



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, UT will hold a **Regular Meeting and a Public Hearing at Alpine City Hall, 20 North Main, Alpine, Utah on Tuesday, June 6, 2017 at 7:00 pm** as follows:

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Steve Cosper
- B. Prayer/Opening Comments: John Gubler
- C. Pledge of Allegiance: By Invitation

II. PUBLIC COMMENT

Any person wishing to comment on any item not on the agenda may address the Planning Commission at this point by stepping to the microphone and giving his or her name and address for the record.

III. ACTION ITEMS

A. General Plan Update – Lambert Park Master Plan

The Planning Commission will start to discuss a master plan for Lambert Park.

B. PUBLIC HEARING - The Corridor Open Space Land Swap

The Planning Commission will review a proposed land swap with the property located at 175 West Canyon Crest Road. The Planning Commission will make a recommendation to the City Council for approval.

C. PUBLIC HEARING - General Plan Update – The Corridor Master Plan

The Planning Commission will review the proposed master plan and hold a public hearing. The Planning Commission will make a recommendation to the City Council for approval.

D. PUBLIC HEARING - Amendment to the Appeal Authority Ordinance (Article 2.3)

The Planning Commission will review a proposed amendment to the Appeal Authority Ordinance. The Planning Commission will make a recommendation to the City Council for approval.

E. Amendment to the Site Plan to Comply Ordinance (Article 4.14)

The Planning Commission will review a proposed amendment to the Site Plan to Comply Ordinance which would allow staff to review and approve residential site plans for lots not located in an approved subdivision. The Planning Commission will make a recommendation to the City Council for approval.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: May 16, 2017

ADJOURN

Chairman Steve Cosper
June 2, 2017

THE PUBLIC IS INVITED TO ATTEND ALL PLANNING COMMISSION MEETINGS. If you need a special accommodation to participate in the meeting, please call the City Recorder's Office at 801-756-6347 ext. 5.

CERTIFICATION OF POSTING. The undersigned duly appointed recorder does hereby certify that the above agenda notice was posted at Alpine City Hall, 20 North Main, Alpine, UT. It was also sent by e-mail to The Daily Herald located in Provo, UT a local newspaper circulated in Alpine, UT. This agenda is also available on the City's web site at www.alpinecity.org and on the Utah Public Meeting Notices website at www.utah.gov/pmn/index.html.

PUBLIC MEETING AND PUBLIC HEARING ETIQUETTE

Please remember all public meetings and public hearings are now recorded.

- All comments **must** be recognized by the Chairperson and addressed through the microphone.
- When speaking to the Planning Commission, please stand, speak slowly and clearly into the microphone, and state your name and address for the recorded record.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become the property of the City.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said. Individuals may be limited to two minutes and group representatives may be limited to five minutes.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. (The doors must remain open during a public meeting/hearing.)

Public Hearing vs. Public Meeting

If the meeting is a **public hearing**, the public may participate during that time and may present opinions and evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a **public meeting**, but there is no right to speak or be heard there - the public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Lambert Park Master Plan Discussion

FOR CONSIDERATION ON: 6 June 2017

PETITIONER: Troy Stout

ACTION REQUESTED BY PETITIONER: Discuss Plans for Lambert Park

**APPLICABLE STATUTE OR ORDINANCE: Chapter 2 (General Plan)
Article 3.16 (Open Space)**

BACKGROUND INFORMATION:

Lambert Park is a very important asset to Alpine City for several different reasons. It is the location of several important city utility facilities and is also used for several different types community events and recreational activities. Ideas to improve the park are expressed regularly by passionate residents and non-residents, City Council members, Planning Commission members, staff, etc. Hundreds of volunteers regularly make a difference by doing service in the park to maintain trails and address noxious weeds. There are several common goals for the park but there are also some conflicting opinions. The Planning Commission and City Council really needs to create a new master plan for the park to provide clear direction on what the City would like to see done to enhance, maintain and preserve Lambert Park for the future.

The City has officially taken action on specific changes within the park (i.e. signage, boulders, retention areas, etc.) but it appears that there has not been a broad master plan for the park adopted or updated since June 25, 2002. The plan is relatively simple and many of the items in the plan have already been realized. The minutes for when this was adopted and the plan itself are attached.

One of the biggest action items that the City Council has taken on Lambert Park in recent years was the sale of a very small section of the park (8,110 sf) on the west side next to Moyle Drive. It was sold for \$200,000. The City Council decided that 40% of that money would be used for some flood mitigation projects and 60%, or \$120,000, would be used for other improvements to Lambert Park. None of that money has not been spent yet and it should be considered in the future plans for the park.

Some recent changes and ideas discussed by the City Council for Lambert Park include but are not limited to the following:

- New restroom at south end of park
- Discussions about trailhead parking area at south end of park
- Discussions about a split-rail fence in areas to delineate the boundary of the park
- Discussions about implementing appropriate signage for the trails
- Discussions with the Division of Natural Resources about a deer revegetation project

STAFF RECOMMENDATION:

Begin working on a master plan for Lambert Park. Make a specific recommendation to the City Council regarding the delineation of the park so that it can be incorporated in the budget and work can commence in the next fiscal year.

June 25, 2002

Minutes of the Public Hearings and the City Council Meeting held on Tuesday, June 25, 2002 at Alpine City Hall, 20 N. Main, Alpine, Utah 84004 at 7:00 pm as follows:

The following members were present and constituted a quorum:

Mayor Phil Barker

Council Members: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch

Staff: Ted Stillman, Janis H. Williams, David Church, Shane Sorensen and Jay Healey

Others: Jannicke Brewer, Dale Porter, Diana Mills, *New Utah*, Calley Buys, *Deseret News*, Will S. Jones, Fraser Bullock, Elaine Compton, Spud Warren, Cheryl Warren, Adam Olsen, Hata Puriri, Hata Puriri, Jr., Craig Skidmore, Gordon Willis, Summer Willis, Susan Willis, Brenner Adams, Nathan Larsen, Tom Bench, Ron Madson, Gary Filler, Becky Wilford, Zakery Christensen, Sullivan Love, Lee Devey, Susan Devey, Ula B. Hemingway, Bob Hemingway, Scott Frazier, Craig Carlisle, *Lone Peak Public Safety District Fire Chief*, Perry Tirrell and Jill Derr.

PUBLIC HEARINGS - Mayor Phil Barker called the Public Hearings to order at 7:05 pm, welcomed everyone in attendance and introduced the Public Hearings as follows:

1. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE LAMBERT PARK MASTER PLAN. Ted Stillman went over the recommendations of the Lambert Park Committee and the Planning Commission motion.

Fraser Bullock, a homeowner in Box Elder Subdivision and a current owner of ATV's, felt there were better places to ride ATV's. Mr. Bullock said he loads his in a trailer and takes them to the sand dunes. Fraser Bullock expressed his concern about fire danger and further stated that the kids going there are going there illegally and the noise has impacted his subdivision. Mr. Bullock recommended that ATV's not be allowed.

Ron Madson said he bought a lot in 1988 and owns ATV's. Mr. Madson said he has looked at the land in Lambert Park and is willing to give up riding his ATV's. Ron Madson suggested that the Council not allow any development in the Pine Grove area, which is currently in the County and felt that to build 12 or 15 additional houses will tear up the mountain property more than riding ATV's.

Mr. Sullivan asked how the city was going to enforce no riding of ATV's in the park and wondered if police protection would be sacrificed in other areas.

Tom Bench felt hikers created more fires than ATV's and felt we were restricting activities that our youth like to do. Mr. Bench said he lives on the busiest intersection of town and hears everybody's motorcycles, construction trucks, cars, etc. and wasn't too sympathetic with the residents living in the Box Elder and Cove Subdivisions.

Elaine Compton said that at the Planning Commission Public Hearing most everyone there wanted to ban the use of ATV's and Mrs. Compton felt that ATV use was not compatible with other uses in the park. Gary Filler said the noise with ATV's at 11:00 pm should not be tolerated and said he chose to live in a secluded area and not in the middle of town. Helen Vernon said she has helped the cross-country runners and felt it is wonderful to have a place for these advanced runners to train. Mrs. Vernon said joggers and walkers use this park extensively.

Craig Skidmore said that one of the big issues the City Council has to deal with is enforcement. Mr. Skidmore had invited Police Chief Kip Botkin to attend; however, Chief Botkin

had another commitment. Scott Frazier said he favored no vehicular traffic in the park because of enforcement and said he felt that vehicular traffic was not compatible with other park uses.

Mayor Barker thanked Scott Frazier for chairing up the Lambert Park Citizen's Committee.

2. FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE FARM ANIMAL ORDINANCE. Ted Stillman went over the changes to the Animal Ordinance dealing with farm animals as follows:

1. Large animals require 20,000 square feet rather than the current 10,000 square feet.
2. A large animal must be 75 feet from the nearest neighbor rather than the current ordinance where a barn or corral must be 75' from any dwelling.

Tom Bench asked what would happen if an existing property owner who had animals sold their property and if the new owners would have the existing animal rights? Mr. Bench then asked what ordinance would apply if the property was subdivided.

Becky Wilford asked if the Planning Commission's recommendations she got in April were the same now as then. Mrs. Wilford said it is good to clarify definitions like the size of animals; however, she objects to cutting in half the number of animals you can have. Becky Wilford didn't understand the change and asked why and Mayor Barker said there had been complaints about too many animals on small lots. Spud Warren asked what the definition of a large animal was, as he felt some animals should be classified as medium sized. Mr. Warren asked why this ordinance is being changed and said that all the people who were at the Public Hearing were against the changes. David Adams asked how this new ordinance affected Becky Wilford as Mrs. Wilford has Alpacas. Under the current ordinance Alpacas do not have a large or medium animal classification and the new ordinance addresses exotic animals. Councilman Adams asked if horses could be adequately taken care of on a 10,000 sq. ft lot. Jill Derr said the ordinance does not address residential property that borders City property and the 75 feet limitation and questioned if her house would have a pre-existing condition status. In terms of selling her property would it be grand fathered? It was discussed that the grandfather clause goes with the land.

Hata Puriri said that possibly in two years he would like to get a large animal and currently he has none. The shelter that was built a long time ago is closer than 75' to his own house. Jannicke Brewer said that one consideration to remember is that on lots where horses are kept soon become dust bowls and horses attract flies.

Tom Bench asked how the Rodeo Grounds would be affected with this Ordinance and if the City is going to build stables, would the City have to follow the same restrictions as outlined in the ordinance.

Becky Wilford said she has had many people come to her and say they like seeing her Alpacas as they feel this is a rural town.

Mayor Phil Barker closed the Public Hearings at 7:45 pm.

CITY COUNCIL MEETING:

I. **CALL TO ORDER** - Mayor Barker opened the City Council Meeting at 7:45 pm and invited those in attendance at the Public Hearings to stay. Mayor Barker said he was proud of

our City for their support in the Elizabeth Smart search. There was little notice and many volunteers showed up.

II. PRAYER – David Adams

III. PUBLIC COMMENT. Time has been set aside for the public to express their ideas, concerns and comments on items not on the agenda.

Hata Puriri said he had a concern of truck traffic on 100 West. The traffic has increased 600% and the bridge has not been constructed yet. Mr. Puriri would like to see the City Council do something to slow down big commercial trucks as 200 West is not paved and the developer is not watering the street to keep the dust down. Hata Puriri asked if there could be a sign installed to slow down the trucks. Mr. Puriri asked if the road on 100 West could be widened and sidewalk be installed between the new development and 120 West. Mel Clement asked why 200 West couldn't be asphalted and Shane Sorensen said there needed to be some storm drain work done. Mayor Barker said we could install a sign to slow the traffic down and talk to Dana Beck to water the road to keep the dust down. Mayor Barker said he understands the concern of the residents in that area and Shane Sorensen said the heavy truck traffic should be finished now. Hata Puriri said there is now house construction traffic as well as the baseball and soccer traffic.

IV. CONSENT CALENDAR

A. Business Licenses:

Ann Sweeney – NAME TAGS EXPRESS, INT; 340 E. Carlisle Avenue
 Drew Hurst – ICY-HOT; 132 W. Cascade Avenue
 James E. Hall – ALPINE CUSTOM WINDOW TINTING; 310 South 600 East
 Shawn Stevens – HOLE SOFT; 749 East 200 North
 Brent Christensen– CHRISTENSEN'S CURBSIDE REPAIR; 367 East 300

North

Robert Pike Goss – BANCHI'S; 561 N. Wilderness Drive

B. Bond Releases:

Mark Avina, Mark Avina Site Plan – \$912.00
 Wayne Patterson – High Mountain Oaks, Plat F - \$30,089.09
 Jay Healey – Healey Heights, Plat G – Final Release – \$99,805.03
 Dana Beck – Twin River Estates - \$104,395.44

C. Payment Requests:

Xcavate, Inc. – Grove Drive Storm Drain - \$56,603.79
 Carlton, Inc. - Healey Blvd. (Alpine's portion) – \$16,001.98

MOTION: Kent Hastings moved to approve the Consent Calendar. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

V. SCHEDULED ITEMS

A. SKATEBOARD PARK. Councilman Mel Clement said he has received numerous requests that the City develop a skateboard park. Kent Hastings introduced Brenner Adams and said he has been gracious to come and explain the pros and cons pertaining to skateboard parks. Mr. Adams said he was happy to be able to explore his own personal interests as a youth that did not include wrestling or football and that his life would have led to drugs and that type of life style. Brenner Adams said that board sports are prominent now and encouraged

the Council to consider the advantages to the community and also to the skateboarding community. Skate parks are an advantage to communities in that there is a place for the youth to go. The terrain is safe with a smooth concrete surface and there is less injury to the skateboarders. Mr. Adams suggested the City get information from a builder of a skateboard park and a typical park could cost \$150,000 and go up to \$300,000. Kent Hastings asked what suggestions Brenner Adams had for the City Council to consider and Mr. Adams said to estimate what is the need now and then gauge what would be needed in 10 years. There is a Federal Grant for beautification that could be tapped into; however, a big mistake is to let the kids design the park and then don't let local contractors build the park. Brenner Adams recommended this not be built for BMX, and that there be some differencing between skateboarding and inline skating. Bob Hemingway asked if we were talking about a place or theory.

Mayor Barker asked Councilmen Kent Hastings and Mel Clement to work and put together some costs for a Skate Board Park to bring back to the Council.

B. WILLOW CANYON HEIGHT VARIANCE – LOT 14, WILLOW CANYON SUBDIVISION, PHASE 2B. Ted Stillman said the Willow Canyon Annexation Agreement limited homes to a height of "25 feet above the natural grade to the highest point of the roof or parapet." This item was included in the agreement so that the homes on the hill would be less obtrusive. Mr. Stillman said that Gordon and Susan Willis are requesting a height of 27 feet 9 inches. At the last City Council meeting, it was discussed setting heights in Willow Canyon and in response to the concern on heights, Joel Kester has proposed that variances of 4 feet 5 inches be granted on the east side of Bald Mountain Drive and that variances of 3 feet be granted on the west side of Bald Mountain Drive. Mayor Barker asked if we were going to amend the Annexation Agreement or just take the recommendation from the Willow Canyon Architectural Committee.

Thomas Whitchurch said he was concerned with the Architectural Committee's recommendation and said he felt the reason the 25' height limit was there was because of public outcry. Mayor Barker said that Joel Kester looks at the house plans very carefully.

MOTION: Mel Clement moved to approve the requested height variance of 2 feet 9 inches for lot 14 in the Willow Canyon Subdivision, Phase 2B. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

C. LAMBERT PARK MASTER PLAN. The Lambert Park Committee and the Rodeo Grounds Committee have completed their recommendations and presented them to the Planning Commission. A Public Hearing was held on May 14, 2002 with the City Council in attendance and the Lambert Park Master Plan was approved at the Planning Commission Meeting on May 21, 2002. The recommendations of the Lambert Park Citizen's Committee (as approved by the Planning Commission) were attached to the previous meeting's minutes. Mayor Barker said there are several issues that need to be dealt with.

Ted Stillman said the Committee recommended the following:

1. Establish a trailhead at the Bowery, including an information board, but no additional parking.
2. Construct a restroom facility at the Bowery.
3. Establish a trailhead at the Alpine North Stake Center entry, including an information board, but no additional parking.
4. Once plans for the Rodeo Grounds are firm, establish a trailhead there.
5. Establish a single-track trail network, which would be suited to hiking, cycling, running, and equestrian uses.
6. Excess Dirt Repository. Return this area to a natural condition through re-contouring and re-vegetation and restore the trail along High Bench

- Ditch through this area.
7. Farmhouse Remnant. The farmhouse remnant has historical significance, but is somewhat hazardous and unattractive in its current condition. It was recommended that the basement hole be cleaned up and/or filled in, preserve the two standing walls, erect a plaque, with short history, at the remnant site and attempt to expand and densify the poppy fields and to stop illegal harvesting.

Mayor Barker said his recommendation was not to put more restrictions on our youth buy not letting them ride their ATV's in the park and to see the poppy field expanded. Mel Clement said he was not ready to go to a vote and would like to see a master plan of the Bowery and decide whether we still wanted to allow Church groups to use the Bowery. Councilman Clement said he would like to see the poppy fields preserved and then see a master plan for the Rodeo Grounds. Fire Chief Craig Carlisle said he hated to see the City restrict access to Lambert Park and at times the Fire Department needs to use those roads to fight fires. Kent Hastings said he was up there on Saturday for quite sometime and didn't see another vehicle in the park. Jannicke Brewer said she has walked Lambert Park at least three times a week for ten years and over the years many additional trails have been created. Mrs. Brewer said there has been quite a bit of damage done to the park. Jannicke Brewer said that if you walk you could see the damage. Tom Bench said the roads in the park have not been maintained with grading, etc. and now the park is being used extensively.

Mayor Barker said he needed to get whatever resources he needs to answer his questions and recommended tabling this ordinance. Thomas Whitchurch said he is puzzled with the additional information that Councilman Clement said he needs to feel comfortable. Mel Clement said he was not prepared tonight to vote because it was not clear in his mind exactly what was wanted. David Adams felt the Council needed to take a stand and give the Committee some direction and Thomas Whitchurch said he thought the Council needed to make a decision.

Mayor Barker suggested that the Council Members get with Ted Stillman to input their suggestions and reminded the Council that this is a general plan only.

MOTION: Mel Clement moved to table the Lambert Park Master Plan and see this back on the agenda in four weeks. Kent Hastings seconded. Ayes: Mel Clement and Kent Hastings. Nays: 2. David Adams and Thomas Whitchurch noted nay. Mayor Barker voted nay to break the tie. Motion failed.

Kent Hastings suggested that ATV's be allowed on the main roads, that money be put into maintaining the roads and then make a yearly assessment. Councilman Hastings questioned why we should spend hours in master planning the park or wait until after an assessment of the needs has been made. Kent Hastings was not comfortable with the citizen's committee in determining the roads. Diana Mills said that she hears all kinds of vehicles going into Lambert Park from Moyle Drive during all times of the day and night, even after midnight.

MOTION: Thomas Whitchurch moved that we accept the recommendation of the Planning Commission and the Lambert Park Citizen's Committee with the exception of the motorized vehicles, that we allow motorized vehicles on the main roads to be determined by the City Council with a recommendation by the Planning Commission and the Lambert Park Citizen's Committee, that we restrict traffic in the park during daylight hours, that we instruct the police to monitor the park and that we accept the rest of the recommendations from the Lambert Park Citizen's Committee. David Adams seconded. Ayes: David Adams, Kent Hastings and Thomas Whitchurch. Nays 1. Mel Clement voted nay. Motion passed.

Mayor Barker asked Ted Stillman to put the Rodeo Grounds on the Agenda in four weeks.

D. ORDINANCE NO. 2002-05, AN ORDINANCE ADOPTING AN AMENDMENT TO SECTION 3.21.9 - FARM ANIMALS. Ted Stillman said that a Public Hearing was held on the Farm Animal Ordinance earlier in the evening. The major changes from the current ordinance were:

1. Large animals require 20,000 square feet rather than the current 10,000 square feet.
2. A large animal must be 75 feet from the nearest neighbor rather than the current ordinance where a barn or corral must be 75 feet from any dwelling.

Kent Hastings felt we should leave the Animal Ordinance that is now in place with the exception of the 75 feet from dwellings.

MOTION: Kent Hastings moved that we keep the current Animal Ordinance as is but changing it to read "75 feet from a neighboring dwelling." Thomas Whitchurch seconded. Kent withdrew his motion.

Thomas Whitchurch suggested we use the new ordinance because it is clearer with the changes to the definitions.

E. ORDINANCE NO. 2002-06 – GATEWAY HISTORIC OVERLAY ZONE. Ted Stillman said the Planning Commission at their meeting of May 7, 2002 approved the ordinance creating the Gateway-Historic Zone and also approved the design guidelines for the Gateway-Historic Zone. The City Council held a Public Hearing on the Gateway-Historic Zone on June 11, 2002. A number of concerns were raised at the hearing and the Ordinance has been revised to address and mitigate those concerns as follows:

1. Demolition of buildings – The requirement that demolition of buildings go through a review process has been deleted.
2. Review Process – The review process has been shortened. The Architectural Review Board and the Planning Commission will only review developments. They would go to the Architectural Review Board within 10 days of receipt and the Architectural Review Board would make a recommendation to the Planning Commission within 30 days.
3. Building Permit processing. Building permits in the Gateway-Historic Zone would be expedited.

Mayor Barker suggested we move ahead and put this ordinance in place. Mayor Barker said he doesn't think there will be any negative repercussions to a property owner. David Adams suggested that the City somehow develop a relationship with an architect who knows the theme we are trying to achieve and then if the builder uses that architect the time would be shorter to get a building permit. Mayor Barker said he doesn't want to give up the complete review process.

MOTION: Kent Hastings moved to extend the meeting to 10:30 pm. David Adams seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays 0. Motion passed.

David Adams said he would like to see more incentives offered to developers and Thomas Whitchurch said he liked the additional verbiage added at the end of the ordinance. David Adams said he would like to see something written in the ordinance about an incentive, which would help the small business.

MOTION: Mel Clement moved to adopt Ordinance No. 2002-06, An Ordinance Creating A

Gateway-Historic Overlay Zone for Alpine City as written but modifying the numbering of the last paragraph to become 3.11.12 and that this be reviewed by City Staff and brought back to the City Council. Kent Hastings seconded. Ayes: Mel Clement. Nays: David Adams, Kent Hastings and Thomas Whitchurch voted nay. Motion failed. This item will be back on the next City Council agenda.

F. ORDINANCE NO. 2002-07, AN ORDINANCE AMENDING THE FISCAL YEAR 2001-2002 BUDGET. Ted Stillman said the major amendments to the current budget are:

1. General Fund – Transfer \$350,000.00 to the Capital Improvement Fund. The General Fund balance at the end of the year cannot exceed 18% of the total General Fund Budget or \$324,000.00.
2. Sewer Fund – Add \$41,700.00 to the sewer fund from the sewer fund cash balance for the Sewer Fund's share of the new loader.
3. UTA Tax – Add \$5,000.00 for higher than anticipated UTA Taxes.
4. Pressurized Irrigation – Add \$338,000.00 to the Pressurized Irrigation Fund for bond payments and final payment to VanCon for the pressurized irrigation construction.

Kent Hastings said he would like to research to see how many people are using the handicap service with UDOT.

MOTION: David Adams moved to adopt Ordinance No. 2002-07, An Ordinance Amending the 2001-2002 Fiscal Year Budget. Kent Hastings seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

G. ORDINANCE NO. 2002-08, AN ORDINANCE ENACTING AND ADMINISTERING THE FISCAL YEAR 2002-2003 Budget. Ted Stillman said that adjustments have been made in the budget based on input received at the Public Hearing. Kent Hastings asked David Adams about the purchase or leasing of garbage cans. Councilman Hastings said he would like to see the Capital Expenditure be more conservative and David Adams said he would like to see us prioritize some capital projects earlier for next year. Mayor Barker said that several years ago there was a ranking system in prioritizing projects and possibly this needs to be put back in place.

MOTION: David Adams moved to adopt Ordinance NO. 2002-08, An Ordinance Enacting and Administering the 2002-2003 Fiscal Year Budget. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

H. RESOLUTION NO. R2002-05, A RESOLUTION ESTABLISHING THE 2002-2003 CERTIFIED TAX RATE. Ted Stillman said this Resolution adopts the Certified Tax Rate for the 2002-2003 Budget. The Certified Tax Rate will stay the same as last year at 0.001298. This is due to the fact that collections were lower than expected.

MOTION: David Adams moved to adopt Resolution No. R2002-05, A Resolution Establishing the 2002-2003 Certified Tax Rate at 0.001298. Mel Clement seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

I. JR. HIGH SUBDIVISION – FINAL APPROVAL. Ted Stillman said the School District would like to revise their subdivision plat by adding a 20,000 square foot lot for Van Burgess and would also like to increase the size of the school parcel to 5 acres. The Van Burgess parcel will be lot 6. Mr. Stillman said the previously approved plat has not been

recorded and the Planning Commission approved the revised plat at their meeting on June 18, 2002. The Subdivision Agreement has been revised to include the wording "that if development takes place on the Van Burgess property within 15 years, then there be reimbursement to the School District with funds to be extracted from the developer." Shane Sorensen said that we are approving the adding the one lot; however, this will be included in the subdivision.

MOTION: Kent Hastings moved to approve the revised Jr. High Subdivision plat, the revised Subdivision and Site Plan Agreement with the School District to include the wording "that if development takes place on the Van Burgess property within 15 years, then there be reimbursement to the School District with funds to be extracted from the developer" and with David Church's approval and to extend the meeting to 10:45 pm. Mel Clement seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

VI. COMMUNICATION

Thomas Whitchurch said the Alpine Days Committee have asked David McManus, a long-time resident of Alpine, to be the Grand Marshall of the parade. David McManus is one of the founders of the Alpine Eagles Football team, is a veteran of the Vietnam War and is currently serving as the Lieutenant on Alpine's Police Department.

Thomas Whitchurch suggested that we get the sprinklers working so the park behind City Hall is green for Alpine Days. Also, some of the tables in the Burgess Park pavilion need to be repaired. Mayor Barker felt we need to improve the Burgess Park ball fields and Shane Sorensen said there are some areas he knows of that need to be worked on.

Kent Hastings said he owns a couple of properties on 600 North that have been determined to be creating a nuisance to the City and Councilman Hastings does not agree. Kent Hastings said that when he moved to Alpine there were lots of Meadowlarks that live on those lots and he wants to continue to provide a habitat for these birds. By mowing the natural vegetation down it would destroy their habitat. Craig Carlisle, Fire Chief, said he has been inundated with calls from neighbors about lots around town that have weeds. Chief Carlisle has talked with Orem about how their City handles these problems and Ted Stillman said that Lindon handles this on complaint basis only. Mayor Barker felt this is a fire danger and Kent Hastings suggested this ordinance be revisited. Ted Stillman said the letters have been sent out and property owners have 20 days to comply or appeal. Kent Hastings said he wants this ordinance to be fair for everyone.

Councilman Hastings also said the web site needed to be updated.

VII. EXECUTIVE SESSION – Litigation, Property Acquisition, and Personnel. An Executive Session was not needed.

VIII. REVIEW ACTION ITEMS

IX. APPROVAL OF MINUTES

Public Hearings and City Council Meeting of June 11, 2002

Thomas Whitchurch made a few grammatical corrections to the minutes.

MOTION: David Adams moved to approve the minutes of the Public Hearings and City Council Meeting of June 11, 2002 as amended, extend the meeting to 10:59 pm and adjourn. Thomas Whitchurch seconded. Ayes: David Adams, Mel Clement, Kent Hastings and Thomas Whitchurch. Nays: 0. Motion passed.

The meeting adjourned at 10:59 pm.

Janis H. Williams

Recommendations of Lambert Park Citizens' Committee

1. **Objective** – We wish to preserve the natural beauty of Lambert Park while maintaining compatible recreational activities.
2. **Trailheads** – There are numerous points of entry into the Park. On-street parking is available at at least eight of these entries, and in-the-Park parking is available at the Bowery and the Rodeo Grounds. No restrooms are available. There are no information boards. We recommend:
 - a. Establish a trailhead at the Bowery, including an information board, but no additional parking.
 - b. Construct a restroom facility at the Bowery. We recommend a bare, durable facility such as those operated by the Forest Service at remote locations, which would be kept unlocked. Another option would be a nicer facility which would be kept locked with a key available at City Hall for use by organized groups.
 - c. Establish a trailhead at the Alpine North Stake Center entry, including an information board, but no additional parking.
 - d. Once plans for the Rodeo Grounds are firm, establish a trailhead there.
3. **Singletrack Trail Network** – The present network consists of ten miles of singletrack trails, identified in blue on attached map. It provides access to all areas of the park while remaining inconspicuous. These trails are generally well suited to hiking, cycling, running, and equestrian uses. However, motorcycle and ATV use may endanger or disturb other users and would result in destruction of the natural condition. We recommend:
 - a. Prohibit motorized vehicles on all trails.
 - b. Provide signage indicating acceptable usage of each trail section.
 - c. Provide signage where trails cross roads to improve safety.
 - d. Rebuild bridge on River Trail to improve safety.
 - e. Provide erosion protection in sensitive trail areas.
 - f. Reconstruct Indian Trail.
 - g. Halt further trail construction.
4. **Excess Dirt Repository** - The condition of this area is inconsistent with the natural condition desired for Lambert Park. We recommend:
 - a. Return this area to a natural condition through re-contouring and re-vegetation.
 - b. Restore the trail along High Bench Ditch through this area.
5. **Farmhouse Remnant** – The farmhouse remnant has historical significance, but is somewhat hazardous and unattractive in its current condition. Reconstruction of the farmhouse is undesirable due to its remote, unsupervised location. The surrounding poppy fields are enjoyed by many local residents, but may be declining. We recommend:
 - a. Clean-up and/or fill the basement hole.
 - b. Preserve the two standing walls.
 - c. Erect a plaque, with short history, at the remnant site.
 - d. Attempt to expand and densify the poppy fields and to stop illegal harvesting.

6. **Roads and Tracks** – The Park contains eight miles of dirt roads and doubletrack. These tracks provide access to the rodeo grounds, the water facilities, and the Box Elder subdivision; are used for recreation by motorcycles, ATVs, and 4X4 vehicles; and are used by pedestrians. With increased recreational use in recent years we have noted widening and extension of this network detrimental to the natural appearance of the park. We recommend:
 - a. Motorized traffic be restricted as follows:
 - (1) Prohibit motorized traffic on all roads and tracks, except the six miles identified in green on the attached map.
 - (2) Post signs and place boulders to mark tracks not approved for motorized usage.
 - (3) Impose fines for riding motorized vehicles on closed tracks, for riding with non-standard muffler, and for riding with spark arrestor removed.
 - (4) Prohibit motorcycles, ATVs, and snowmobiles from 10 PM to 7 AM.
 - b. Using satellite photos and other means, conduct an Annual Assessment of the park's condition, including identification of any new damage by motorized vehicles.
 - c. If the Annual Assessment shows that the above restrictions have not been effective then we recommend that motorized traffic be prohibited on all roads and tracks, except those that service the Rodeo Grounds and the Box Elder subdivision, city vehicles that require access to the water facilities, and vehicles that serve other necessary purposes.

7. **Private Parcels** – An area totaling approximately forty acres owned by various private parties is located within the Park boundaries. This area would be a desirable addition to the Park. On the other hand, if developed, it would require access through the Park and would disrupt the Park's continuity. We recommend:
 - a. If possible, add this area to the Park through acquisition or trade.

8. **Implementation** – Implementation of the Lambert Park Master Plan will require ongoing minor policy decisions and continuing administrative work, but with minimal public expenditure. We recommend:
 - a. Establish an ongoing committee, with members appointed by the City Council.
 - b. The committee oversees implementation of the Master Plan, except acquisition of the private land, which will be handled directly by the Council.
 - c. The committee approves service projects consistent with the Master Plan.
 - d. The committee organizes a Neighborhood Watch Program for the Park.
 - e. The committee performs the Annual Assessment, with assistance from the City Engineer.
 - f. The committee receives a one-time budget of \$50,000, plus access to public works personnel and equipment. (Construction of the Bower restroom is outside this budget.)

Scott Frazier, April 2, 2002

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: The Corridor Open Space Land Swap

FOR CONSIDERATION ON: 6 June 2017

PETITIONER: Jason Bond, City Planner

**ACTION REQUESTED BY PETITIONER: Recommend to City Council
Approval of Proposed Land Swap**

APPLICABLE STATUTE OR ORDINANCE: Article 3.16 (Open Space)

BACKGROUND INFORMATION:

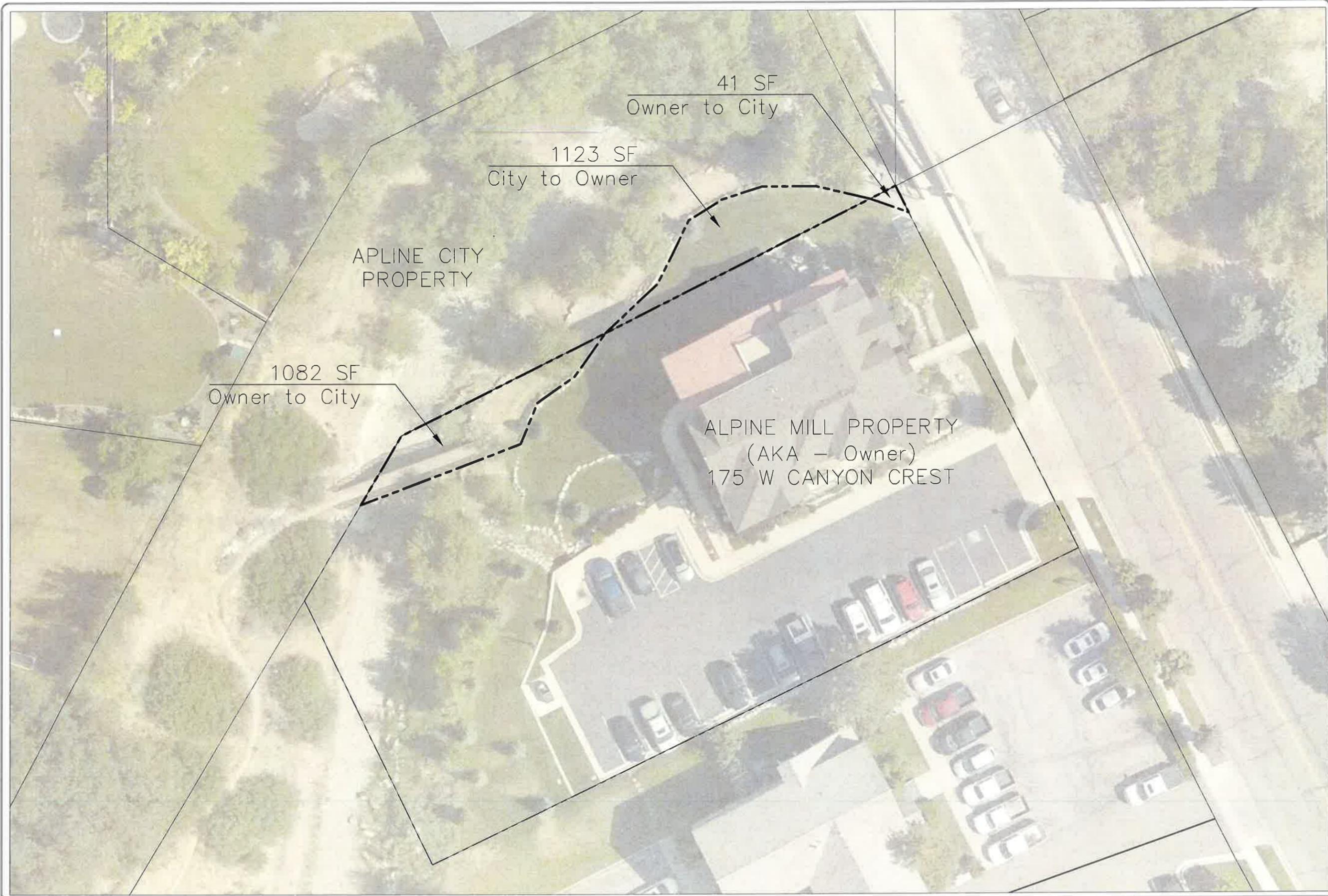
The Alpine City open space being referred to as “The Corridor” has a few stretches of trail that are currently on private property. Work has been done to coordinate with property owners to ensure that these areas are either within the City’s open space or within a dedicated easement. Some sections of the trail have already been rerouted and other sections of the trail expect to be acquired in the form of an easement.

The attachments show a section of trail that is currently on the property located at 175 West Canyon Crest Road. This property also has part of their landscaping on Alpine City open space. It is the City’s understanding that the development of the trail and landscaping was coordinated between the original developer of the site and Alpine City. Unfortunately, an easement for the trail was never recorded and the property has since changed hands a few times. The current property owner prefers to adjust the property line and do a 1:1 trade of property which will place the trail/bridge on Alpine City property and the landscaping on the private property.

Section 3.16.4 requires that land in open space shall not be disposed of in any manner or used for any other than specified in the ordinance except after a recommendation of the Planning Commission and a public hearing and by a super majority vote of the City Council (4 positive votes are required).

STAFF RECOMMENDATION:

We recommend that the proposed land swap of a segment of Alpine City open space and a segment of property located at 175 West Canyon Crest Road be approved.



41 SF
Owner to City

1123 SF
City to Owner

APLINE CITY
PROPERTY

1082 SF
Owner to City

ALPINE MILL PROPERTY
(AKA - Owner)
175 W CANYON CREST

REMARKS

1. Revised (7-7-10) Profile Labels for SDMH-A2 & SDMH-B4

PROPERTY EXCHANGE
June, 2017
175 W CANYON CREST
ALPINE CITY

Engineering File Number: -

Drawing: -

Sheet: 1 of 1

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: The Corridor Master Plan

FOR CONSIDERATION ON: 6 June 2017

PETITIONER: Jason Bond, City Planner

ACTION REQUESTED BY PETITIONER: Recommend Approval of The Corridor Master Plan to City Council

APPLICABLE STATUTE OR ORDINANCE: Article 2.1 (General Plan)

BACKGROUND INFORMATION:

The City open space that runs along Dry Creek and Fort Creek has been discussed by both the Planning Commission and City Council. This open space is now being referred to as “The Corridor”. Direction has been given to staff to start working on improvements to the trail in this open space. With the central location in the City, this trail and open space has incredible potential to be a venue for community events, create a variety of recreational opportunities, and support future development on adjacent vacant land.

Attached is the proposed master plan for The Corridor open space. The Planning Commission will hold a public hearing and will make a recommendation to the City Council.

STAFF RECOMMENDATION:

The Planning and Zoning Department recommends that the proposed master plan for “The Corridor” open space be approved.



- MAP LEGEND**
- All Trails to be Paved (8'-10' wide) with Conduit for Power (Future Lighting)
- 1 Acquire Land or Easements for Trails
 - 2 Plant Wildflowers (Desert Four O'Clock, Blue Flax & Firecracker Penstemon)
 - 3 Plant Wildflowers (Showy Goldeneye & Wasatch Penstemon)
 - 4 Plant Wildflowers (Prickly Poppy & Palmer's Penstemon)
 - 5 Plant Wildflowers (Indian Paintbrush & Rocky Mountain Penstemon)
 - 6 Trailhead Parking
 - 7 Natural Playground
 - 8 Extend Trail Southeast & Build New Bridge over Dry Creek
 - 9 Gazebo/Pavillion
 - 10 Adult Exercise Stations



The Corridor Master Plan

Adopted Month 00, 2017



ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Appeal Authority Amendment

FOR CONSIDERATION ON: 6 June 2017

PETITIONER: David Church, City Attorney

ACTION REQUESTED BY PETITIONER: Amend Appeal Authority
Ordinance as Proposed

APPLICABLE STATUTE OR ORDINANCE: Appeal Authority Ordinance (Article 2.3)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

The purpose of the change is primarily to not continue having evidentiary hearings (except on variances) and only have arguments based on the record of proceedings. This will make for shorter, cheaper, hearings. This change will require that the Zoning Administrator keep and prepare a good record of proceedings. It will also be important for the City to adopt findings of fact for important decisions so that City records makes sense. This change also attempts to update other provisions of the code to conform to the new state laws.

STAFF RECOMMENDATION:

We recommend that Article 2.3 of the Development Code be amended as proposed.

ARTICLE 2.3 APPEAL AUTHORITY (Ord. 98-02, 1/13/98. Amended Ord. 2006-17, 11/14/06; Ord. 2013-03, 3/12/13; Ord. 2015-01, 02/10/15)

2.3.1 APPEAL AUTHORITY

2.3.1.1 There is hereby created Appeal Authorities, consisting of an appointed Hearing Officer, which shall act in a quasi-judicial manner to hear appeals regarding the interpretation or application of Alpine City land use ordinances.

2.3.2 HEARING OFFICER

2.3.2.1 Establishment and Appointment of Hearing Officer. There is hereby created the officer of Land Use Hearing Officer. The Alpine City Hearing Officers shall be appointed by the Mayor with the advice and consent of the City Council. The individual appointed as a Hearing Officer shall be a person who is trained in or familiar with the disciplines of planning or law.

2.3.2.2 Term of Office. The Hearing Officer shall serve at the pleasure of the City for an indefinite term. The Land Use Hearing Officer may be dismissed from office by the Mayor, with the advice and consent of the City Council, with or without cause at anytime.

2.3.2.3 Duties and Powers. The Land Use Hearing Officer, as the Appeal Authority, shall

1. hear and decide appeals from decisions granting or denying reasonable accommodations for persons with disabilities from land use regulations; and
2. hear and decide appeals from land use decisions applying or interpreting the land use ordinances.

2.3.3 VARIANCES

1. Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Hearing Officer for a variance from the terms of the ordinance.
2. An appeal for a variance shall be filed with the Zoning Administrator.
3. The Hearing Officer shall fix a reasonable time for the hearing of the appeal, and give at least ten (10) days public notice thereof, as well as due notice to the parties in interest and adjacent property owners within 300 feet, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney.
4. The Hearing Officer may administer oaths and compel the attendance of witnesses.
5. The Hearing Officer shall cause minutes of his/her proceedings to be kept indicating such fact, and shall cause records or his/her examinations and other official actions; all of which shall be immediately filed at Alpine City Hall and shall be public record.
6. Decisions of the Hearing Officer regarding variances become effective at the meeting in which the decision is made, unless a different time is designated in the Hearing Officer's rules or at the time the decision is made.
7. The Hearing Officer may grant a variance only if:
 - (1) Literal enforcement of the ordinance would cause an unreasonable hardship for the

- applicant that is not necessary to carry out the general purpose of the land use ordinances;
- (2) There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - (3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - (4) The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - (5) The spirit of the land use ordinance is observed and substantial justice done.
8. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2.3.3 #7, the Hearing Officer may not find an unreasonable hardship unless the alleged hardship:
 - (1) Is located on or associated with the property for which the variance is sought; and
 - (2) Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 9. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2.3.3 #7, the Hearing Officer may not find an unreasonable hardship if the hardship is self-imposed or economic.
 10. In determining whether or not there are special circumstances attached to the property under Subsection 2.3.3 #7, the Hearing Officer may find that special circumstances exist only if the special circumstances:
 - (1) Relate to the hardship complained of; and
 - (2) Deprive the property of privileges granted to other properties granted in the same zone.
 11. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
 12. Variances run with the land.
 13. The Hearing Officer may not grant a use variance.
 14. In granting a variance, the Hearing Officer may impose additional requirements on the applicant that will:
 - (1) Mitigate any harmful effects of the variance; or
 - (2) Serve the purpose of the standard or requirement that is waived or modified.

2.3.4 APPEALS FROM LAND USE DECISIONS

2.3.4.1 Standards for Review of Appeals. The Land Use Hearing Officer shall hear and decide appeals from land use decisions applying or interpreting the land use ordinances, and shall comply with the following standards:

1. The applicant, a board or officer of the City, or any person adversely affected by the

Land Use Authority's decision administering or interpreting a land use ordinance may appeal that decision to the Land Use Hearing Officer by alleging that there is error in any order, requirement, decision, or determination made by the Land Use Authority in the administration or interpretation of the land use ordinance.

2. The appeal must be filed within ten (10) days from the date of such decision by filing with the Zoning Administrator and with the Land Use Hearing Officer a written notice of appeal specifying the grounds thereof. ~~The Zoning Administrator shall forthwith transmit to the Land Use Hearing Officer all the papers constituting the record upon which the action appealed from was taken.~~
3. An appeal filed in accordance with this section stays all proceedings in the appeal action, unless the Zoning Administrator certifies to the Hearing Officer, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the Hearing Officer or by the district court on application and notice and on due cause shown.
4. The Hearing Officer shall fix a reasonable time for the hearing of any appeal within ~~thirty (30)~~ forty (40) days of the date of filing such appeal with the Zoning Administrator.
5. All appeals including appeals of conditional use decisions rendered by the Planning Commission shall follow the review procedure outlined below.
 - A. Upon scheduling a hearing date, the Land Use Hearing Officer shall notify the City's Zoning Administrator at least two weeks prior to the hearing to allow preparation of the record of proceedings.
 - B. The Zoning Administrator shall prepare a copy of the record of the proceedings, which shall be a complete record from the date of application to the date of the decision appealed from, and provide a copy to the Land Use Hearing Officer and to the person or entity filing the appeal at least one week before the date of the hearing.
 - C. All appeals on decisions applying a land use regulation to a specific application or parcel of land shall be on the record only and not de novo. In appeals from decisions applying the terms of the land use regulation the Hearing Officer shall review the record, and may not accept or consider any evidence outside the record unless the Zoning Administrator fails to provide a record of proceeding.
 - D. The Hearing Officer shall conduct a hearing on each appeal with respect for the due process rights of each of the participants. Notice shall be given of all hearing dates and times. Parties shall be given the right to be heard and present argument. Parties shall be allowed to offer written and oral argument as they desire, in conformance with reasonable rules for such procedure adopted by the Hearing Officer.
 - E. The Land Use Hearing Officer shall review the decision of the Land Use Authority that involves a determination of factual matters on the record, and not de novo, and determine whether the decision was arbitrary, capricious, or illegal. A decision is considered arbitrary or capricious only if the Hearing Officer determines that there was not substantial evidence, as that term has been defined by Utah courts, found in the record to support each essential finding of fact of the Land Use Authority.

F. The Land Use Hearing Officer shall interpret and apply the plain meaning of the land use regulation; and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application.

G. After review of the record and written and oral argument on both sides, the Hearing Officer may affirm, reverse, or remand to the appropriate Land Use Authority for further review and consideration the action taken by the Land Use Authority.

~~Proceedings and hearings before the Hearing Officer shall be public and held pursuant to rules adopted by the City and in conformance with the Utah Open and Public Meetings Act and with the general principles of due process. The person or entity filing the appeal may appear at such hearing in person, by agent, or by an attorney of his/her choice and may present to the Hearing Officer any evidence or argument to support the contentions on appeal. The Land Use Authority that rendered the decision that is being appealed shall appear and present any evidence or argument it finds necessary to justify its decision. The Hearing Officer shall cause a record of his/her proceedings to be kept and shall make written findings and conclusions of all of his/her decisions.~~

6. The appellant has the burden of proving that the Land Use Authority erred.
7. The Hearing Officer shall presume that the decision of the Land Use Authority that is being appealed is correct, and shall only modify the decision if the appellant meets its burden of showing that the ~~if there is substantial evidence presented at the hearing of the Hearing Officer that the~~ Land Use Authority erred in its application or interpretation of the land use ordinances.
8. Only decisions applying and interpreting the adopted land use ordinances of the City or requesting reasonable accommodations for persons with disabilities may be appealed to the Hearing Officer. A person may not appeal, and the Hearing Officer, in his/her duties as an Appeal Authority, may not consider, any appeal of a legislative decision of the City Council, such as a decision to adopt or amend any land use (zoning or subdivision) ordinance of the City.
9. Appeals may not be used to waive or modify the terms of requirements of the land use regulation or ordinance, except as specifically allowed by the land use regulation or ordinance.
10. The Hearing Officer shall render his/her decision on the appeal within ~~fifteen (15)~~ thirty (30) days from the date that the hearing is held. The Officer may affirm, wholly or partly, or may modify the order, requirement, decision or determination of the Land Use Authority.
11. A decision of the Hearing Officer takes effect on the date when the Officer issues a written decision, or as otherwise provided by ordinance. A written decision, or other event as provided by ordinance, constitutes a final decision under Subsection 10-9a-802(2)(a) or a final action under Subsection 10-9a-801(4) of the Utah State Code.

2.3.5 DISTRICT COURT REVIEW OF APPEAL AUTHORITY DECISIONS.

1. Any person adversely affected by any decision of the Land Use Hearing Officer or the Board of Adjustment may petition the district court for a review of the decision. However, no person may challenge in district court the City's land use decision until that person has exhausted the person's administrative remedies as provided in Utah State Code Title 10, Chapter 9a, Part 7, Appeal Authority and Variances, if applicable.

2. In the petition, the petitioner may only allege that the Land Use Hearing Officer's or the Board of Adjustment's decision was arbitrary, capricious, or illegal.
3. (a) The petition is barred unless it is filed within 30 days after the Land Use Hearing Officer's or the Board of Adjustment's decision is final.

(b)(i) The time under 3(a) to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the private property ombudsman under Utah Code Annotated 13-43-204 until 30 days after:

 - A. the arbitrator issues a final award; or
 - B. the private property ombudsman issues a written statement under Utah Code Annotated 13-43-204(3)(b) declining to arbitrate or to appoint an arbitrator.

(ii) A tolling under Subsection 3(b)(i) operates only as to the specific constitutional taking issues that are the subject of the request for arbitration filed with the private property ombudsman by a property owner.

(iii) A request for arbitration filed with the private property ombudsman after the time under Subsection 3(a) to file a petition has expired does not affect the time to file a petition.
4. (a) The Land Use Hearing Officer or the Board of Adjustment shall transmit to the district court the record of its proceedings including its minutes, findings, orders, and if available, a true and correct transcript of its proceedings.

(b) If the proceeding was taped, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.
5. (a)(i) If there is a record, the district court's review is limited to the record provided by the Land Use Hearing Officer or the Board of Adjustment.

(ii) The court may not accept or consider any evidence outside the Land Use Hearing Officer or the Board of Adjustment record unless that evidence was offered to the Hearing Officer or the Board and the court determines that it was improperly excluded by the Hearing Officer or the Board.

(b) If there is no record, the court may call witnesses and take evidence.
6. The court shall affirm the decision of the Land Use Hearing Officer or the Board of Adjustment if the decision is supported by substantial evidence in the record and is not arbitrary, capricious, or illegal.
7. (a) The filing of a petition does not stay the decision of the Land Use Hearing Officer or the Board of Adjustment.

(b)(i) Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated 13-43-204, the aggrieved party may petition the Land Use Hearing Officer or the Board of Adjustment to stay its decision.

(ii) Upon receipt of a petition to stay, the Land Use Hearing Officer or the Board of Adjustment may order its decision stayed pending district court review if the Land Use Hearing Officer or the Board of Adjustment finds it to be in the best interest of the City.

(iii) After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated 13-43-204, the petitioner may

seek an injunction from the district court staying the Land Use Hearing Officer's or the Board of Adjustment's decision.

ALPINE PLANNING COMMISSION AGENDA

SUBJECT: Site Plan (not located in an approved subdivision) Amendment

FOR CONSIDERATION ON: 6 June 2017

PETITIONER: Mayor Sheldon Wimmer

ACTION REQUESTED BY PETITIONER: Amend Site Plan to Comply Ordinance

APPLICABLE STATUTE OR ORDINANCE: Subdivision Ordinance (Article 4.14)

PETITION IN COMPLIANCE WITH ORDINANCE: Yes

BACKGROUND INFORMATION:

Site plans for single family residential dwellings not located in an approved subdivision have been required to go to both Planning Commission and City Council for obtaining approval. A lot of site plans for single family residential dwellings are straightforward but the process for approval can be cumbersome for the applicant. The proposed amendment would allow the City Planner and City Engineer to approve site plans for single family residential structures and streamline the process. Therefore, time would be saved for the applicant and the Planning Commission and staff will be able to spend more time on other issues.

The proposed amendment will also clarify the site plan process for commercial structures in a separate section from single family residential dwellings. There are no proposed changes to the approval process for commercial structures.

STAFF RECOMMENDATION:

We recommend that Article 4.14 of the Development Code be amended as proposed so that Site Plans for single family residential dwellings not located in an approved subdivision may receive final approval from the City Planner and City Engineer.

ARTICLE 4.14

SITE PLAN TO COMPLY (Ord. No. 92-03 Amended by Ord. No. 2004-13,
9/28/04; Ord. No. 2013-11, 7/23/13)

AN ORDINANCE PROVIDING FOR COMPLIANCE WITH ARTICLE 4.7, ARTICLE 4.8 and ARTICLE 4.10 OF THE ALPINE CITY SUBDIVISION ORDINANCE AND THE ALPINE CITY CONSTRUCTION STANDARDS FOR BUILDING PERMIT APPLICATION FOR SINGLE FAMILY RESIDENTIAL DWELLINGS NOT LOCATED IN AN APPROVED SUBDIVISION OR COMMERCIAL STRUCTURES.

4.14.1 Single Family Residential Dwelling Not Located in an Approved Subdivision Site Plan Approval Process

1. The applicant shall submit the following to the City Planner ~~at least fourteen (14) days before the scheduled Planning Commission meeting:~~
 - a. The Site Plan Checklist and Application;
 - b. Three (3) D size (22" x 34") copies of the final plan;
 - c. ~~Ten (10)~~ Three (3) 11" x 17" copies of the plan drawn to scale, and;
 - d. An electronic copy of the plan in a compatible format as specified by City Staff.

The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder, payable to Alpine City.

~~The plans will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The application must be complete and accepted in writing by the City Planner.~~ The City Planner and City Engineer shall review the application and plan to determine whether the proposed construction or alteration conforms to the ordinances of this municipality.

2. A building permit application and plan for a residential single family dwelling ~~or commercial structure~~ which is not located in an approved subdivision shall:
 - a. Conform to Article 4.7, Article 4.8 and Article 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance. ~~If it is a commercial site plan, it also conforms to any additional requirements that are applicable to the site plan in Article 3.7 (Business/Commercial District) of the Alpine City Development Code;~~
 - b. Be reviewed and approved by the City Planner, and City Engineer ~~and approved by the Planning Commission~~ for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements. Rights-of-way must be dedicated to Alpine City
3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the City Planner and City Engineer ~~Planning Commission~~.
4. The Building Inspector shall retain one set of the approved plans and may revoke at anytime a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

An exception may be obtained from the foregoing provisions by following the procedures set forth in Article 4.1.2 of the Alpine City Subdivision Ordinance.

4.14.2 Commercial Structure Site Plan Approval Process

1. The applicant shall submit the following to the City Planner at least fourteen (14) days before the scheduled Planning Commission meeting:
 - a. The Site Plan Checklist and Application;
 - b. Three (3) D size (22" x 34") copies of the final plan;
 - c. Three (3) 11" x 17" copies of the plan drawn to scale, and;
 - d. An electronic copy of the plan in a compatible format as specified by City Staff.

The applicant shall pay the associated fee(s) as set forth in the Alpine City Consolidated Fee Schedule. The fee(s) shall be paid to the City Recorder, payable to Alpine City.

The plans will not be presented to the Planning Commission until the application is complete, including submitting all required information and paying all fees. The City Planner and City Engineer shall review the application and plan to determine whether the proposed construction or alteration conforms to the ordinances of this municipality.

2. A building permit application and plan for a commercial structure shall:
 - a. Conform to Article 4.7, Article 4.8 and Article 4.10 (Subdivision Design and Financial Standards including Water Right Requirements) of the Alpine City Subdivision Ordinance, Article 3.7 (Business/Commercial District) and Article 3.11 (Gateway/Historic Zone)
 - b. Be reviewed by the City Planner, City Engineer, Planning Commission and approved by the City Council for compliance with the foregoing provisions prior to issuance of the permit;
 - c. A Developer's Agreement shall be executed between the City and the Developer outlining the conditions of approval of the site plan. The Development Agreement may include but is not limited to the following examples: any special conditions, trails, landscape issues, or off-site improvements. Rights-of-way must be dedicated to Alpine City.
3. The Building Department shall issue a permit and one set of approved plans to the applicant after the plan has been approved by the City Council.
4. The Building Inspector shall retain one set of the approved plans and may revoke at any time a permit which has been issued for any building constructed or being constructed which would be or result, if constructed, in a violation of any ordinance of this municipality.

An exception may be obtained from the foregoing provisions by following the procedures set forth in Article 4.1.2 of the Alpine City Subdivision Ordinance.

1 **ALPINE CITY PLANNING COMMISSION MEETING AT**
2 **Alpine City Hall, 20 North Main, Alpine, Utah**
3 **May 16, 2017**
4

5 **I. GENERAL BUSINESS**
6

7 **A. Welcome and Roll Call:** The meeting was called to order at 7:00 pm by Chairman Steve
8 Cosper. The following Commission members were present and constituted a quorum.
9

10 Chairman: Steve Cosper

11 Commission Members: Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane
12 Griener, Carla Merrill

13 Staff: Jason Bond, Marla Fox

14 Others: Councilman Mayer Sheldon Wimmer, Roger Bennett, Councilman Lon Lott, Loraine Lot,
15 Ken Berg, Don dean, Rob Dean
16

17 **A. Prayer/Opening Comments:** Jane Griener

18 **B. Pledge of Allegiance:** David Fotheringham
19

20 **II. PUBLIC COMMENT**

21 No Comment
22

23 **III. ACTION ITEMS**
24

25 **A. Hi-Light Dance Site Plan – Dan Nelsen**

26 The existing Hi-Light Dance business is located at 81 South 100 West. The owners of the business
27 are proposing an addition to the building. The adjacent property that is vacant is under the same
28 ownership and is proposed to be developed as a parking lot for the business. The entire property
29 is 32,234 square feet and the site is located in the Business Commercial zone. The dance studio is
30 a permitted use in the BC zone. The total proposed square footage of the building with the new
31 addition is 10,810 square feet.

32 The Gateway/Historic zone will also apply to this proposal. The Gateway/Historic zone gives the
33 Planning Commission the ability to allow flexibility to the requirements set forth in the BC zone.
34 The Planning Commission may recommend exceptions regarding parking, building height,
35 signage, setbacks and use if it finds that the plans proposed better implement the design guidelines
36 to the City Council for approval (Section 3.11.3.3.5).

37 Jason Bond said this is a pretty straightforward proposal. He said the main thing the Planning
38 Commission needs to discuss is the parking for the addition. The Planning Commission had a
39 discussion about how to interpret what type of commercial business this building should be
40 classified as.

1 Jason showed the site plan which showed the parking layout with thirty four parking stalls. Jason
2 Bond reviewed the garbage storage, landscaping, height and design of the building. He also
3 mentioned the front setback was seventeen feet.

4 Ken Berg said the existing building will be painted to match the new addition. A colored rendering
5 was shown to show wood siding and batten board painted blue on the top and a mixed brown brick
6 on the bottom portion.

7 Jane Griener said we should review the Gateway Historic guidelines to make sure this project will
8 comply.

9 The Planning Commission discussed the fact that this building has changed hands and uses in the
10 past and they wanted to make sure there was enough parking. They mentioned the current business
11 will not hold recitals at this location and parents usually drop off and pick up students.

12 Jason Bond said this business backs up against other commercial businesses so a landscaping
13 buffer is not necessary.

14 Jane Griener said she would like to eliminate the parallel parking at the front of the building. The
15 Planning Commission said they would rather have the lesser twenty two parking stalls in order to
16 address the flow of traffic and more landscaping to improve the look of the neighborhood.

17 Ken Berg said the building has proposed lights on the outside of the building. Jason Thelin said
18 he would like to see a lighting plan and said he would like to see better renderings of the building
19 like we've required of other buildings. He said he doesn't want to delay the process but said we
20 need to be more consistent.

21 **MOTION:** Carla Merrill moved to recommend approval of the proposed Hi-Light Dance Site Plan
22 provided the following items are addressed:

- 23 1. Classify this use as Commercial Recreation in order to establish the parking requirement.
- 24 2. The parking stalls within the 30 foot setback be eliminated and replaced with landscaping.
- 25 3. Work with the City Engineer on a lighting plan.
- 26 4. Provide a rendering board of materials showing brown stone and blue board and batten to
27 show to the City Council.

28
29 Jane Griener seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee,
30 Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, and Carla Merrill all voted Aye.

31
32 **B. Amendment to the Site Plan to Comply Ordinance (Article 4.14)**

33 Minor Subdivisions have been required to go to both Planning Commission and City Council for
34 obtaining approval. A lot of Minor Subdivisions are straightforward but the process for approval
35 can be cumbersome for the applicant. The proposed amendment would allow the City Planner and
36 City Engineer to approve Minor Subdivisions and streamline the process. Therefore, time would

1 be saved for the applicant and the Planning Commission and City Council will have more time to
2 spend on other issues.

3 A motion (recommending for or against approval) needs to be made for the proposed amendment.
4 The Planning Commission may make recommendations in the motion that would alter the original
5 proposal. The Planning Commission's recommendations will be considered by the City Council.

6 The Planning Commission considered a recommendation to the City Council at the May 2nd
7 meeting but only 4 members were present and a vote on a motion was not unanimous. The
8 Planning Commission decided to table this item so that more members could participate in the
9 recommendation to the City Council.

10 Jason Bond said Mayor Wimmer was the petitioner.

11 Mayor Wimmer said the big issue is the state legislature changed the timeline to 14 days for
12 permits. He said this puts a lot of pressure on the staff.

13 Steve Cospers asked if the Planning Commission could be informed during public comment on
14 what has taken place if they choose to go this route.

15 Jason Bond said the 14 day restriction applies to building permits after the subdivision process has
16 been done.

17 The Planning Commission had a lot of questions about this and wanted clarification from the City
18 Attorney.

19 **MOTION:** Jason Thelin moved to recommend leaving the ordinance as written.

20
21 Carla Merrill seconded the motion. The motion was unanimous with 6 Ayes and 0 Nays. Bryce
22 Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, and Carla Merrill all
23 voted Aye.

24
25 **C. Amendment to the Minor Subdivision Ordinance (Article 4.5)**

26 Minor Subdivisions have been required to go to both Planning Commission and City Council for
27 obtaining approval. A lot of Minor Subdivisions are straightforward but the process for approval
28 can be cumbersome for the applicant. The proposed amendment would allow the City Planner and
29 City Engineer to approve Minor Subdivisions and streamline the process. Therefore, time would
30 be saved for the applicant and the Planning Commission and City Council will have more time to
31 spend on other issues.

32 A motion (recommending for or against approval) needs to be made for the proposed amendment.
33 The Planning Commission may make recommendations in the motion that would alter the original
34 proposal. The Planning Commission's recommendations will be considered by the City Council.

1 The Planning Commission considered a recommendation to the City Council at the May 2nd
2 meeting but only 4 members were present and a vote on a motion was not unanimous. The
3 Planning Commission decided to table this item so that more members could participate in the
4 recommendation to the City Council.

5
6 **MOTION:** Jason Thelin moved to recommend leaving the ordinance as written.

7
8 Carla Merrill seconded the motion. The motion passed with 5 Ayes and 1 Nay. Jason Thelin,
9 David Fotheringham, Steve Cosper, Jane Griener and Carla Merrill all voted Aye. Bryce Higbee
10 voted Nay.

11
12 **D. Site Visit – General Plan Update – The Corridor Master Plan**

13 The City open space that runs along Dry Creek and Fort Creek has been discussed by both the
14 Planning Commission and City Council. Direction has been given to staff to start working on
15 improvements to the trail. With the central location in the City, this trail and open space has
16 incredible potential to be a venue for community events, create a variety of recreational
17 opportunities, and support future development on adjacent vacant land.

18 The City should create a master plan for this open space to properly preserve and improve it. The
19 Planning Commission and City Council members are encouraged to visit the area and start
20 providing their ideas and input. A draft master plan will be provided at the meeting to offer some
21 ideas and initiate discussion. The Planning Commission should prepare for a public hearing at a
22 future meeting and a recommendation to the City Council.

23 The Planning Commission adjourned to visit the trail site.

24 **IV.COMMUNICATIONS**

25 Bryce Higbee said would like the manholes addressed.

26
27 **V. APPROVAL OF PLANNING COMMISSION MINUTES: May 2, 2017**

28
29 **MOTION:** David Fotheringham moved to approve the Planning Commission Minutes for May 2,
30 2017, as written.

31
32 Bryce Higbee seconded the motion. The motion passed with 6 Ayes and 0 Nays. Bryce Higbee,
33 Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, and Carla Merrill all voted Aye.

34
35 **Adjourn**

36 Steve Cosper stated that the Planning Commission had covered all of the items on the agenda and
37 adjourned the meeting at 9:00 p.m.