

**ALPINE CITY PLANNING COMMISSION MEETING at  
Alpine City Hall, 20 North Main, Alpine, Utah  
June 3, 2014**

**I. GENERAL BUSINESS**

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

Chairman: Vice Chairman Jason Thelin

Commission Members: Bryce Higbee, Steve Cospers, Jason Thelin, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Jannicke Brewer

Staff: Jason Bond, Marla Fox

Others: Juanita Nield, Kathleen Rasmussen, Ron Rasmussen, Dennis Norton, Ethan Erickson, Troy Ellis, Bryn Diaz, Andrew Diaz, Christian Hill, Grant Hill, Dawn Hill, Erin Darlington

**B. Prayer/Opening Comments:** Chuck Castleton

**II. PUBLIC COMMENT**

No comment

**III. ACTION ITEMS**

**A. PUBLIC HEARING – Moyle Park Master Plan (Location of New Public Restrooms)**

The Planning Commission will discuss a Master Plan for the historic park as well as a location for new public restrooms and make a recommendation to the City Council.

Jason Bond said the City has set aside some funds to build a new restroom in Moyle Park. Tonight we'd like to discuss a good location for the restroom so we can pass our recommendation on to the City Council. The Moyle Park Committee has met a couple times to look at the park and focus on moving forward with projects to help maintain and improve the park.

Jason Bond said there were some restrooms next to the old home on the property that are not working. They were on a septic tank and the building it was in could be turned into a storage shed. The sewer line runs in a different location and it doesn't make sense to put the restroom in its current location. Jason Bond showed on the map a couple different options of where to put the new restroom. He said one option would be in the southwest corner of the park because it is the closest to the sewer line. If the restroom was put in that location, it would block a resident's gate that they have been using to get their horse trailer in and out of their property through Moyle Park.

Troy Ellis is the resident who has a gate into Moyle Park and said the park gets used frequently by school and scout groups and family reunions. Steve Swanson asked where people park for large events. Jason Bond said there really isn't a good area to park. He said he went up there when a large group was there and cars were parked all over in the lane and on the road. He said that is why we have parking listed as one of the items to discuss.

Jason Bond showed a list of projects the committee would like to see done in the future. He said we would have to look at funds to see what could be done in the park. Steve Cospers said he thought this was a little bit premature and said we need to have someone draw up some plans to look at. Judi Pickell said we also need to know how much all this is going to cost and where the funds are going to come from before a decision can be made. She also said she would like to see the restroom located where it currently is because it would be hidden from view.

Jason Thelin said the City loves the restrooms at Creekside because they are easy to maintain and they are on the sewer system and not septic tank. He showed on the map where he would like to see the restroom be put in and said he does not want it to block the neighbor's gate.

Jason Bond said the City has budgeted money to get a bathroom that is similar to what we have in our other parks. He said because they are easy to maintain, it will save time and money in the future. He said the restroom is delivered and lifted into place and then hooked up on the inside and this is what our Engineers have recommended.

Dennis Norton is a neighbor bordering the north end of Moyle Park and also has a gate into the park. He said we need to be very careful about cutting off access to surrounding land owners because they are the best friends the park has got. He said he brings his horses in there and he allows the school kids to go through his property to get to the school bus. He said the important matter is what to do with the restrooms. This is not a regular park and the restrooms are not used as regularly as a normal park. He didn't think a \$35,000 improvement was wise. Dennis Norton said he would give the City access through his property to do any work and he said he objects to a restroom close to the road, cutting off his neighbor's access to the park. He said the restrooms should not be the focal point and the first thing visitors see when entering the park. He said we should spend a couple thousand more to bring the sewer to the current location, or move the restrooms to the north end of the park.

Kathy Heiner wrote a letter stating that everyone enjoys looking at the horses on the Ellis's property and doesn't want the restrooms located in the southwest corner blocking the Ellis property. Troy Ellis said he supports the park in a lot of ways. He doesn't like the idea of having the restroom in plain view. He said he has a personal view because he doesn't want to lose his horses. He said the future of the park is moving to the east with a bridge and parking and a volleyball court. He said it makes more sense to put the restroom on the east side. Mark Walker suggested this Master Plan would cost a million dollars and he wanted to know if the City had that kind of money to put into it.

Jason Thelin said we are not in a position to look at the Master Plan at this time. He said committee's are a good idea. Troy Ellis said the neighbors should be included on those committees. Jason Bond said he called Mr. Ellis and invited him to the last committee meeting, and he is more that welcome to come to the meetings to give his input.

Ron Rasmussen said the Master Plan is a dream. This meeting is to decide the location of the restroom and to get something happening and to move forward. He said this park is used very heavily at certain times and we need a restroom right away.

Jason Thelin asked if the Master Plan was discussed at City Council. Jason Bond said the main issue discussed was the restroom. Steve Swanson said he would like to see some costs for this project. What would it cost to fix the current restroom, what would it cost to move it? Chuck Castleton asked if there was money in the budget for a restroom right now. Jason Bond said the City has \$45,000 in the budget for improvements.

Bryce Higbee said he agreed but would like to see the building look like a pioneer building. He said he would also like to see the different costs for moving the restroom and the sewer costs. Judi Pickell said she felt like the budget was set before they had a chance to give a recommendation on where they thought the restroom should go.

Will Jones said there are four honey buckets currently in the park. He said the restroom would have to completely redone and the sewer line brought to it at \$15 a foot which would include taking out pine trees. He said the sites have been recommended by the City Engineers. The Planning Commission discussed the items on the wish list including a water fountain, amphitheater, bridge and parking.

Will Jones said we do not allow access through backyards in any other park in the city. He said many people have asked and we have said no. He asked what will determine if people can have a gate to the park because this issue will come up when the new subdivision is built in Box Elder. You will have many lots bordering Lambert Park and they will also want access out their backyard to the park.

Chuck Castleton said as far as access goes, he thinks Moyle Park is a special case and we need to consider the neighbors because they are friends to the park and help take care of it. Will Jones said this park has caretakers whose job it is to take care of the park.

Steve Cospers said he would like to have a meeting with an architect and a landscaper to get their opinion on the best location for the restroom before we make a decision. Bryce Higbee said he doesn't want to delay the decision and

feels like we should move forward with a decision. Jason Bond said the soonest we could get a restroom finished would be next spring.

**MOTION:** Bryce Higbee moved to recommend the approval of a restroom at Moyle Park with the following considerations:

1. The first choice would be to see if it is feasible to use the current location for the restroom and what the cost would be to make it useable.
2. The second choice would be to put the restroom at the south end of the park east of Mr. Ellis's gate along the fence line being careful to not take out any trees.
3. Install a drinking fountain.
4. The rest of the Master Plan be thoroughly reviewed before moving forward.

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

Jason Bond asked the Planning Commission what they would like to see to move forward with the Master Plan. Steve Cospser said to leave the Master Plan how it is and then just bring each item forward when we are ready to discuss it. Judi Pickell said she would like to see the reasons of why these items are being added to the Master Plan to give us some history, purpose and objective.

#### **B. Design Standards Amendment**

The proposed amendments regarding sidewalks reflect the DRC's recommendation. The DRC recommends that the ordinance not be amended to reflect a new classification for an emergency access road.

Steve Swanson asked why we would collect money for a sidewalk and not just make the developer put the sidewalk in at that time. Jason Bond said the developer would have to voluntarily put money aside in escrow to build the sidewalk at a later time. He said the City would not be putting an exaction or requesting it. Chuck Castleton said a developer is not going to agree to pay this money voluntarily if it is not in our ordinance and is not going to be enforced. Jason Bond said that is why we are working on this ordinance.

Bryce Higbee said this is not a voluntary thing; this is an exaction and we are just determining the time and the place for that exaction to happen. He said the case law on this is very clear where it states the City has to have a need for those sidewalks and be able to show the need so that it's not a taking. It does not have to be met today, but it has to be met at some point. He said we're determining if a road will need a sidewalk, and if someone develops here, we need to make a decision and get the money now, not in the future.

Jason Bond said David Church wrote a letter stating that a developer may enter into a voluntary agreement with the City to defer or delay the construction of the sidewalks to a later time period by agreeing to pay to the City the estimated cost of the sidewalks, curbs, gutter and planter strips.

Bryce Higbee said that agreement would be in lieu or building now and that's different than saying the developer can put in a sidewalk or he doesn't have to if he doesn't want to. We are saying to the developer, "you are building these sidewalks because we have a need for these sidewalks. Today we are not building them but we will have a need for them at a future date. So if you don't want to build them now, we can wait until later, but you're going to pay for them now". Chuck Castleton said that is at the City's discretion and not the developer's discretion. Steve Swanson said the word voluntary should be taken out. The City will decide if sidewalks are needed and if they are needed right away, and exaction would take place. If they are needed at a later date, the money would be put in escrow. Bryce Higbee said legally, we need an agreement to follow that money to make sure it is being used properly and it's there when the City is ready to finish the project.

Judi Pickell said Holiday City has an excellent ordinance of Fee in Lieu of Required Improvements that is very clear. It talks about whether the requirement is unfeasible to install any required improvements; the City may require the sub divider to pay the City a fee. She said how our ordinance reads now is that sidewalks are required at the time of development, even if they are not needed now and the City has to maintain the weeds. Steve Swanson asked if the City knows how much a sidewalk will cost in ten years. Jason Bond said that is the risk the City is

going to take. Will Jones said the City Council approved deferring Mr. Towel's sidewalks for fifteen years, putting money in escrow and giving it back to him if sidewalks were not built in the next fifteen years.

The Planning Commission discussed sidewalk ordinances from other cities and picked out a couple from Murray, Taylorsville and Murray that they liked. Judi Pickell said we need to have a set of standards and there should be criteria in the ordinance that gives us a guideline to judge each one and it shouldn't be arbitrary. Bryce Higbee said based on the case law, it is arbitrary because each individual decision that we make, even if we have a set of rules, is going to come down to the standard of if it's roughly proportionate and reasonably related.

Judi Pickell said if we had in our ordinance four or five criteria, it would help us with findings. She said the criteria might be topography, drainage, and relationship to surrounding patterns of land use, recirculation, and impact to public safety. She said these are basic things that we should be consistently judging them by. Jason Thelin said the developer is going to save money if they can get away with not putting in a sidewalk. He said it should really be an extenuating circumstance to get an exception.

Judi Pickell said she contacted some other cities and they have waiver forms. If a developer doesn't think they need to put in a sidewalk, the responsibility is on the developer to fill out the form and say why they need an exception. Then they have to come in and argue why they shouldn't have to build a sidewalk. The burden shouldn't be on the City to show why they don't need it; it is the responsibility of the developer.

Will Jones said sidewalk is important in a subdivision but it is expensive for the city to maintain this sidewalk because they bow, scale, break and become trip hazards. This is an infrastructure cost that is ongoing and we have to pay for them for years to come. Bryce Higbee said he thinks the majority of Alpine citizens would pay to maintain sidewalks in order to have them.

Judi Pickell said our ordinance needs to be clear so developers know what to expect. She said that you could make exceptions in certain parts of the city where terrain is a challenge, or a different classification for low density areas, but the majority of the city needs to be the same for everyone.

The Planning Commission had a discussion about adults not using the sidewalks to run on or ride bikes on. They talked about other options like a bike path with stripes on the road or a blacktop path. Jason Bond showed some pictures of blacktop paths with landscaping. Will Jones said those are expensive to maintain and adults will still run and bike on the road.

The Planning Commission talked about language from the Holiday and Taylorsville Cities ordinances and discussed creating a waiver the developer would be required to fill out for exceptions. Bryce Higbee said we have to be careful in coming up with criteria because each situation is so unique and the burden will be on the Planning Commission and the City Council on findings. Judi Pickell said with the waiver, the developer will create their own findings. Will Jones said to push it back onto the developer because that's where it belongs.

The Planning Commission liked the language from the Holiday, Taylorsville and Elko ordinances about sidewalks. They discussed ideas and statements from each of these and the parts they liked and didn't like. They asked Jason Bond to create a draft by tweaking some of these other cities language and bring it back to the Planning Commission for further review.

#### **IV. COMMUNICATIONS**

#### **V. APPROVAL OF PLANNING COMMISSION MINUTES OF: May 20, 2014**

**Motion:** Steve Cosper moved to approve the Planning Commission Minutes for May 20, 2014 subject to changes.

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

Jason Thelin stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:00pm.