

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
June 4, 2019

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 pm by Chairman David Fotheringham. The following were present and constituted a quorum:

Chairman: David Fotheringham

Commission Members: Alan MacDonald, John MacKay, Jane Griener, Jessica Smuin

Excused: Bryce Higbee, Sylvia Christiansen

Staff: Austin Roy, Marla Fox

Others: Mike Kendig, Monica Lawlis

B. Prayer/Opening Comments: John MacKay

C. Pledge of Allegiance: Mike Kendig

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Public Hearing – Amendment to Development Code – Streets and Street Requirements

Austin Roy reviewed the Development Code and recommended changes to the Streets and Street Requirements found in the Subdivision Ordinance. He explained that the proposed change would take the Wildland Urban Interface Street Requirements and place them with the other Streets and Street Requirements found in the Subdivision Ordinance. He clarified that the language was not new; instead, it was just being moved from one part of the Development Code to another part of the Development Code, so that it was located with the other street requirements. The section stated that any development that was in the Wildland Urban Interface area was required to have two working accesses with the road being twenty feet in width and some additional road grade requirements.

In response to David Fotheringham's question as to why the change was being proposed, Austin Roy explained that when the Fire Chief proposed a new grading system to determine if fire sprinklers were needed, he noted that a lot of the City's Wildland Interface language was removed from the Development Code. Subsequent to that time, the Fire Chief realized that the City still needed this language in the Code, so it was being added back in.

In response to Jane Griener's question regarding whether the Planning Commission had removed this language, Austin Roy replied in the affirmative. He added that the same night the Fire Chief came, the Planning Commission had recommended adoption of his new guide, but also repealing certain sections of the Wildland Urban Interface. Austin Roy said that the reason the Fire Chief did this was that his new guide covered a lot of what was in the Code, so it would have been

redundant to cover it two times. The Fire Chief inadvertently removed this section which was not covered in the guide, so it needed to be added back into the Code.

David Fotheringham opened the Public Hearing. No comments were made. David Fotheringham closed the Public Hearing.

A motion was made by Alan MacDonald to recommend approval of an amendment to Article 4.07.040 of the Development Code. The motion was seconded by Jane Griener. Discussion followed.

Jane Griener sought to clarify that the amendment was word for word what had already been in the Code before, and that the change was just the location of the language. Austin Roy said that it was not word for word because there was one small change:

Previous language in 15.a: *Urban Wildland Interface*

Proposed language in 15.a: *Wildland Urban Interface*

The change was being proposed because it was how the Fire Code designated the area.

Jane Griener asked for further clarification of what had changed about the grading system for the Wildland Urban Interface. Austin Roy explained that with the new system the Fire Chief had put in place, the line that indicated the area on a map had been erased. Instead, each home would now be graded and scored. The Fire Chief would look at each lot and the circumstances of the lot and determine if that lot had to follow the Wildland Urban Interface guidelines. Jane Griener said the line around the City was still there because there were other things that applied to the line besides fire sprinklers. Austin Roy said the line was mostly used for sprinklers, but the City still had to designate part of the town as the Wildland Interface. Austin Roy clarified that the new way the Fire Chief was proposing to proceed was to update the line annually or bi-annually by rearranging the boundary between what is the Wildland Interface and what was the regular City. He added that the line would no longer be used to determine whether fire sprinklers would be required.

Austin Roy said the line would still be used to determine if a development would be required to have two accesses depending on which side of the line it's on. He said the line would move with the changing city, as determined by the Fire Chief, and there would be criteria such as a certain percentage of vegetation and slope terrain. He said that under the previous methodology, the line was arbitrarily chosen. He said because the City changed every month and every year, this was something that should be updated on a regular basis. He noted that it had not been changed in about 15 or 20 years. Jane Griener asked to clarify that the boundary line changes would be determined by the Fire Chief without involving the Planning Commission. Austin Roy confirmed this would be the case. He clarified that the Fire Chief's proposed boundary line changes would still have to go to the Planning Commission for consideration and to the City Council for approval.

Jessica Smuin sought clarification on the reference to secondary access and the paving of the secondary access. She said the City had a couple of developments that did not have a paved secondary access at this point, so she wanted to know if the same wording would be a triggering event because of the updating of the Code. She said she wasn't able to contact the City Attorney, David Church, to find out from a legal perspective if this would be a triggering event and cause something to change.

Austin Roy said that change would not trigger requirements for people that were currently out of compliance with the City's Code to have to update their development or road to be in compliance because they would be grandfathered in. A house that was built in the 1970s did not have to be updated to comply with the new building codes, so the same concept would be applicable in this case.

MOTION: Alan Macdonald moved to recommend approval of Amendments to Article 4.07.404 of the Development Code.

Jane Griener seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
John MacKay
David Fotheringham
Jane Griener
Jessica Smuin

Nays:

None

B. Public Hearing – Amendment to Development Code – Conditional Uses in the Business/Commercial Zone

Austin Roy noted that this proposal had come to the Planning Commission on May 21, 2019, but it had been continued so that Staff could create language to establish standards for a dog kennel to be a conditional use in the Business Commercial Zone. Accordingly, Austin Roy said that Staff had looked at what other cities had in place to inform their recommended proposal. He reiterated that the proposal would allow a dog kennel or boarding facility within the City's Business Commercial Zone if it met the specified conditions.

This proposal was the result of a request by the Alpine Animal Hospital to add a dog boarding kennel next to the hospital.

Alan MacDonald asked how Staff had developed the proposed language. Austin Roy said Staff looked at other municipalities around the Wasatch Front. He said there weren't many to look at, so they looked at language from various cities in California as well. Austin Roy said that cities that had adopted such regulations included rigorous enforcement of the Code by their respective Police Departments, which would inspect the facilities. For Alpine City, adaptations would be necessary, so Staff identified the key issues that needed to be monitored. Those items included

odors, noise, nuisance things such as rodents and flies, and proximity to other structures. He said Staff didn't find a condition that this type of business had to be tied to a veterinary clinic. He said that such a requirement would be very restrictive. Austin Roy added that a lot of the suggested conditions came from the proposal from the owners of the Alpine Animal Hospital. For example, they were the ones who had requested twenty-five individual dog kennels, which would translate into a maximum of twenty-five dogs at one time in the facility. One of the owners, Mike Kendig, clarified that the number of dogs per kennel would vary because a family might bring two dogs, which could potentially be kept in just one kennel. Mike Kendig added that they would like to have four rooms so if a family had three dogs to board, they could have a room to themselves. He confirmed they wouldn't have more than twenty-five kennels.

In response to David Fotheringham's question as to whether a public hearing was needed, Austin Roy said that this item had been continued from the previous meeting, at which time a public hearing had taken place. Therefore, a public hearing was not necessary for this meeting.

MOTION: John Mackay moved to recommend approval of the proposed amendments to Article 3.07.030 of the Alpine City Development Code Pertaining to Conditional Uses in the Business/Commercial Zone, with the language provided by Staff, regarding dog kennels/boarding to be allowed as a Conditional Use in the business Commercial Zone.

Alan MacDonald seconded the motion.

David Fotheringham said that two things that had not been addressed in the proposed language were clean drinking water and adequate ventilation for the animals. He then asked if those items should be included in the Code. Austin Roy said Staff had seen those items as part of their review process, but they didn't add clean water in the Code because they thought that issue would be handled by the Health Department. He noted that the proposed language could be adopted as is, or it could be modified, as recommended by the Planning Commission.

Alan MacDonald observed that the customers would most likely ask if clean water and proper ventilation would be provided, so the market forces would come to bear on those issues.

In response to the question on how complaints by neighbors would be handled, Austin Roy said it would depend on what the complaint was. It would be handled by either the Code Enforcement Office or by Lone Peak Police Department, which had an Animal Control Unit within their ranks to deal with animal issues.

Discussion took place on 13.a with regard to the possibility of establishing a reasonable standard to determine what would constitute an adverse impact. For example, simply hearing a dog bark or smelling an undesirable odor might elicit a complaint that someone had experienced an adverse impact.

John MacKay said he would like to see language in 13.c that was more specific about the number of animals that would be allowed and not just the number of kennels that would be allowed. It was noted that the market would help control that issue as people would read reviews of the business.

Jessica Smuin said she would like to see language added back in that this type of business would have to be attached to a licensed veterinarian because it would control the area that a kennel/boarding facility could be located.

Mike Kendig and Monica Lawlis were invited to answer questions posed by the Planning Commission. In response to the statement about limiting the number of dogs at a facility such as the Alpine Pet Lodge, Mike Kendig said having dogs at the Alpine Animal Hospital could impact the number of dogs he had next door. Mike Kendig clarified that the hospital had separate facilities for animals under his care at that facility. David Fotheringham said that since the hospital was not part of the dog kennel, the census for the two facilities would be separate.

Discussion ensued on a potential scenario in which multiple families had multiple dogs being boarded at the facility. That would raise the census to well over twenty-five. Austin Roy then asked how enforcing the number of dogs would work.

With regard to the number of animals that might be boarded at one time, Mike Kendig said they would be full at holiday times. His primary concern was quality of care, not quantity of dogs being boarded. He viewed his business as “luxury boarding,” so the dog owners would have high expectations of the type of care their dogs received. It was noted that although the Kendigs would have a high standard of care, someone in the future might establish a similar business and possibly not have the same commitment to quality as the Kendigs had. Therefore, the Code would have to take into account such potential scenarios.

In response to Alan MacDonald’s question as to how many is too many, Mike Kendig said it would be hard to determine how many animals would be too many because dogs varied by size and temperament. In addition, some families had multiple dogs that needed to stay together.

Monica Lawlis said they were more concerned with the health and care of the dogs. She said they only had so much time and staff to feed, walk, and care for the dogs.

In response to the question about the standard size of a dog kennel run, it was noted that the United States Department of Agriculture (USDA) had requirements under the Animal Welfare Act (AWA). There were also restrictions on the number of dogs allowed per kennel. Miscellaneous discussion ensued on the number of kennels and dogs that would be allowed. Jane Griener said she would like language that listed a limit on the amount of kennels but also a limit on the number of dogs at one time as well.

Discussion took place on how to modify the original motion for this item.

MOTION: Alan MacDonald moved to amend the original motion to include the following language:

- 1. Amend Sub Part A to include the word “unreasonable” before adverse impact on nearby structures and/or property;*

2. Amend Sub Part C to say “Shall have no more than 25 individual dog runs, with total dogs not to exceed 1.5 X the number of kennel runs”;
3. Add a new Sub Part D that would say “No more than one dog shall share a kennel run without the owner’s permission”;
4. Current D through I will become E through J.
5. Add Sub Part K that would say, “Must have an active DVM relationship to immediately treat a sick or injured animal requiring medical attention.”

Jane Griener seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
John MacKay
David Fotheringham
Jane Griener
Jessica Smuin

Nays:

none

IV. Communications

Jane Griener asked about the food trucks. Austin Roy said they had moved to Creekside Park and would be there on Monday nights.

V. APPROVAL OF PLANNING COMMISSION MINUTES: May 21, 2019

MOTION: Jane Griener moved to approve the minutes for May 21, 2019, as written.

John MacKay seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan MacDonald
John MacKay
David Fotheringham
Jane Griener
Jessica Smuin

Nays:

None

The meeting was adjourned at 8:03 pm.