

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
June 21, 2022

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 p.m. by Chair Jane Griener. The following were present and constituted a quorum:

Chair: Jane Griener

Commission Members: Alan MacDonald, Ethan Allen, Troy Slade, Jeff Davis, Susan Whittenburg, John MacKay

Excused:

Staff: Jed Muhlestein, Austin Roy, Marla Fox

B. Prayer/Opening Comments: John MacKay

C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

No Public Comment

III. REPORTS AND PRESENTATIONS

None

IV. ACTION ITEMS

A. Annexation – Box Elder South Subdivision

Austin Roy explained that on April 19, 2022, the Planning Commission held a public hearing and reviewed the Annexation proposal. Following some discussion, the Planning Commission had several questions and concerns about the annexation. The Planning Commission tabled the item and asked that staff bring the item back when further information was available. The staff report has been updated with requested information (see highlighted sections). Residents of the Box Elder South Subdivision have submitted an annexation petition to annex the entire Box Elder South Plat A subdivision, including 59 developed lots on a total of 43.9 acres, into Alpine City. On March 22, 2022, the City Council accepted the annexation petition and sent it to the Planning Commission for further consideration. The Planning Commission and City Council must now review the proposed annexation, and weigh the potential pros and cons. In doing so, the following criteria should be considered (ADC 5.03):

1. Whether or not it is in the interest of the City to annex additional land at that time.
2. The capability of Alpine City to supply adequate municipal services to the area proposed for annexation, such as public streets, water, sewer, police and fire protection including what necessary improvements will be a requirement of the petitioners/owners of the property.

Austin Roy said currently this jurisdiction is in the County even though in an emergency, you may see Lone Peak Fire or Police come to help.

3. Whether or not Water Rights will be required of all property annexed into Alpine City. If the property has a current water system, the City Council may require the dedication of the that system and the water

rights with any necessary improvements being made to the system by the owners of the water system as a condition of annexation.

4. Whether or not the proposed annexation is consistent with the City's General Plan.

5. What conditions, if any, should be attached to proposed annexations in order to provide adequate services, protect health or safety, or are necessary for proper implementation of the General Plan such as dedications for parks, trails, open space, road, of other public facilities.

6. Whether as a condition and requirement of annexation, an annexation fee will be negotiated between the City and the petitioners. This fee may be separate and distinct from, and in addition to, any development impact fee assessed pursuant to the terms of the City's impact fee ordinance. The purpose of these fees shall be to reimburse the city for any extraordinary impacts on the City and infrastructure which may be created by the annexation.

7. Such other information as may be required or necessary to understand and evaluate the application/petition.

Austin Roy said all seven requirements do not need to be met in order for an annexation. These are just guidelines.

Austin Roy said if this subdivision was annexed, there are 18 lots that don't meet the 110 frontage requirement. However, if the subdivision were to be classified as a PRD, these lots would meet the 90 feet frontage requirement. The building envelope requirements do not meet the city code, especially lot 59 and would need a variance.

Austin Roy said there is a secondary access road that goes through Lambert Park. It is a road that is not paved but does meet the secondary road access requirement. Improvements were made to the secondary road, and it does not need to be paved to meet the requirement.

Austin Roy said staff took tax numbers and calculated that with the 59 homes. He said the tax revenue and the city costs of municipal services would be about a wash.

Austin Roy said as far as liability goes, we would have the same amount of risk as any other hillside community.

Jed Muhlestein said staff requested fault geotechnical studies from the County. He said the County did not find any sign of faults. They found some radon and said that needs to be disclosed to the residents when they build.

Jed Muhlestein said it would cost \$8,596 to snow plow the streets in the Box Elder South Subdivision.

Austin Roy said some of the streets in the Box Elder Subdivision conflict with street names in the city.

Alan MacDonald asked within the annexation policy plan, it states that even though the property lies within the expansion, area, there is no guarantee that the annexation request will be approved by the City Council. The petition for annexation may require additional requirements than those contained in the current Annexation Policy Plan which includes:

1. Areas to be annexed must be contiguous to the corporate limits of Alpine City at the time of submission of the annexation request,
2. Alpine City shall avoid gaps between or overlaps with the expansion areas of other municipalities.
3. Proposed annexations will not be approved if they create an island or peninsula of the unincorporated area.

Alan MacDonald said there are several policy statements on page 3 under Character of the Community. One of them is:

1. Development and annexed areas to conform to Master Plan,
2. Annexation to be considered only in areas of potential urban service,
3. Islands and peninsulas of unincorporated areas to be annexed.

Alan MacDonald said it specifically said comment: Alpine City encourages islands and peninsulas in unincorporated areas located in the city to become annexed.

Jeff Davis said he is against annexation because it doesn't meet the city ordinance and it will set a precedence. He said this does not meet the ordinance in multiple ways and he is not swayed by the arguments with the exception that the city does not want to create islands.

Alan MacDonald said he agrees with Jeff Davis in that we had a developer who did an end run on our density requirements for this area and could have sought a PRD. He said he is for the annexation because we have residents who live within our boundaries, go to our schools, drive on our streets, and yet are not part of our city and don't have a right to vote. He said this is on a case-by-case basis and he doesn't know if it has any precedence value because our plan says this is case by case. He said this is going to be a balancing act and it was helpful when Austin Roy said here is the criteria and it doesn't have to be unanimous. He said the whole situation bugs him but when he went over all the criteria, he felt that the pros outweighed the cons in favor of annexation.

Jane Griener said she knows we're supposed to consider things on a case-by-case basis, but there is no denying that this will set a precedence and she had concerns about it. She said we have other areas that are not annexed in the city and will want to be annexed in the future. She said she would feel more comfortable if we were annexing everything right now than just this individual property. She said the developer and the County knew the subdivision did not meet the city requirements or PRD requirements. This was done with full knowledge that it did not meet Alpine City requirements. We still have other properties that have not been annexed in yet. She said she is concerned about city liability because of the property being in the sensitive lands. She said this does not meet the zone change requirements and she said she doesn't think this is the right time. She said our Master Plan has to mean something and it's not fair to neighbors who bought their property knowing it was in a certain zone. She said there is nothing wrong with being in the County and the residents who bought property knew they were buying property in the County. She said other than voting, she said she feels like the residents of Box Elder South are already part of the community.

John MacKay said he feels the same as others. He said the pros of annexation, is that the city would have some control over this island. He said because they are up on a hill, it would be impactful that we could

impose our ordinances on them such as lighting requirements. He asked if we go through with the annexation, are we saying right now that we are granting exceptions on the building envelopes. Jed Muhlestein said he thinks we would have to because they are recorded buildable lots right now with the County. Austin Roy said these are legal lots on which you can build on. John MacKay said he is more pro annexation.

Ethan Allen said if we approve annexation now, we will have control of the rest of the building. He said his biggest concern is precedence but is leaning towards annexation.

The Planning Commission asked how much land was still left to be annexed. Austin Roy said there is over 100 acres, but a lot of that is on a slope and not buildable. Jed Muhlestein said there are three different owners. He said there is another four parcels below Lambert Park.

Susan Whittenburg asked why the residents of Box Elder Subdivision want to come in now. She said they knew they were buying in the County. She said she is totally against the annexation because it does not meet the requirements and the only reason those homes are there are because they went through the County.

Troy Slade said he doesn't like setting a precedence. He said he is confused because he would like the city to have control.

John MacKay said he is in favor of waiting until we annexed everything.

MOTION: Commission Member Alan MacDonald moved to recommend that the annexation of Box Elder South Subdivision be approved based on the following findings:

1. Alpine City already supply's most municipal and utility services to Box Elder South,
2. Water rights have already been given to the city and the subdivision is on the city's culinary water system,
3. The proposed subdivision does not conform with the CR-40,000 overlay and is not a PRD per the General Plan,
4. The subdivision currently has two existing access points that meet the requirements of the sensitive lands Wildland Urban Interface requirements, with a specific note that the secondary access road through Lambert Park is not paved and will remain unpaved,
5. The subdivision plat shows public access and trail easement along it's south and east sides,
6. Tax revenue offsets costs,
7. There is no impact for existing traffic,
8. Streets currently meet or exceed city standards,
9. The subdivision is contiguous to the corporate limits of Alpine City,
10. Annexation will eliminate a County island or peninsula within the incorporated area of the city.

Conditions:

1. That the secondary access road connecting Moyle Drive to Box Elder Way through Lambert Park will remain unpaved,

2. That the 2.3-acre park within the subdivision will be designated as private open space and maintained by the neighborhood HOA,
3. Where subdivision street names conflict with existing street names within Alpine City, conflicting street names would be changed,
4. Any such other fees or conditions determined by the City Council as a condition of annexation should the Council find that annexation is in the best interest of the City.

John MacKay seconded the motion. There were 3 Ayes and 4 Nays (recorded below). The motion did not pass.

Ayes:

Alan MacDonald
John MacKay
Ethan Allen

Nays:

Jane Griener
Troy Slade
Jeff Davis
Susan Whittenburg

Excused:

MOTION: Commissioner Jeff Davis moved to **DENY** the annexation of Box Elder South Subdivision

Susan Whittenburg seconded the motion based on the following reasons:

1. Doesn't meet code and zoning requirements,
2. Sets a bad precedence,
3. Doesn't benefit the city,
4. Potential liabilities.

There were 4 Ayes and 3 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
Troy Slade
Jeff Davis
Susan Whittenburg

Nays:

Alan MacDonald
John MacKay
Ethan Allen

Excused:

B. Open Space Improvement Request – Removal of Sagebrush – 168 E Deer Crest Lane

Austin Roy explained that resident Michael Martin would like to request permission to be able to remove patches of sage brush from the open space adjacent to his property. Mr. Martin has stated that he feels the sagebrush increases the risk of potential wildfire spreading. Mr. Martin is proposing to restore the areas with native grasses and that proposed improvements will be done at his cost.

Michael Martin, homeowner, said all this sagebrush next to his home is a fire hazard. He said by removing it, he could prevent a fire. He said 40% is dead and he would like to remove about 20 feet. He would just like to improve his defensible space. He said he would remove the bushes with equipment and if he damaged the hillside, he would reseed it.

Jed Muhlestein said if there is a positive motion, we need to put in the motion that Mr. Martin does not disturb more than 20 feet. He also can't put in a sprinkler system; he can use a drip irrigation system that is not permanent.

Jeff Davis asked if this was a onetime thing or an ongoing project. Mr. Martin said he thought it would be a onetime thing and does not have any plans to put in a sprinkler system on city property. He said there is regular use of the trails by trucks, jeeps, motorcycles and ATV's and there is no signage stating this is not allowed. He is concerned during the hot summer that sparks could start a fire.

Jed Muhlestein said Mr. Martin would need fire suppression.

MOTION: Commission Member John MacKay moved to recommend that the request to remove sagebrush from City open space be approved with these conditions:

1. Equipment kept within 20 feet of property line,
2. Be revegetated,
3. Be watered with a temporary water system,
4. Any equipment on city property be accompanied with a fire extinguisher.

Troy Slade seconded the motion. There were 3 Ayes and 4 Nays (recorded below). The motion did not pass.

Ayes:

John MacKay
Troy Slade
Susan Whittenburg

Nays:

Alan MacDonald
Jeff Davis
Ethan Allen
Jane Griener

Excused:

MOTION: Alan MacDonald moved to recommend to **DENY** the request to remove sagebrush from City Open Space for the following reason:

1. Public open space should remain undisturbed.

Second by Jeff Davis. There were 4 Ayes and 3 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
Ethan Allen
Jane Griener
Jeff Davis

Nays:

Susan Whittenburg
John MacKay
Troy Slade

Excused:

C. Public Hearing – Ordinance 2022-17 & 2022-18 Shooting Galleries

Austin Roy said The City has received building permit applications for private indoor shooting ranges. Alpine City ordinance does not address shooting ranges explicitly, however staff have interpreted the City's ordinances on firearms to permit shooting ranges within a residence. The shooting ranges that have been approved thus far have all been located underground in a room of primarily concrete construction.

On June 7, 2022, the Planning Commission held a public hearing on shooting galleries and reviewed an ordinance that had been proposed by staff. Upon review, the Planning Commission decided to table the item and asked that staff make an additional amendment to the Police and Public Offenses Code and that the section regarding fees be removed.

Staff has made changes based on the above-mentioned feedback and the proposed ordinance is ready for review.

Jane Griener opened the Public Hearing. There were no comments and Jane Griener closed the Public Hearing.

MOTION: Commission Member Jeff Davis moved to recommend that Ordinance 2022-17, Ordinance 2022-18, and Ordinance 2022-23 be adopted as proposed.

Ethan Allen seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
John MacKay
Ethan Allen
Jane Griener
Troy Slade
Jeff Davis
Susan Whittenburg

Nays:

Excused:

D. Public Hearing – Ordinance 2022-20 Public Noticing

Austin Roy explained that based on recent feedback from residents, staff have prepared amendments to City ordinance to improve public noticing. Specifically, staff are proposing that the noticing requirements be amended regarding noticing of changes to open space, annexations, boundary line adjustments that would change the use or zoning of a property, plat amendments that would change the use or zoning of a property, and acquisition or vacation of public right of way.

The Planning Commission held a public hearing and reviewed this item on June 7, 2022. There were no comments from the public. The Planning Commission tabled the item and asked that staff consolidate the public noticing requirements into a new section of code and then have references to that section throughout the rest of the code. Staff have made the requested changes and the item is ready for review.

Austin Roy said zoning changes, annexation, vacation or adoption of a right-of-way, or a plat amendment would require written notice. Everything else we do would be posted on the State website, Alpine City website, and posted in other areas.

Jane Griener opened the Public Hearing, there were no comments and Jane Griener closed the Public Hearing.

MOTION: Commission Member Troy Slade moved to recommend that Ordinance 2022-20 be adopted as proposed.

Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
John MacKay
Jeff Davis
Ethan Allen

Nays:

Excused:

Jane Griener
Troy Slade
Susan Whittenburg

E. Public Hearing – Ordinance 2022-21 Signs in the Zone

Austin Roy said it is proposed that permanent signs for businesses in the Gateway/Historic and Business Commercial Zone be approved by the City Council following a recommendation of the Planning Commission. Also, it is proposed that businesses only be allowed a sign on one side of their building. Signs are currently approved administratively.

Austin Roy said City Councilman Greg Gordan has brought this issue forward. He said we need to make sure the signs meet the Gateway Historic requirements along with the buildings. The proposed change is that signs need to come to Planning Commission for a recommendation and then approval from the City Council. Councilman Gordon is also proposing to have a sign on only one side of the building. The ordinance would also include monument signs.

Susan Whittenburg asked about awnings. Would this ordinance include signage on awnings? Austin said anything with advertising or writing would be considered a sign.

Jane Griener opened the Public Hearing.

Gail Rudolph, resident, said she remembers a large truck with advertising being an issue, so that should be discussed as well. Austin Roy said a truck that is wrapped is not a permanent sign and it is something he would have to ask the City Attorney about. Jane Griener said this particular truck seems to be a permanent fixture.

Jane Griener closed the Public Hearing.

Jane Griener asked about vinyl signs stuck on posts. Austin Roy said these signs need a permit and they are permitted for up to two weeks and certain times a year.

The Planning Commission discussed this and didn't like it because all the businesses already have signs, and we aren't going to go back and make them change them. They didn't like restricting to one sign.

MOTION: Commission Member Alan MacDonald moved to recommend amending Ordinance 2022-21 with these conditions:

1. Color, size, number, and placement of Business Commercial signs is subject to recommendation by the Planning Commission, consistent with the guidelines set forth in the Gateway Historic District, and approval by the City Council,
2. Remove language of number 3.

John MacKay asked if staff couldn't handle this without further burdening the City Council. Austin Roy said, yes, the staff could handle that. Jane Griener said anything in the Gateway Historic District is supposed to come before the Planning Commission.

Susan Whittenburg seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
 John MacKay
 Jeff Davis
 Ethan Allen
 Jane Griener
 Troy Slade
 Susan Whittenburg

Nays:**Excused:****F. Public Hearing – Ordinance 2022-22 Retaining Wall Spacing**

Jed Muhlestein said it is proposed that the spacing between a solid fence and the top of a retaining wall be measured from the face of the wall to the face of the fence. This change is being proposed because of the variable thickness of the blocks. Currently, gaps between a solid privacy fence and a retaining wall can range from anywhere from 4 feet to 7 feet. The original intent of the ordinance was to have a 4-foot gap to allow a landing spot should someone jump over a solid fence that is atop a retaining wall, and thus avoid falling 15 feet. This change would not apply if the fence were see-through (i.e., rod iron, etc.).

Jane Griener opened the Public Hearing, there were no comments and Jane Griener closed the Public Hearing.

MOTION: Commission Member Jeff Davis moved to recommend that Ordinance 2022-22 be adopted as proposed.

John MacKay seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
 John MacKay
 Jeff Davis
 Ethan Allen
 Jane Griener
 Troy Slade
 Susan Whittenburg

Nays:**Excused:**

Alan Dickson, resident of Box Elder, said he is disappointed in the process of the annexation agenda item. Jane Griener said this item was not a Public Hearing tonight because it had previously been a Public Hearing. She recommended sending new comments to City Council. Austin Roy said he would send Mr. Dickson information from the packet for his review.

IV. COMMUNICATIONS

Jeff Davis asked about underage children driving golf carts on our streets and sidewalks. Jane Griener said that should be brought to the attention of the Mayor and the police for public safety reasons.

V. APPROVAL OF PLANNING COMMISSION MINUTES: June 7, 2022

MOTION: Commission Member Alan MacDonald moved to approve the minutes for June 7, 2022, as written.

Ethan Allen seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

<u>Ayes:</u>	<u>Nays:</u>	<u>Excused:</u>
Alan MacDonald		
John MacKay		
Ethan Allen		
Jane Griener		
Troy Slade		
Jeff Davis		
Susan Whittenburg		

MOTION: Commissioner Ethan Allen moved to adjourn the meeting.

Jeff Davis seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed unanimously.

<u>Ayes:</u>	<u>Nays:</u>	<u>Excused:</u>
Alan MacDonald		
John MacKay		
Ethan Allen		
Jane Griener		
Troy Slade		
Jeff Davis		
Susan Whittenburg		

The meeting was adjourned at 9:24 p.m.