

**ALPINE CITY PLANNING COMMISSION MEETING**  
**Alpine City Hall, 20 North Main, Alpine, UT**  
**November 7, 2023**

**I. GENERAL BUSINESS**

**A. Welcome and Roll Call:** The meeting was called to order at 6:00 p.m. by Chair Jeff Davis. The following were present and constituted a quorum:

Chair:

Commission Members: Troy Slade, Jeff Davis, Susan Whittenburg, Ethan Allen

Excused: Jane Griener, Alan Macdonald, John MacKay

Staff: Ryan Robinson, Jed Muhlestein, Marla Fox

Others:

**B. Prayer/Opening Comments:** Jeff Davis

**C. Pledge of Allegiance:** Troy Slade

**II. REPORTS AND PRESENTATIONS**

None

**III. ACTION ITEMS**

**A. Public Hearing: Code Amendment to Alpine Development changing accessory apartments to accessory dwelling units and removing them as a conditional use to permitted use in all zones currently listed. (DCA 3.02.020-.030, 3.03.020-.030,3.04.020-.030,3.05.020-.030,3.06.020).**

Ryan Robinson said as a city we recently amended the code to require an agreement for detached accessory structures that the property owner will not use these structures as an accessory apartment. This review brought about the discussion that additional changes needed to be made to accessory apartments to be compliant with the Utah State Code. These changes are primarily changing these as conditional uses in each zone and making them permitted uses. In order to be more uniform with the State Code we are also changing the term from Accessory Apartment to Accessory Dwelling Unit. An example has been attached of the CR-20,000 zone, the same changes will be made to each zone mentioned in the City Code Section.

**CITY CODE:**

**Alpine Development Code:**

- 3.02.020-.030 (TR-10,000)
- 3.03.020-.030 (CR-20,000)
- 3.04.020-.030 (CR-40,000)
- 3.05.020-.030 (CE-5)
- 3.06.020 (CE-50)

Ryan Robinson said on the advise of our attorney, we need to change this from a conditional use to a permitted use just to be more in compliance with the State Code.

Jeff Davis opened the Public Hearing.

Pamela Pamela, resident, asked how this change will work with our affordable housing requirements. Jeff Davis said it won't change if we allow apartments, it's just a name change to ADU to make us more

compliant. Ryan Robinson said the State asked each city to list three different ways they would provide affordable housing. One of Alpine City's ways to meet this goal is to allow apartments in the home. There are certain criteria in the ordinance that must be met such as owner occupied, and the apartment in or attached to the home.

Pamela Pamela asked if there was any difference between an apartment and a mother-in-law, and Ryan Robinson replied no, they are the same thing.

Jeff Davis closed the Public Hearing.

**MOTION:** Planning Commission member Susan Whittenburg moved to recommend approval of the proposed code amendment to the sections of the Alpine Development Code mentioned changing accessory apartments to accessory dwelling units, making them permitted uses and removing them from conditional uses in each zone.

Troy Slade seconded the motion. There were 4 Ayes and 0 Nays (recorded below). The motion did not pass.

**Ayes:**

Susan Whittenburg  
Troy Slade  
Jeff Davis  
Ethan Allen

**Nays:**

**Excused**

**B. Public Hearing: Code Amendment to Alpine Development Code 3.02.050 (TR-10,000) and 3.04.050 (CR-40,) amending the side yard setback requirements for accessory structures on a corner lot.**

Ryan Robinson said during the October 17<sup>th</sup> meeting with the Planning Commission and the October 24<sup>th</sup> City Council meetings a change to the code was made allowing the setbacks for accessory structures on corner lots to be closer to the property line if certain standards can be met. These are the same standards for internal lots to have setbacks closer to the property line as well. Comments were made by the Planning Commission and City Council to extend this standard to other primarily residential zones. This code amendment would make the same changes and standards to the CR-40,000 and TR-10,000 zones.

The proposed change would require that no accessory structure be in the site view triangle (The area formed by connecting the corner of the property to points thirty-five (35) feet back along each property line abutting the street). It would only apply to areas outside of the designated sight triangle and if the designated standards are met.

Setback requirements are intended to provide for the following:

- Safety: Setbacks enhance visibility and safety, a setback is meant to ensure that drivers, pedestrians, and cyclists have clear lines of sight in an effort to reduce the risk of accidents. They are also meant to act as a barrier to neighboring properties in emergency situations (i.e. a fire barrier for example).
- Aesthetics: Setbacks are meant to promote an open feel and avoid the creation of a "canyon-like effect" where structures appear too close to sidewalks and streets creating a clustered appearance.

**CITY CODE:**

Alpine City Code

- 3.02.050 (TR-10,000)
- 3.04.050 (CR-40,000)

Ryan Robinson said an applicant must meet conditions and have a fence to get approval for less setback.

Jeff Davis opened the Public Hearing, there were no comments and Jeff Davis closed the Public Hearing.

**MOTION:** Planning Commission member Ethan Allen moved to recommend approval of the proposed code amendment to section 3.02.50, 3.04.50 requiring setbacks for accessory structures on corner lots to be the same as interior lots if they are located outside the designated sight triangle as defined by Alpine City Code.

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

**Ayes:**

- Troy Slade
- Jeff Davis
- Susan Whittenburg
- Ethan Allen

**Nays:**

**Excused**

**C. PUBLIC HEARING: Code amendment to Alpine Development Code 3.01.110 removing swimming pools, and tennis courts from the definition of a Customary Residential Accessory Structure. Amend 3.02.050, 3.04.050 Setback Requirements to create setback requirements for sports courts.**

Ryan Robinson said currently Alpine City Development Code 3.01.110 defines Customary Accessory Structures to include such things as garages, carports and sheds. This definition also includes tennis courts and swimming pools although we have a separate set of standards regarding setbacks for pools. This proposal would be to add a section for sports courts with different setbacks similar to what we do for swimming pools.

The standards for swimming pools more closely resemble sports courts than would a vertical structure. We have also noticed this amendment to amend the definition to remove pools and courts as part of the definition of a customary accessory structure to avoid any confusion going forward. As pools are defined elsewhere in the municipal code, we would also add a definition for sports court.

**CITY CODE:**

**Alpine Development Code:**

- 3.01.110-Definitions
- 3.02.050-TR-10,000
- 3.03.050-CR-20,000
- 3.04.050-CR-40,000

Jeff Davis opened the Public Hearing.

Callie Steuer, resident, said she is in favor of this change to make flatwork not be a structure. She said she would like a ten-foot side setback to be similar to the ten-foot rear setback. She said a twenty-foot setback is prohibitive and her project is just flatwork.

Jeff Davis closed the Public Hearing.

Susan Whittenburg said not all sports courts are the same. She said a ten-foot setback seems too small.

Ethan Allen said it is not an aesthetics problem, maybe a safety problem.

The Planning Commission had a discussion about requiring a fence around the sports court. Jeff Davis said he is in favor of changing the setback to ten feet because it is no different than a swimming pool.

Troy Slade said twenty feet seems like a better fit aesthetically because if you have a fence around your yard and then a sports court fence ten feet away, that would not be a good look.

Ryan Robinson said to keep in mind that this change would be for all lots city wide and not just for the Steurer’s lot.

The Planning Commission asked why we had this ordinance and how did it come about. Marla Fox said it’s been this way for years and all accessory projects were lumped into one ordinance. Back in the day, it was mostly barns and sheds that were being built and they were too high to be on a corner where sight was an issue. Fast forward to today, almost every new home is being built with a swimming pool or a sports court. Many residents feel that it is unfair to have the same restrictions for swimming pools and sports courts because they are ground level and below; there are no height issues.

**MOTION:** Planning Commission member Ethan Allen moved to recommend approval of the proposed code amendment to sections 3.01.110, 3.02.050, 3.03.050, and 3.04.050 regarding the definitions of a sport court and setback requirements in the designated zones as proposed with the following change:

1. Change the side setback to ten feet as it is with other similar structures.

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

**Ayes:**

Troy Slade  
Jeff Davis  
Susan Whittenburg  
Ethan Allen

**Nays:**

**Excused**

**D. PUBLIC HEARING: Code Amendment to Alpine Development Code 3.31 Boundary Line Adjustments to clarify the approval requirements.**

Ryan Robinson said Alpine City Staff in review of our current code has suggested changes to the section regulating boundary line adjustments. These changes were made to make it more compliant with the State Code as well as to make it easier to interpret and apply for residents and staff. These changes include:

- Separating the sections by those in a recorded subdivision and those who are not.
- Clarify the approving bodies in different situations.
- Mirror review language with State Code.

**CITY CODE:**

Alpine City Code 3.31 Boundary Line Adjustments

Ryan Robinson said boundary line adjustments would be looked at by the City Planner and the City Engineer. If approved, a mylar would need to be signed and recorded. He said this is just to clean up the verbiage to meet State Code. He said zone changes would still come before the Planning Commission.

Jeff Davis opened the Public Hearing, there were no comments and Jeff Davis closed the Public Hearing.

**MOTION:** Planning Commission member Susan Whittenburg moved to recommend approval of the proposed code amendment to section 3.31 Boundary Line Adjustments as proposed:

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

**Ayes:**

- Troy Slade
- Jeff Davis
- Susan Whittenburg
- Ethan Allen

**Nays:**

**Excused**

**E. 2024 Planning commission Meeting Schedule**

Ryan Robinson asked the Planning Commission to review the 2024 Planning Commission calendar.

2024 ANNUAL MEETING SCHEDULE FOR

**ALPINE CITY, UTAH**

**PLANNING COMMISSION MEETINGS** for the 2024 calendar year are scheduled on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month as follows unless otherwise indicated:

January 2	May 7	September 3
January 16	May 21	September 17
February 6	June 4	October 1
February 20	June 18	October 15
March 5	July 2?	November 5
March 19	July 16	November 19
April 2?	August 6?	December 3
April 16	August 20	

The Planning Commission discussed each of these weeks and when the majority would be in town and took out these dates:

1. January 2, 2024, for Winter Break.
2. April 2, 2024, for Spring Break.
3. July 2, 2024, for 4<sup>th</sup> of July Holiday.

- 4. August 6 2024, for Alpine Days.
- 5. November 5 2024, for Election night.

**IV. COMMUNICATIONS**

Ryan Robinson said the rezone for the property next to the art center was denied by the City Council. He said they felt like the applicant lacked information.

Ryan Robinson asked the Planning commission to finish their training and let him know when they finished all their hours.

**V. APPROVAL OF PLANNING COMMISSION MINUTES: October 17, 2023**

**MOTION:** Planning Commissioner Troy Slade moved to approve the minutes for October 17, 2023, as written.

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

<u><b>Ayes:</b></u> Troy Slade Jeff Davis Susan Whittenburg Ethan Allen	<u><b>Nays:</b></u>	<u><b>Excused:</b></u>
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**MOTION:** Planning Commissioner Ethan Allen moved to adjourn the meeting.

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

<u><b>Ayes:</b></u> Troy Slade Jeff Davis Susan Whittenburg Ethan Allen	<u><b>Nays:</b></u>	<u><b>Excused:</b></u>
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The meeting was adjourned at 7:05 p.m.