

**ALPINE CITY PLANNING COMMISSION MEETING**  
**20 North Main, Alpine, Utah**  
**July 7, 2009**

Minutes of the Alpine City Planning Commission meeting held July 7, 2009 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: Jannicke Brewer, Tami Hamilton, Steve Cosper, Troy Stout, Jason Thelin, Steve McArthur, Brad Reneer

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

Others: Aaron Holtsclaw, Nancy Jones, Tracy Wallace, Steve Christensen

**PUBLIC HEARINGS**

**Development Code – Article 3.1.13 Setbacks:** April Riley said it was proposed to make the following changes to Article 3.1.13 governing how setbacks would be measured: 1) bay windows would have to meet the setback requirement regardless of size; 2) uncovered steps to a basement and an uncovered patio less than 18 inches in height would be allowed in the setback.

There were no comments.

**Development Code – Article 3.23, Accessory Apartments:** April Riley listed the proposed changes to the ordinance which included the following:

1) The definition of an accessory apartment was placed in the beginning paragraph of Section 3.23.7.1; 2) The fire chief would no longer need to approve accessory apartments; 3) Accessory apartments would be permitted only in a basement or above an attached garage; 4) Accessory apartments would have at least one separate entrance from the main dwelling accessible from the outside. The entrance would be located on the side or rear of the dwelling; 5) The accessory apartment permit would be issued by the Building Department rather than the City Recorder; 6) Language that required a homeowner to reapply for a permit if the permit lapsed would be deleted.

A change in the Consolidated Fee Schedule would change the Accessory Apartment fee to a one-time initial charge rather than an annual fee.

There were no comments.

The prayer was offered by Steve McArthur

**1. PUBLIC COMMENT:** There were no comments from the public. Jannicke Brewer said there would be only one meeting held in July 2009. There would be only one meeting in August which would be on August 18, 2009.

**2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS:**

**Zazz – 855 S. Blue Ridge Lane – Nancy Jones:** Ms. Jones requested a conditional use permit for her business of designing and making jewelry, accessories and digital images. She anticipated 0 to 3 customers a week. Some supplies and finished products would be stocked at the home. She would be using 120 square feet of her home or 5%.

**Kylee Clark Photography – 703 N. Main Street – Kylee Clark:** Ms. Clark requested a permit for her photography business. No customers would visit the home. She would be using an office (120 square feet) in her home for picture editing.

**MOTION:** Jason Thelin moved to approve conditional use permits for home occupations for Nancy Jones dba Zazz at 855 S. Blue Ridge Lane and Kylee Clark dba Kylee Clark Photography at 703 N. Main. Tami Hamilton seconded. Ayes: 7 Nays: 0. Motion passed unanimously.

**3. HEALEY LOT LINE ADJUSTMENT – 268 N. 200 E and 295 N. 300 E. - JAY HEALEY**

– April Riley said Jay Healey owned the lots at 268 North 200 East and 295 North 300 East. He was proposing to shift the property line between the two lots, adding square footage to the lot on 200 East. Both lots would still meet the zoning requirements for lot size.

Shane Sorensen said that Mr. Healey would actually have three parcels. Two of the parcels would be combined into one lot. The remaining parcel would be legal a lot.

**MOTION:** Jason Thelin moved to approve the Healey lot line adjustment for the properties located at 268 North 200 East and 295 North 300 East in Alpine. Troy Stout seconded. Ayes: 7 Nays: 0. Motion passed unanimously.

**4. AMENDED ANNEXATION POLICY PLAN AND MAP:** April Riley said the City Attorney David Church had asked why the 40 acres adjacent to Lambert Park and south of the Box Elder subdivision was still on the Annexation Policy Plan and Map since the City had previously denied a request from the owners to annex it. The City Council discussed it then sent it back to the Planning Commission for discussion. April Riley said David Church had sent an email to the City with his recommendation on eliminating the 40 acres from the Annexation Policy Plan. The email was included in the packet.

Troy Stout said the property was shown as a future park. He asked how long ago the property had been designated as park. It was thought to have been designated as such about 10 years earlier.

Ted Stillman said the property was bordered on two sides by Lambert Park so it was thought they should include it as part of Lambert Park, but there was no funding to buy it. The owner either wanted 13 million dollars for the ground or to develop it as a residential subdivision.

Troy Stout said he'd researched it and the 40 acres consisted of several parcels with different owners. He'd spoken to one of landowners who said he thought the designation for the property had changed to 4 homes per acre.

Ted Stillman said that the county zoning was 4 homes per acre.

April Riley said David Church had said that since the City had denied the application for annexation as residential property, the ground would probably have to be purchased at its residential value. If the City did annex it as residential, they could control the zoning.

Troy Stout said he thought they should study the issue further before making a move. He said the landowner he'd talked to had said that the other landowners would be willing to sit down with the City and talk. They would prefer to annex it into Alpine City, but it was already in process with the county.

Jason Thelin said that if they left it on the Annexation Plan, the owners could still develop it in the county. But if it was the City's goal to acquire it, why not leave it in the plan. Who knew whether or not the City could buy it in five years?

Jannicke Brewer noted that one property owner had already taken an application to the county.

Troy Stout said that the landowner he'd talked to would rather develop in the City than in the county. He said they were in the mood to talk.

Tami Hamilton asked if the City would still be stuck with the services if it was developed in the county, and noted that the density in the county was four homes per acre. She said it might be in the City's best interest to control the density.

Jason Thelin asked if the County Commission was inclined to listen to the wishes of the City. Shane Sorensen said they were bound by laws similar to Alpine's. If a development proposal complied with the county ordinances, they couldn't deny it.

Ted Stillman said services in the county were a big issue. The developers would need water and sewer and would probably have to form a water and sewer district to develop it in the county. They would have to prove to the County that they could provide water and sewer for the development. Mr. Stillman said the County would love for development to be part of Alpine because they were not in business of urban development.

Shane Sorensen said the proposed development would be different from Alpine Cove, which had been developed in the county. In the Cove, Alpine City actually owned and operated their sewer lines. On this development a lift station would be required and the City wouldn't be involved in that because the City didn't want to be involved with running a lift station. But the sewage from the new development would ultimately run through City lines.

It was questioned whether the sewage would be pumped through Box Elder subdivision or run through Lambert Park and using gravity feed.

Regarding egress, Shane Sorensen said the development would need a second access for fire. Probably they would want to use the existing gravel road which was the fire access road for Box Elder.

Troy Stout said that there were areas on the west end of Lambert Park that might be more desirable for residential development than the 40 acres, and suggested they consider a trade. That way the development would be closer to improvements and the higher land could be maintained as a park.

Jannicke Brewer said she thought they should leave the 40 acres in the Annexation Plan. Things could change very quickly.

Jason Thelin asked if there was a way to annex the ground and impose certain requirements.

Ted Stillman said the City had the most flexibility in annexations. That was what happened with the Pack property. The annexation and development plan were proceeding at the same time. During annexations they could try to negotiate something that would work for everyone. However, the rules had to be in place for an annexation. They couldn't make them up as they go.

Troy Stout said that it made sense to him to keep the Annexation Plan and Map with the 40 acres shown as park land. Based on the discussion, he didn't get a sense of urgency to change it. He said a lot of people would prefer to see it left as a park, and a dialogue with the owners might result in better options.

Shane Sorensen said they needed to be careful about talking to property owners on an individual basis because they sometimes got the feeling that they had some kind of deal with the City and it resulted in a law suit.

Troy Stout said he had made it clear when he talked to the landowner that he was speaking only as a citizen and not as a representative of the City.

**MOTION:** Jason Thelin moved to leave the Annexation Policy Plan and Map as currently adopted showing the future annexation of the 40 acres adjacent to Lambert Park as park. Troy

Stout seconded. Ayes: 6 Nays: 1. Troy Stout, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton and Steve McArthur voted aye. Brad Reneer voted nay. Motion passed.

**MOTION:** Troy Stout moved that the City Council send representation to speak to private landowners of the 40 acres adjacent to Lambert Park to discuss options that may or may not include annexation. Brad Reneer seconded. Ayes: 7 Nays: 0. Motion passed unanimously.

Ted Stillman said that the City was already planning to talk to one of the owners of this particular property as part of a negotiation on a lawsuit.

**5. DEVELOPMENT CODE, SECTION 3.1.13 – MEASURING SETBACKS:** The proposed amendments to the Development Code would 1) delete the wording in the ordinance that allowed a bay window to extend into the setback no more than two feet, and 2) allow uncovered steps to the basement and an uncovered patio less than 18 inch high to be in the setback.

Brad Reneer said that the reason for setbacks was to protect the privacy of neighboring property owners. He said that in that case, they should also require other cantilevers such as bay windows to meet the setback requirement.

There was a discussion about how setbacks would be measured if bay windows and cantilevered structures could not extend into the setback. Current ordinance required the setback to be measured from the foundation. Jannicke Brewer noted that years earlier the setback was measured from the eaves.

That system of measuring from the eaves resulted in problems because the actual setback could not be measured until the roof was on the house. At that point, requiring the builder to restructure the house to meet the setback became unreasonable and exorbitantly expensive. The ordinance was changed to require setbacks to be measured from the foundation, which could be done at the start of the building process rather than near the end.

Charmayne Warnock from the Building Department questioned why they were changing the ordinance again because the current ordinance was working. There had been no complaints about bay windows or cantilevers being too close to other people's homes.

After more discussion a motion was made to leave the ordinance as written except language would be added stating that uncovered steps to a basement and an uncovered patio less than 18 inch high could be in the setback.

**MOTION:** Jason Thelin moved to recommend the City Council adopt the following changes to Section 3.1.13 of the Alpine City Development Code regarding measuring setbacks:

1. "Uncovered" steps to basement shall not be included in the setback measurement.
2. An "uncovered" patio or deck less than (18) eighteen inches in height from ground surface shall be allowed within (10) ten feet of the rear property line.

Tami Hamilton seconded. Ayes: 7 Nays: 0. Motion passed unanimously.

**6. AMENDMENTS TO THE DEVELOPMENT CODE, ARTICLE 3.23, SECTION 3.23.7.1 – ACCESSORY APARTMENTS.** There were a number of proposed amendments to the Accessory Apartment Ordinance which were reviewed in the Public Hearing held at the beginning of the meeting.

Troy Stout asked if the Planning Commission had discussed the option of allowing apartments above detached garages. Tami Hamilton indicated if the City allowed apartments in detached

structures, they would be more like a guest house. Jannicke Brewer said the current ordinance allowed guest houses only on a lot that was no less than five acres. Jason Thelin said if an apartment was over a detached garage on a smaller lot, it would not really be a guest house, but just an apartment over a garage.

Jannicke Brewer read the ordinance on setbacks of accessory buildings that stated the accessory building had to be at least 12 feet from the main dwelling. Steve McArthur said an accessory apartment should be similar to a home occupation in that it should be secondary to the use of the home.

Brad Reneer asked if they wanted to enable property owners to do as much as possible with their property so there would be some moderate income housing in Alpine.

Jannicke Brewer said her daughter had been thinking about the possibility of building an apartment on the back of the house to take care of her when she got old. That possibility would be eliminated if the accessory apartments were restricted to the basement or over the garage.

Jason Thelin said he thought the definition of an accessory apartment was too broad. He didn't think it should be defined as an accessory apartment unless the tenant was paying rent. He also asked if the City could force him to bring an apartment up to code.

April Riley said existing accessory apartments were handled on a case by case basis. If it was completed, the building inspector had no way of knowing what was behind the walls or if it complied with the code that was in effect at the time it was built. Some older apartments may not meet the safety requirements for a legal apartment. They would need to take steps to address it.

Jannicke Brewer said she disagreed with the proposed requirement that the entrance should be on the side or in the rear. Some homes had a second entrance in the front.

The Planning Commission discussed the off-street parking requirements and decided to increase it from three to four spaces.

**MOTION:** Steve McArthur moved to recommend the City Council adopt the following changes to the Accessory Apartment Ordinance, Section 3.23.7.1 of the Development Code.

1. The introductory paragraph shall read: "An accessory apartment shall be considered a subordinate dwelling within and part of a principle dwelling, and which has its own cooking, sleeping and sanitation facilities. Accessory apartments may be permitted as a conditional use upon approval of the City Planner and Building Official." Approval by the Fire Chief is deleted as a requirement.
2. Add the requirement that accessory apartments shall be permitted only in a basement or above an attached garage.
3. Change the parking requirement to read that a single-unit detached dwelling with an accessory apartment shall provide not less than four (4) off-street parking spaces with at least one space designated for the accessory apartment.
4. Add the requirement that accessory apartments shall have at least one (1) separate entrance from the main dwelling accessible from the outside. The entrance shall be located on the side or rear of the main dwelling.

5. Under item #10 strike the word "City" and replace it with "Building Department." Add: "Such permit shall be in addition to any building permits that may be necessary." Strike the remaining two sentences in item #10 identified in red.

Steve Cosper seconded. Ayes: 5 Nays: 2. Steve McArthur, Steve Cosper, Jason Thelin, Tami Hamilton and Troy Stout voted aye. Jannicke Brewer and Brad Reneer vote nay. Jannicke Brewer said she was opposed to restricting accessory apartments to the basement or above an attached garage. Motion passed.

#### **7. APPLE CREEK FARMS – PRELIMINARY AND FINAL PLATS – STEVE**

**CHRISTENSEN:** April Riley said the proposed subdivision was located at 795 E. Alpine Boulevard and consisted of 5 lots with an existing home on one of the lots. The fire chief had approved the location of the fire hydrant.

Shane Sorensen said most of the conditions had been met by the developer since he wrote his review letter. There were some minor items remaining and he had talked to their engineer who said he was taking care of them. The boundary line adjustment south of lot #4 would need to be done prior to recording the plat.

Steve McArthur asked if there was a note on the final plat restricting driveway access onto Alpine Boulevard. Shane Sorensen said it was noted on the revised final plat. Mr. Sorensen said there were no building envelopes shown on the plat, but they wouldn't be needed.

Shane Sorensen said a sump was shown on the corner of each lot on the cul-de-sac. Storm drainage would continue to go into the street. The corner lots would need a second address.

**MOTION:** Steve McArthur moved to grant preliminary approval and recommend final approval to Apple Creeks Farms subdivision subject to the following conditions:

1. A bond be provided for the cost of the improvements (this is required at recording).
2. Coverage under the UPDES Storm Water General Permit of Construction Activities must be obtained prior to construction.
3. Any correction found necessary on the final plat be addressed.
4. The boundary line adjustment south of lot #4 be completed.
5. Second addresses for lots #1 and #2 be added to the plat.

Troy Stout seconded. Ayes: 7 Nays: 0. Motion passed unanimously.

#### **8. APPROVE MINUTES OF JULY 7, 2009.**

**MOTION:** Troy Stout moved to accept the minutes of June 16, 2009 as written and adjourn.

Tami Hamilton seconded. Ayes: 7 Nays: 0. Motion passed unanimously.

The meeting was adjourned at 9:08 pm.