

August 1, 2006

Minutes of the Planning Commission meeting held August 1, 2006 at Alpine City Hall. The meeting was called to order at 7:04 pm by Chairman Jannicke Brewer. The following Commission Members were present and constituted a quorum:

Chairman Jannicke Brewer

Commission Members: Lincoln Watkins, Jason Thelin, Jim Tracy, Kimberly Bryant, Steve McArthur. Kevin Cospers was not present.

Staff: Charmayne Warnock, Ted Stillman, April Riley, Jay Healey

Others: Arnold Griffiths, Nelva Griffiths, Tracy Wallace, Amberlee Buckner, Carl Pack, David Whitlock, Don Lyster, Blaine Hudson, Dana Ferguson, Wayne Pack, Paul Bennett, Cory Pierce, Ben Blackwelder, Will Jones, Paul Johnson, Kim Lambourne, Lynette Muir, Rob Ledbetter, Scott Larsen

The prayer was offered by Jason Thelin.

1. PUBLIC COMMENT: None

2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS:

Valley Financial, LLC – 398 N. Matterhorn Dr. – David Ray Whitlock: Mr. Whitlock requested a permit for his business of financing the extraction of oil and natural gas as well as financing loans for construction, etc. The business appeared to comply with the ordinance.

Dotz, Inc. – 794 South 1130 East – Lynette Muir: Ms. Muir requested a permit for her business in which she sold blankets and hair-care products for alopecia, (an autoimmune hair-loss condition) that were produced in Germany. She kept a very small inventory, about 6 bottles of shampoo and no blankets.

MOTION: Jim Tracy moved to grant conditional use permits to David Whitlock dba Valley Financial, LLC at 398 N. Matterhorn and Lynette Muir dba Dotz, Inc. at 794 South 1130 East. Jason Thelin seconded. Ayes: 4 Nays: 0. Motion passed. Steve McArthur was not present at the time of the motion.

3. DEVELOPMENT CODE – SWIMMING POOLS: April Riley said the City had received a lot of applications to build residential swimming pools. The current code required a fence unless the pool had an approved safety cover. There was a concern, however, that a safety cover was not enough to prevent a child from wandering into someone's yard and drowning in an unattended pool.

The County regulated public pools, requiring a 6-foot fence with a self-closing, self-latching gate with the latch placed high enough to be out of reach of a child. April Riley asked the Planning Commission if they wanted to impose the same regulation on a residential pool. A public pool was defined as a pool shared by 4 or more living units.

Jim Tracy said they needed to decide if they were going to regulate all residential pool including above-ground, temporary pools.

Ted Stillman recommended the regulation apply to pools that required a building permit.

The Planning Commission discussed what criteria should be used for pools that required fences.

Councilman Tracy Wallace said he had originally raised the concern about unfenced pools because he had driven around Alpine and saw uncovered pools with no barrier between the fence and the sidewalk. He said he had lived in California where there were consistent news reports of

children falling into pools. He said it was his intention to require fencing on in-ground pools, not temporary pools or hot tubs. Hot tubs usually had covers that a child could not lift.

Lincoln Watkins noted that, while the vinyl on safety covers was very durable, the stitching along the canvas edge was not, and was the weakest part. The vinyl created a false sense of security.

The Planning Commission discussed the height of the fence. Lincoln Watkins said a 4-foot fence would keep a toddler from getting in, and should be adequate. An older person could climb a 4 or 6-foot fence.

There was a general consensus that fencing would be required on any pool that was recessed or in-ground, permanent or required a building permit. April Riley would draft the ordinance. She said that David Church had said that if the City wanted to make the fence requirement retroactive, it would need to be included in the municipal code. People with existing pools could be given a grace period of a year in which to comply.

Preliminary Plat Due Date: April Riley said the City Engineer, Shane Sorensen, was swamped by the amount of work and had asked that the due date on preliminary plats be increased from 14 days prior to the meeting to 30 days for subdivisions with 5 or more lots. Also, they would change the number of requested copies of plats from 4 to 5 for the large "D" size.

Steve McArthur questioned if the engineer really needed 30 days for a 6-lot subdivision. He suggested that some of burden could be alleviated by adhering to the cut-off dates the City already had.

Jannicke Brewer said there was a lot of information on a preliminary plat that had to be reviewed. She asked about the time period for a re-submittal. Ted Stillman said a re-submittal required information 10 days prior to the meeting. Regarding smaller subdivisions, Ted Stillman said Taylor Meadows only had 9 lots but was very time-consuming because of the flood plain issues.

Lincoln Watkins said no one knew better than Shane Sorensen what was involved in the review and how much time he needed.

Ted Stillman suggested they postpone the issue and discuss it when Shane Sorensen was present.

4. FORT CANYON LDS CHURCH SITE PLAN - Ted Stillman said the LDS Church had submitted a new plan which addressed some of the issues raised at the previous meeting. Shane Sorensen had reviewed the revised plan and found the solution regarding driveway access onto Heritage Hills Drive acceptable.

The Planning Commission discussed the driveway on the north side of the church site. Depending on future development of the adjacent property, it may or may not continue as a road. Currently it was shown as a driveway. Church representative, Kim Lambourne said they would prefer to resolve the road issue up front rather than having to come back later on and do more construction. If the adjacent property owner would give up some land, it could be built as a stubbed, dead end street. That would give them the flexibility to turn it into a street if the adjacent land were developed. Otherwise it would remain a driveway.

Steve McArthur suggested designing the road now and building a partial-width road with a park strip, etc. and putting the fence on the church side.

Kim Lambourne said they would be happy to do that so they didn't have to address it later.

Ted Stillman said there would need to be a reimbursement agreement on the construction of Heritage Hills Drive unless both parties built their section of the road at the same time.

Fencing was discussed. The church proposed a chain link fence around most of the church site and a vinyl split rail fence along a grassy area. The Planning Commission asked that the chain link fence be vinyl coated with a dark color. The split rail fence should be color coordinated with the church.

MOTION: Lincoln Watkins moved to approve the site plan for the Fort Canyon LDS Church with the note that an acceptable driveway access onto Heritage Hills plan had been provided, and subject to the following conditions:

1. Design a private driveway on the north boundary to be built to a half-width street standard that could be later dedicated as a public street including a park strip, curb, gutter and sidewalk.
2. The Church agree to either reimburse the City for construction of the south and east portion of Heritage Hills Drive or construct the improvements as part of their project.
3. A UPDES permit be obtained for the site prior to construction. A copy of the permit be provided to the City Engineer.
4. The redlines on the drawings be addressed, including a minimum of two streets light on Heritage Hills Drive of the same design as approved by the City for downtown Alpine.
5. The details be worked out on how the possible future right-of-way at the north driveway will be conveyed to the City.
6. The proposed chain link fencing be coated with dark vinyl and the 3-foot high split rail vinyl fence be color coordinated with the church.

Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed.

5. PACK ANNEXATION – CONCEPT DISCUSSION – WILL JONES: Ted Stillman said the developer had submitted an alternate layout for a regular subdivision at the previous meeting. After considering the layout and the issues, the Planning Commission decided a PRD would serve both the City and the development better.

The developer had submitted a new layout for a PRD called Phase A showing some of the parks combined. There was also a Phase B which included additional pieces of property belonging to other members of the Pack family. There were some family members who wished to continue farming, but wanted to develop at some point and wanted their land included in the overall plan.

Will Jones said there was also a Phase C which included Peter Christensen's land. The Christensen land was currently zoned TR5 in the County which allowed him to develop quarter-acre lots resulting in a possible 27 lots. He also had a central water system which would enable him to develop in the county if he desired. If the Christensen land were included with the Pack subdivision and developed according to Alpine City Ordinance, Will Jones was anticipating that he would do 13 half-acre lots. Mr. Jones suggested it would be beneficial to the City to include the Christensen land with the Pack development because there would be fewer lots.

At the meeting of June 6, 2006, the Planning Commission had previously recommended that the Pack property be annexed with a zoning of CR-40,000 below the 5350-ft. elevation and CE-5 above the 5350-ft. elevation. Jannicke Brewer said she had made a rough slope analysis of the property using these zone designations. They came up with a density of about 88 lots including the bonus. The Planning Commission indicated that the 90 lots asked for on the proposal was a workable number and it should include all existing houses except the Russon and Hunter properties.

Jason Thelin asked how the other pieces of ground belonging to the Pack family would be developed if they were not included in the ordinal development. Jannicke Brewer said they would

have to be developed as one-acre lots. Jason Thelin clarified that it would result in 2 lots instead of 5 if it were developed as one-acre lots.

After more discussion a motion was made.

MOTION: Jim Tracy moved that under no circumstances shall the number of lots for phases A and B of the Pack Subdivision/Annexation exceed 90 lots, and this number shall include the existing houses in the proposed development. Steve McArthur seconded. Ayes: 4 Nays: 1. Jason Thelin voted nay.

MOTION: Steve McArthur moved that if the Pack Annexation included the Grant property, the zoning on the Grant property would match the Pack zoning in that the land higher than 5350 ft. would be zoned CE-5 and below 5350 ft. would be CR-40,000. Jim Tracy seconded. Ayes: 5 Nays: 0. Motion passed.

There was a brief discussion about continuing a road through Dr. Grant's property since he had said at an earlier meeting that he was unwilling to have the road go through. Jannicke Brewer said it was her opinion that the road should go through because it was needed for circulation.

6. LEDBETTER SUBDIVISION – RGB DEVELOPMENT GROUP –

MEADOWLARK/FORT CANYON: RGB Development Group had submitted a plan for an 8-lot subdivision on 12.86 acres located at approximately 230 W. Meadowlark Drive. Part of the property was located in the CR-20,000 zone and part in the CR-40,000 zone. Ted Stillman said the notification letters had gone out and the sign was up. The next step would be to schedule a public hearing for September. However, 5 of the 8 lots did not conform to the ordinance.

Jannicke Brewer said the whole area was in sensitive lands, and part of it was in the original International Estates subdivision. She noted that there was a trail shown along the edge of the development on the trail map.

Cory Pearce of LEI Engineering asked how the City handled it when a lot lay within two zone. Ted Stillman said they generally considered it to be in the zone in which the majority of the lot lay.

Jannicke Brewer opened the meeting to comments.

Arnold Griffiths said he lived on the property adjoining the proposed development. He said he was protesting it for three reasons: 1) When they purchased their lot in 1994 they were assured by Bert Howell, the developer of International Estates, that the adjoining lot 29 and lot 7 would never be developed. The Griffiths were concerned that views would be blocked. He said Mr. Howell had since deceased, and he asked the Planning Commission if those lots could be legally subdivided.

Jannicke Brewer said they would check on it.

Mr. Griffiths said his second concern was that the new owner, Robb Ledbetter would not meet with him. He had called and left messages but received no answer. He had two safety concerns that he wanted to discuss with him. There was a big hole which Lennon Ledbetter (his brother and the previous owner) left when he dumped fill dirt into the ravine. Mr. Griffiths was also concerned about the fire hazards because of the weeds.

He said his third concern was available power. The previous Tuesday they'd had a blackout that lasted over four hours. The power company said it was because of high use and the equipment failed. Mr. Griffith asked if the City required some verification from the utility companies that they could provide adequate service to new developments without compromising service to existing residences. He said they'd had another outage that day, and with global warming, how would the utilities handle future homes when they couldn't even supply power to existing homes?

Jannicke Brewer said the utility companies had to sign off on the plats

Richard Kirkham at 461 Lakeview Drive said he was opposing the development for two reasons. First, the ground had already been platted with International Estates. Second, there was inadequate water pressure to serve the existing homes in the area, much less additional homes. He said he'd moved to Alpine from Bountiful 6 years earlier. He'd had 29 years of experience with pressurized irrigation systems. He noticed as soon as Alpine's system went in that it was inadequate. He said when he turned on his water, there wasn't enough left to come out the hose. He went on vacation and when he came back his yard was burned. He had talked to the engineer about the problem and was told the pipeline coming up the hill was of insufficient size to carry the needed water. He said he was opposed to any development that would further hinder his ability to water his property.

Gordon George said he owned lot 8 of plat C in International Estates. There was no home built on it as yet, and he was concerned about the water situation. If the proposed subdivision was approved, Alpine City needed to assure the existing landowners that adequate water service would be there. Some of the neighbors already had to pay for pumps to increase water pressure. He said he was also concerned about fire access to the deep ravine. If it were landlocked by homes, how would the fire trucks get to it? He also asked what liability there would be if storm runoff was channeled into the homes since that area used to be a catch basin.

Larry Smith said he lived on Treeline Drive and they already had a problem with water pressure. He had to hand-water his yard because there was not enough pressure for his sprinkling system. He said he was told it was because his sprinkler system was poorly planned, but two years ago it had been fine. But this summer and the previous summer there was no water pressure. He said he objected to anything that reduced the water pressure.

Jannicke Brewer asked if they could have a report on pressurized irrigation at the hearing on the proposed development.

Tess Peterson said she lived on Fort Canyon Road. She understood the water problem because they had the same problem. They had to hand-water their lot. She said she was not anti-development. They would like to develop their lot but it was too steep. Their neighbor to the north, David Harvey, would also like to develop. She said that if they could develop their ground, they would bring in a 500,000 gallon water tank which would help all the homes in that area.

Nelda Griffith asked if it was legal to build on fill. She said the land was previously flat but the previous owner brought in tons of dirt.

Arnold Griffith said that was why there was a big hole. Ledbetter had brought in fill to one side and left a big hole on the other.

Steve McArthur said one could build on fill but it had to be structurally sound.

Lincoln Watkins said the proposed subdivision did not seem to be ready for a public hearing. They needed to have a workable plat in order for people to make comments on it.

Jim Tracy agreed that it would be difficult to comment on something that was inadequate.

Larry Smith said he would like to further state that he'd talked to Alpine's engineer and was advised that the pipe was too small for the area. Alpine already knew about the problem.

Ted Stillman said Shane Sorensen could address the pressurized irrigation at the next meeting.

Blaine Hudson said the pressurized irrigation had been wonderful a couple of years ago. This year was the worst. He asked about the 5-acre zoning requirement in Fort Canyon.

Jannicke Brewer said the proposed development was just outside the CE-5 zone.

Scott Larsen asked about the slope ordinance and said that he'd understood that when International Estates was developed 10 years ago, the subdivision had all the lots that were allowed because of slope.

Robb Ledbetter said his brother, Lennon Ledbetter used to own the property and he'd had several developers offer to buy the whole thing. Mr. Ledbetter said life was too short to be in a fight so he'd rather sell it to another developer and let them have the fight if the neighbors really did not want to see International Estates re-subdivided. He said he thought there was a way to preserve Mr. Griffith's view by making one lot bigger. He said he wanted to build a subdivision that would blend in with the existing homes. He wasn't trying to fit in as many homes as possible.

Jannicke Brewer said they would need to research the history on International Estates and see what was done because of the slope and the ravine.

7. CONTINUING EDUCATION: Chapter 8 of Craig Call's book was Federally Mandated Rules and covered topics including religious land uses, sexually oriented businesses, group homes, cell towers, signs and billboards.

There were no minutes from the previous meeting to be approved.

MOTION: Steve McArthur moved to adjourn. Jason Thelin seconded. Ayes: 5 Nays: 0. Motion passed.

The meeting was adjourned at 9:45 pm.