

November 1, 2005

Minutes of the Alpine City Planning Commission meeting held November 1, 2005 at Alpine City Hall. The meeting was called to order at 7:00 pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum:

Chairman Jannicke Brewer

Commission Members: Jim Tracy, Dale Porter, Lincoln Watkins, Steve McArthur, Thomas Whitchurch. Mike Mickelson was excused.

Staff: Charmayne Warnock, Shane Sorensen, Ted Stillman

Others: Marshall Miller, Larry Brown, Curry Jones, Will Jones, Ron Madson, Richard James, Ra Puria, Bill Crockett, Craig Carlisle, Max Pitcher, Downing Akin, Kay Van Buren, Hunt Willoughby, Craig Skidmore, Jeff Anderson, Craig Nelson, Tim Thompson, Ken Hartley

The prayer was offered by Lincoln Watkins.

5:30 PM Field Trip to Taylor Meadows Subdivision 300 East 100 South

1. PUBLIC COMMENT: Jannicke Brewer requested they have a field trip to Vista Meadows before it was on the agenda again.

Ted Stillman said there would be no City Council meeting on November 8th because of the election. There would be a joint Planning Commission and City Council meeting on November 29th for a presentation on the General Plan survey. He said David Church was working on the PRD Ordinance and would hopefully have it available for the November 15th meeting.

Lincoln Watkins asked if he could have a copy of the information that justified the LOMA on the Taylor Meadows subdivision. Shane Sorensen said FEMA had outsourced the study to an engineering firm, and the city did not have a copy of the study or the information. The City received only the actual letter of map amendment. Lincoln Watkins said he would like to be as informed as possible and asked if there were eyewitnesses to the flood that occurred 50 years earlier that he could talk to. Jannicke Brewer suggested he talk to Bill Devey and Eugene Healey.

2. CONDITIONAL USE PERMITS FOR HOME OCCUPATIONS

Alpine Capital Investments – 499 Grove Drive – Marshall Miller: Mr. Miller requested a permit for his real estate investment business. No customers would visit the home.

Home Trend Investments, LLC – 763 N. Main – Jared Casey: Mr. Casey requested a permit for his business of processing mortgage loans and investing in properties. No customers would visit the home. There was a question about the applicant's comment on the nature of the business where he added that, besides processing loans and investments, the company would also engage in any lawful acts. Since the last statement was vague and possibly far-reaching, the commission voted to strike the last part of the sentence.

MOTION: Jim Tracy moved to approve conditional use permits for Marshall Miller dba Alpine Capital Investments at 499 Grove Drive and Jared Casey dba Home Trend Investment, LLC at 763 N. Main with the condition that "this company is also to engage any lawful acts" be struck from Jared Casey's application. Lincoln Watkins seconded. Ayes: 5 Nays: 0. Motion passed.

3. HERITAGE HILLS SUBDIVISION, PLAT A – EXTENSION OF APPROVAL – DOWNING AKIN: Ted Stillman said the developers of Heritage Hills were requesting an extension of 6 months on final plat approval for plat A and a 1-year extension on preliminary approval.

MOTION: Jim Tracy moved to recommend a 6-month extension of final approval and 1-year extension of preliminary approval for Heritage Hills Subdivision, Plat A. Dale Porter seconded. Ayes: 5 Nays: 0. Motion passed.

4. MADSON SITE PLAN – 112 S. MAIN – RON MADSON: Ted Stillman said Ron Madson was converting the home at 112 S. Main into a law office. The biggest issue was parking. Mr. Madson was proposing two spaces on the south side and two on north side. Ted Stillman said he would need eight spaces because the ordinance required 4.5 spaces per 1000 square feet and one parking space per employee. There would be three work stations. The spaces needed to be 19 feet deep and there needed to be lighting in the parking lot. Mr. Madson also needed to submit a landscaping plan. Shane Sorensen clarified that 20% of the lot would need to be landscaped.

Ron Madson said he took down a barn and chicken coop and made more room on the property so there should be plenty of room for parking.

Jannicke Brewer said the ordinance did not allow parking within the setback, and parking was shown in the setback.

Ron Madson explained that he needed handicap access. Since it was an older home, the only doorway wide enough to meet ADA requirements was an addition on the south side of the structure, and it was reasonable that the handicap parking be next to it. That would locate the parking within the 30-foot setback from the street. He asked if there was a possibility of an exception.

Shane Sorensen said that according to the record, the home was not connected to the sewer, and state law required it to be connected. Jay Healey said he expected the sewer in 120 South was stubbed to the lot.

Craig Carlisle said he lived in the adjacent home on the west, and he was concerned about lighting from the parking lot shining into his home, as well as other impacts the proposed business would have on his residence.

Mr. Madson said lighting could be directed away from adjoining residences. Trash storage would be next to the building. The Planning Commission said it would need to be screened from the street.

Ted Stillman said Mr. Madson had already met with the Historic Review Committee. Since he was not changing the exterior of the building, there were no recommendations from the committee. Ted Stillman summarized the following items that would need to be submitted by Mr. Madson prior to approval of the site plan: 1) detailed site plan showing trash storage, etc; 2) detailed landscaping plan including types of trees and plants; 3) parking plan; 4) grading and drainage plan for parking area. The Planning Commission would need to consider an exception in order for Mr. Madson to locate the handicap parking next to the handicap entrance.

5. THREE FALLS SUBDIVISION – SLOPES AND HAZARDS – WILL JONES: Ted Stillman said that Max Pitcher had requested permission to make a presentation regarding the proposed Three Falls development. David Church had said that since it was a public meeting, he had a right to express his opinion. Jannicke Brewer noted that they probably should have listed Max Pitcher's presentation as a separate agenda item, however.

Will Jones asked Max Pitcher if he was licensed as a geologist in the state of Utah. Mr. Pitcher said he was not. He had a PhD in geology and had worked for oil companies and was retired.

Assisted by his grandson, Jeffrey Anderson, Max Pitcher gave a power point presentation on earthquake potential in the Fort Canyon area. A copy of his report was provided to the Planning Commission and was included in the file for Three Falls.

Will Jones said he had spent thousands of dollars commissioning a firm named on Alpine City's list of approved independent consultants to do the studies required by Alpine City. The geologists he used were licensed in the state of Utah and three of them were present that evening to answer questions regarding the Three Falls development. He introduced Craig Nelson from Western Geologic and Tim Thompson and Kent Hartley with IGES. Will Jones said he was disturbed that Max Pitcher was allowed to make a presentation regarding the Three Falls development in time allotted him.

Jannicke Brewer agreed that they should have listed Max Pitcher's presentation as a separate agenda item. She said no approvals had been given on Three Falls up to that point. Motions had been made stating that there could be a base density of 45 lots with the possibility of a density bonus. There was also a motion regarding the improvement requirements for Fort Canyon Road and a secondary access road.

Shane Sorensen had reviewed the Geologic Hazards Evaluation report dated September 7, 2004 which was prepared by Western Geologic for the Three Falls development. He summarized the report by identifying each geologic hazard and the proposed mitigation for the hazard. He said that based on the recommendations of the geologists, some additional studies would be needed in order to finalize development plans. Some studies had been done since that time but the City had not seen the reports. He said that, since the staff lacked expertise in many areas of study, they enlisted the help of the Utah Geological Survey to review the hazard portion of the reports. The UGS had not hesitated to raise issues and recommend further studies on potential issues. There were still some reports that needed to be reviewed by the UGS.

Shane Sorensen said they had requested the consultants who conducted the studies to review the proposed lot layout and determine if the plan was consistent with the measures they recommended in their reports. The City received a letter dated September 29, 2005 from IGES indicating that they were in agreement with the most current lot layout subject to lot-specific studies being required to finalize buildable areas on lots. The City had not received a similar letter from Western Geologic.

PSOMAS, the development engineer on the project was finalizing their recommendations for potential debris flow hazards.

Shane Sorensen said there had been comments that mitigation should not be allowed for hazards identified in the Fort Canyon area. However, some type of mitigation was implemented in almost every development ranging from retaining walls to street and pavement design to clearing brush in fire prone areas. He said professionals believed most problems could be mitigated through engineering or other means, but sometimes the cost was prohibitive. The City needed to decide what mitigation was acceptable.

In the engineer's review, Shane Sorensen listed issues that would need to be resolved including a determination of how the springs would be developed and how water would be conveyed through the development. He also identified individual lots and issues specific to the lot.

Based on Shane Sorensen's review and the map of the subdivision, Jannicke Brewer prepared a list showing each lot and the issues on each lot along with the engineer's suggestion on how to make it acceptable. She suggested the Planning Commission review the subdivision lot by lot, and decide if the proposed layout was acceptable or if it should be modified.

The Planning Commission reviewed the lots.

MOTION: Jim Tracy moved to approve lots 1 and 2 as drawn. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

MOTION: Steve McArthur moved that on lots 3, 4 & 5, the property west of the east bank of Fort Creek would be part of the lot but would be protected with by a conservation easement with Alpine City as the holder of the easement. Dale Porter seconded. Ayes: 3 Nays: 2 Jannicke Brewer said she voted nay because Section 3.9.7.3 of the zoning ordinance stated that floodways had to be in open space. Jim Tracy voted nay. Motion failed.

Ted Stillman said that lot 6 was not included in the Three Falls development. If and when the original Ilangeni Estates was vacated, the owner of lot 6 wanted to include it with his property which was contiguous to lot 6. David Church had said that was legal.

One of the main issues the Planning Commission discussed was waterways within building lots. Some were drainage channels, some were streams. Steve McArthur suggested piping the drainage into the storm drain system if the flow was minimal. Shane Sorensen said the state still needed to make a determination on who was responsible for some of the drainage channels. Until that was done, the Planning Commission couldn't make a decision on what to do with them.

The Planning Commission discussed the recommendation that there be a site-specific study done on each building lot. Steve McArthur said it would be better to do those studies in the subdivision approval stage rather than waiting until the building permit stage.

Will Jones said it would be impractical to do the studies during subdivision approval because some of the lots were so big. He felt it would be better to wait until the individual applied for a building permit and have the study done when the applicant knew where he wanted to build on the lot, size of home, etc. He said the City could have a list of approved geotech engineers who could do the site-specific study and make sure it conformed to the recommendations in the original study.

Steve McArthur said he didn't want to depend on it being done at the building permit stage. It could be years before a home was built. He said it would be better to have the site-specific studies done up front.

Will Jones said they could have a time period in which the study had to be done. When they sold a lot, the seller wouldn't close on it until the study was done. The buyer would have the option of withdrawing the offer.

Tim Thompson said some cities required the original geotech engineer to do the site-specific study to ensure that the building plans were within the recommendations of the original study.

The Planning Commission discussed lots 7 through 14, but there were questions about drainage and high water tables. Thomas Whitchurch said that perhaps they were premature in trying to decide whether the lots were acceptable. He suggested that staff make a determination on the acceptability of lots and make a recommendation.

Shane Sorensen said the Planning Commission would need to decide if they wanted a conservation easement on the drainage channel or leave it as a drainage easement.

Tim Thompson said those were the kinds of issues that should be addressed in a good geotech study. The geotech engineer would look at slope stability and other issues that a non-professional person might overlook.

Steve McArthur said that was why he felt the site-specific study should be done up front. There might be issues on a lot that weren't discovered at the subdivision level, but would be discovered during the site-specific study that could make the lot difficult to build on.

Tim Thompson said that on a big lot with a big envelope, they could end up with a lot of trenches and holes and a lot of cost. He'd prefer to not disturb areas where they wouldn't be building.

Shane Sorensen said they would need to identify the easements on major channels prior to recording the plat. Jannicke Brewer suggested they wait until they find out who was going to manage the drainage channels before going further.

Max Pitcher asked if the City planned to submit the reports to the states which had not yet been submitted. Shane Sorensen said they would, adding that the state had been heavily involved in the studies done thus far.

6. CONDITIONAL USE STANDARD ORDINANCE: The Conditional Use Standards Ordinance was reviewed in its final form. The Planning Commission had some minor changes which were noted.

MOTION: Jim Tracy moved to approve the changes to the Conditional Use Standards Ordinance and recommend it to the City Council. Steve McArthur seconded. Ayes: 5 Nays: 0. Motion passed.

7. NOISE ORDINANCE – CONSTRUCTION: The Planning Commission reviewed the proposed ordinance. Lincoln Watkins said he would like to make a Sunday a day of “no construction noise.” Builders could work on the home but not with tools that created noise. Ted Stillman was asked if there had been complaints about Sunday noise and he said no. Ted Stillman said this was the type of ordinance that would most likely be enacted if there was a complaint.

MOTION: Jim Tracy moved to recommend approval of the Construction Noise Ordinance. Lincoln Watkins seconded. Ayes: 4 Nays: 1 Motion passed. Lincoln Watkins voted nay.

8. OTHER BUSINESS: Ted Stillman asked the Planning Commission to consider an ordinance addressing “tear-downs” and “pop-ups.” He said Alpine City encouraged in-fill development, but there had been a problem with homes in older neighborhoods being torn down and replaced with giant homes that were incompatible with existing neighborhoods. Salt Lake City was considering such an ordinance because they had a similar problem.

Ted Stillman suggested the Planning Commission consider scheduling a meeting devoted to Three Falls, and they agreed.

9. APPROVE MINUTES OF OCTOBER 18, 2005

MOTION: Dale Porter moved to approve the minutes of October 18, 2005 and adjourn. Steve McArthur seconded. Ayes: 4 Nays: 0. Lincoln Watkins abstained because he was not present at the previous meeting. Motion passed.

The meeting was adjourned at 9:50 pm.