

**ALPINE CITY PLANNING COMMISSION MEETING AT
Alpine City Hall, 20 North Main, Alpine, Utah
May 3, 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: Mayor Sheldon Wimmer, Ramon Beck, Roger Bennett, Will Jones, Jim Kilgour, Maureen Kilgour, Morgan Rasmussen, Kathleen Rasmussen, Ronald Rasmussen, Eliot Jacobsen, Marcelle Jacobsen, Doug Hall, Gale Rudolph, Linda Black, Doug Braithwaite, Jan Braithwaite, Rafael Reyes, Teresa Reyes, Darla Masterson, Todd Newman

B. Prayer/Opening Comments: Steve Swanson

C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

Darla Masterson asked about the Master Plan and if it will be affected by the ski resort coming over to Utah County. Mayor Wimmer said Snowbird would like to bring two different runs over to the Utah County side from Mineral Basin to Mary Ellen Gulch along with one zip line. He said Snowbird has met with the County and the surrounding cities. Ms. Masterson said she was concerned about the water and it getting contaminated. Mayor Wimmer said they plan to monitor the water for two years to get a baseline so water quality can be managed over time. He said work will be done at Tibblefork on the dam but they will not disturb the sludge at the bottom of the lake because it's been contaminated with lead and arsenic from the mine runoff. Ms. Masterson also wanted to know if any Master Plan changes in Alpine would be taking place in order to make room for any buildings for this project. Mayor Wimmer said Alpine City doesn't have any land that will be affected and all the land that Snowbird will be using is land that they own privately.

III. ACTION ITEMS

A. PUBLIC HEARING – Parks and Recreation Master Plan Map Amendment

Recently, the staff proposed an amendment to the open space ordinance and meant to clarify the definitions for the different types of city open spaces. The City Council reviewed the ordinance amendment and determined that more language needs to be reviewed. In conjunction with the changes to the language in the ordinance, the applicable map needs to be updated and changed.

Staff has provided 3 options for changing the map. The Planning Commission and City Council can make any changes to these options as they see fit. Jason Bond showed a current map.

Option 1: The map is updated and some of the open spaces are redefined. The different classifications still match-up with the classifications that are currently defined in the Open Space Ordinance. There are other open spaces that are administrative in nature which would be removed from the "Parks and Recreation Master Plan" map. This includes city owned property that are used for wells, pump houses, city maintenance buildings, etc.

Option 2: The map is updated and the public open space classifications would be redefined into 3 different categories: Natural, Developed and City Owned Property. Private open space would also be indicated on the map. The ordinance language would need to be amended to be consistent with the map.

Option 3: The map is updated and the public open space classifications would be redefined into 2 different categories: Open Space and City Owned Property. Private open space would also be indicated on the map. The ordinance language would need to be amended to be consistent with the map.

Steve Cospers said the City Council thought there was a lot of ambiguity in the Open Space Ordinance and needed some work. He said he appreciated the work that has been done. Jason Bond said he likes Option 2 because it really defines the spaces; Natural open space would be left natural meaning we don't mow it or have upkeep on it. Developed spaces would be our parks that are mowed and manicured and taken care of. He said that future developed open space could have its own classification but we don't know what that is as this time.

Jed Muhlestein said on the map it shows a few areas that are city owned properties that were not designated as open space. He said he likes that on the map so residents will know they are buying property next to city owned property but that it is not designated for anything.

Judi Pickell wanted to know if the natural areas have deed restrictions and limitations on those properties. Jed Muhlestein said none of the plats he looked at stated these properties would be dedicated to Alpine City as natural open space. It just states the properties were dedicated to Alpine City as open space. Judi Pickell said her concern is that by putting those areas as natural and then in the future we need to use that area for something, we have bound ourselves to this one purpose. Jed Muhlestein said that is why Shane Sorensen liked the generic map which simply states open space because we can then work with the designations and use. Steve Cospers said our ordinance states that the City Council can use any of the open space for anything they want.

Steve Cospers opened the Public Hearing

Jim Kilgore said he disagrees with all three proposed maps and wanted to know where it states this in the ordinance. Jason Bond said we don't have it in the ordinance and that's what we are trying to do now. Steve Cospers said the city still owns the property and that's not going to change. He said what we are trying to do now is to pin things down and clarify so it's not so ambiguous to the public.

Maureen Kilgore said the property behind her house has not been maintained for 17 years and should be classified as natural open space. Jason Bond said this property is city owned property. Steve Cospers said the city is not handcuffed on any of their property and even if a property is defined as maintained or unmaintained, doesn't mean that won't change in the future. Ms. Kilgore said you should just call all of it city owned property if you're going to do whatever you want with it.

Bryce Higbee asked Mrs. Kilgore what she wanted. Mrs. Kilgore said the cart is before the horse and said you have to have an ordinance first and then change the map titles to fit the ordinance. Bryce Higbee said we are trying to word this in a way that's legal.

Judi Pickell said some of the property is given to the city and we are required to maintain it as open space. Some of the property is given to the city and we can do what we want with it. Ms. Kilgore said if the city is just going to do whatever they want with their property, she would rather all the property be labeled as city property and not open space. She said that is misleading to buyers who come in to buy a home. Steve Cospers said people think that if a property is labeled open space, that it's locked in forever. He said if it's

city owned property, there's got to be some ability for the city to be able to do what they need to do to run the city.

Jason Thelin said all property has a purpose and sometimes things change in the future. He said an example is when a cell tower needed to come into the community. The city has to decide where the best place to put it would be even though it wasn't a popular decision.

Todd Newman said he wanted to know what the goal of the city was to determine what designates a certain space. He said there should be some priority to these properties and open space. He said open space has value with natural aesthetics and beauty that people come to Alpine for. Steve Cospers said the city is a good steward of their property and projects are very well thought out and they do not through aesthetics to the wind. He said at some point you have to have confidence in the government of the city to do the right thing and he said we have leaders to do that.

Jason Bond said the city is currently working on the General Plan and the city wants to have goals of how they want the city to look. He said this goes through a public process so we get it right. He said we need to have a good, well defined decision written down on paper and have a good map to go along with it. Steve Cospers said we are not changing the ownership of this property; we're just trying to clean up the language and the map.

Judi Pickell said if we create a civic use zone and we leave all the rest as open space then when the time comes that a property needs to be changed to a civic use we would have to go through a rezone. She said it has to go through a thorough legislative process to rezone a property. She said instead of just putting a building on open space, the city has to go through a thorough process to change a property to a civic use. She said currently we don't have a process to change a zone or a zone to change it to and we need that.

Steve Cospers said when the city needs to put a pump or a well somewhere we don't need to go through a zone change. Jason Bond said we don't have zones, we have designations and if a property wasn't deeded to the city as open space, then it's just city owned property and there's not an expectation that a pocket park will be put there. Todd Newman said the city needs to define the properties so the residents know what will happen there and so there is less confusion. Steve Cospers said we can't handcuff the city from being able to maintain, for the good of all, something that may have to be built. He said we may need another water tank so we have water and there has to be give and take. He said we can't make so many restrictions that the city can't maintain the city.

Steve Cospers closed the Public Hearing.

Steve Swanson said he wants to have a clear understanding of how the property is going to be used. He said he doesn't have a problem with how these options are classified as long as they don't reduce property values.

Bryce Higbee said unless you have a conservation easement, there is no guarantee that something won't be built on city owned property in the future. He said the city has a lot of uses for different properties. He said he has a problem with defining every space and saying that's all you can use it for forever.

Judi Pickell said if the open space came to the city as a PRD, then it should be used for recreational purposes and not to put a city building on it or for city use. Steve Cospers said the only deed restriction would be a conservation easement. Jason Bond said our Attorney said once the property is given to the city as open space, the city owns it.

The Planning Commission had a discussion on which map they liked the best and what options they liked the best. They wanted all the Public Works buildings taken off the map and just leave open space. Bryce Higbee said he would like the title of the map legend labeled as city owned property and then label each space as something else as well, but said he thinks city owned property could be used for something different in the future.

Motion: Bryce Higbee moved to recommend option 2 with a couple of changes:

1. The title be changed to include City Owned Property at the top of the map.
2. The City Council work with the Planning Commission on defining different open spaces and city owned properties.

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

B. PUBLIC HEARING – Request to acquire a small portion of City Property (Peterson Park)

Doug Hall is interested in acquiring some Alpine City open space (Peterson Park) that is next to property located at 235 Paradise Lane. Staff advised him to discuss this proposal with the City Council to see if this was something the City Council would even consider. After the City Council reviewed the proposal, they directed staff to take this through the process.

Staff said there are some discrepancies of the property line between the residential lot and city property. There is area that belongs to the city that is fenced into the neighbor's property and area of the neighbor's fenced into city property.

Jed Muhlestein said Mr. Hall bought the property with a fence already in place. He maintained this property thinking it was his property for many years because of the placement of the fence. Jed Muhlestein said the city has no use for this piece of property. Jason Bond said there are no grandfather rules when it comes to city owned property even though it has been a certain way for many, many years.

Doug Hall said he purchased this property in 1992. He said there was a fence in place when they purchased the home. He said he and his wife made improvements to the property. He said in 1995, the city acquired Peterson Park. He said the city put in a holding pond and a ditch. Mr. Hall said his deed said his property description states his property line follows the fence line and the ditch. He assumed that was correct and has maintained the area for 24 years. Now that he has sold his home, the new owner wants clarification on the property and is proposing a new survey and boundary description. They would pay for this survey and legal documentation but would like the boundary line to change to what they have maintained for years. He said they're cost would be about \$1,200.

Steve Cospers opened the Public Hearing.

Will Jones said there is an irrigation ditch which is used as drainage for the city. He said as the Irrigation Co. he doesn't want to go onto private property to get to the ditch. He said all ditches belong to the city and he doesn't want this to change because he doesn't want to trespass every time he needs to get to the ditch. Mr. Hall said a portion of the ditch is already on private property. The Planning Commission wanted to know if there was an easement for this. Jed Muhlestein said he would have to look into it.

Steve Cospers closed the Public Hearing

Judi Pickell wanted to know what the protocol was for selling city property. Jason Bond said you have to have a Public hearing then the Planning Commission gives a recommendation. It then goes to the City Council and a super majority vote is required to approve the sale. Jane Griener said she drove down to this property and had a look to get a better understanding of what had happened. She said she sympathizes with the property owner because this area has historically been messy with the boundaries. She said she understood what Will Jones said about the city owned ditches, but said most of this ditch is on private property.

The Planning Commission had a discussion on the ditch and where it was located. Steve Swanson asked the homeowner what the advantage was to have that little extra sliver of property. He said its ditch and mostly unusable. He asked the homeowner why he couldn't just move his fence. Mr. Hall said if the fence is moved, it will cross the ditch and come too close to the driveway; he said this area would be hard to maintain and has only been done so far by himself. Jed Muhlestein showed on a map where the ditch is and said this ditch is still being used to run high water flows and for drainage.

Roger Bennett is the President of the Alpine Irrigation Co. He said they have a right to maintain the ditch and be able to get in there and clean them out. He said because the city has taken over a lot of the ditches for storm drain, they are responsible to maintain the ditch.

MOTION: Jane Griener moved to recommend to the City Council that they work out an agreeable acquisition with the property owner for this piece of property.

Judi Pickell seconded the motion. The motion was not unanimous but passed with 4 Ayes and 3 Nays. Steve Swanson, Bryce Higbee, Jane Griener and Judi Pickell voted Aye. Steve Cosper, David Fotheringham and Jason Thelin voted Nay.

C. PUBLIC HEARING – Accessory Building Setback Amendment (Article 3.2 – 3.6)

Jason Thelin is proposing that the setbacks for accessory buildings be amended in every zone. The proposed amendment would appear as follows:

1. Side Setback – Corner Lot, Side Abutting a Street. Accessory buildings shall be set back not less than thirty (30) feet from the side lot line which abuts on a street.
2. Front Setback. Accessory buildings shall be set back not less than thirty (30) feet from the front property line.

Paragraphs 3.2.5.2, 3.3.5.2, 3.4.5.2, 3.5.5.2, 3.6.4.2 and 3.7.8.12 are the “Accessory Buildings” setback requirements for each zone. The language is nearly identical in each zone. The only difference is that the side and rear setback for interior lot lines is a little shorter in the TR-10,000 zone and the Business Commercial zone.

Jason Thelin said there is no exception allowed for accessory setbacks. Jason Bond said an applicant would have to get a variance in order to make this work or connect the accessory building with a common roof or wall. Jason Thelin said some people can't afford to go through the variance process.

Jason Thelin said it didn't make sense to him that we dropped the frontage in the commercial zone to 10 feet but we still have to have a 40 foot setback in the residential zone. He said he spoke with the City Attorney and the Attorney said this ordinance was for aesthetics; it didn't serve for any safety purpose.

The Planning Commission had a discussion about the setback ordinance and accessory buildings. Jason Bond said detached buildings are allowed to have a thirty foot setback if they are attached to the house by

a common roof or common wall and not longer than twelve feet away from the main building. Judi Pickell said there should be a ratio because every lot is different. Jason Bond said they can still apply for a variance if they have a hardship on their lot.

Steve Cospers opened the Public Hearing. There was no comment so Steve Cospers closed the Hearing.

Judi Pickell said this limits people who live on quarter acre lots. Jane Griener said our ordinance helps maintain the open feel of the city. Steve Swanson said he understands this ordinance was done for ascetics.

MOTION: Jane Griener moved to recommend to the City Council approval of the proposed amendment to the accessory building setback requirements for each zone.

Lack of a second, the motion failed.

David Fotheringham asked if it could be changed 5 feet instead of 10 feet. Steve Cospers said he could recommend that but he would rather see Jason Thelin try to get an exception for his situation rather than having the ordinance changed.

Jason Bond said Jason Thelin would have to get a variance and meet the five criteria that are laid out by the state because our ordinance doesn't allow for an exception. He said Jason Thelin would have to have an unreasonable hardship.

Jane Griener said we should change the ordinance so a homeowner could apply for an exception instead of having to get a variance. The Planning Commission said that would open a can of worms because who would approve the exception and why would you give one and not another.

MOTION: Bryce Higbee moved to recommend disapproval of the proposed amendment to the accessory building setback requirements for each zone.

David Fotheringham seconded the motion. The motion passed but was not unanimous with 6 Ayes and 1 Nay. Bryce Higbee, David Fotheringham, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye. Jason Thelin voted Nay.

D. General Plan Update

Jason Bond said the proposed draft of the Parks, Recreation, Trails and Open Space includes language from the current General Plan that he considered useful to keep. It is also proposed that individual master plans for specific areas be included in this element as appendages. He said the Planning Commission should continue to offer direction and editing as needed for the Parks, Recreation, Trails and Open Space Element.

Steve Cospers said he would like to see more parks and we need to address more than just the trails. Jane Griener said the policies need to reflect the goal. She wanted to know if there was any direction as to what kinds of parks we want.

Bryce Higbee said we should reorganize these policies. He said a goal he would like to see is maintaining open space. David Fotheringham said he thinks we need to include verbiage that shows we are planning for future needs. He said the goal should state: Plan for, maintain, and sustain high quality parks. Judi Pickell wanted to change verbiage about signs on trails.

Steve Cospers said as to Bryce Higbee's point, we should look at the development of more playing fields. He wanted to know if we need to acquire or purchase more land. Bryce Higbee said we are land locked and may not have any more space for parks. He said we need to be open to other workable solutions.

Linda Black wanted to know what the ratio of people is to our parks and does the city have help from a professional planning group. David Fotheringham said Alpine is right in line with their parks in ratio with the residents and have paid for studies to be done. He said we are limited, but still are planning to develop the remaining land to the best use.

Jason Thelin said we should work to keep all of our trails connected. He would like to strike the words -as appropriate, at the end of 1.2. The Planning Commission had a discussion about trails and Jason Bond said some of these things will be in Appendage A: Trail Master Plan.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: April 19, 2016 and April 26, 2016

Motion: David Fotheringham moved to approve the minutes for April 19, 2016 and April 26, 2016 with the following change:

1. Change April 19th motion for the Fort Creek Riverbottom Subdivision to state that the Planning Commission approved the Concept Plan instead of recommending it.

Judi Pickell seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell 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 9:45pm.