

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
February 16, 2016**

I. GENERAL BUSINESS

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

Chairman: Steve Cosper

Commission Members: Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Steve Swanson, Judi Pickell

Commission Members Not Present:

Staff: Jason Bond, Jed Muhlestein, Marla Fox

Others: Roger Bennett, Lon Lott, Loraine Lott, Will Jones, Sheldon Wimmer, Bryan Irving

B. Prayer/Opening Comments: Jason Thelin

C. Pledge of Allegiance: Judi Pickell

II. PUBLIC COMMENT

No Comment

III. ACTION ITEMS

A. PUBLIC HEARING – Ord. No. 2016-03 - Flood Plain Clarification (Section 4.7.18.2.3.f)

This paragraph was just amended at the last City Council meeting. However, it was also determined by the City Engineer and the City Attorney that this paragraph concerning the flood plain requirement needed more amendments and clarification. It is proposed to reword paragraph 4.7.18.2.3.f to say:

Lots that contain land in the flood plain area shall contain a minimum area outside the flood plain corresponding to the underlying zone. For example, a lot in the TR-10,000 zone must have at least 10,000 sq. ft of land above the 100-Year Recurrence Interval Flood. CR-20,000 lots in a flood plain must have at least 20,000 sq. ft of land above the 100-Year Recurrence Interval Flood. A CR-40,000 lot in a flood plain must have at least 40,000 sq. ft of land above the 100-Year Recurrence Flood. Whenever 100-Year Recurrence Interval Flood data is not available, the required area as described above will be five feet above the elevation of the maximum flood of record. (Ord. 2004-13, 09/28/04, Ord. 2016-02, 01/26/16, Ord. 2016-03, 02/23/16).

Jed Muhlestein explained why some verbiage was taken out of this paragraph and said it was on the advice of the Attorney. He said the paragraph said proposed and existing lots and the whole purpose is to include everything so we scratched that and just said lots so that will encompass everything.

Jed Muhlestein said the bigger thing that David Church had an issue with was the second section crossed out in red where it states: Lots in the TR-10,000 zone must have at least 10,000 square feet of land which is an elevation of at least two feet above the elevation of the 100 year reoccurrence interval flood. Jed Muhlestein said the part David Church had an issue with is because if you have a flood plain or a flood way in a deep channel, and we're requiring two feet above that flood plain to be in open space, that's not as big of a deal as in more of a flat ground if you have a channel running through in areas such as Westfield ditch area. He said if we require two feet above in that area, that water can go two feet above bank and if it's flat ground, who knows how far that could go out. He said it could go out quite a way and take quite a bit of land. Jed Muhlestein said David Church said that could be considered a taking and said that's unlawful to do and recommended that we remove that sentence.

Jed Muhlestein said to back up Mr. Church's way of thinking, he started looking at what FEMA require and what do the other cities around us require. He said it turns out that FEMA allows building inside the flood plain but we don't allow building inside the flood plain so in that regard, we're more restrictive than even FEMA is. He said he couldn't find any other city with verbiage remotely similar to this. The only one was American Fork City and they said your lowest floor has to be at or above the flood elevation. Highland City mentions that flood plains have to be

in the open space. He said that Lehi City will actually allow you to build buildings below the flood elevation but you have to provide some kind of study to prove it's going to be okay and Mapleton's says the same thing stating you can't build within the flood way without first doing a study to back it up. Jed Muhlestein said we are by far the most restrictive around here and are just following the advice of our Attorney to take out the part that requires land to be donated to the city that's two feet above the elevation of the flood way. He said we have another section in our ordinance that states the lowest floor in the home should be built at or above the flood way elevation.

Steve Cospier asked about the flood plain on 1st South and asked if it was changed by FEMA. The Planning Commission talked about what happened with the flood plain down in that area. Jed Muhlestein said it still exists and Bryce Higbee said they actually increased the area all the way down dry creek to Utah Lake essentially. He said a number of cities were not happy with that so they got the Army Corp of Engineers to come out and do another study to challenge FEMA's report and to try and scale it back. He also said a lot has changed since the 1980's flood and the contributing factors that existed and caused that flood may not exist now. Jed Muhlestein said the homes in Piccadilly Circle have a restriction on the plat requiring those homes to be built above the flood way.

MOTION: David Fotheringham moved to recommend to the City Council that Ordinance No. 2016-03 be adopted which would clarify the requirement for lots that contain land in a flood plain.

Jane Griener seconded the motion. The motion was unanimous and passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospier, Jane Griener, Steve Swanson and Judi Pickell all voted Aye.

B. General Plan Update

In the last meeting, the Planning Commission requested that language in the 2007 General Plan related to the Land Use Element be gathered and provided to the Planning Commission members. The Planning Commission also requested to have the Land Use Element broken up into sections so that it can be more easily addressed and discussed.

Jason Bond said moving forward he would like to have three Goals:

Goal #1 - Maintain and promote a historic small-town, rural atmosphere that embraces agricultural uses, open spaces and the mountainous surroundings of the City.

David Fotheringham said he would like to see a Vision page that goes before the goals that would be a preamble.

1. Preserve animal rights and maintain a lenient level of regulations.

The Planning Commission discussed what animal rights are and if the regulations need to be more or less restrictive. Jason Bond said our ordinances allow for farm animals depending on the size of the property. He also said animal enclosures have to be at least seventy five feet away from any neighboring dwelling.

Steve Swanson said farm animals bring smell and flies that are uncontrollable and he worries about opening this up to the whole city. Jason Bond said the city already allows anybody to have farm animals if they have the square footage unless subdivision CC&R's prohibit it.

2. Encourage, develop and/or maintain venues that enhance a sense of community and provided residents an opportunity to congregate.

The Planning Commission said venues could mean Programs, Amphitheater, Parks, Public Events, Concerts, Food Truck Rally, etc. Judi Pickell said we should break this section down a little bit more so it's not so broad. She said we should list specific ones that we want to enhance and set a priorities like improving Moyle Park for instance.

Jason Bond said once we are done with the General Plan he doesn't want it to sit on a shelf. He said we need to review it each year and on topics like this one and ask ourselves if we are providing

opportunities for the residents to congregate. Do we have the venues necessary to do that and are we encouraging, developing and maintaining these venues the way that was intended.

3. Promote and preserve both natural and developed open spaces around the City through Planned Residential developments (PRD).

Jane Griener asked if we had to add the PRD as part of the goal. Jason Bond said this is the only way to get open space unless we buy it. Judi Pickell said it could be worded differently such as cluster housing. Bryce Higbee said he would rather see open space be public open space even though the city has to take care of it. Jed Muhlestein said from the Public Works point of view, we don't have the staff to maintain the open space.

Bryce Higbee said he does not like private open space because it does nothing for the city. He said he would like this worded that we prefer public open space. He said to promote and preserve both natural and developed open space with a preference for public open spaces around the city through planned residential developments, PRD, or by public purchase of land.

4. Connect neighborhoods and open spaces of the city with trails, sidewalks and bike lanes that support alternate forms of transportation and recreation.
5. Encourage and maintain a safe and convenient atmosphere for pedestrians within commercial areas by applying and enforcing the Gateway Historic District Design Guidelines.

The Planning Commission said to take out the word Historic. Judi Pickell asked how you enforce guidelines. Bryce Higbee said to get rid of the work enforcing, just make it beautiful.

6. Preserve and beautify the three gateways into the City. (Canyon Crest, Alpine Highway and Westfield Road) and do so in a unique way so that it is clear that you are entering Alpine.

The Planning Commission said there is some work that needs to be done and will work on specifics later.

7. Encourage beautifying streetscapes while protecting City sidewalks and infrastructure through the Implementation of Street Tree Guidelines.

Jason Bond said we need to check the ordinances to see if there are specific requirements.

Goal #2 – Provide a variety of lot sizes and housing types that allow residents to age in place.

1. Land zoned as BC should consist of professional office, retail and other commercial uses serving the immediate needs of Alpine residents and situated within an environment, which is safe and aesthetically pleasing. New residential development that happens to be built in the BC zone should consist of owner-occupied high density housing units such as senior housing that reflects a village scale and character.

Bryce Higbee said to take out the words immediate needs. Jason Bond said if this is our commercial district, we should encourage it to be a commercial zone. Judi Pickell said we could break up the commercial zone and allow only commercial businesses in a certain area and a mixed use in another.

The Planning Commission said to take out owner occupied and high density housing and change it to higher density.

2. Land zoned as TR-10,000 should include the are generally located within the originally settled town center of Alpine that is considered appropriate for high density residential development, maintaining a village scale and character.

The Planning Commission said to change all the shoulds to the word shall and to take out village scale and character. They also said to change high density to higher density.

3. Land zoned as CR-20,000 zone should include traditional agricultural land and lower undeveloped areas within the City that is considered appropriate for medium density residential development. These areas should provide for the perpetuation of the rural and open space image while reducing the impact of development on lands that are highly visible and susceptible to erosion.

The Planning Commission said to take out the word image. Jason Thelin said he didn't think the land zones should be referenced in the General Plan because they are already in the Development Code. The Planning Commission had a discussion about this and said they thought these zones should be in the General Plan so they could be referenced when applicants come in for a zone change or other zone issues.

4. Land zoned as CR-40,000 should include the territory generally located around the periphery of the City considered appropriate for low density residential development. These areas which as a result of the presence of steep slope, adverse soil characteristics, flood hazard, mudflow or earthquake potential, wildfire hazard or similar critical and sensitive natural conditions are considered environmentally fragile.

The Planning Commission said this zone should include more open vistas and not just environmental hazards and said we need to preserve the open rural atmosphere. Steve Cospers said he thinks this zone description should be rewritten because it is too similar to the CE-5 zone. Jed Muhlestein said the only difference between this zone and the CE-5 is one says mountainous areas and one says periphery of the City.

Bryce Higbee said the Planning Commission needs to have a discussion on whether we want to add another zone and lower density in the City so we know how to move forward.

5. Land zoned as CE-5 should consist of areas primarily located in mountainous areas of the City considered appropriate for very low density residential development. These areas which as a result of the presence of steep slopes, unique soil characteristics, wildfire hazard or similar natural conditions are considered environmentally sensitive.
6. Changes in zoning should be considered only upon demonstration of adequate infrastructure, resource availability, amenities and benefit to both the City and the residents of the project.

Jason Thelin said we need to put in the Plan that we are a proponent of lower density. Jason Bond said if that is what we want, then we have to put that language in the Plan. He said we can't just go off a map, we have to spell out exactly what each zones definition is. Judi Pickell said if we have a goal to provide a variety of lot sizes and housing sizes to provide ageing in place and still keep a rural feel. She said we need to provide options to families because not everyone needs or wants one acre lots.

The Planning Commission said they want to do some more work on this section

7. Follow the Alpine City Annexation Policy Plan.

Steve Cospers opened the Public Hearing and there were no comments.

COMMUNICATION:

Jason Thelin asked if we could take a look at fence setback requirements because he would like to be able to put up a higher fence in his front yard to keep the deer out. Jason Bond said the setback requirements are because of visibility and to prevent our roads from becoming alleyways. Fences higher than six feet are required to be set back by ten feet on any public street even if it's an open style fence.

Jason Thelin also asked about setbacks for accessory buildings and wanted to know if we could take a look at changing those requirements as well to be less restrictive.

VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: February 2, 2016

MOTION: Judi Pickell moved to approve the Planning Commission Minutes for February 2, 2016 subject to changes.

Steve Swenson seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye.

Steve Cospers stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:10 pm.