

**ALPINE CITY PLANNING COMMISSION MEETING AT
Alpine City Hall, 20 North Main, Alpine, Utah
November 1, 2016**

I. GENERAL BUSINESS

- A. Welcome and Roll Call:** The meeting was called to order at 7:00 pm 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, Carla Merrill

Staff: Jason Bond, Jed Muhlestein, Marla Fox,

Others: Councilmen Roger Bennett and Lon Lott, Mayor Wimmer

- B. Prayer/Opening Comments:** David Fotheringham

- C. Pledge of Allegiance:** Jane Griener

II. PUBLIC COMMENT

There were no comments.

III. ACTION ITEMS

- A. PUBLIC HEARING – Amendments to the Open Space Ordinance (Sect 3.16.4) Jessica Smuin**

Mayor Wimmer explained that some misinformation had been circulated among the public, and he took a moment to provide accurate information regarding Lambert Park. He confirmed that the City had no intention of paving the road that runs through Lambert Park and there hadn't been money identified in the budget to do so. There also wasn't a proposal for an alternate roadway. Mayor Wimmer then reviewed the recent Mayor's Message, and identified the accurate boundaries of Lambert Park on an aerial map. He stated that the purpose of the dirt road in Lambert Park was for emergency access only.

Chair Steve Cosper stated that the City Council has seemed to be very protective of Lambert Park, and it was extremely unlikely that they would be in favor of paving the road or disturbing the park in any other way. Mayor Wimmer added that the biggest threat to the park at that time was the potential for the high school mountain biking teams to overuse the trails. At that time, Mayor Wimmer was working on creating a schedule with the high school teams for trail use.

Jason Bond briefly explained the process for amending an ordinance.

Jessica Smuin, the applicant, explained that she was proposing the amendments to the Open Space Ordinance to protect Lambert Park from future development. The proposed language is listed below, with the changes written in red.

3.16.4.2 – Land included in these parks, **along with Lambert Park**, shall not be **changed, improved, altered, easements granted or** disposed of in any manner or used for any other purpose then specified herein. **Changes include but not limited to removal or alteration of existing trails, creation of or improvement to roads (paved or non-paved), creation or improvement to access points or any other changes to park's present and essential and defining characteristics** except after a

recommendation of the Planning Commission and a public hearing and by a super majority vote of the City Council (4 positive votes **out of five City Council members** are required).

Ms. Smuin stated that she has been involved with the issues at Lambert Park since she heard that the road was to be paved. The residents of the City have a deep love for Lambert Park and do not want to see it altered.

Steve Cospers opened the Public Hearing.

Sara Blackwell, a resident, asked if the option to pave the road was taken off the table completely. Steve Cospers explained that ordinances can always be amended. The sentiments of the City Council may change in the future, so there is no absolute guarantee that the road will not be paved. Jason Bond reiterated that the City Council currently has no intention of paving the road, and there are no plans to do so. If the ordinance were changed again in the future to allow pavement, it would require a super majority vote, which is four out of five City Council members.

Mayor Wimmer added that the annexation of Lambert Park Estates would not affect Lambert Park. This was also misinformation that had been circulated among the public.

Dave Kammer, the coach of the Lone Peak High School mountain biking team, asked about the number of homes that had been proposed for Lambert Park Estates. Steve Cospers stated that 59 homes had been proposed for that subdivision. Mr. Kammer asked if construction traffic would have access to the road through Lambert Park once development began. Jed Muhlestein answered in the negative, stating that the road would be used for emergency vehicles only.

Amy Hafen, a resident, expressed her concern for the safety of her children, which would be compromised if the road in Lambert Park were paved. She asked if a crash gate could be installed at the road entrance, because residents were currently using the road as a through street.

Mark Smuin, a resident, commented that he has seen other beautiful parks destroyed by expansion and economic development in other cities, and he did not want to see that happen to Lambert Park. He wanted to know if there was a way to protect Lambert Park for future generations. Steve Cospers stated that the City Council was a legislative body and they had the authority to change the code. He recommended that the residents vote for City Council Members who will respect the park. Bryce Higbee stated that the park could be protected through a conservation easement.

Rachael Frasier, a resident, stated that she recently moved to Moyle Drive to avoid living on a busy street. She feared that the paving of the road in Lambert Park would make Moyle Drive unsafe.

Jill Birdman, a resident, asked if a crash gate could be installed at the entrance to the road. Staff explained that this option had been discussed, but no decision had been made. One of the reasons for the indecision was that a Public Works employee needed to go into the park every day to check the water tank and irrigation system. A crash gate would prevent that access.

The Planning Commission briefly discussed alternative options to a crash gate.

Tim Fisher, a resident, stated that a variety of users benefit from Lambert Park and now was the time to put something in motion to protect that park.

Keith Clarke, a resident, explained that for the past 40 years he has accessed his father's property via a 15 mile dirt road. His family maintains that road year-round and they have never experienced any issues with

emergency access. Based on his experience, Mr. Clark stated that the road through Lambert Park would be safer if no other vehicles had access to it.

Will Jones, a resident, stated that he had some concerns with the proposed ordinance. Mr. Jones explained that he was on the Trails Committee, and he worked with scouts on their Eagle projects. He was concerned that the ordinance would prohibit them from doing any maintenance projects on the trails in Lambert Park without going through a month-long process to gain City approval.

Mayor Wimmer added that it would be difficult for the mountain bike teams and clubs to do any maintenance if they had to address every project with the Planning Commission. He suggested that language be added stating that trail maintenance in accordance with the Trail Master Plan would be allowed.

Vicky Birdshall, a resident, asked about the boundaries of Lambert Park. Recently, some signage was installed prohibiting access onto private property. Inaudible comments were made.

Breezy Anson, a resident, asked if the City was legally bound to pave the road. Jason Bond explained that the Sensitive Lands Ordinance addresses the need for a secondary access road and states that these roads have to be paved to 20 feet in width. Technically, the City's decision to leave this road unpaved conflicts with that ordinance. Mr. Bond explained that the Sensitive Lands Ordinance could be amended, but that ordinance applies to more than just Lambert Park.

There were no further public comments. Steve Cospers closed the Public Hearing.

Jason Thelin questioned whether they were addressing the right ordinance with this amendment. He suggested that staff do some more research into the Sensitive Lands Ordinance or others relating to the park.

Carla Merrill agreed and stated that the City needed to be sure they were altering the correct ordinance to achieve their intent.

David Fotheringham asked if an easement is a form of disposal. Mayor Wimmer explained that some restrictions are placed on an easement, but it is not considered a form of disposal. The property would still be under City ownership.

Steve Cospers worried that the ordinance amendment would restrict the City Council's ability to make decisions regarding Lambert Park. He felt that it would be better to leave the ordinance as it was and trust that the City Council would make the right decisions. Jason Thelin disagreed and explained that it was the duty of the Planning Commission to make recommendations like this. He also stated that it was important to hear and consider the voice of the public in these matters.

The Planning Commission discussed the proposed language and proposed a few alterations. Jason Bond cautioned the Planning Commission against focusing too closely on the ordinance, suggesting that they consider other ordinances that apply to parks and trails, as the proposed language may conflict with what is already written in the code.

MOTION: Bryce Higbee moved to recommend changes to the proposed Open Space Ordinance (Section 3.16.4.2) with the following language: Land included in these parks shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members are required). A material change shall include, but is not

limited to, a change to the park's present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.

Jason Thelin seconded the motion. The motion passed with 4 Ayes and 2 Nays. Bryce Higbee, Jason Thelin, Jane Griener and Carla Merrill voted Aye. Steve Cospers and David Fotheringham voted Nay.

B. Wireless Telecommunication Update (T-Mobile - Lambert Park Cell Tower Site)

Jason Bond explained that a wireless telecommunication tower is currently located at the south end of Lambert Park. There were three levels of the tower, with T-Mobile occupying the top level. T-Mobile had proposing a replacement of existing antennas. Section 3.27.3.1 of the Development Code states:

State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves:

- (A) Collocation of new transmission equipment;*
- (B) Removal of transmission equipment; or*
- (C) Replacement of transmission equipment.*

Jason Bond showed a picture of the existing tower and the equipment. The new equipment would be 16 inches higher and 12 inches wider than the existing antenna. Mike Slotemaker, a representative of T-Mobile, said the antenna will be longer, but it would be placed lower than the current antenna. The tower would not be any higher than what currently exists. He also confirmed that the tower would be painted.

MOTION: Jason Thelin moved to recommend approval of the proposed T-Mobile Cell Tower Modification in Lambert Park with the following condition:

1. Paint the new equipment with the same color as the existing equipment.

Jane Griener seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, and Carl Merrill all voted Aye.

C. Wood Acres Estates Minor Subdivision – Steve McArthur

Jason Bond explained that the proposed Wood Acres Estates Minor Subdivision consisted of three lots on 5.49 acres. The development would be located in the CR-40,000 zone on the corner of Westfield Road and Sunrise Drive. There were two existing homes on the property and property. The lot lines would be altered to create a third buildable lot. Jed Muhlestein stated that the utilities will have to be put in for the new property and a small road easement would have to be included on the plat.

MOTION: David Fotheringham moved to recommend to the City Council approval of the proposed Wood Acres Estates Minor Subdivision, with the following conditions:

1. The Developer works with staff to submit a plan for supplying pressurized irrigation service to Lot 2.
2. The Developer meets the water policy.
3. The Developer provided a cost estimate and bond for the construction of public infrastructure.

Jane Griener seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, and Carl Merrill all voted Aye.

D. White Pine Subdivision Final Plat – Ivory Homes

Jason Bond explained that the proposed White Pine Estates, formerly known as the Lone Pine Estates and Walters Subdivision, consisted of nine lots on 5.68 acres. There was an existing home on one of the proposed lots. The property was located at approximately 615 East 300 North, in the CR-20,000 zone.

The Planning Commission briefly discussed the narrowing on the east end of the proposed road.

MOTION: Jane Griener moved to recommend to the City Council approval of the proposed White Pine Estates Final Plat, with the following conditions:

1. The Developer meet the water policy and provide a construction cost estimate prior to the recordation of the plat.
2. The Developer correct the minor redlines before City Council approval.

David Fotheringham seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, and Carl Merrill all voted Aye.

E. Amendments to the Home Occupation Ordinance (Section 3.23.7.3)

Jason Bond stated that this item was previously heard by the Planning Commission, and a public hearing was held at that time. The Planning Commission had requested that some items be reviewed before making a recommendation to the City Council for approval.

Jason Bond presented the amendments to the Home Occupation Ordinance (Section 3.23.7.3). He believed that a home occupation should not alter or be noticeable on the outside of the home, or negatively affect the neighborhood; however, he was not sure that the ordinance should strictly outline what should happen within the home. The proposed amendments had been reviewed and approved by the City Attorney.

The Planning Commission agreed that the business should be incidental to the residential use of the home, and discussed whether the square footage for the business should be restricted. It was suggested that the space used for the home business be less than 25% of the square footage of the dwelling. They also discussed the use of accessory buildings with home based businesses. Jason Bond stated that the ordinance had other requirements that would restrict use outside of the residence. He requested that the Planning Commission focus on restricting use inside the home.

Mayor Wimmer stated that the reason the use of accessory buildings was prohibited was to eliminate car repair businesses.

MOTION: Jason Thelin moved to recommend to the City Council approval of the Home Occupation Ordinance Amendment (Section 3.23.7.3), with the following changes:

1. Criteria #2 is read as: The home occupation is conducted entirely within the livable area of a dwelling or attached garage. Business outdoor activities such as swimming lessons, tennis lessons, horseback riding lessons or other similar activities as determined by the Planning Commission may be considered as a home occupation.
2. Criteria #4 is read as: The home occupation does not involve the use of any accessory buildings or yard space for storage outside of the dwelling or attached garage.

3. Criteria #9 are read as: The home occupation shall not occupy an area not more than the equivalent of twenty-five percent (25%) of the livable area of the dwelling or 1000 square feet, whichever is less. The livable area does not include the garage.

David Fotheringham seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, and Carl Merrill all voted Aye.

F. PUBLIC HEARING – Amendment to the Planning Commission Ordinance (Article 2.2)

Mayor Wimmer explained that one of his responsibilities was to appoint members to the Planning Commission with the advice and consent of the City Council. Due to the number of Planning Commission meetings that had been cancelled because of a lack of quorum, Mayor Wimmer suggested that the total number of Planning Commission members be reduced from seven to five. If the Planning Commission consists of only five members, only three members would constitute a quorum.

Bryce Higbee was concerned that reducing the number of Planning Commissions would not solve the issue because the percentage would be the same.

Jason Bond stated that the ordinance could be changed so that only three members were needed for a quorum without altering the number of Planning Commissioners. Jane Griener was in favor of having more Planning Commission members because it provided a larger variety of opinions.

Steve Cospers opened the Public Hearing.

Lon Lott asked if this change would alter the majority vote requirement. Jason Bond answered in the negative.

Steve Cospers closed the Public Hearing.

Jason Thelin commented that the Planning Commission was currently lacking a Vice Chair. Although a new Chair and Vice Chair would be elected at the beginning of the year, it was decided that a Vice Chair should be elected for the month of December.

Motion: Jason Thelin moved to recommend David Fotheringham as the Vice Chair for the month of December.

Jane Griener seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener and Carla Merrill all voted Aye.

IV.COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: October 10, 2016

MOTION: Bryce Higbee moved to approve the Planning Commission Minutes for October 10, 2016, as written.

Jane Griener seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, and Carl Merrill all voted Aye.

Adjourn

Steve Cospers stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 9:19 p.m.