

**ALPINE CITY PLANNING COMMISSION MEETING**  
**Alpine City Hall, 20 North Main, Alpine, Utah**  
**March 1, 2011**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** 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: Jason Thelin, Tami Hamilton, Todd Barney, Bryce Higbee, Steve Cosper

Members not present: Steve Swanson

Staff: April Naidu, Shane Sorensen, Andrea Chapman

Others: Teri Nitta, Carlee Powell, Brad Freeman, Will Jones, Marvin Pack, Ken Walker, Trisha Walker, Roger Bennett, Lon Nield

**B. Prayer/Opening Comments:** Jannicke Brewer

**II. PUBLIC HEARING**

**A. Concept Plan for a 4 lot subdivision at approximately 1101 E. Alpine Blvd. (Roger Bennett property):** April Naidu explained that the applicant had submitted a concept plan for 4 lots in the CR-40,000 zone. April Naidu said that the applicant was working with the adjacent property owner to the south and west (Lon Nield) on an alignment for Quail Hollow to connect to Alpine Blvd. that would allow for development of both owners' property.

April Naidu explained that part of the property for this proposed plan would have to be annexed into the City. April Naidu said that the City Council accepted a revised annexation petition at its last meeting in February 2011 that would start that process. April Naidu said that any approvals that the Planning Commission gave needed to be subject to the annexation going through. April Naidu said that all of the lots were 40,000 square feet.

No public comment.

Jannicke Brewer closed the hearing at 7:04 pm.

**B. Development Code – Section 3.1.11 (Definitions):** April Naidu explained that the City attorney advised the Planning Commission to look at the definition of a residence, particularly in regards to rental homes to address short-term rentals. April Naidu said that the proposed wording was as follows:

**RESIDENCE.** A dwelling unit where an individual or family is actually living at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days.

April Naidu stated that they had also amended the definition of “dwelling” and changed the definition of “family” to use the word “domestic help” rather than “servants” and added that it “does not exclude the care of foster children.”

April Naidu said they also added definitions for “reasonable accommodation” and “residential facility for persons with a disability” because the ordinances that were adopted for these issues did not have any definitions in them.

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No public comment.

Jannicke Brewer closed hearing at 7:07 pm.

### III. PUBLIC COMMENT: None

### IV. ACTION ITEMS

#### A. Conditional Use Permits for Home Occupations

**CaJo LLC– 343 River View Dr.– Carlee S. Powell:** Carlee Powell explained her business as a service company with a website that did independent supplier audits for different companies. Mrs. Powell explained that at her home she only used a computer and did some paper work.

**Shining Stars– 383 E. 300 N. – Trisha Walker:** Jannicke Brewer explained that there was a stipulation with conditional uses for home occupations that you could not occupy an area more than 25% of the ground floor area or 500 square feet, whichever was less. Jannicke Brewer said that the total combined square footage used when there was more than one business in the home could not exceed the same amount.

Trisha Walker said that she would have a daycare in her home and would be using 400 square feet.

Jason Thelin asked how many children Trisha Walker would be having at her home and she said there would be six at the most.

Jason Thelin wondered if the yard counted as part of the allowable square footage. Jannicke Brewer said that it did not count towards it.

Tami Hamilton asked if Mrs. Walker was licensed by the state and Trisha Walker responded that she was in the process of getting everything approved.

Jason Thelin questioned Mrs. Walker about parking. Trisha Walker said she lived right across the street from the elementary school and there was plenty of parking. Mrs. Walker also said that most of the kids walked to her home and then walked to school afterward so parking would not be an issue.

**Walker & Sons– 383 E. 300 N. – Ken Walker:** Ken Walker said that his business was landscaping but was not in the home. Mr. Walker said that his space was only going to be 75 – 100 square feet to store equipment (lawn mowers, hand equipment etc).

**Brohon Media LLC– 346 N. Hunters Ridge Cir. – Jared Bridegan:** This was a digital media post production editing outlet. Jared Bridegan was not present. The Planning Commission had no questions.

**My Plaque– 497 Hayley Ct. – Teresa Nitta:** Teresa Nitta explained that this was an internet website where she sold plaques predominantly for youth. Mrs. Nitta said that she was only using her home office for her business which was about 12 ft x 11ft. Mrs. Nitta said that she did not carry a lot of stock in her home.

**The Glory Be Thine– 497 Hayley Ct. – Teresa Nitta:** Teresa Nitta explained that this was a nonprofit that provided plaques for low income families. Mrs. Nitta said she used the same computer and office for both businesses.

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Steve Cosper asked about the additional employee that was on Teresa Nitta's application. Mrs. Nitta said that if she was ever out of town she would call somebody to fill orders in her absence.

**Motion:** Tami Hamilton moved to grant conditional use permits for home occupations to Carlee S. Powell dba CaJo LLC at 343 River View Dr., Trisha Walker dba Shining Stars at 383 E. 300 N., Jared Bridegan dba Brohon Media LLC at 346 N. Hunters Ridge Cir., Teresa Nitta dba My Plaque at 497 Hayley Ct., Teresa Nitta dba The Glory Be Thine at 497 Hayley Ct., and Ken Walker dba Walker & Sons at 383 E. 300 N. Steven Cosper seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

**B. McNeil Plat D Concept Plan:** Jannicke Brewer explained that in a minor subdivision, a parcel could be divided into pieces as long as the parcel was capable of further subdivision. Jannicke Brewer further explained that Lon Nield did not want to subdivide his 8.25 acre parcel quite yet and only wanted to develop his 4 lots that were on 5.645 acres.

Jason Thelin wondered what Roger Bennett's plan was for the property east of his property. Roger Bennett said he had no plans to develop in the near future and was only there to help facilitate so that Lon Nield could develop his property when he wanted to. Roger Bennett said he was not planning on finishing Alpine Blvd., he just wanted to take it to final so he knew he had his four lots. Roger Bennett said he had already given the right-of-way for Alpine Blvd. to the City.

Jannicke Brewer wondered if Roger Bennett had considered that approvals expired.

Will Jones asked if the Planning Commission would make an exception and extend the approval beyond six months because they were dependant on each other to go through this process.

Will Jones said Roger Bennett was there because they had to coordinate their lots together so they were all on the same page and could meet 100% of the ordinance. Will Jones said they wanted to make sure there was proper alignment from Quail Hollow all the way through to Alpine Blvd.

Steve Cosper wondered when the City would finish Alpine Blvd.

Shane Sorensen said that if the City decided to move forward on Alpine Blvd., they had to give a 120 day notice. Shane Sorensen explained that if the City moved forward on the road and later the developer decided to develop, they would not have to reimburse the City. However, if the developer developed his property first, he would have to pay for it.

Shane Sorensen explained that if the City decided to go forward with the road, they would want utilities to go in first. Shane Sorensen said that little by little Alpine Blvd. was extending through development but he did not foresee the City having the funds to extend it in the near future.

Bryce Higbee asked what role annexation played in this process.

Shane Sorensen said that in order for the developers to apply for development, the property had to at least be in the annexation process.

Jannicke Brewer said that the Planning Commission could not approve a subdivision unless the whole piece was inside of the Alpine City boundaries.

Shane said it was a real benefit that both property owners were working together so they could all protect their interests.

Lon Nield said that another reason they were working together was so that all the improvements were put in at the same time rather than “piecemealing” it.

Jannicke Brewer said that the City Council approved to go forward with the annexation from the City border to the right of way.

Todd Barney asked about the pavement requirements.

Shane Sorensen said that the street master plan required developments to pay for local class streets but when there was additional pavement width, the impact fees covered the additional 12 feet. Shane Sorensen said that typically the developer would install the road and the City would reimburse them for the extra 12 feet of pavement width.

Jannicke Brewer asked if Eastfield ditch on lot 2 was required to remain open. Shane Sorensen said it was required to be open and that there would be an easement on the ditch and they would have them clean the ditch alignment up. Jannicke Brewer said they would need to show a building envelope on lot 2.

Jannicke Brewer asked if a full road or partial width road would be required on Quail Hollow. Shane Sorensen said the staff would like to see the full road but it would be up to the City Council.

Shane Sorensen said that in the end it would cost more money to do a partial width street and a full road would be a better quality road.

Jannicke Brewer said that the driveways of the 4 lots that belonged to Roger Bennett were on an arterial street and would require driveways that did not back out onto the street except for the lot on the corner which could have a driveway onto Quail Hollow. .

Steve Cospers wondered how the sidewalk would be done on Quail Hollow. Shane Sorensen said they planned to have sidewalk on the east side but not the west.

Jannicke Brewer said the developer needed to state the proposed source of water.

**Motion:** Jason Thelin moved that the Planning Commission grant concept approval for the proposed McNiel Plat D subject to the following conditions:

1. The McNiel No. 4 Annexation be approved.
2. The necessary boundary adjustments between property owners be completed in accordance with the City’s requirement.
3. The proposed source of water rights to meet the water policy be stated.
4. The DRC and Planning Commission recommend and the City Council approve access for the lots from Alpine Blvd.

Todd Barney seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steve Cospers, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

**C. Roger Bennett – 4 lot subdivision concept plan:** Discussion took place at the same time as the discussion on McNiel Plat D (see item B above).

**Motion:** Jason Thelin moved that the Planning Commission grant concept approval for Roger Bennett- 4 lots concept plan subject to the following conditions:

1. The McNiel No. 4 Annexation be approved.

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2. The necessary boundary adjustments between property owners be completed in accordance with the City's requirement.
3. The DRC and Planning Commission recommend and the City Council approve access for the lots from Alpine Blvd.
4. The proposed source of water rights to meet the water policy and be stated.

Tami Hamilton seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

Will Jones said that they wanted to come with their engineer to have a discussion and then move on to concept on the 8.25 acre parcel.

**E. Propane Tanks:** April Naidu explained that over the last year or two the City had an increase in building permit applications for people wanting to install large propane tanks on their properties. She said there was one person that had 3 1,000 gallon tanks on their property already. April Naidu said that the new Fire Chief, Brad Freeman had expressed some concerns about propane tank installation.

April Naidu said she had put some draft regulations together based on the Utah State Code, International Fire Code and the National Fire Protection Agency. Also enclosed in the packet were regulations used by Utah County.

April Naidu said the fire chief would like to discuss if the city wanted to limit the size of a tank that could be installed above or below ground on any given lot.

April Naidu said that Brad Freeman was concerned because he did not know where propane tanks were in the case of a fire. April Naidu mentioned that Brad Freeman also wanted a yearly inspection on the equipment.

Brad Freeman said he spent 22 years in Murray as a fire fighter and never had one applicant for a propane tank to go in underground and in Alpine City they come in every month or two.

Brad Freeman explained that propane is dangerous because it is heavier than air and can stay along the ground and seep into the soil. Brad Freeman said a 500 gallon tank could level a whole block and destroy 12 homes if it blew up.

Brad Freeman explained that the county had an ordinance for propane tanks for the cabins that did not have natural gas service. Brad Freeman said that people in Alpine were putting propane tanks in so they would have heat in case of an emergency. Chief Freeman explained that the most likely disaster in our area would be an earthquake and if we had an earthquake the propane tanks and their piping would have major problems. Brad Freeman explained that the propane could seep through foundations of other homes, find pilot lights, and explode. Chief Freeman mentioned that in San Francisco the earthquake did not cause most of the damage, broken gas lines did.

Brad Freeman said that once the tank was buried no one could inspect it and it only lasted 18 years underground. Brad Freeman said he would not allow 2- 1000 gallon tanks but only allowed 1 tank when someone recently wanted to put 2 in. Brad Freeman said some of the tanks were only 10 feet from their neighbors and the neighbors did not know it.

Bryce Higbee wondered if they could put a moratorium on installing propane tanks until they could write an ordinance.

Tami Hamilton wondered how many propane tanks there were installed at the time.

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Brad Freeman said he knew there were a whole bunch but he did not know where they were.

Steve Cospers wondered why Alpine City would allow propane tanks since we had a different source of heat and a small leak could potentially cause destruction.

Todd Barney said he thought propane tanks should either be above ground or in a vault underground.

Brad Freeman said that people did not want to install above ground tanks because of aesthetics. Brad Freeman said that for inspection purposes, he would prefer to see the tanks above ground in proper facilities.

Jannicke Brewer asked about scratching the paint on the propane tanks as well as erosion and how that would affect the tanks.

Brad Freeman said the biggest problem was electricity running through the ground and putting holes in the tank. Brad Freeman said that the propane tank company said that everything was safe, but he believed there were issues and over the years they could erode, rust etc.

Jannicke Brewer said she thought they should recommend to City Council to put a moratorium on propane tanks until they had time to work through the issue and decide which way to go.

Jannicke Brewer said in the Zoning Ordinance it stated:

**3.1.7 USES PROHIBITED IN ZONES UNLESS SPECIFICALLY PERMITTED.** Uses of land which are not expressly permitted within a zone are expressly prohibited therein, except as may be permitted by recommendation of the Planning Commission and approval of the City Council, pursuant to express authority given under terms of Ordinance.

Jannicke Brewer wondered if there was anything in our ordinances that permitted propane tanks.

April Naidu said that there was a reference in the Sensitive Land Ordinance that talked about how far away vegetation had to be, etc. and said they could ask the City Attorney whether Section 3.1.7 would apply to propane tanks also.

Bryce Higbee said that if propane tanks were going to be allowed, they should look at reducing the size allowed.

Steve Cospers said that there should be a stipulation requiring more space between neighbors when larger tanks were installed.

Bryce Higbee said that an additional requirement requiring the property owner to be able to look at or inspect the tank should be in place.

Steve Cospers suggested putting a statement in the Newsline about the propane tanks.

Jannicke Brewer said that the most important thing was to have them installed by a person that knew what they were doing. April Naidu said that state law already required the tanks to be installed by someone who was licensed/certified by the State Fire Marshal's Office.

Brad Freeman said that in a seminar he attended, he was told that at Columbine High School, the offending students rolled a 5 gallon barbecue propane tank surrounded by nails into the cafeteria. Brad Freeman was told that it could have leveled the whole school if it had exploded.

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Jason Thelin said he thought they needed more information about this topic before putting a moratorium on it.

Brad Freeman said when they put them in towns that did not have gas services it was a necessity and was done in the right way. Brad Freeman said that if Alpine City did not have natural gas then he would be fine having propane tanks but he wondered why we should allow that “little measure of unsafety” in the community when it was not for a basic service and could affect a whole neighborhood.

Tami Hamilton agreed that they needed to put a hold on allowing propane tanks while they figured out what they wanted to do so that people did not install them in the meantime.

Brad Freeman thought 500 gallons was a reasonable amount to be allowed and said he would rather deal with a 500 gallon tank than a 1000 or 2000 gallon tank. Brad Freeman said that if the propane tanks were being used for emergency protection only, he did not see why they needed to be more than 500 gallons.

Steve Cosper asked Brad Freeman what his opinion on a moratorium was. Brad Freeman said he would put a moratorium on anything above 500 gallons until they figured out what they wanted to do.

Brad Freeman said that propane tanks needed to be inspected once a year.

Jannicke Brewer mentioned only allowing above ground propane tanks because they would be easier to inspect.

Brad Freeman said an explosion would be worse if the explosion happened above ground as opposed to underground so there were pros and cons to both.

Jason Thelin said that he would vote against a motion unless it was a moratorium only against propane tanks over 500 gallons.

**Motion:** Steve Cosper proposed that the Planning Commission recommend to the City Council to put a 3 month moratorium on installation of propane tanks in Alpine City in order to develop an ordinance for regulation of installation etc. Bryce Higbee seconded. Ayes: 5. Nays: 1. Bryce Higbee, Steve Cosper, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Jason Thelin voted nay. Motion passed.

**D. Development Code – Section 3.1.11 (Definitions):** Bryce Higbee wanted to change item 34 “REASONABLE ACCOMODATION” to say “for purpose of this and related ordinances the following words have the following meanings” rather than saying “the following words have the following definitions.” Bryce Higbee also wanted to change item 36 “RESIDENCE” to use the word “domiciled” rather than “living.”

**Motion:** Tami Hamilton moved to recommend to City Council to accept section 3.1.11 definitions with the following changes: on number 34, “REASONABLE ACCOMMODATION,” instead of “the following words have the following definitions” change it to “for purposes of this and related ordinances the following words have the following meanings” and on number 36 under “RESIDENCE,” change it to “A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit” using the word domiciled instead of living. Todd Barney seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

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**F. Development Code – Article 4.4 (Procedure for Submission and Approval of Subdivisions):** April Naidu explained that Article 4.4 of the subdivision ordinance outlined the procedure for submitting subdivision applications and how they were approved. April Naidu said this section was redundant because the procedure was also outlined in Article 4.5 (Minor Subdivisions) and Article 4.6 (Major Subdivisions) making 4.4 unnecessary. April Naidu explained that the only difference was that Article 4.4 stipulated that if a concept plan application lapsed for 6 months or more the applicant would have to resubmit the list of property owners within 500 feet (this applied only to major subdivisions). April Naidu said the Planning Commission needed to decide if they wanted to keep this stipulation and move it to the appropriate places in Articles 4.5 and 4.6.

**Motion:** Jason moved to set a public hearing for the proposed changes in Article 4.4 for April 5<sup>th</sup>, 2011. Tami Hamilton seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

## V. COMMUNICATIONS

Tami Hamilton asked what the reasons would be (for or against) the Planning Commission granting an extension to Roger Bennett.

Jason Thelin thought they should grant an extension to Roger Bennett because he was not asking for anything special and he just had 1 acre lots with no variances. Jason Thelin also mentioned that the City wanted Alpine Blvd. to go through so he did not see any negatives in approving it.

Shane Sorensen said that Roger Bennett did not want to lose out and end up with 3 lots because part of his property was necessary for the road to go through. Shane Sorensen said that Roger Bennett wanted to protect his interests and he did not think there was any harm in giving the extension. Shane Sorensen said that if they were worried about setting precedence, they could put in their motion that they were only extending it because the property owner was working with the adjacent property owner or something to that effect.

## VI. APPROVAL OF MINUTES

**Motion:** Bryce Higbee moved to approve the Planning Commission minutes of February 1, 2011 and adjourn. Todd seconded. Ayes: 6. Nays: 0. Bryce Higbee, Steve Cosper, Jason Thelin, Jannicke Brewer, Tami Hamilton, and Todd Barney voted aye. Motion passed unanimously.

ADJOURN at 8:45 pm