

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
June 17, 2014**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Bryce Higbee, Steve Cosper, Jannicke Brewer, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Jason Thelin

Staff: Jason Bond, Jed Muhlestein, Marla Fox

Others: Dennis Fox, Mark Droubay, Andrew Dickens, Barbara DiConza, David Wunderli, Terry Long, Jason Baumgartner, Ken Berg, Don Watkins, Will Jones, Skylor Smith, Taylor Smith, Mark Wells, Ellen Hall, Lauren Hall, Taylor Hall, Troy Ellis, Rhett Andersen

B. Prayer/Opening Comments: Steve Swanson

II. PUBLIC COMMENT

No comment

III. ACTION ITEMS

A. PUBLIC HEARING – Lambert Park (Gates, Speed Limits, and Motorized Vehicles)

The Council is considering whether to place some sort of gates in Lambert Park where Moyle Drive enters the park and where Box Elder Trail enters the park. The nature of the gates has not been determined. The need for other gates into the park has been discussed but no determination has been made.

The Council is considering placing a 10 MPH speed limit on all roads in Lambert Park. Speed limit signage has also been discussed.

The Council is considering banning all motorized vehicles (cars, trucks, ATVs, motorcycles, etc.) from the park. The only exceptions would be:

1. Use by City vehicles and/or City subcontractors doing work for the City.
2. Use by emergency vehicles (fire trucks, ambulances, police, etc.).
3. Use by residents under emergency conditions.
4. Use by residents to view the poppies during poppy season.

The City Council wanted to get the public's input on this topic before a decision was made.

Terry Long said her concern is with where the city put the pipe in, it has created a bump in the road. The kids are using this as a jump for their motorcycles and Mrs. Long said it is an accident waiting to happen. She asked if the road through Lambert Park was an emergency access road only. She said many construction trucks are using that road and are driving on it at high speeds. She asked if this road would be gated off because she is concerned with safety.

David Wunderli said we should not prohibit motorized vehicles altogether but to police the motorcycles and ATVs that use the park. He said he would be more in favor of a speed limit and promote respect for others using the park. He asked who was enforcing the use of the road by the construction workers.

Jannicke Brewer said the vehicles don't stay on the designated roads and they tear up the terrain. David Wunderli said he disagrees because he doesn't see motorized vehicles on a mountain bike trail. He said the construction trucks are making the trails wider.

Tessa White said she is very much in favor of a gate because she said the road is 45% wider since the flood. She said the Park is used very regularly by construction trucks and what is a pretty sacred park has turned into a thoroughfare. She said the road needs to remain as an emergency access road and the gates would help make that happen. She said she doesn't mind the ATV's as long as they stay in the designated areas, although they are very noisy. She said she loves the biking trails and thinks they are something unique to Alpine and said we have a real opportunity to turn Lambert Park into something special. She said she loves the mountains and the hiking trails and would like to see more signage about the trails. Beginning, intermediate, and advanced trails marked with the history and stories about the trails and the area they are in. A good example would be a pioneer story about the poppies, or other indigenous plants. She said to put signs on the trails telling that in a certain year an avalanche came through that area. She said we need to limit the high traffic access that could ruin the park.

Rhett Anderson said he moved here so he could have access to the hills. He said there are issues that need to be addressed at the end of Moyle Park. He said signs need to be posted for safety and maybe a speed limit addressed. He said there are intersections in the park that are dangerous that need to be addressed. He does not want to see motorized vehicles prohibited from the park but to regulate them.

Chuck Castleton said he doesn't want to ban vehicles completely. He said we don't have the man power to enforce rules so he doesn't know how to solve that issue. Steve Cosper said he is not in favor of gates and speed limits are not enforceable. Steve Swanson said he likes that motorcycles and ATV's have some place to go ride in the city. He said if the emergency road is being used by construction workers, then maybe a gate is needed across that road to prohibit those workers from cutting across the park.

Steve Cosper asked if the bump could be graded down. Jason Bond said the box culvert is creating a jump at the bottom by Moyle Drive. Jannicke Brewer said she is against motorized vehicles in the park. She said they do a lot damage to the park and she doesn't like it. Bryce Higbee said this is an enforcement issue. If you put signage in the Park, it will be torn down. The mountain bikers try to self police the area and address problems as they see them. He said he would be in favor of putting a crash away gate at the entrance of the emergency road to keep the public and work trucks off that road. Steve Swanson said the hill climbers are also a problem and maybe they should be fined. Jannicke Brewer said maybe we need some enforcement and some hefty fines to stop the rule breakers.

Steve Swanson asked if we could have the people who have motorcycles and ATV's come in to the City and get a sticker or a license. He said if people are breaking rules in the park, others could report them to the city by giving their sticker number. Bryce Higbee said if we had a police presence in the park now and then the problems would be lessened. Judi Pickell said we need to put more signage in the park.

Ellen Hall said if there was signage in the Park with a number to call to report violators she said people would call to report those people. She also said to put up a sign that says respect our parks. Chuck Castleton said if the police went up there every so often and wrote out some tickets the problem would go away.

David Wunderli said if the City does not act quickly and shut off that road to construction workers; it is going to become a huge problem. He said construction traffic is going to increase rapidly when the new Box Elder Subdivision comes in. The Planning Commission discussed putting a gate across that road and the pro's and con's of that.

MOTION: Bryce Higbee moved to recommend to the City Council to review these issues in Lambert Park.

1. Increase the signage.
2. Do not ban motorized vehicles in the Park.
3. City Council approves a temporary or permanent gate at Moyle Drive to decrease the amount of traffic that's driving on that road currently.
4. Police presence and enforcement.

Steve Swanson seconded the motion. The motion was not unanimous but passed with 5 Ayes and 1 Nays. Bryce Higbee, Jannicke Brewer, Chuck Castleton, Steve Swanson, and Judi Pickell all voted Aye. Steve Cosper voted Nay.

B. PUBLIC HEARING – Eagle Pointe PRD Concept Plan – Mark Wells and Taylor Smith

The proposed Eagle Pointe Subdivision is located at approximately 800 west 600 North (just north of the intersection of Hog Hollow Road and Matterhorn Drive). The proposed subdivision consists of 15 lots ranging from 20,498 s.f. to 62,133 s.f. on a site that is 31.88 acres and includes approximately 16.91 acres of open space. The site is located in the CR-40,000 zone. The City Council determined that the proposed subdivision will be developed as a PRD. The development was formerly known as the Vista Meadows PRD subdivision.

Jason Bond said this subdivision was approved to be built as a PRD by the City Council in July of 2013. Because it is being brought back to the Planning Commission, they can decide if they want to recommend leaving it as a PRD or recommend the subdivision be built as a regular subdivision. Jason Bond said the Planning Commission also needs to discuss the use of retaining walls in this subdivision.

Jannicke Brewer said many plans have been considered for this subdivision. She said this new plan does not ask for exceptions and follows our ordinance. Ellen Hall said she is against this subdivision even though it follows the ordinance because the road will come down past her home. She said this is not a natural place to put a road and it will dump a lot of traffic on her street. She said she understands the developer has a right to build but she does not want to see big retaining walls that will ruin the scenery and beauty of Alpine. She said if the City would allow the developer to build with a longer road then everyone wins. Jannicke Brewer said the Fire Chief was very much against the plan to have longer roads and denied the plan based on safety reasons. She said other plans brought in have also had retaining walls because any road put in will require retaining walls. She said we can't build a road to the west because that is not City property.

Kent Fitzgerald asked about the stub street and the retaining walls. Mark Wells explained what they had in mind for the retaining walls stating the highest point would be 24 feet vertical walls which reduce the height. He said it would be an engineered wall that you could put any type of façade on.

Mark Wells said the best plan would be to have the secondary access road, which the Fire Chief suggested. He said the maximum height on the retaining walls for that plan is a maximum of eight to twelve feet. He said for whatever reason the City Council would not approve that plan. Steve Cosper said it was because it did not meet the ordinance. Mark Wells said that was the City's interpretation and it is in the ordinance and can be done. Jason Bond said it could be done through an exception and that is what the dispute was about; whether an exception should be granted. Mark Wells said they are now proposing a full fifty four foot wide right-of-way loop system because this body and the City Council would not approve the plan with a secondary access road. He said this new plan will create large retaining walls and increased traffic onto Hog Hollow Road. He said the City has pushed them into this position to put in a fifty four foot wide right-or-way all the way through.

Jason Baumgartner said he would like to review the ordinance to see exactly what it says. Jannicke Brewer said under the PRD, retaining walls are prohibited unless recommended approval of the City Engineer, Planning Commission and approval of the City Council. The Planning Commission discussed why the City Council denied the plan that has a secondary access. Jason Bond said that plan was denied because it did not meet the ordinance. Mark Wells said their subdivision was denied because people don't want development on that property. He also said on the same night their subdivision was denied, a 500 foot long 36 high retaining wall system was approved for Heritage Hills Plat C and that was completely inconsistent rulings.

Jannicke Brewer said the only safe way to develop this subdivision is to have retaining walls and other developments in the city have to be built using retaining walls. Mark Wells said the City has the power to allow a secondary road to reduce the height of the retaining walls and make this a better subdivision. He said this is in the wilderness overlay ordinance which this property falls under.

Jannicke Brewer said the developer has a right to develop their property without the input from the neighbors as long as they follow the ordinance. She said a subdivision is not going to be approved just because some people in the city like it and is not dependent on what the neighbors think about it. She said the city will listen to those neighbors and try to mitigate problems, but if a developer follows the rules then that is their right to build.

Mark Droubay said he thought the temporary fire exit met the ordinance and the neighbors are more in favor of that plan if it would reduce the retaining walls. Jannicke Brewer said the construction of retaining walls will not be a decision tonight. The City Engineers will have to do studies and make a recommendation. Ellen Hall said this

Planning Commission is not consistent with the ordinances and makes decisions on a whim. She said the plan with the secondary access and smaller walls needs to be taken back to the City Council to be reviewed again even though it has already been denied. She said once these walls are built its gone forever, you are going to ruin the beauty of the hillside and you will never get that back. She said this board will be the ones who made the decision to take that away and make it concrete.

Kent Fitzgerald said the homeowners and the developers are agreeing on what they think is the best plan so why can't the City approve that plan. Steve Swanson said the developer was asking for several exceptions that the City was not comfortable with. The Fire Chief did not approve the plan because of safety issues.

Steve Swanson said this subdivision has been a PRD as long as we have been working with it. He said these lots are higher density in wilderness area. The neighbors bought one acre lots so they could have some space around them. He does not want this subdivision to be a PRD because the land the City would get in open space will be useless and in trade, the developer will get higher density. Jannicke Brewer said she disagrees because it allows the developer to build about the same amount of homes and give the city open space, without having to build on our mountains. Steve Swanson said the homes in this subdivision will have to have retaining walls on top of retaining walls because of the slope of the yards. He said he would like to see more space between homes that equate to what the rest of the homes in the area look like.

MOTION: Steve Swanson moved to not approve the concept plan for the proposed Eagle Pointe Subdivision as a PRD because it is in an area with homes that are required to be one acre.

This motion died for lack of a second.

Jannicke Brewer said retaining walls are allowed in our ordinance. The developer can ask for them and we can get a recommendation from our City Engineer. She said we can make a recommendation to the City Council to move forward with the retaining walls so the developer can move forward.

Chuck Castleton said he has a concern with our ordinance and the way it is worded. He said retaining walls are not listed as an exemption or an exception but we're not given any sort of criteria of how to base a decision. He said this will lead to inconsistent decisions which have already happened. Jannicke Brewer said when you do the cut and fill; there is a certain ratio that has to be followed and that is in the ordinance. When certain cuts are made, a retaining wall is required and this has been done in other areas of the city. She said the ordinance can't be exact because circumstances vary with each project. Chuck Castleton said that Shane Sorensen expressed some frustration that he doesn't have the criteria in the ordinance to make the decisions that he's required to make. Jannicke Brewer said retaining walls require a lot of engineering to be done right and be safe. Our ordinance only allows a certain amount of grading to fill the slope and our engineers are the ones to figure that out.

Steve Swanson asked about grading and Jed Muhlestein said that information is not required at the concept level. Steve Swanson said everything about this seems extreme and it's the problem the neighbors have expressed. He said the land requires a lot of extreme measures and we have to decide if we want that and whether it meets code. Steve Cospers said it meets the ordinance and the cul-de-sac and that's our job. Chuck Castleton said retaining walls are up to interpretation. Steve Swanson asked how the developer would protect kids from falling off the retaining walls.

Taylor Smith said this is a concept plan and all the little details of the slope, the clear zone, the guard rails, the fences and the engineering will be addressed after concept. Steve Swanson said this is a Public Hearing and people are interested. Bryce Higbee said the developer is not going to expend the cost until they know they have concept and we can't ask them to do that.

MOTION: Steve Cospers moved to approve the Concept Plan for the proposed Eagle Pointe Subdivision PRD.

Chuck Castleton said if we're going to recommend the approval of retaining walls it seems prudent that we should do everything we can to minimize the size of those retaining walls. He said this concept plan as it stands, maximizes the size of the retaining walls. He said they are far bigger than the plan with the emergency road and he thinks there

are other possibilities because this plan is too extreme. Bryce Higbee reminded the Planning Commission that they were not discussing the other plans or making any decisions on them right now. The Planning Commission discussed if they recommended this concept plan and they didn't like it, will they be stuck with it at a later date.

Mark Wells said they would prefer to have the emergency access road and the smaller walls but this is the way they have to proceed because that plan would not pass. He said if the City Council would grant them the entitlement to have a secondary access road instead of this fifty four foot right-of-way down onto Hog Hollow, then they would come back with another concept plan showing the secondary access road.

Bryce Higbee seconded the motion. The motion failed and will move on to the City Council with 3 Ayes and 3 Nays. Bryce Higbee, Steve Cosper, Jannicke Brewer all voted Aye. Chuck Castleton, Steve Swanson and Judi Pickell all voted Nay.

C. PUBLIC HEARING - Lot Area and Width Requirements Amendment

Recently approved and proposed subdivisions have had issues with designing the most effective subdivisions. This is a result of some different requirements that can create some fairly odd lot lines. Councilman Jones, developers, and staff have met together to try and come up with a way to fix this problem. Berg Engineering has submitted a proposed amendment to the lot area and width requirement section of the CR-40,000 zone. The eventual outcome of this discussion (ordinance amendment) may also be applied to other residential zones. The Alpine City Engineers are carefully reviewing the proposed amendment and more information will be provided at the meeting.

Jed Muhlestein said developers have to meet slope and density so it creates crazy lot lines that look sloppy. He said he got together with Ken Berg Engineering and came up with a new way to calculate slope and density which cleans up the lot lines and roughly comes out with the same amount of lots. He said they would like to get rid of the old ordinance when things were done without computers and go with these new calculations.

Jed Muhlestein said these calculations have always been done by hand with many measurements. He said if a small change is made, it would take hours to recalculate everything just by making one small adjustment. He said they are proposing getting rid of the way the lot lines are calculated because Auto Cad can very easily tell us the average slope of a lot now. He showed the proposed ordinance they would like to use.

Ken Berg said with the new ordinance, the calculations will tell the developer how many lots he can get on the property right up front. He said the developer can put in how much frontage he needs and the lot size and create it from there. He said with the old ordinance, developers had to plan the lots around the slope and there was no design. Chuck Castleton said his concern was that the entire slope would be put into one lot. Jed Muhlestein said that would not happen because we still have our buildable area ordinance.

Jed Muhlestein said this ordinance works well in the 20,000 and 40,000 zones. He said it is a little bit differed for a PRD because there is a code that states there can't be more than 5% of your lot with 25% or greater of slope on it. It does the exact same thing to their product which makes them have jagged lines. He said an example is in Heritage Hills, all the backyards dip in and out and it would be so much cleaner to just draw a straight line. Will Jones said especially if there is common area in those backyards. How are you going to know where private property ends and open space begins?

Jannicke Brewer said tonight we will recommend approval for the 20,000 and the 40,000 zone. She said the PRD will have to be brought back at a later date. Jed Muhlestein said they are also holding off on David's Court because that subdivision depended on the outcome of this proposal.

MOTION: Bryce Higbee moved to recommend approval of the proposed Lot Area and Width Requirements Amendment as proposed.

Steve Cosper seconded the motion. The motion was unanimous and passed with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jannicke Brewer, Chuck Castleton, Steve Swanson, and Judi Pickell all voted Aye.

D. Design Standards Amendment

The Planning Commission discussed the topic last meeting and focused on different ordinances from other cities that pertain to the installation of sidewalks. The Planning Commission directed the City Planner to write up a draft that reflected the Planning Commission's suggestions.

Jason Bond said this is ordinance 4.7.10 and we have already had a Public Hearing on this. He showed what will be taken out of the ordinance and what will be put in and what parts will be added to. Jannicke Brewer said she disagrees with having the developer decide if he needs a sidewalk or not. She said it is up to the City to decide that, not the developer. She also said she objects to the fee charged to a developer if the sidewalk is not put in.

Bryce Higbee recapped what was discussed at the last Planning Commission. He said there were two different issues discussed. One was the developer could come in and ask for an exception and they would have to explain why they believe they should get one. The other issue discussed was requiring the developer to put money into escrow to build the sidewalk at a later date if that was what was decided by the Council. This would be done if the City knows a future development will be coming in and a sidewalk will be needed. This way the City doesn't have to foot the bill down the road. Jason Bond said the City Council did something like this for the Towle Subdivision and they put an expiration on how long they could hold the money and that was for fifteen years.

The Planning Commission discussed placement and wording of what they wanted in the ordinance.

MOTION: Steve Cospers moved to recommend approval of the new language as proposed to modify Article 4.7 (Design Standards) of the Alpine City Development Code with the changes to the numbering as discussed.

Judi Pickell seconded the motion. The motion passed with 5 Ayes and 1 Nays. Bryce Higbee, Steve Cospers, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye. Jannicke Brewer voted Nay.

IV. COMMUNICATIONS

Jannicke Brewer submitted her resignation as of June 30, 2014 and said this would be her last Planning Commission meeting. She said she has enjoyed her time on the Planning Commission. Jannicke Brewer will be deeply missed and her service has been appreciated.

Jason Bond said at the next Planning Commission we will choose a new Chairman.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: June 3, 2014

Motion: Chuck Castleton moved to approve the Planning Commission Minutes for June 3, 2014 subject to changes.

Steve Swanson seconded the motion. The motion passed unanimously with 6 Ayes and 0 Nays. Bryce Higbee, Steve Cospers, Jannicke Brewer, Chuck Castleton, Steve Swanson and Judi Pickell all voted Aye.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:16pm.