservation easement. The purpose of a conservation easement was to restrict development and uses not in keeping with natural open space.

Jannicke Brewer said there was also an issue raised in the environmental study about streams being part of a building lot. There was a concern that when a stream was part of a building lot, people could start altering it with little dams and landscaping features that could create problems downstream.

Steve Larsen said any changes to the stream bed would be done only if approved by the City and if there was a permit from the state.

Lincoln Watkins said the ordinance stated that ownership of the open space must be conveyed to a home owners association or an independent open space preservation trust. Either of those entities could then transfer the conservation easement to the city. He noted that none of the documents the developer submitted envisioned conveyance to a trust.

There was a discussion about open space along the stream. Ted Stillman said it was his understanding that the City Council felt there should be a conservation easement along the stream, and the open space along the stream could be included in the lot.

Steve McArthur said including the stream in the lot was the only way to do it or the lot would be split.

Ted Stillman said the Planning Commission needed to vote on Lynn Broadbent's request that the open space be in private ownership.

Lincoln Watkins asked Mr. Broadbent if the spring in the open space was his only source of culinary water, or if he had access to City water. Mr. Broadbent said City water was available to him but he preferred to use his private water source.

MOTION: Steve McArthur moved that all the private open space in the Canyon Brook Subdivision be transferred to one of the two ordinance-conforming entities as a unit, not mixed, and that the open space will not be held in private ownership. Lincoln Watkins seconded. Ayes: 5 Nays: 0. Motion passed.

Steve Larsen said there was a discussion with the City Council that, in order for the developer to have contiguous property, he would have to have property within the flood plain that was part of the building lot, but there would need to be a conservation easement.

Lincoln Watkins said the ordinance required floodways to be part of the open space, and wanted to know how the City would be justified in approving something that was contrary to City Ordinance.

Shane Sorensen said another issue for Canyon Brook was fire flow. The minimum fire flow for a 3600 sq. ft. home was 1,000 gallons per minute. Constructing a 10-inch line off the existing 6-inch line would provide a fire flow of 988 gpm for lots 3 and 4. That created a problem because it was anticipated that homes in the area would exceed 3600 sq. ft. The developers and people who bought the lots needed to be aware of fire flow issues and possible restriction on the size of the home.

However, if homes had an automatic sprinkler system, the required flow would be reduced by 50%. Shane Sorensen said there were other possible solutions. If the 6-inch line in Fort Canyon Road was replaced with an 8-inch line, it would increase the available fire flow. It would also increase fire flow if the proposed Three Falls water tank could feed water to Fort Canyon in the event of a fire.

Steve Larsen asked if the Planning Commission would vote to grant approval to Canyon Brook and make it subject to approval of the CC&Rs.

Steve McArthur said there were issues that needed to be resolved before that could happen.

Jannicke Brewer said Canyon Brook would be on the next agenda for further discussion.

6. ALLISON COURT SUBDIVISION – CONCEPT REVIEW – GARY WEBB: Ted Stillman said Gary Webb was proposing a 13-lot subdivision at approximately 300 North Main on the Max Buckner property. It consisted of 4.89 acres in the BC zone. Two concept plans had been submitted showing different cul-de-sac configurations. The developer said he preferred the plan with the overly long cul-de-sac, and an exception would be required because it exceeded the maximum length of 450 feet.

Steve Snyder said he lived across the street, and he preferred concept B because the lots looked larger.

Jannicke Brewer said the Planning Commission needed to schedule a public hearing on Allison Court for the meeting of February 7. It could be on the agenda for concept approval that same evening, but if an exception on cul-de-sac length was required, it would have to be approved by the City Council before concept approval could be given.

MOTION: Jim Tracy moved to set a public hearing for Allison Court for February 7, 2006. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

7. JACKSON SUBDIVISION – CONCEPT REVIEW – MIKE POWELL: Ted Stillman said the proposed 5-lot subdivision was located off High Bench Road and consisted of 5.03 acres in the CR-20,000 zone. A partial width cul-de-sac would be extended to provide frontage for the lots. The proposed cul-de-sac would line up with Watkins Lane.

Jannicke Brewer noted that the adjacent property on the north consisted of two lots. The property owners had received a variance from the Board of Adjustment for a flag lot.

Bruce Bates said he lived 587 Ridge Lane and had several questions. He asked if any variances had been requested. Shane Sorensen said there had been none. Mr. Bates asked if a hydrology study had been done, and said he was concerned about runoff from the Jackson property flooding onto his property. He was told by staff that property owners were required to either retain drainage on their own property or convey it to the storm drain system in the street. Mr. Bates said he was

concerned that if there was a retention basin on the nearby property, it might breach the berm or leak through the ground to his property. He also asked if there were height limitations on structures built on the property. Jannicke Brewer said the ordinance allowed a height of 34 feet measured from the average finished grade to the midpoint of the roof, which could result in a very tall building.

Kim Bryant said she'd had a similar concern about flooding from a development adjacent to her property, and assured Mr. Bates that the Planning Commission would spend months, if necessary, to make sure there wouldn't be flooding.

Bruce Bates said he didn't believe all the neighbors had been notified. Ted Stillman asked for the names of those people who weren't notified and they would check on it.

Jannicke Brewer said property owners in the area were only notified initially. After that, they would have to pay attention to the posted agendas to see when the Planning Commission was discussing a particular item.

Mr. Gardner said he lived at the bottom of property in question, and wondered if the code allowed for outbuildings and animals. Jannicke Brewer said there were animal rights on the property, but the owners had to meet the setbacks and requirements for animal enclosures and accessory buildings.

Mark and Sonya Cary said they owned the property to the north. They wanted to know what kind of impact the proposed subdivision would have on their property, and whether it would affect their ability to use their flag lot. They said at the present time they just rode their 4-wheelers around on it. Mark Cary wanted to know if he could still fence his property if a road was going in alongside them.

Jannicke Brewer said it was still their private property. They could fence according to the ordinance. She noted that the new road might benefit them if they chose to develop the back of the property at some point.

Royce Veater asked about the heliport pad on the Ostler property. Ted Stillman said it had been used by Ostler to commute to Salt Lake, but was not used much since he was killed. He added that the heliport pad was not related to the development under discussion.

Royce Veater said there were birds that nested in the trees and asked if there would be a wildlife study. Jannicke Brewer said the Planning Commission would consider whether or not an environmental impact study was needed. She said the Jackson subdivision would be on the February agenda for a public hearing if there were other concerns from neighboring property owners.

MOTION: Steve McArthur moved to set a public hearing for February 7, 2006. Lincoln Watkins seconded. Ayes: 5 Nays: 0. Motion passed.

8. LOVELAND MINOR SUBDIVISION – CONCEPT REVIEW - GWEN LOVELAND:

Ted Stillman said Mrs. Loveland was splitting her lot on Elkridge Lane. As part of the design for Heritage Hills, Elkridge Lane would become a cul-de-sac with traffic entering from the north.

Jim Tracy said there had been a discussion about pedestrian walkway through the cul-de-sac, and asked if that was still planned. Shane Sorensen said there was a deed reserved for that purpose.

MOTION: Steve McArthur moved to set a public hearing for the Loveland Minor Subdivision for February 7, 2006. Jim Tracy seconded. Ayes: 6 Nays: 0. Motion passed.

9. PURIRI MINOR SUBDIVISION – CONCEPT REVIEW – HATA PURIRI: Ted Stillman said Hata Puriri was splitting his lot located at 100 West 200 South in the TR-10,000 zone. The existing home would be located on one of the lots. Neighboring property owners had been notified.

Jim Tracy noted that he would need to change his address.

MOTION: Steve McArthur moved set a public hearing for the Puriri Minor Subdivision for February 7, 2006. Lincoln Watkins seconded. Ayes: 5 Nays: 0. Motion passed.

10. THREE FALLS SUBDIVISION – CONCEPT REVIEW – WILL JONES: Will Jones was not present earlier in the meeting so this item was postponed until the end of the agenda.

Ted Stillman said the Planning Commission needed to make a decision about two items.

1. Should fault zones be included within the lot but outside the building envelope?
2. Should potential flood channels be included within the lot but outside the building envelope?

Jim Tracy asked what the City Engineer's recommendation was on those two issues.

Shane Sorensen said there was the ideal, and then there was what was practical. He said it made sense to keep the fault line outside the building envelope, but with lots as large as the proposed lots, it wasn't always practical to require fault lines to be outside the lots. He said there should be a note on the plat stating the fact so purchasers of lots were aware of the inherent risk of building in that area.

Steve McArthur said they had discussed site-specific trenching on individual lots at an earlier meeting, and the developer wanted it done at the building permit stage, rather than the development stage. Steve McArthur said he felt the City or the buyer should not have to take a risk on whether or not there was a suitable building pad on an individual lot. There should be a clear building site on each lot prior to approval of the subdivision. He didn't want the buyer to come in a few years and say, "I've bought this lot, and now I can't build on it."

Will Jones said he'd rethought the earlier discussion and agreed with Steve McArthur. He said the developer would do enough trenching to guarantee at least one 7,000 square foot buildable area on each lot prior to subdivision approval. If the homeowner wanted to build elsewhere on the lot, he would have to do his own trenching to discover a safe site.

MOTION: Steve McArthur moved that the developers of Three Falls Subdivision provide a geologically approved, lot-specific study as required in the Sensitive Lands Overlay Ordinance Section 3.12.6.4 to determine a buildable area on each lot prior to final approval, and that a fault zone be allowed on the building lot provided the fault zone lay outside the building envelope. Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed.

The second question was whether or not flood channels should be allowed on the building lots. Shane Sorensen said it was the same issue that they had on Canyon Brook. If the flood channels had to be in the open space, they had no building lots.

Will Jones said one of the things they would look at with the lot-specific studies was subsurface water. There were springs throughout the Three Falls area, and one of the questions was how to get those springs into open channels without affecting the lot.

Shane Sorensen said there were a number of smaller drainage channels that were not mapped because they were considered ephemeral. Jannicke Brewer said that David Church had told them

that if an engineer could show them that a waterway was there, they could count it, whether or not it was mapped.

Will Jones said he had talked to the State Water Rights Department about it and was told that since it was an intermittent stream way it was not mapped, and it required no permits.

Jannicke Brewer asked about restricting basements on certain lots. Will Jones said the lot study would include the question of basements as well as soil testing, etc.

Lincoln Watkins asked Will Jones if he could attempt to design a plan that put floodways in the open space. Alpine City's Ordinance required floodways to be in the open space, and he said he didn't see how they could approve something contrary to the ordinance.

Steve McArthur said the property owner already had a recorded subdivision (Ilangeni Estates) containing floodways. The Planning Commission needed to take into consideration that this was an opportunity to repair a badly done subdivision that was approved years earlier.

MOTION: Jim Tracy moved that in the Three Falls Subdivision the potential floodway channels could be included in the lots but outside the building envelope, and a conservation easement would be required with a driveway easement across the conservation easement. The conservation easement could be counted in the frontage. Brian Baxter seconded. Ayes: 4 Nays: 1. Lincoln Watkins voted nay. Motion passed.

Blaine Hudson said that in earlier meetings, someone was going to get the Corp of Army Engineers involved because of the wetlands. He asked if that had been done.

Shane Sorensen said that when someone applied for a stream alteration permit, the application was sent to various agencies and they had a 30-day comment period.

Will Jones said the area had never been declared wetlands by any governmental agency, but they put the wetlands into open space anyway.

MOTION: Steve McArthur moved that the developers of the Three Falls Subdivision eliminate as many rear-yard flood channels as possible, specifically on lots 30, 31, 32 and 33, and possibly on other lots when the lot-specific study is done. Jim Tracy seconded. Ayes: 4 Nays: 0 Lincoln Watkins abstained. Motion passed.

11. OFFICE SITE PLAN – 134 SOUTH MAIN – DAVID WALKER: Mr. Walker was not present at the meeting to discuss his proposal and this item was tabled until he could be present.

12. CONTINUING EDUCATION: Ted Stillman said there was in book in the packet by Craig Call that had been written to protect private property from municipalities and government. He said it was an excellent instruction manual on how to go through the land development process, and wanted to review it as part of the training for Planning Commission members. He recommended they read a chapter in between meetings and talk about it at the end of each Planning Commission meeting. He said he would like to try and schedule Craig Call to meet with the Planning Commission and City Council.

13. APPROVE MINUTES OF DECEMBER 13, 2005.

MOTION: Steve McArthur moved to approve the minutes of December 13, 2005 as amended and adjourn. Lincoln Watkins seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 10:15 pm.