

**ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
February 2, 2021**

I. GENERAL BUSINESS

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

Chairwoman: Jane Griener

Commission Members: Ethan Allen, John MacKay, Alan MacDonald, Troy Slade, Sylvia Christiansen

Excused: Ed Bush

Staff: Austin Roy, Jed Muhlestein, Marla Fox

Others: Chris Strong, John Williams

B. Prayer/Opening Comments: Ethan Allen

C. Pledge of Allegiance: John MacKay

II. PUBLIC COMMENT

No Comments.

III. ACTION ITEMS

A. Biennial Selection of Chair and Vice Chair

Austin Roy said at the first meeting of each odd year the Planning Commission shall elect a new Chair and Vice-Chair. A person may be elected to serve consecutive terms as Chair. Planning Commission should nominate and vote on a new Chair and Vice-Chair to serve for a two-year term.

MOTION: Alan MacDonald moved to nominate Jane Griener as Planning Commission Chair. Sylvia Christiansen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Sylvia Christiansen
Ethan Allen
Alan MacDonald
Troy Slade
John MacKay
Jane Griener

Nays:

John MacKay moved to nominate Alan MacDonald as Vice Chair. Sylvia Christiansen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Sylvia Christiansen
Ethan Allen
Alan MacDonald
Troy Slade
John MacKay
Jane Griener

Nays:

B. Ordinance 2021-06 – Accessory Building Setback Exception Criteria

On January 5, 2021, the Bingham, Cushing, and Strong families spoke during the public comment portion of the Planning Commission meeting. They felt an amendment was needed to the accessory building setback exception ordinance and the maximum allowed height for structures receiving an exception. The Planning Commission discussed the item and told the residents they would hold a public hearing and put this on the agenda for the upcoming meeting.

The Planning Commission held a public hearing for the proposal on January 19, 2021, and recommended that the proposal be denied through the following motion:

***MOTION:** Ed Bush made motion to recommend that the Accessory Building Setback Exceptions be denied as proposed and that the ordinance be left as is. Sylvia Christiansen seconded the motion. There were 5 Ayes and 2 Nays (recorded below). The motion passed.*

Ayes

Sylvia Christiansen
Ed Bush
Ethan Allen
Alan MacDonald
Troy Slade

Nays

John MacKay
Jane Griener

On January 26, 2021, the City Council reviewed the proposal and decided that the City ordinance needed to be amended. The item was sent back to the Planning Commission to draft language which would allow for increased height and for allowing structures to be built in an easement if they were moveable.

***MOTION:** Jason Thelin motioned that the council send back the proposal to the Planning Commission instructing them to do two things one look at the allowable height for accessory buildings and determine if a height of 12-feet 6-inches would be acceptable in Alpine City and second determine if movable accessory building would be allowable with in the setback and easements of a property. Greg Gordon seconded the motion. There were 4 Ayes and 1 Nays, as recorded below. The motion passed.*

Ayes

Lon Lott
Jessica Smuin
Greg Gordon
Jason Thelin

Nays

Carla Merrill

Austin Roy said Staff was not able to find any city that allowed building within the easement. He said Alpine City had in the past allowed a moveable structure to be placed on a city easement under certain circumstances and after review.

Staff put together a draft ordinance after listening to the City Council. Austin Roy said the height in the proposed new ordinance would go from ten feet to twelve and a half feet when on an easement or close to the property line.

Austin Roy said the new proposal would be modified to say buildings on a recorded easement would need approval from utility companies and have them sign off this. The ordinance did not require structures to have permanent attachment to the ground and slowed structures to be moved or relocated within 24 hours.

Austin Roy said buildings would not exceed 200 square feet. The building would have no associated electrical, gas, plumbing, or mechanical equipment attached or running to it. There should be a buffer between the property line for drainage, so no zero setback.

Jane Griener wanted to know what the process should be if City Council did not like the Planning Commission's decision. She asked if they should make the changes or kick it back to the Planning Commission. Jason Thelin said the goal was for the two Councils to work together well. He said the Planning Commission should do the heavy lifting and then send to the City Council. He said the City Council wanted the Planning Commission's best answer. He said the City Council was looking for an amended ordinance to be sent back to the City Council.

Alan MacDonald said what he heard from Jason Thelin was that the Planning Commission was being told to change the ordinance for accessory buildings to be placed on a utility easement.

Jane Griener said the Planning Commission should get some training from the City Attorney on the process of bringing issues back to the Planning Commission from City Council.

Ethan Allen said he had a problem with this because they were changing the ordinance to please three families. He said they built on an easement and it seemed backwards that the Planning Commission would approve their sheds.

Alan MacDonald said City Council looked at the Planning Commission's recommendation and did not like the decision. The City Council would like the ordinance to be changed to allow a twelve-and-a-half-foot tall building. He said that seemed to be a done deal. He said the group was there to talk about moveable sheds and utilities.

Jason Thelin said the group did not change ordinances to please neighbors. He said he did not want this to be looked at on a case-by-case basis but make it clear, so it was fair for everyone.

Sylvia Christiansen said it was more than a line of sight. She asked how much of your neighbor's shed do you want to look at said when sitting in one's own yard. She said she would like to table this until they received a motion telling the Planning Commission to change the ordinance.

John MacKay said he had real problems with the easements. He said utility companies were not easy to deal with. They were basically asking utility companies to abandon their easements. This could take surveyor's and attorneys and money when dealing with these issues.

Alan MacDonald asked if the practical considerations were what was considered moveable. A shed under 200 square feet was going to weigh over 3000 lbs. That was not going to be moved in one day. Yards and landscaping will be ruined by bringing in equipment.

Jed Muhlestein said easements were in different areas. He said they were not abandoning these easements; they would just give permission for someone to put a building on the easement letting the homeowner know they may have to move it. Utilities were in the easements and were required to be there for the unknown of the future. They did not know what the future held for technology.

Alan Macdonald wanted to know what it would take to get approval from the utility companies and the City to get an exception to build on an easement. Jed Muhlestein said they should re-write the language to say the easement can be used; the City would not abandon the easement. He said the City had a utility sign off form a homeowner must take around to the utility companies.

Sylvia Christiansen wanted to know what would happen if there was an emergency and the building was not moved. Jane Griener said the consequences should be listed so they were clear.

Ethan Allen said they should say it was a temporary building and homeowners knew they may have to move it if they choose to put it on an easement. John MacKay said he liked the word moveable better because most people did not want to put up a building unless it can stay put.

MOTION: Alan MacDonald moved to table this issue until further review of these issues:

1. Incorporate height amendment of 12 feet 6 inches or 13 feet;
2. Consider incorporating a 2-foot setback;
3. Consider appropriate language for movable buildings that can be moved within 24 hours or a fine;
4. Building has no power, gas, water, mechanical running to it;
5. Staff consider legal ramifications of encroaching on a city easement and the process for a resident to get a sign off from the City and utility company.

John MacKay seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Sylvia Christiansen
Ethan Allen
Alan MacDonald
Troy Slade
John MacKay
Jane Griener

Nays:

C. Ordinance – 2021-05 Animal Ordinance

The current code allowed for a maximum of five horses or cows on any given lot. One horse or cow was permitted on a lot of 10,000 square feet, and additional horses or cows for every additional 10,000 square feet. However, no more than five horses or cows no matter how large the lot. This item was tabled by Planning Commission so a comparison could be done to what other neighboring communities were doing. Included in the packet were the ordinances for large animals in Lehi, Highland, American Fork, and Draper. Staff proposed that the number of horses or cows on a lot be limited by the size of the lot and not a set limit.

Austin Roy said Alpine's Animal Ordinance was similar to neighboring cities, but the Planning Commission put a cap on how many large animals a person could have on a lot. He said no other city put a cap on how many animals a resident could have if they had larger properties. This was brought forward because a resident has fourteen horses on his property and thought the cap was unfair because he had a ten-acre property.

Alan MacDonald said he was in favor of changing the ordinance to allow more animals but would like to see the land requirement be larger than a quarter of an acre per additional animal.

Ethan Allen said twenty animals on a five-acre lot seemed like a lot.

The Planning Commission had a discussion on whether the City should have a cap on the number of animals if they had a large property. They discussed changing the ordinance to allow an additional animal for additional 10,000 square feet.

MOTION: Sylvia Christiansen moved to recommend that Ordinance 2021-05 Animal Ordinance be approved as proposed. Troy Slade seconded the motion. There were 4 Ayes and 2 Nays (recorded below). The motion passed.

Ayes:

Sylvia Christiansen
Troy Slade
Alan MacDonald
Jane Griener

Nays:

Ethan Alan
John MacKay

IV. COMMUNICATIONS

Austin Roy said they needed training and the new City Attorney wanted to set a date when everyone would be in attendance. The Planning Commission said the next meeting on February 16, 2021 should work for everyone.

V. APPROVAL OF PLANNING COMMISSION MINUTES: January 19, 2021

MOTION: Sylvia Christiansen moved to approve the minutes for January 19, 2021 as written. Ethan Allen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ethan Allen
Jane Griener
Alan MacDonald
Troy Slade
John MacKay
Sylvia Christiansen

Nays:

None

MOTION: Ethan Allen moved to adjourn the meeting.

Alan MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed unanimously.

Ayes:

Ethan Allen
Jane Griener
Alan MacDonald
Troy Slade
John MacKay
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 8:55 p.m.