

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
June 20, 2023

I. GENERAL BUSINESS

- A. Welcome and Roll Call:** The meeting was called to order at 6:00 p.m. by Co-Chair Alan Macdonald. The following were present and constituted a quorum:

Chair:

Commission Members: Alan Macdonald, Troy Slade, John Mackay, Ethan Allen, Jeff Davis, Susan Whittenburg

Excused: Jane Griener

Staff: Ryan Robinson, Jed Muhlestein, Marla Fox

Others:

B. Prayer/Opening Comments: Susan Whittenburg

C. Pledge of Allegiance: Ethan Allen

II. REPORTS AND PRESENTATIONS

None

III. ACTION ITEMS

- A. Public Hearing: Adopt language outlining the code compliance process to Section 3.26 of the Development Code.**

Ryan Robinson said the [Alpine Development Code 3.26 Penalties](#) is the current standard when it comes to enforcing the Development Code of Alpine City. This section gives city staff directions when something has been found to be out of compliance with the code. Upon review by city staff as well as the city attorney, it has been determined that we are missing a lot of vital information that is needed to guide this process of ensuring the code is adhered to.

The language presented was recommended by the city attorney as they have developed it for several other communities. It has been reviewed and edited by several departments within the city and that version is now available for review by the Planning Commission. Some changes to highlight include:

- Aims to ensure compliance with the code and state laws to protect public health, safety, welfare, and quality of life.
- Utilizes administrative actions as a first-resort tool to resolve violations, but judicial actions may be pursued if necessary. Civil cases involve compensation or orders, while criminal cases involve arrests, fines, and charges on records.
- Outlines the process for administrative notices for noncompliance with the code that can be issued by an Enforcement Official and may include civil penalties, payable to the City Treasurer's Office.
 - The Administrative Notice contains information such as violation details, code sections violated, civil penalties, payment instructions, the right to request a hearing, and the requirement to cease the Violation.
- Outlines the duty of the code compliance officer and detailed steps of the process of a code compliance issue.
- Explains the process to appeal the code compliance violation notice.

- Requires recording of violation and how long the record shall exist.
- Highlights penalties for noncompliance.

Alan Macdonald opened the Public Hearing. There were no comments and Alan Macdonald closed the Public Hearing.

Alan Macdonald asked how staff came up with this document and who reviewed it Ryan Robinson said we needed a code to address when residents are out of compliance. He said staff met and came up with some suggestions and took it to our City Administrator and to our Attorney to review.

Jeff Davis asked if civil penalties were a new thing. Ryan Robinson said this is new. He said before this, the city would send a letter which didn't really do anything. He said if someone is out of compliance, the city would give them time to get into compliance; ten days so before a fine would be issued.

Alan Macdonald said we don't want to be overly punitive to our citizens; he said we need to have some sort of enforcement but we're not in this to make money. He said he read through the material and felt like it was fair and had been battle tested in other cities. Ryan Robinson said we will work with residents to come into compliance. We will let them know what the process is and a way to appeal if they disagree.

Ethan Allen said we need to notify residents that they are out of compliance and are being fined. Ryan Robinson said residents will be notified. Ethan Allen said his concern is that we haven't been able to get a hold of a vacant landowner if they are out of state and we just keep fining them. Ryan Robinson said there is leeway so there will be justice and mercy when needed.

Troy Slade said there was a section in there about the city having power to raise and grade that portion of the building to prevent further collapse and remove any hazard if they can't get a hold of the responsible person.

Ryan Robinson said if we can't get a hold of the owner and it is a safety or health issue, the city could go in and fix the situation without permission.

MOTION: Planning Commission member Ethan Allen moved to recommend approval of the code amendments to section 3.26 of the Alpine Development Code regarding standards for penalties of noncompliance of the code with the following change:

1. Places where Director is listed, change to Code Officer.

John Mackay seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan Macdonald
 John MacKay
 Jeff Davis
 Ethan Allen
 Troy Slade
 Susan Whittenburg

Nays:

Excused

B. Code Amendment to 3.25.080 Commercial Building signs review of standards.

Ryan Robinson explained about recent changes to section 3.25.080 of the Alpine Development Code (DCA) regulating signs on commercial buildings prohibited signs from being backlit. After receiving applications requesting their signs to be front-lit, the Planning Commission expressed a desire to change the language in section 3.25.080 #2 from saying back-lit to internally lit. This would prohibit signs from having internal lights while still allowing lighting to be pointed at the signs. After reviewing meeting minutes from when the original changes were made, this seems to be more in line with the intent expressed by the Planning Commission.

The Planning Commission held a public hearing on this amendment during their June 6th, 2023, meeting. During that discussion city staff was asked to provide language addressing the following points:

- Proposed language inserted into the code section on backlight or internal lighting.
- Include language on lumens or brightness.
- Include a decision of clause #8 requiring City Council approval.

In regard to the brightness of the signs, the Utah Sign Association was contacted, and sign brightness was discussed, and this is their recommendation. *“As an industry, we strongly discourage jurisdictions from including signs in lumen caps. We do, however, have brightness standards that we recommend. These have been adopted by more than 350 jurisdictions in the U.S.”*

These changes have been included in the most recent draft for the Planning Commission to review.

Ryan Robinson said the new language we have previously discussed states: *Signs or any portion thereof which is illuminated by lighting from an internal source that shines through the sign and is directed outward are prohibited.*

Ethan Allen said he thought we discussed allowing halo lighting as an option. These signs basically silhouette the sign on the wall.

Alan Macdonald said we have discussed this multiple times and we need to move it on. He suggested leaving the verbiage as is, with the addition of adding halo lighting.

Jeff Davis asked if we could just add halo signs under number three of 3.25.080. He also asks that a visual picture be included.

Ryan Robinson said number four states: *The illuminance of a sign shall not increase ambient lighting conditions by more than 3.3 footcandles when measured perpendicular to the sign face at a distance set forth below.*

Alan Macdonald said we don't have an objective standard to measure light if someone calls to complain about a sign being too bright.

MOTION: Planning Commission member Ethan Allen moved to recommend approval of the code amendment limiting backlit or internal lighting for signs, limiting the brightness of each sign, and requiring commercial building signs only be reviewed by the Planning Commission as the Gateway Historic Committee as proposed, with the following changes:

1. Add halo lighting signs under number three with a reference image.
2. In number four, change electronic message center to sign.

3. Change footcandles to lumens at 3.3.

John Mackay seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan Macdonald
John MacKay
Jeff Davis
Troy Slade
Ethan Allen
Susan Whittenburg

Nays:

Excused

IV. COMMUNICATIONS

None

V. APPROVAL OF PLANNING COMMISSION MINUTES: June 6, 2023

MOTION: Planning Commissioner John MacKay moved to approve the minutes for June 6, 2023, as written.

Susan Whittenburg seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ethan Allen
Troy Slade
Alan Macdonald
John MacKay
Jeff Davis
Susan Whittenburg

Nays:

Excused:

MOTION: Planning Commissioner Susan Whittenburg moved to adjourn the meeting.

Troy Slade seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ethan Allen
Troy Slade
Alan Macdonald
John MacKay
Jeff Davis
Susan Whittenburg

Nays:

Excused:

The meeting was adjourned at 6:46 p.m.