

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
May 5, 2015**

I. GENERAL BUSINESS

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

Chairman: Steve Cosper

Commission Members: Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Jane Griener, Steve Swanson, Judi Pickell

Commission Members Not Present:

Staff: Jason Bond, Marla Fox, Jed Muhlestein

Others: Alan Gillman, Harley Gillman, Mary Gillman, Annie Jackson, Doug Vance, Jewel Walters, Clive Walters, Mark Goodsell, Alex Johnson, John Walton, Annalisa Beck, Dana Beck, Ross Beck, Broderick Thomas, Paul Bennett, Jim Bishop, Jennifer Bishop, John Ogden, Amy Ogden, Ryan Johnson, Mike Russon, Rachel Johnson, Jenn Gubler, Michelle Frandsen, Daniel Jackson, Kadin Bob, Tanner Esplin, Jake Hasleton, Justin Ostler, Toby Call, Thomas Wadsworth, Julie Peterson, Isaac Whitaker, Harken Kerr, Ryan Porter, Boman Johnson, Gritt Johnson, Carla Merrill, Cole Merrill, Sheldon Whimmer, Bryan Hofheins, Paul Kroff, Lon Lott, Myrna Grant, M Eric Grant, Jeff Davis, Pam Madson, Michelle Smith, Kristen Shelley, Melissa Shelley, Todd Smith, Logan Hunter, DL Zolman Sr., Maureen Kirkland, Will Jones, Roger Bennett, Tricia Zippi, Steve Zolman

B. Prayer/Opening Comments: Jason Thelin

C. Pledge of Allegiance: Duncan

II. PUBLIC COMMENT

III. ACTION ITEMS

A. PUBLIC HEARING – Beck Property Zone Change Request – Dana and Annalisa Beck

Dana and Annalisa Beck are requesting that the zoning for their property located at 621 Westfield Road be changed from CR-40,000 zone to TR-10,000 zone. The ordinance requires that the Planning Commission make a recommendation to the City Council. The City Council may approve or deny the proposed amendment to the zoning map, either as proposed by the Planning Commission or after making any revision the City Council considers appropriate.

Jason Bond said there is a process for property owners to come in and request a zone change. The Beck's are requesting a zone change from Country Residential zoning to Town Residential zoning which is quarter acre. Some areas of town have smaller lots than what the designated zone requires and that's because the subdivision came in as a PRD which requires dedicated open space. He said the Beck's are not proposing to dedicate any land to the City for open space.

Dana Beck said about a year ago the gas company said they were going to replace the gas line and it would run through his property. The gas company said they would relocate the gas line in a different location on the property if the property owner had a specific place they wanted it. Mr. Beck said it would cost roughly about a quarter of a million dollars to put the gas line through his property so he said he would like to get it in the right place the first time.

Dana said when they bought the property; it was zoned one half acres. Sometime later it was rezoned one acre and the homeowners weren't a part of it. He said nobody was happy about it but at the time he didn't really care because he was farming the land. He said everyone is really happy now with the big open area and he is too and said he has no plans to develop.

Mr. Beck said the way the gas line is proposed, it will mess up development if development is allowed in the future. He came to DRC to propose acre and half acre lots but said he would prefer one third acres. He said the City staff told him the only way he could get one third acres would be to propose his property as quarter acre lots because the City doesn't have a one third acre zone. Mr. Beck said he has no intentions of putting in quarter acre lots and never will. Mr. Beck said Alpine has a water problem and quarter acre lots will use less water than an acre lot. He said he was encouraged by staff to resubmit his proposal for quarter acre lots in order to get one third acre lots but said he would be happy with half acre lots.

Mr. Beck said he was not here to propose a development but to ask the City to rezone his property back to one half acre like it was when he bought the property. He would like this done now before the gas line goes in so they can figure out the best place for the line.

Jason Bond said it was mentioned in DRC by some of the members that an option would be to ask for one quarter acre since we don't have one third acres. He said the staff did mention water concerns but said the staff didn't have a preference or tell Mr. Beck what he should do. Mr. Beck agreed with that and said staff has to worry about water issues and revenue for the City and that is why this discussion took place. He said staff does an excellent job and did not push him either way.

Mr. Beck said some of his neighbors are very upset about this and he is willing to go back to half acres instead of quarter acres. He said he has to make a decision right now before the gas line goes in. Mr. Beck showed on the zoning map where it went from quarter acre to one acre lots. He said it would make sense to make his property one half acre lots to buffer between quarter and one acre lots. He said his own children tried to buy in Alpine and there were no small homes or lots that they could afford and they had to buy in other cities.

Jason Thelin said his concern with the DRC is staff making policy or pushing their philosophy onto the developer versus it going through the Planning Commission and City Council. He said the Planning Commission tries to offload certain things to the DRC that they don't need to see. He said he's concerned because in a Planning Commission meeting, everyone knows how the others feel and votes are cast, but in DRC someone told developers one thing and pushed some changes and encouraged them to down zone.

Jed Muhlestein said the discussion came up in DRC by Mr. Beck to have one third acre lots and the comment was made that the only way to make that happen would be to have one quarter acres lots because there is no third acre zoning. He said no-one in the meeting encouraged them to go that way. Jason Thelin said the problem is that Mr. Beck came to DRC with one acre and one half acre proposals and we don't see those proposals here tonight. All we see is the one quarter acre proposal and it would have been nice for the Planning Commission to have been able to see those as well. He said the only justification for downsizing in his mind is if Mr. Beck can't make it work based on him being forced to put a natural gas line through his property. Jason Bond said Mr. Beck said the Planning Commission is looking at what was submitted. He said they did bring in other plans to show the DRC but didn't submit them.

Dana Beck said they don't like any of the layouts, not even the quarter acre lots. He said it was a quick shot with the engineer to try and figure something out that would work there. He said he needs to know if the City will entertain the half acre zoning because he has to make a decision right now as to where the gas line is going to go. He said if the City agrees, he will take a risk and put the gas line where he thinks it will work. He said if the City said no, we are staying with a one acre zone, then he said he has to go back and figure out how that will work. Mr. Beck said he's not developing now but circumstances are making it so he has to plan for the future. Jason Thelin said we have to treat this like Mr. Beck would develop tomorrow. Judi Pickell said good policy is looking at the Master Plan and knowing that that's where we look to for zoning in the City.

Dana Beck said there are about 5 properties that need to be looked at as well and he said the only way to get this looked as is to bring something forward. Steve Swanson asked if water was an issue and if that is why smaller lots were discussed in DRC. Jed Muhlestein said one acre properties use more outside water than smaller lots. Judi Pickell said Mr. Beck brings up a good point about zoning issues in Alpine but said they will not get resolved tonight.

Jason Bond said he received four emails concerning this issue and he sent them on to all Planning Commission members. Steve Cosper said received four different emails and he shared them with the Planning Commission members.

Allen Gillman is a neighbor to the Beck's. He said the gas lines needs to be replaced and Mr. Beck's plan will affect his property. Mr. Gillman said Mr. Beck told him he needed to have the gas line moved so he could get lots in that area. Mr. Gillman made a deal with the fence line. He read a text from Dana Beck where Mr. Beck said he will use the gas line as an excuse to get smaller lots. Mr. Gillman said the gas line has nothing to do with getting smaller lots.

Breezy Anson said he is not opposed to one half acre lots on this property. He showed on a map a neighborhood that was quarter acre lots with large homes. Then he showed one half acre lots and said this is better because you are not in a fish bowl right on top of your neighbor. He said he is not in favor of one quarter acres. He said Dana Beck is not in favor of them either but his kids might be or a developer could come in and try to put one quarter lots in. He said if quarter acres are allowed on this property, it will affect all the surrounding neighbors.

Mark Goodsell asked if the City has thought about smaller lots with some open space. That way you can bring in another demographic and a more affordable piece of property. He said you can still keep a forever piece of open space in the City. He said this needs to be looked at further and be done well.

Annie Jackson said she has lived on Westfield for 28 years and is opposed to the zone change. She said the City General Plan states preserving the family oriented small town atmosphere is of utmost importance to the residents, business owners and City officials of Alpine. The primary focus of Alpine City is to preserve and maintain these characteristics and its high quality of life. Alpine City residents place a high value on their lower density neighborhoods. Future residential development must be carefully considered and designed to maintain the low density feeling in the City. She said lowering the density to quarter acre lots directly contradicts these principles.

Ms. Jackson said she didn't think our forefathers would want this changed and said there is a reason this area was changed from half acres lots to one acre lots. She said if the Beck property is allowed to change zoning, other properties will want to as well and the density will put pressure on the roads, schools and churches. It will affect the beauty of the area, traffic, congestion and safety on Westfield Road which is so commonly used by walkers, joggers, bikers and children walking to school. Ms. Jackson said she was concerned about what that type of density would do to the population of Westfield Elementary, Timberline Junior High and the nearby churches and Wards. Not only the larger classroom sizes but the congestion around the schools and the safety of the children should be considered. The City General Plan Land Use Guideline states density increases should be considered only upon the demonstration of adequate infrastructure, resource availability, amenities and benefit to the city and the residents of the project. She said those of us who oppose this project feel that it does not meet these requirements and there is no benefit or purpose of rezoning.

Clive Walters owns the property just south of the Beck property. He said he's looked at the minutes from the past and couldn't find any notes on how this property was changed from half acre to one acre without neighbors knowing about it. He said Dana and Annalisa Beck have complied with the current ordinance for a zone change. He said if a zone change is made that affects neighboring properties. He said there has to be some kind of vision for this so Mr. Beck knows where to put the pipeline. He said he supports a zone change. He said as far as joggers are concerned, they are all over the city and not just on Westfield road. He said eventually, there will need to be some connecting roads between Westfield and Lone Peak Drive.

Melissa Shelley asked why there can't be a variation of different sized lots. She said something like this could make sense for the Beck property. Jason Bond said it could be done through a zone change if that's what the City wants. He said one way to get smaller lots is through a PRD but that's not usually done on flat property. He said the Beck's do not want to develop right now and there's no plan on the table. He said a zone change would take some time to do.

Jason Thelin said if Mr. Beck had quarter acres he could still build one third, one half and one acre lots. He said that doesn't happen though because there's a cost benefit to the developer to put in as many homes as they can and they can make more money if quarter acres are allowed.

Steve Cospers closed the public hearing and opened up the discussion to the Planning Commission. David Fotheringham said this is a whole Master Plan change and that will take some time. Judi Pickell said Mr. Beck does not want to develop right now so this is not eminent right now. She said she thought when Mr. Beck does want to develop in the future, he will have options but she thinks it is premature right now.

MOTION: Judi Pickell moved to recommend to the City Council to deny the request for a zone change for the Beck Property at 621 Westfield Road from CR-40,000 to TR-10,000.

Steve Swanson seconded the motion. The motion passed with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cospers, Jane Griener, Steve Swanson, and Judi Pickell all voted Aye.

B. Residential Lot Adjustment Request – John and Amy Ogden

John and Amy Ogden are putting together plans to build a house on a lot at 864 East Jackson Lane. This lot is within the CR-20,000 zone. The plan shows the home to be built outside of the designated building area. The ordinance allows for an adjustment to be made if certain criteria are met (Section 3.3.8.4).

Jed Muhlestein said the Ogden's brought forth a building plan that extends beyond the buildable area as recorded on the plat. The ordinance does not allow for a buildable area to contain slopes that are 20% or greater (Section 3.1.11.7). He said the ordinance does provide a section that states the Planning Commission can grant an exception or adjustment to the ordinance.

The plan shows home being built into a sloped area that is 20% or greater. After reviewing the proposed site plan, it also appears that the home is proposed to be built in a way that would also reduce the setbacks from the southern property line. This would expand the area of what was originally designated as buildable. The Planning Commission needs to determine if the original buildable area was correct in designating the southern setback as a 30 foot rear yard setback or if the southern setback should be designated as a side yard setback. If the setback is designated as a rear yard setback, the Planning Commission or City Council cannot grant an exception to the setbacks and a variance needs to be obtained from the Alpine City Hearing Officer. The criteria for granting a variance are laid out by the State of Utah.

Jed Muhlestein said there are three criteria for granting a variance.

1. Number one states: more adequately accommodate subsequent development of the lot.
2. Will not constitute a potential hazard to life or property.
3. Will serve to diminish the negative impact of subsequent development upon the lot or community.

Jed Muhlestein said the steepest part is 25% slope and the rest is around 22%. He said regardless of this property just barely being outside the ordinance, staff cannot grant this request. He said the Ogden's had a Geotech report done and it states that the development of their home on that slope will not pose any type of hazard to life or property or to any surrounding area or to the building. Jed Muhlestein said as far as the three criteria listed are concerned, the Geotech report takes care of number two and he said it would be up to the Planning Commission to recommend an exception for number one and three.

John Ogden said this will be a walkout basement and no retaining walls because it's a natural slope there. He said on the side with the steepest slope, they are planning on putting in an underground sport court. Judi Pickell asked what evidence of number three would look like. Jed Muhlestein said it means anything extra ordinary that would serve as an eyesore to the community. Jane Griener asked if the adjacent lots would have to have retaining walls or any negative effect on those lots. Steve Cospers said it's nice the Ogden's have slope so they can have a walkout basement without having to build any retaining walls. Mr. Ogden said the neighbor in the back is about 750 feet away. He said he talked with all the neighbors and no one had a problem with their home. Steve Cospers said it is not required to get approval from the neighbors.

David Fotheringham had questions about the layout of the home and the setbacks. Jason Bond said the side setback was previously addressed about a year and a half ago so it is just the back of the house that needs to be addressed. Jason Thelin said this is not up on a hill and will be hidden by natural scrub oak and will be blocked from view. He

said he thought it met the tree criteria. Steve Swanson asked how much retaining would be required for the home. Mr. Ogden said there will be no retaining on the sides or the back of the house.

MOTION: Jason Thelin moved to approve the buildable area adjustment request for John and Amy Ogden.

David Fotheringham seconded the motion. The motion passed and was unanimous with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham. Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye.

C. PUBLIC HEARING – Fence Ordinance Amendment

The Alpine City Fence Ordinance has recently come up for a few different reasons. (1) Residents have asked that the height restrictions be carefully readdressed particularly as it pertains to keeping deer off of their property and eating their gardens and flowers. (2) The City Council would like to grant some exceptions to the fence ordinance. There currently is no process for exceptions.

Jason Bond said we need to have a track able exception to the fence requirement because Planning Commissions and City Councils change over time. He said we need to take a look at our ordinance and see if we need to put in some language to allow an exception.

Jed Muhlestein said you could take 3.21.6.7 and make one simple change from agriculture fences to animal fences.

Steve Cospers opened the Public Hearing and asked if staff would approve an 8 foot fence. Jason Bond said he would like to create some language and criteria to meet the exception. Mark Goodsell said he will design his fence at 6 feet but with an option to raise the height to 8 feet to protect his garden. The 8 foot would only be around the garden and 6 feet around the rest of the property.

Will Jones said he wanted to see this issue address because of the rehab house in Alpine. He said if the home owner next to the rehab house could have a higher fence, they could block clients from looking into their windows and giving them some privacy. He said because of the slope, a six foot fence is not high enough. He said the higher fence would only be behind the house and a six foot fence around the side. The Planning Commission asked how this would be regulated. Judi Pickell said we just need to have a way for someone to apply for an exception. Bryce Higbee said maybe it could be for those people living next to a commercial business.

Bryce Higbee said he didn't think deer are an adequate reason to change the ordinance. Jane Griener thought safety could be an issue because you can't see over high fences. Jason Bond said the fence couldn't be taller on the side or in the front yard or in the sight triangle. Judi Pickell asked if you can put a higher fence within your yard and not on the fence line. Mr. Goodsell said he needs an 8 foot fence on his property line. He said he has an agricultural need to grow his garden and he needs to keep the deer out. He said he wants the City to know that he will try a fence at 6 feet, but will put it to 8 feet if and when the deer jump the fence.

Jason Thelin said he is in support of a higher fence around the drug rehab center. He said he thinks people should be able to grow a garden and we should help them do that. Steve Cospers asked staff to bring back some changes to the ordinance for next time. He asked that the rehab center or commercial buildings be addressed and 8 foot fences for gardens and agricultural.

D. PUBLIC HEARING – Retaining Wall Ordinance

The Alpine City Planning Commission asked the staff to look into drafting a retaining wall ordinance. Steve Cospers opened the Public Hearing.

Jed Muhlestein said this ordinance was brought forward because of unsightly retaining walls and for safety reasons. The City asked for help from a gentleman who worked for Draper City. Jed Muhlestein said a building permit is required for retaining walls over 4 feet if the terrain around the wall is on a steep slope. There are landscaping requirements as well. He said 9 feet would be the maximum height for retaining walls but there is a provision to go higher if that retaining wall was in a location where it cannot be viewed from the public, a public right-of-way, or

any of your neighbors. He also said if the wall is higher than 9 feet, it has to be terraced and if you have to do that, the ordinance allows a terraced wall to go as high as 18 feet.

Jed Muhlestein said if the wall is viewable from a public right-of-way, the area would have to be landscaped. Jane Griener asked if an engineer would have to inspect these walls. Jed Muhlestein said high walls would need to be engineered and be inspected on a regular basis. He said our current ordinance doesn't require this even though Alpine City has been doing it. He said going forward it will be required in the ordinance. Judi Pickell asked what future development would be affected by this adoption. Jed Muhlestein said Three Falls and Eagle Pointe.

Mark Goodsell said rock retaining walls concern him. Jed Muhlestein said rock walls can be designed to be safe but the problem is that people don't get permits to build their walls and they end up falling over. He said that is why the City has ordinances and requires permits to build walls and it takes into consideration the land around it. Mr. Goodsell said he is concerned about a seismic event and boulders ending up in people's living rooms. Jed Muhlestein said the City will try to control this issue through permits. Judi Pickell asked who was going to maintain the landscaping. Bryce Higbee said that would have to be addressed when a development comes in to the City. Steve Cosper asked Jed Muhlestein to bring a final copy of the ordinance to the next meeting for review.

E. Melby Annexation Discussion

The City Council has asked that some discussion take place between the land owners/developer and the City to discuss the possibility of annexation for the Melby property. The Melby property, which includes 68 acres, is located north of the Alpine Cove Subdivision. This area is currently not within the Alpine City Annexation Policy Plan. To help facilitate the discussion, staff has asked that 4 main topics be addressed in helping the City make a decision on the annexation of this area. The four main topics are:

1. Density – How many lots are you proposing for the subdivision?
2. Roads – How are you accessing the subdivision? Because you are in a sensitive lands overlay, you will need at least two accesses to the site.
3. Utilities – How will water and other utilities be provided?
4. Open Space – Where will open space be and how will it be designated?

It was requested at the April 21, 2015 Planning Commission meeting that the Annexation Declaration Policy, potential Melby annexation and development be considered by the City. This report is not meant to detail specific about each issue, but rather in a broad sense give the Planning Commission and City Council details to help decide if the City would like to proceed with the request. If it is decided to proceed, more detail and studies can be performed.

Jed Muhlestein said he received a letter from the Fire Marshall which said he was concerned with all the traffic coming out onto Grove Drive. Jane Griener asked if the Planning Commission would look at the annexation policy as a whole or by each development individually. Jason Bond said we will address the requests individually. Jane Griener said it is redundant to do it over and over again since many of these questions will be the same. Jason Bond said we would like to address the properties who have come forward but the information gathered for these properties will be useful for others in the future.

Steve Swanson said the Fire Marshall has concerns but said we have some options. There are questions about water as well but his main concern is what the Fire Marshall said. He said he has a concern about annexing this property with a twisted arm because of the threat of going to the County if they don't get what they want. He said we need to get a plan in front of us and then we have the ability to recommend that if we do annex it, we annex at a different rate or different size. He said the county would have to adhere to what the Fire Marshall said as well.

Steve Cosper said we need to take a look at what's best for the City and then make a recommendation regardless of political pressure and pressure from the applicant saying they will go to the County. He said there is a lot of emotion in emails being sent by citizens concerning water and traffic issues but we need to do the job we've been tasked to do.

Jason Thelin said the first question is whether we want to annex this property into the City. Steve Cosper said the City has options for water to serve this development. Jed Muhlestein said we wouldn't be able to serve them with

pressurized irrigation but could get culinary water to them at a cost. The City would prefer that they work out their own culinary water issues as well.

The Planning Commission had a discussion about the plat that the applicant brought in. David Church told Steve Cosper that you have to make a recommendation based on the request the applicant brought in. The Planning Commission said they are not in favor of the plan that was brought in because the cul-de-sac doesn't meet the ordinance, the slope of the property doesn't meet the ordinance and because of water issues and road issues. The Planning Commission said they didn't think this was ready to move on to the City Council. Judi Pickell said the County asked us to work with the Melby's. Something was brought in to us and it doesn't meet the ordinance for the reasons listed above, but we're willing to work with them. She said the Melby's need to submit something that meets our ordinance and then we can open a discussion.

Bryce Higbee said he didn't think we could recommend annexing based on what was brought in. He said staff should reach out to the applicant and ask them to submit a plan that comes closer to meeting our ordinance. He said this is not going to be a quick process and needs to comply with our ordinance. He said they are requesting a zone change as well. Steve Cosper said that the Melby's also need to know that we are open minded about approaching the annexation. Bryce Higbee said absolutely, but it has to comply with our ordinance to even consider it.

Rod Bergman lives on Grove Drive said the City has ordinances. He doesn't like it when you say to staff to write a letter letting the applicant know he should bring in something that is close to the ordinance. The applicant needs to bring in a plan that meets the ordinance and the staff shouldn't have to do their homework for them. Steve Cosper said he just wants to give the Melby's some direction. Bryce Higbee said the Melby's need to bring something in with more detail.

Jason Thelin said we need to give the Melby's more. We need to let them know if we are willing to annex them and change the zone to one acre. Bryce Higbee said he would like to see what a one acre zone looks like meeting the ordinance. Steve Swanson said we are still running into the Fire Marshall's concern with the traffic.

Bryan Hoffeins said the Melby's said they didn't have any water shares and wanted to know if that had changed. Jed Muhlestein said the Melby's said they had an agreement with the Cove to pull water from their tank but he didn't know any more about it. Mr. Hoffeins said the neighbors want the zone to stay the same whether the property gets annexed or not.

Jason Thelin said we need to let them know now if we will annex and if so, let them know that this is how we will allow them to come into the City. Jason Thelin said he would be more inclined to let them know that we would be interested in annexing their property but at five acres. Ask them to bring in a plan showing how they could make five acre lots work within the ordinance.

Steve Cosper said we have to consider the plan they brought in, and it is not up to us to make a proposal for them. Jason Bond said we should give them some direction and the Planning Commission could deny the current plan of one acre lots, but could say we would be interested in looking at a plan that included five acre lots. Steve Swanson said the reason we would want five acre lots is because of density, water, and traffic. Steve Cosper read eight steps for annexation from David Church and the Planning Commission had a discussion about it.

Judi Pickell said if we asked them to come in with a five acre lot, the developers would only be able to get a couple of lots because of the slope. The development wouldn't be feasible and they will then go to the County and it will look like the City is not working with them. She said if you ask them to come in and meet our ordinance and allow them to have one acre lots; the slope will still prevent the development from having too many lots because a lot of that property is at 20% slope. Jason Thelin said the CE-5 zone states that this zone consists of the more mountainous areas because of the steep slopes, soil characteristics, wildfire hazard and similar natural conditions that are considered environmentally sensitive. The minimum standards and use within this zone are:

1. The need to preserve sensitive environmental conditions
2. The need to mitigate potential unsafe conditions in the area and prevent development that might increase hazards due to such conditions.
3. The need to preserve a healthy, safe environment for the occupants of the zone and the surrounding

community.

Jason Thelin said this area is already zoned as CE-5 and he said this area fits perfect within that zoning. The Planning Commission discussed this and some said the Melby's won't come into the City as a CE-5 zone, they want one acre lots and that's what they've asked for. Others said if the City wants to keep this zone, they can and the applicant will have to decide if they still want to proceed.

MOTION: Jason Thelin moved to deny the application as outlined in the packet and recommend to the City Council that the Melby Property be put into the Annexation Master Plan with a CE-5 zoning designation.

Jane Griener said this is a compromise from both directions. She said the citizens have really expressed their concerns about density. Bryce Higbee said if the applicant wants to propose a plan with one acre lots that meets our ordinance then they can do that. Jason Bond said if it's CE-5, that doesn't exclude the possibility of it being developed as a PRD.

Steve Cospers said that David Church said the applicant brings in the petition and that's what we act on. Steve Cospers said we're going in the opposite direction in trying to force it back the other way. He said he didn't know legally how that works. Jason Bond said there is a motion on the table and the Planning Commission has to do the best they can and if there's a problem with that, David Church can give us some direction on it.

Steve Cospers said the other option is to go to the Melby's and say this is what our feeling is; resubmit something and we'll look at it if it's a CE-5. Jason Thelin said his motion does that. It's a recommendation to the Melby's that states we're interested in bringing them in as a CE-5. Steve Cospers said it's going to the City Council and not the Melby's. He said he doesn't think we have the standing to recommend a change when they've come to us and we're supposed to just be acting on what they brought to us.

Bryce Higbee said this can be included in our annexation plan even if the applicant doesn't want it to be. Will Jones said that what Jason Thelin is trying to do is put it in a plan to come in as five acres. He said you can do that because the plan is yours, and their proposal is theirs. Bryce Higbee said the applicant could then come in and petition to change it. Jason Bond said this is a recommendation and nothing binding right now. He said if David Church has a concern with the motion then we can readdress it.

Steve Swanson seconded the motion. The motion passed but was not unanimous with 6 Ayes and 1 Nay. Bryce Higbee, Jason Thelin, Steve Cospers, Jane Griener, Steve Swanson and Judi Pickell all voted Aye. David Fotheringham voted Nay.

F. Oberee Annexation Discussion

The City Council has asked that some discussion take place between the land owners/developer and the City to discuss the terms of annexation for the Oberee area. To help facilitate the discussion, staff has asked that 4 main topics be addressed in helping the City make a decision on the annexation of this area. The four main topics are:

1. Density – How many lots are you proposing for the subdivision?
2. Roads – How are you accessing the subdivision? Because you are in a sensitive lands overlay, you will need at least two accesses to the site.
3. Utilities – How will water and other utilities be provided?
4. Open Space – Where will open space be and how will it be designated?

Jed Muhlestein said the staff is trying to bring forward more information since last meeting. Pressurized irrigation is a big concern and how to get the water to this development. There are also concerns on how to get culinary water to the homes. He said our Master Plan provides two different plans to get them water. Jed said we have a booster pump on the North end of Main Street. He said the pump could be altered to boost water to the Oberee property. One pump could take care of this development. Steve Swanson said the Oberee's would be responsible for the extra

costs. Jed Muhlestein said they would have to pay for the portion of the water they used and the city would pay for their portion.

A 12 inch irrigation line would run through their property which would also help a portion of the City as well. He said the improvements that need to be made could be done with the resources and infrastructure the City has. He said the improvements would also help the fire flows in for Three Falls. Steve Cospers asked if Three Falls would help pay for these costs. Jed Muhlestein said fire flows were discussed and a bigger line was discussed if large homes are planned to be built to meet fire flows.

Jed Muhlestein said the water lines would be determined when a plan was submitted and we see what the needs are. He said the City would prefer a secondary road through Elk Ridge. Paul Kroff said this road would not be an option for phase one and said they meet the letter of the law. Steve Cospers said the Fire Marshall can override that decision based on safety issues.

Steve Swanson asked if we have the water, do we need to increase density. Jed Muhlestein said it is always good to conserve our water. Steve Cospers said there are other issues besides just the water like the traffic for instance. Jed Muhlestein said the developer will need to do a traffic study. Jane Griener asked if a road going through Elk Ridge encroaches on Mr. Zolman's home or what is the reason the owner is saying no to the road. Mr. Zolman said he purchased three landlocked parcels of property and brought it back to one parcel to raise his family. He said he has upset some of his neighbors and would like to make it right with them. He said he would like to keep the lower orchard to farm and doesn't want a road going through it. He also said he needs to be able to get to the mountain easement area to graze his cattle. He said the upper property is where he would develop and put in the lots.

Jason Thelin asked why the Packs didn't have their access in the same place Mr. Zolman is proposing. Mr. Zolman said at that time someone owned a protection strip in between two properties and he said he has purchased that strip and added it to his property.

Paul Kroff said they have made a lot of efforts with some of the adjacent property owners to think of ways to improve the hairpin turn and Grove Drive. He said they need the City's support to rezone the property in accordance with the Annexation Declaration. And second, to support the development of the Oberee property at a standard density of what was submitted a month ago. Mr. Kroff said it would be a maximum of sixty lots.

Steve Cospers asked if a traffic study would be done. Paul Kroff said he agrees that a detailed traffic study needs to be done and he agreed to do the study as one of their conditions. He said you do a traffic study to see what the impact would be of the density you are seeking and what improvements would be associated with that.

Paul Kroff said that Horrocks is running the Master Plan specifically for the water. Their report states the anticipated number of homes proposed is supported by the anticipated master development of the City. Steve Cospers said that was based on the traffic plan that was put in eight years ago. Mr. Kroff said this report was specifically for water and sewer.

Bryce Higbee said the Planning Commission has to decide if they want 60 lots with the density given in the conservation easement. Paul Kroff said they would provide an access through the Conservation Easement. The Planning Commission had a discussion about the open space and how it could be used. Judi Pickell asked about access and Paul Kroff said the development would have access on the east and the west side. Judi Pickell said she would like the public to be invited to the trail in the Conservation Easement. She would like to see some signs and the trail marked at the trailhead. Paul Kroff said they would be open to allow access to the trail but the owner is concerned about the public going through, over and all around his property.

Steve Cospers asked Jed Muhlestein if the Planning Commission had enough information to annex. Jed Muhlestein said he thought they had enough general information to make a decision on whether they want to recommend annexation or not. He said the specifics of the actual development could be worked out later. Bryce Higbee said once annexation is approved then we can work on the development. Paul Kroff said once the annexation is approved and the zoning designation is granted, we still have to meet the ordinance. David Fotheringham asked about the size of the lots were. Paul Kroff said they were half acre or larger and they would self impose a ceiling of sixty lots

maximum which would be a lighter density. He said they would have forty lots in one phase and twenty lots in another phase.

John Walton asked what the net size of the lots will be. Paul Kroff said they are seeking CR-40,000 zone and with a PRD the smallest lot would be 20,000 square feet but most of the lots would be somewhere between a half acre and one acre. Mike Russon asked why we are water restrictions if the City is saying we have ample water. Jed said we don't have the infrastructure to get the water into the system especially in the high zone. The high zone depends on the pond runoff and this year runoff has been low.

Todd Smith said he is concerned about higher density when we have one acre development right next to it. He would rather see half acre than quarter or third acre. He said this owner shouldn't get a windfall just because he's the next owner. He said he doesn't want the road to come out where it is planned because it will come out right at his house and he doesn't want the traffic.

Mr. Zolman said he didn't get a windfall but the previous owner did because of the tax break he received. He said he doesn't want a road running right through the middle of his farm. He said if the City makes them put the road through the farm he might as well move to Payson because that's not going to work

Tricia Zippi said she chose to live in the Cove and doesn't want lower density on this property that borders her neighborhood.

MOTION: Judi Pickell moved to recommend to the City Council to accept the Oberee Annexation Petition and limit the density to sixty lots maximum for the Zolman property.

Jason Thelin said you've selected to include the Conservation Easement into a PRD environment. David Fotheringham said not necessarily and Judi Pickell said she is not saying that and wants to keep it broad because they can't develop on the easement. Jason Thelin said it has to be a PRD in order for them to get sixty lots. The Planning Commission had a discussion about it and said if it's not a PRD they could get forty eight lots. Judi Pickell said sixty lots would be the maximum but they could get less. She said the Planning Commission needs to make a decision and move forward.

David Fotheringham seconded the motion. The motion was not unanimous but passed with 4 Ayes and 3 Nays. Bryce Higbee, David Fotheringham, Steve Cosper, and Judi Pickell all voted Aye. Jason Thelin, Jane Griener, and Steve Swanson all voted Nay.

COMMUNICATION:

Judi Pickell asked about the sign at the entrance to Alpine. Jason Bond said the City had to take it down because it was on a water district easement. He said it is up at the shop and the City has to determine where they want to put it. Lon Lott asked if any of the neighbors would be willing to put the sign on their property.

VI. APPROVAL OF PLANNING COMMISSION MINUTES OF: Apr 21, 2015

MOTION: David Fotheringham moved to approve the Planning Commission Minutes for Apr 21, 2015 subject to changes.

Jane Griener seconded the motion. The motion passed unanimously with 7 Ayes and 0 Nays. Bryce Higbee, Jason Thelin, David Fotheringham, Steve Cosper, Steve Swanson, Jane Griener and Judi Pickell all voted Aye.

Steve Cosper stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 10:30pm.