

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
February 4, 2020

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 p.m. by Chairwoman Jane Griener. The following were present and constituted a quorum:

Chairman: Jane Griener

Commission Members: Ethan Allen, John MacKay, Alan MacDonald,

Excused: Bryce Higbee, Jessica Smuin, Sylvia Christiansen

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Marne Reneer, Greg Wilding, Will Jones

B. Prayer/Opening Comments: John MacKay

C. Pledge of Allegiance: Jane Griener

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Public Hearing – Short Term Rentals

Austin Roy explained that in October 2019 the Planning Commission reviewed and discussed a proposed ordinance that would allow Short Term Rentals with certain restrictions. After some discussion, the Planning Commission articulated that the downsides to allowing Short Term Rentals outweighed the benefits. Staff subsequently prepared a proposed ordinance which would prohibit Short Term Rentals in Alpine City, and it was discussed at the January 7, 2020 meeting. The Planning Commission requested that staff make changes to the proposed language. The proposed ordinance had since been updated based on feedback from that meeting and was now returning to Planning Commission for a public hearing and action on a forwarded recommendation to the City Council.

Chairwoman Jane Griener opened the Public Hearing

Marne Reneer, resident, said she had an accessory apartment in her home and wanted to turn it into an Airbnb because it would allow her to make extra income while still having her home available when her kids came to visit. She said she should have done her research before starting this project and she wanted to know why this was not legal. Chairwoman Jane Griener told Mrs. Reneer that it was against the City's policy to rent out both sides of one's home. If a resident rented their home, they had to live in part of it; it was not possible to rent half of the home long-term while renting the other half of it short-term. Additionally, the City had a moderate income housing plan that used the City's mother-in-law apartments as a major part of that plan to provide lower income housing. If all of those units were to become Short Term Rentals, that would take away from the Moderate Income Housing Plan. Furthermore, this had been discussed multiple times and residents who lived by these Short Term Rentals were very unhappy. They didn't like the traffic, the noise, strangers in their neighborhoods, trespassing, and single-family homes being turned into hotels.

Alan MacDonald reiterated Chairwoman Jane Griener's point regarding the Moderate Income Housing Plan.

Ms. Reneer asked that the City reconsider its position to allow for these Short Term Rentals. She stated that not all short-term tenants caused issues and that by having travelers come in and out of the area there were opportunities for sharing meaningful cultural experiences without ever having to leave Alpine. There was subsequent discussion on points previously raised regarding this item.

Chairwoman Jane Griener closed the Public Hearing.

B. Amendment to Ordinance – Short Term Rentals

Austin Roy explained that the proposed Ordinance defined Short Term Rentals as follows: "Temporary lodging or place of stay that is rented (including, but not limited to hotels, motels, bed and breakfast, boarding homes, etc.) for a period of thirty (30) consecutive days or less." He stated that this definition was created based on the feedback of the Planning Commission the last time this item was discussed. He further noted that the majority of the above language was borrowed from the Utah State Tax Commission.

In response to questions from Planning Commissioners, Austin Roy explained that every zone in the City had a clause stating that Short Term Rentals were prohibited. Code violators would be issued fines of \$50 per day. Residents issued fines would also have the opportunity to appeal any citations. Austin Roy explained that the fine was standard for any code infraction in the City, with the exception of street sweeping. The question was asked if merely posting a rental on websites like Airbnb and VRBO was cause for a citation to be issued, to which Austin Roy said no. He further explained that this was due to a law recently passed by the State Legislature prohibiting cities from using web postings to issue citations to residents. The City's code enforcement program was based primarily on complaints.

The Planning Commission had subsequent discussion about enforcement and fines. Chairwoman Jane Griener asked if they could revisit the fine structure in the future, to which staff indicated that this would be an issue that would need to be reviewed by the City Council.

MOTION: Alan MacDonald moved to recommend approval of Ordinance 2020-2 to the City Council as proposed, with the further recommendation that the City Council review the penalty structure and determine whether or not the fine amounts are adequate. John MacKay seconded the motion. There were 4 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ethan Allen
John MacKay
Jane Griener
Alan MacDonald

Nays:

None

C. Public Hearing – FEMA Updates

Jed Muhlestein explained that FEMA was updating maps for Utah County in June 2020. Prior to doing so, they were requiring cities to update and reference the new map. In order to be in compliance with this update, the City needed to amend the ordinance to reference the most current maps applicable to the area. Jed Muhlestein said the State would like to encourage cities to stop using the phrase 100-year flood, as the State usually experienced a flood storm every 30 years.

Chairwoman Jane Griener opened the Public Hearing. There were no comments and Chairwoman Jane Griener closed the Public Hearing.

D. Amendment to Ordinance – FEMA Updates

MOTION: John MacKay moved to recommend approval of the proposed updates to the ordinance in reference to the 2020 FEMA maps. Ethan Allen seconded the motion. There were 4 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ethan Allen
John MacKay
Jane Griener
Alan MacDonald

Nays:

None

E. Road Grade Exception Request – Brookside Meadows Subdivision

Jed Muhlestein said the Developer was seeking an exception to the City standard for road grades in an intersection: specifically, five percent (5%) grades through the intersections of the Brookside Meadows Subdivision. The Development Code (4.07.090) stated:

“Street intersections: Shall have a vertical alignment such that the grade shall not exceed three percent (3%) for a minimum distance of fifty feet (50') each way from the centerline of the intersection.”

Jed Muhlestein presented an aerial map depicting where the exception would take place and where two retaining walls would be located. On the 5% design, there were no retaining walls along Soldier Circle. This was a conceptual design and they still needed to iron out all of the details. He said he was not sure the walls would be completely gone but they would be greatly reduced. Jed Muhlestein said he was interested in distances in the sight triangle, and the same cut slope would be maintained in the sight triangle with either design. He noted that Draper City had a 5% slope ordinance whereas Park City had a 2% slope ordinance. Cars needed to be stored at an intersection and have flat space. This particular intersection did not need space for stored cars and he said he would feel comfortable going up to a higher slope percentage. He said he was in favor of giving the developer the exception. He supported residential intersections being built at a 5% slope but keeping arterial intersections at the 3% slope.

Greg Wilding, representative of the developer, said if the exception was granted they would grade the sight triangle back so it was flat and grade up into the lot. He discussed the review that was conducted of the site by his engineer. He said they would still have a retaining wall with the 5% slope but the height would be cut in half.

Ethan Allen thought the exception was reasonable. Chairwoman Jane Griener wanted a little more information but understood that it needed to move forward.

MOTION: Alan Macdonald moved to recommend approval of the exception request to the City Council based on the following:

1. The 5% design would reduce retaining walls;
2. The sight distance outside the site triangle will be better due to less cut slopes;
3. Due to low traffic volume, the need for vehicular storage area is not anticipated;
4. The request follows generally accepted planning and engineering;

5. The request does not vary the zone, use or lot size of the development.

Ethan Allen seconded the motion. There were 4 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ethan Allen
John MacKay
Jane Griener
Alan MacDonald

Nays:

None

E. Major Subdivision Final Plat – Brookside Meadows Subdivision

Austin Roy explained that Brookside Meadows consisted of 15 lots on 13.306 acres. From a zoning standpoint, the plan had not changed much since the preliminary phase. The development was located at approximately 430 North 400 West, and in the CR 20,000 zone. The final plan showed a connection to the Whitby Woodlands Subdivision on the east side of the property. The City Council had reviewed and approved the concept plan and Planned Residential Development (PRD) status of the subdivision and the Planning Commission had approved the Preliminary Plan. The developer was now seeking approval of the Final Plat. Austin Roy said all red lines on the plat and plans needed to be addressed and changed to show the 5% slope. Lastly, he noted that the developer addressed landscaping and open south fence requirements on the retaining wall plans prior to construction of said items.

Jed Muhlestein added that the retaining walls were tiered and required landscaping between the tiers. There was brief discussion regarding an appropriate motion to make on this action in order to cover all of the necessary items.

MOTION: John MacKay moved to recommend approval to the City Council the Brookside Meadows Final plan with the conditions listed below. Prior to the recording of the plat, the developer is to:

1. Remove existing buildings or include the removal of existing buildings in the bond;
2. Meet the Water Policy;
3. Provide escrow funds for a roadway preservation coat;
4. Provide a cost estimate for development;
5. Address the redlines on the plat and plans including the 5% exception recommended to City Council if approved;
6. The Developer address landscaping and open style fence requirements on the retaining wall plans prior to construction of said items.

Alan MacDonald seconded the motion. There were 4 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ethan Allen
John MacKay
Jane Griener
Alan MacDonald

Nays:

None

IV. Communications

Austin Roy welcomed new Planning Commission member Ethan Allen. He noted that the City was working with the bank to increase visibility at the 100 South intersection because of the obstruction of their sign.

Austin Roy said the Trails Committee would soon be reporting on E-Bikes. The City Council approved the new cell tower at City Hall. Lastly, the next Planning Commission meeting would be held on February 18, 2020.

V. APPROVAL OF PLANNING COMMISSION MINUTES: January 21, 2020

MOTION: Ethan Allen moved to approve the minutes for January 21, 2020 with corrections (Jane was absent from the previous meeting; change “co-chairman” to “vice chairman”). Alan MacDonald seconded the motion. There were 4 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Ethan Allen
Jane Griener
John MacKay
Alan MacDonald

Nays:

None

The meeting was adjourned at 8:13 p.m.