

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Oct 21, 2014**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:05pm by Co-Chairman Judi Pickell. The following commission members were present and constituted a quorum.

Chairman:

Commission Members: Bryce Higbee, Steve Cosper, David Fotheringham, Chuck Castleton, Steve Swanson, Judi Pickell

Commission Members Not Present: Jason Thelin

Staff: Jason Bond, Marla Fox, Jed Muhlestein

Others: Will Jones, Gale Rudolph, Bruce Baird, Laird Bellon, Margaret Bellon, Jeff Neil, Bob Antrim, Lisa Brown, Paul Bennett, Colin Grant, Lon Lott, Dancy Brockbank, Jan Braithwaite, Marla Rogers, Bruce Parker, Jay Beck, Martha Beck, Erin Darlington

B. Prayer/Opening Comments: Steve Swanson

II. PUBLIC COMMENT

Judi Pickell asked the Planning Commission members to consider saying the Pledge of Allegiance at the Planning Commission meetings.

III. ACTION ITEMS

A. Hanganen Estates Plat A Amendment

Jason Bond said this is an ongoing, recorded and approved development but the developer is here for an amendment on the plat and proceed forward with a new plan.

The proposed Three Falls Ranch development consists of 54 lots on 725 acres. The lots range in size from 1.37 to 6.96 acres. The development is located at the north end of Fort Canyon in the CE-5 zone. This proposal is to amend the existing Hanganen Estates plat with the submitted Three Falls Ranch preliminary plat. The developer wishes to phase the project and obtain Final Approval for each phase of construction with its associated plat as they progress.

The first phase would include 5 lots, improvements to Fort Canyon Road, a water tank, infrastructure to support the development, and 2.5 acres of developed open space which includes a parking area and trailhead.

Development of this property has been in the works since 1984. Much work and effort from both the developer and the City has taken place over the years. From recent discussions, there are three remaining obstacles to overcome, which are:

1. Fort Canyon Road Improvements.
2. The Beck properties and whether or not they should be part of the development.
3. What to do with Sliding Rock

Jason Bond said two weeks ago, we had our City Attorney here and he gave a history of this development and said this is a complicated development. Steve Swanson said he would like to know more about the natural fault lines. Jed Muhlestein said they have done geological hazard studies and we have to make sure the building pads are away from the fault lines. Jed Muhlestein said the developer is aware of this and will keep an eye on it and they will know more once they start digging. Steve Cosper said the fault lines on the map are estimated and advisory to people, it is not the law. Jed Muhlestein said we will warn people but legally, you can build on a fault line. Chuck Castleton asked if a study is required. Will Jones said we have this information because a study was already done a few years ago. He said that is why the development can't just add a few more lots because the lots have to work around the fault lines.

Steve Swanson asked Will Jones if any contact was made with the Beck family. Will Jones said nothing was able to be accomplished with that. They were not able to reach a compromise and mostly because of price. Will Jones said they have spent a lot of time and money for this development and the studies he has done show that he can't get an additional seven lots in the development. This is the number of lots the Beck family would like out of the deal. Will Jones said he can come up with two lots only and would have to rearrange all the other lots in order to get the additional five lots. Will Jones said it would have to make financial sense to make the money needed to cover the cost of buying the Beck family property. He said he has deeded property for an access road to the Beck property and would like the road to be seventy five feet away from his lots.

Steve Cospoer asked why there hasn't been some sort of engineered plan with the Beck family in the last thirty years; why has there been no viable solution? Will Jones said the issue is expense and the ordinance requires two road, water system, and sewer. Steve Cospoer said if there is no engineering plan for the Beck property and never as been, is all this talk about seven lots just to drive the price of the land up? Will Jones said yes. He said there are seven lots on the Beck property based on a slope analysis but how do you get to them, how do you get amenities up there. Bruce Baird said this is simply a case of one property owner trying to use the leverage of the Planning Commission and the City Council to extort money from another neighboring developer.

Steve Cospoer asked Will Jones if he owned the Beck property, would he have a plan to develop it and is it feasible to develop there. Will Jones said no, it is not feasible because you would need to build forty foot high retaining walls. Jed Muhlestein said engineering staff would be highly against that as well because it is way too much road for such a small number of lots and way too much road for the City to maintain.

Bruce Parker said the Beck family provided the City with engineering a few years ago. He said they feel like the property is developable and that is their plan to develop. He said they want to look at all of their options. Bruce Parker said with the revised design layout of the Three Falls development, he would like to look at a new place to stub a street to the Beck property. Steve Cospoer said it is the responsibility of the first developer to stub a street and then the next property can connect from there. Bruce Parker said the ordinance requires the developer has to stub two streets.

Jed Muhlestein said the Fort Canyon improvements have been discussed and is part of a development agreement in order for the development to be able to amend the plat and get more lots. Part of that agreement, which has not been written up yet, is for them to provide funds for the City to upgrade that road and make it a safer road and to be able to get more vehicles up to their development. Jed Muhlestein said the developers have worked with the City engineers quite a bit and through the DRC meetings to come up with the road cross section. This is not a typical road cross section but the DRC felt like this was a good compromise because a typical road cross section would require pretty extensive retaining walls. The City does not want this because they do not want to maintain it.

Jed Muhlestein said what is being proposed is no sidewalk, but a little bit more asphalt on the right side that would be striped for bikers and runners. Judi Pickell asked if parking would be allowed and Jed Muhlestein said no. Jason Bond said this would be curb and gutter and two ten foot travel lanes a 4 foot road bike lane on one side. Chuck Castleton said he sees the need for the narrower profile but has concerns about safety especially with more homes being built up Fort Canyon. Will Jones said if the bike lane is inside the sidewalk, it raises the elevation and also with it being on the outside, it will get plowed and can be used all year long. He said the road will actually be 28 feet in width when you add the curb and gutter; his requirement was only 24 feet and they added extra to make it better. Bryce Higbee said it needs to be more than just stripes. He said it needs reflectors in the road to help light it up at night. Jed Muhlestein said rumble stripes may work better because the snow plows may tear out the reflectors.

Judi Pickell asked how many homes are currently up Fort Canyon. Will Jones said there are 28 homes with a few more coming in the near future with the Larsen subdivision and a few empty buildable lots. He said he will be adding 54 new lots and has acquired an easement for the road. He said his improvements will help several homeowners with runoff. With this plan there will be no parking on the side of the road. Bryce Higbee asked where parking was going to be. Will Jones said they are building a public parking spot at the bottom of the development so the public can access the trailhead. Judi Pickell asked where homeowner's guests will park for an event, party or wedding. Will Jones said they will do the same thing the rest of the canyon does and that is shuttle guests up the canyon. He also mentioned that these lots will all be over an acre and will have big driveways that are set way back and can handle multiple vehicles.

Judi Pickell asked Will Jones if he was comfortable with the amount of parking he was providing. Will Jones said he can handle the normal amount of walkers and bikers which is about 100 people, but he can't handle 400 people who come from out of the area to visit Sliding Rock. He said the development doesn't want Sliding Rock and doesn't want the responsibility and liability of it. He said their maps show that area as public open space.

Bruce Baird said there is something called the Recreational Land Owner Limitation Liability Act. This Act states that if you do not charge, then you are not responsible for any negligence. He said you can't be reckless, but generally, if you don't charge then you won't be charged with negligence even if you provide assistance. Bryce Higbee said it is an issue of getting insured and having coverage. Mr. Baird said the City's insurance would be covering it anyway and would not be liable because there is a specific immunity under the state law for landowners who use their property for recreational purposes for free. Steve Cosper said this has been a feature in Alpine for decades and it would be a shame to shut it down. Judi Pickell said the purpose of the Planning Commission is to recommend ways that we can keep it if we want it and the City Council's responsibility to figure out the access, and manage the liability. Steve Cosper said a good trail and control the parking and you're there because liability isn't an issue.

Judi Pickell asked how far it is to walk to Sliding Rock from the proposed parking lot. Will Jones said it is about a mile and people are walking on the road because it's a lot of moms with strollers. He said they would have to have the area gated with a guard shack and once the parking lot is full, people will have to be turned away. He said the City can own the property and the developers will help regulate it. He said there is a big issue with people coming from all over the state to visit Sliding Rock. There is not enough parking up the canyon, people are ignoring the no trespassing signs, and they are ignoring the no fire rules. They have no consideration for the neighbors and the time they are up there, and the rules they are breaking. Judi Pickell asked if our Police and Fire departments have said anything about the City taking this responsibility on. Jason Bond said they hate the idea because they despise the idea of going up Fort Canyon and writing tickets. He said the City has had a dozen meetings on the Sliding Rock issue with the Police and Fire departments and they do not want it and neither does the City staff. Steve Cosper said maybe the fines need to be stiffer and the word will get out about it.

Steve Cosper asked if the stub street needed to be discussed because it is not a recommended action. Jason Bond said that David Church said to approve it with a stub street to the edge of the property or approve it without a stub street and an easement.

MOTION: Bryce Higbee moved to recommend Preliminary approval for the proposed amended plat for Three Falls Ranch with the following conditions:

1. The City will prepare a development agreement outlining the requirements of the development. The City Attorney will determine the appropriate time for the signing of the agreement.
2. Prior to final approval, the developer submit lot slope calculations, lot specific geotechnical & geologic hazard studies, construction drawings for developed open space and infrastructure, anything deemed necessary to ensure the safety and welfare of the public, and anything needed to ensure city ordinances are met.
3. Fort Canyon Road improvements be allowed as proposed.
4. Sliding Rock remain as public open space.
5. Private open space be trimmed to allow more public open space.
6. Include a North/South trail up to Three Falls.
7. Fort Canyon Road and the road to Three Falls include raised reflectors and/or rumble stripes.

David Fotheringham recused himself because of family ties to the property.

Steve Swanson seconded the motion. The motion passed with 5 Ayes and 0 Nay. Bryce Higbee, Steve Cosper, Chuck Castleton, Steve Swanson, and Judi Pickell all voted Aye.

B. Business Commercial Zone Boundaries

Jason Bond said it has been brought up in previous meetings that the current Business Commercial zone boundaries are not realistic and should be reconsidered. He showed a map of the existing boundaries and a proposed amended

area that was prepared by staff. Any Business Commercial activities in the rezoned area would be grandfathered and will be able to continue operating the way it does currently. He also said a new business could come into an existing building because it would be based on the land use. The reason for the change is because the northern part of the current Business Commercial zone is mostly residential.

Judi Pickell said you get into messy, legal situations when you grandfather properties. She said she would rather see the zone stay the same. Bryce Higbee said Main Street should be Business Commercial. Maybe you could cut out the secondary properties west of Main Street but you can't have one side of Main Street be Commercial and the other side not. Jason Bond said we aren't promoting businesses coming into the residential area, they don't seem to thrive. The Planning commission said to streamline the area but keep it how it is, they said we can promote businesses where we want them but leave the zone how it is.

Jason Bond said this defined boundary reflects a smaller Business Commercial area that will hopefully not just be zoned Business Commercial, but is actively encouraged to be Commercial in its use. A sales tax leakage study is currently being done that will help Alpine City better understand what types of Commercial activities will work in this area. The results of this study will be presented within the next month.

Staffs suggest readdressing the regulations within the Business Commercial zone and amend the ordinance as necessary. Staff would also suggest continuing to plan for what would be the best zoning designation for the property that has frontage on Alpine Highway south of the roundabout. Bryce Higbee asked if the City wanted this property to be for residential homes or to extend our Commercial Business zone into this area. Steve Swanson said that is the only area that could be extended for Commercial properties.

Jason Bond showed on a map what a future Commercial zone could look like with property included south of the roundabout. He said it would not be wise to rezone this area until there is a much clearer vision or an actual proposed plan. Judi Pickell said we can say in our General Plan that this property is Business Commercial. That way, if the owners want to come in and present a plan to build Commercial, we can say yes, that's allowed in our Business Commercial for you to do that. Then we can move forward when everyone comes in to fight that decision. She said we shouldn't move forward in rezoning someone else's property because that could be considered a taking.

Steve Swanson said there is a dual use in the Business Commercial zone and we could end up getting something we don't like with the mixed use. Jason Bond said we need to decide if we want housing on this property because right now 10,000 square foot lots are allowed in the Business Commercial zone. He said if we want this to be Business Commercial, then let's talk about zoning it that way and promote Commercial and have a plan in mind. Bryce Higbee asked Jason Bond if he is saying no residential in this area. Jason Bond said we need to have a plan in place.

Jason Bond read from ordinance 3.7.2 in the Business Commercial zone where it states under permitted uses:

7. Single unit detached dwellings located on a lot in a recorded subdivision and subject to compliance with the applicable conditions within the zone.
8. Residential structures, provided that said structures existed as a residence prior to the affected date of this chapter.
9. Residential structures located within or on the same premises as a permitted or conditional Commercial use.

The Planning Commission agreed that the zone needs to be cleaned up. Bryce Higbee said he doesn't want to rewrite a whole new zone for this area. The Planning Commission said they need to get input from the residents to see what they want to zone to look like. They suggested having a work meeting to spend more time on this issue. They also said they want to wait until the sales tax leakage study comes back so they have a reference point to lead the discussion. Judi Pickell said she would like to see a map of current operating businesses.

IV. COMMUNICATIONS

Judi Pickell said she would like to see something in writing for the Historic Gateway criteria to help with future building. She would like to see it have historic content and she would like to have some sort of standard to follow.

Jason Bond said AT&T gave the City a check for \$5,000 for trees to be planted around their tower on Shepherd's Hill. He said they were planted on October 21, 2014.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: Oct 07, 2014

MOTION: Steve Cospers moved to approve the Planning Commission Minutes for Oct 07, 2014 subject to changes.

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

Judi Pickell stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 8:50pm.