



ALPINE CITY PLANNING COMMISSION MEETING

NOTICE is hereby given that the **PLANNING COMMISSION** of Alpine City, Utah will hold a **Public Meeting** on **Tuesday, September 3rd, 2024, at 6:00 p.m. at City Hall, 20 North Main Street, Alpine, Utah.**

The public may attend the meeting in person or view the meeting via the **Alpine City YouTube Channel**. A direct link to the channel can be found on the home page of the Alpine City website: [alpinecity.org](https://www.alpinecity.org).

I. GENERAL BUSINESS

- A. Welcome and Roll Call: Alan MacDonald
- B. Prayer/Opening Comments: By Invitation
- C. Pledge of Allegiance: Susan Whittenburg

II. REPORTS AND PRESENTATIONS

- A. **None**

III. ACTION/DISCUSSION ITEMS:

- A. **Public Hearing:** Potential rezone of parcel #11:045:0302 to the Planned Residential Development Zone.
- B. **Public Hearing:** Potential Code Amendment to Chapter 3.01.110 the Definition of a Produce Stand.
- C. **Action Item:** Proposed amendment to the Conditional Use Permit for Cherry Hill Farms at the Burgess Orchards.
- D. **Public Hearing:** Potential Code Amendment to Chapter 3.16 Open Space and 3.08 Public Facility Zone.

IV. COMMUNICATIONS

V. APPROVAL OF PLANNING COMMISSION MINUTES: August 20th, 2024

ADJOURN

Chair Alan MacDonald
August 30th, 2024

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 conversations 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 with 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 a 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 CITY PLANNING COMMISSION AGENDA

SUBJECT: Rezone Parcel to PRD Zoning Designation

FOR CONSIDERATION ON: September 3rd, 2024

PETITIONER: Andrew Stewart

ACTION REQUESTED BY PETITIONER: Recommend Approval of Rezone to the PRD Zone

REVIEW TYPE: Legislative

BACKGROUND INFORMATION:

Andrew Stewart has applied to rezone Parcel #11:045:0302 (1221 N Grove Drive) from the CR-40,000 zone to the Planned Residential Development (PRD) Overlay zone. The total size of this parcel is 2.43 acres with the plan to subdivide the parcel into two lots roughly .91 of an acre in size each. Each lot meets the minimum lot size of 40,000 square feet as required in the CR-40,000 zone, but because the average slope of the parcel exceeds 9.9% the minimum lot size would need to be 60,000 square feet. Because of the frontage along a public road requirement, additional lots would not be possible.

The applicant wants to rezone the parcel to the PRD Overlay Zone to be able to subdivide the parcel with the given slopes. The slope requirement in the PRD zoning designation is measured differently than in a traditional subdivision. In a PRD the slope is measured by the project as a whole, while a traditional subdivision is measured by the individual lot. As proposed this proposal would meet the requirements for the lot size with the slopes in a PRD zone. At least 25% of the property must be designated open space to meet the PRD requirements. The site plan attached shows two lots roughly .91 of an acre in size with .60 of an acre designated as open space. This open space is being proposed as a private space to be maintained by an HOA rather than city-owned.

PRD Information:

The Planned Residential Development (PRD) Overlay Zone is designed to offer an alternative approach to residential development within the city, focusing on flexibility, open space preservation, and innovation. The PRD allows developers to create housing projects that incorporate natural site conditions, efficiently use land and municipal resources, and provide a variety of residential styles. The city council has the discretion to approve projects for rezoning to the PRD Overlay, with the Planning Commission providing recommendations based on set criteria.

The zone emphasizes the importance of open space, requiring a significant portion of each project area to be set aside for public or private open space, particularly in areas with natural hazards or steep slopes. Density within the PRD Overlay is determined by a base density calculation, which considers the slope of the land, with opportunities for developers to earn density bonuses by providing additional natural or developed open space. The maximum allowable density, including bonuses, is capped to ensure that development remains consistent with the underlying zone's objectives.

In reviewing the application, the Planning Commission shall consider the following:

1. To qualify to rezone a parcel to the PRD Overlay Zone, the proposed project must demonstrate that it will:
 1. adequately recognize and incorporate natural conditions present on the site;
 2. efficiently utilize the land resources and provide increased economy to the public in the delivery of municipal services and utilities;
 3. provide increased variety in the style and quality of residential dwellings available within the City;
 4. preserve open space to meet the recreational, scenic, and public service needs; and

5. do all the above in a manner which is consistent with the objectives of the underlying zone and under conditions which will result in the creation of residential environments of sustained desirability.

ALPINE CITY CODE:

- Alpine Development Code 3.09- Planned Residential Development Overlay Zone

GENERAL PLAN:

- *Promote and preserve both natural and developed open spaces around the City with a preference towards public open spaces. The City prefers that this is done through Planned Residential Developments (PRD) or by the public purchase of land.*
 - Alpine General Plan Policy 1.1

PUBLIC NOTICE:

A public hearing is required by Alpine City and Utah State Code regarding a rezoning proposal.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria

SAMPLE MOTION TO APPROVE:

I move to recommend approval of the rezone of parcel #11:045:0302 to the Planned Residential Development Zone as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend approval of the rezone of parcel #11:045:0302 to the Planned Residential Development Zone as proposed with the following conditions/changes:

- ****insert additional findings****

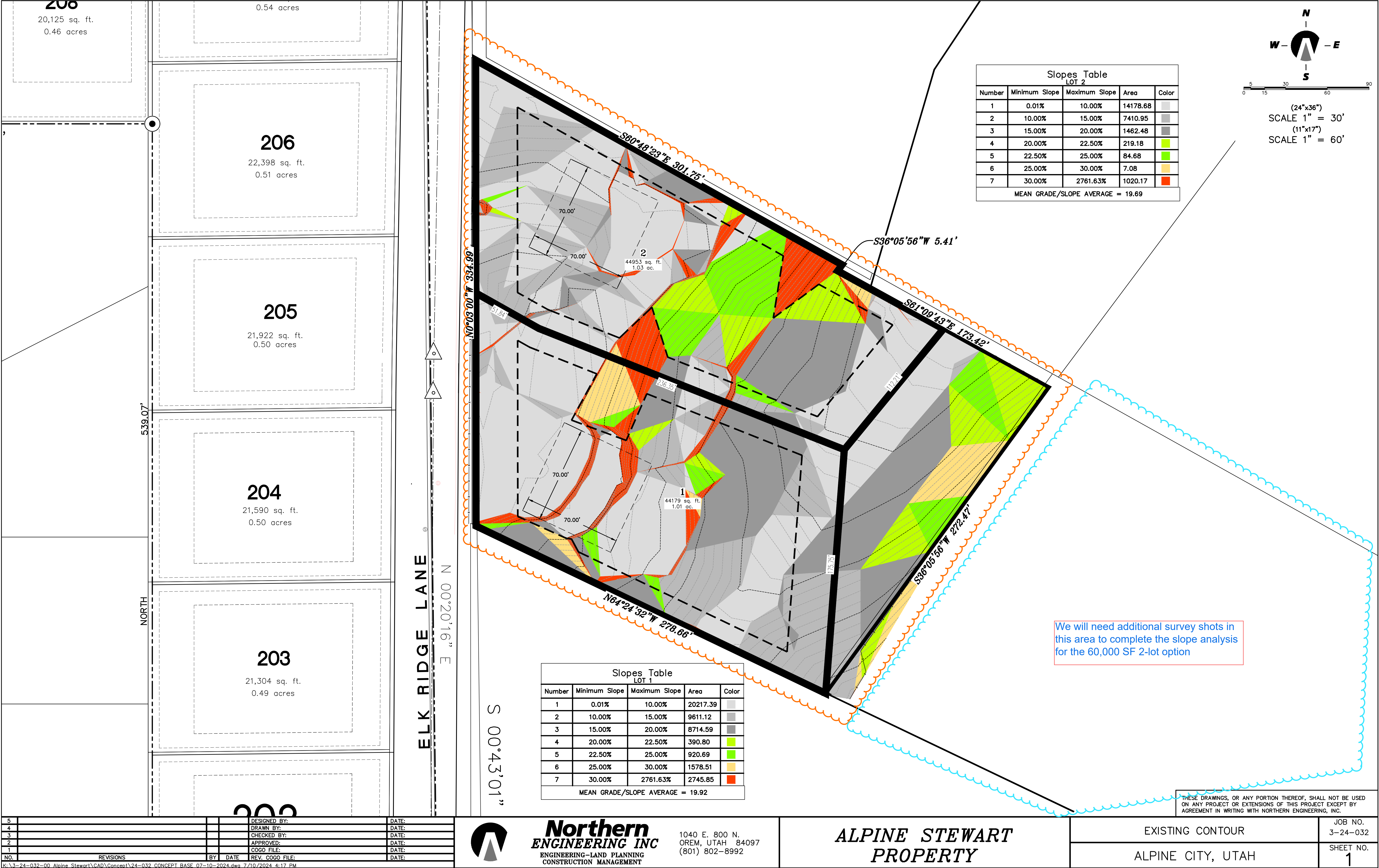
SAMPLE MOTION TO TABLE/DENY:

I move to table/deny the rezone of parcel #11:045:0302 to the Planned Residential Development Zone as proposed based on the following:

- ****insert finding****

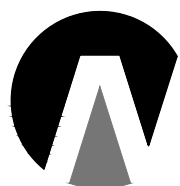






5				DESIGNED BY:	DATE:
4				DRAWN BY:	DATE:
3				CHECKED BY:	DATE:
2				APPROVED:	DATE:
1				COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE	REV. COGO FILE:	DATE:

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**Northern
ENGINEERING INC**
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

**ALPINE STEWART
PROPERTY**

EXISTING CONTOUR

ALPINE CITY, UTAH

JOB NO.
3-24-032

SHEET NO.
1

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED
ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY
AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

ALPINE CITY PLANNING COMMISSION AGENDA

SUBJECT: Code Amendment 3.01.110 Definitions

FOR CONSIDERATION ON: September 3rd, 2024

PETITIONER: Derek Rowley/Paul Gu

ACTION REQUESTED BY PETITIONER: Recommend approval of proposed code amendment.

REVIEW TYPE: Legislative

BACKGROUND INFORMATION:

Currently, Alpine Development Code 3.01.110 Definitions has the following definition for a produce stand.

- **PRODUCE STANDS.** *Any temporary or permanent structure, used for the sale of agricultural products, that is sited on the lot on which the majority of products being offered for sale have been grown. The agriculture products offered for sale must be primarily fresh whole fruits and or vegetables. Certain animal products may also be sold as part of the produce stand, these are limited to fresh eggs, raw milk, fresh cheese, fresh yogurt, raw honey, bees wax, honeycomb, butter, sour cream, and beef jerky.*

To operate as a conditional-use produce stand in designated zones, this definition must be met. The owners of the Cherry Hill Produce Stand have applied to amend this definition to offer more items to sell to be considered compliant with the definition. Any amendment to the definition will also apply to any other produce stand application in the future. Attached is the proposed amendment to the definition of a produce stand.

ALPINE CITY CODE:

- Alpine Development Plan 3.01.110 Definitions

GENERAL PLAN:

- N/A

PUBLIC NOTICE:

A public hearing is required by the Planning Commission as part of the review of this item. Noticing for this hearing has been completed to comply with city and state requirements.

STAFF RECOMMENDATION:

Because this is a legislative decision the standards for approval or denial are that the proposed code amendment should be compatible with the standards found in the general plan as well as current city code and policies. A recommendation should be made to the City Council for approval or denial based on those criteria

SAMPLE MOTION TO APPROVE:

I move to recommend approval of the code amendment to Alpine Development Code 3.01.110 defining a produce stand as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend approval of the code amendment to Alpine Development Code 3.01.110 defining a produce stand with the following conditions/changes:

- **insert additional findings**

SAMPLE MOTION TO TABLE/DENY:

I move to recommend to table/deny the code amendment to Alpine Development Code 3.01.110 defining a produce stand table/deny based on the following:

- **insert finding**

PRODUCE AND FOOD STANDS: Any temporary or permanent structure, used for the sale of agricultural products and prepared food items. The majority of products offered for sale must be unprocessed whole foods or foods prepared onsite, and the lot on which the stand is located must have at least 5 acres devoted to the agricultural production of items sold at the stand. Agricultural products include but are not limited to fresh whole fruits, vegetables, meat, and dairy. Prepared food items include but are not limited to sandwiches, pizza and baked goods. A minority of products sold can be ones complimentary to agricultural products, including but not limited to tableware, canning supplies, or farm decor.

ALPINE CITY PLANNING COMMISSION AGENDA

SUBJECT: Amendment to CUP for Cherry Hill Farms

FOR CONSIDERATION ON: September 3rd, 2024

PETITIONER: Derek Rowley/Paul Gu

ACTION REQUESTED BY PETITIONER: Approval of Amended CUP.

REVIEW TYPE: Administrative

BACKGROUND INFORMATION:

Cherry Hill Farms applied for a Conditional Use Permit for a produce stand that was approved with conditions by the Planning Commission during the March 21st, 2023 meeting. This property is currently zoned CR-40,000, "Incidental Produce Stands" is listed as a Conditional Use in this zone (DCA 3.04.030 Conditional Uses). Cherry Hill Farms is applying to amend its current conditional use permit from what was originally approved:

1. Off street standard exceptions for paving and lighting of the parking lot are subject to City Council approval;
2. No portion of the setback area adjacent to Alpine Highway, or Bateman Lane will be used for off-street parking unless approved by the Gateway Historic committee and the City Council;
3. The applicant installs signage on their property to not allow parking on Alpine Highway and direct traffic to the parking lot;
4. Meet with UDOT to receive permission to paint curbing or to put up no parking signs in the parking strip;
5. Hours of operation are dawn to dusk;
6. Season of operation is first day of Spring to last day of Fall;
7. Business can't open until improvements to Bateman Lane and the parking lot are complete.

The applicant would like to amend conditions #5 to be from 10:00 AM to 8:30 PM and #6 to be removed so they can be open year-round. Staff, after additional review by the Planner, City Administrator, and City Attorney have also reviewed the requirements for parking as was previously reviewed by the Planning Commission. Where the standards found in 3.23.060 require the produce stand *"to provide sufficient off-street parking space to safely accommodate the anticipated level of patrons and employees. The required off-street parking shall be in addition to the spaces required to meet the parking requirements of the primary use"* it is also recommended that conditions be imposed to mitigate the potential detrimental impacts of off-street parking.

The Planning Commission will also review 3.23.030 Conditional Use Standards of Review for compliance with the City Code. Any conditions imposed on the application shall be tied to these standards (see attached). The Planning Commission is the designated land use authority for reviewing this CUP as per DCA 3.23.070.

A conditional use is defined by Utah State Code 10-9a-103 as the following: *"A land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."*

ALPINE CITY CODE:

- Alpine Development Code 3.23 Conditional Uses

Alpine Development Code 3.23.030 provides a list of criteria that should be considered for CUPs. The applicant must demonstrate the following standards are met, if the Planning Commission identifies potential detrimental impacts, they can impose conditions that can mitigate these potential impacts. The conditions must be tied to the standards found in section 3.23.030.

- a) The application complies with all applicable provisions of this Chapter, state and federal law;
- b) The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
- c) The use is not detrimental to the public health, safety and welfare;
- d) The use is consistent with Alpine City General Plan as amended;
- e) Traffic conditions are not adversely affected by the proposed use;
- f) There is sufficient utility capacity;
- g) There is sufficient emergency vehicle access;
- h) The location and design of off-street parking as well as compliance with off-street parking standards;
- i) A plan for fencing, screening and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
- j) Exterior lighting that complies with the lighting standards of the zone;
- k) Within and signage standards found in DCA 3.25 and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and is appropriate to the topography of the site. .
- l) Limitations on hours of operation, methods of operation, and building height and size.

GENERAL PLAN:

- N/A

PUBLIC NOTICE:

- A public hearing is not required by State or City Codes for this item.

STAFF RECOMMENDATION:

After reviewing the submitted plans and report, the Planning Commission acting as the designated land use authority may attach conditions to mitigate any detrimental impacts in relation to DCA 3.23.030 with the proposed CUP. Where this is an administrative decision the standard for approval should be if the proposed application meets the current city code requirements. Staff recommends the following conditions be attached to the review:

1. Lighting be installed in the designated parking lots for any extended hours of operation. No lighting source for off-site parking shall be within 50 feet of a neighboring resident dwelling.
2. No Produce Stand Parking Beyond this Point should be placed on the City-owned property with parcel # 49:329:0015 near Cascade Avenue.
3. No parking signs shall be placed on the East side of Bateman Lane within 150' of the Alpine Highway and Bateman Lane intersection. OR on the North side of any entrance/exit on Bateman Lane.
4. A monthly sales tax report be submitted to Alpine City in addition to any reports submitted to state/federal agencies.

SAMPLE MOTION TO APPROVE:

I move to approve amendments to the Conditional Use Permit for a produce stand at 645 S. Alpine Highway as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to approve amendments to the Conditional Use Permit for a produce stand at 645 S. Alpine Highway as proposed with the following conditions/changes:

- **insert additional findings**

SAMPLE MOTION TO TABLE/DENY:

I move to table/deny the amendments to the Conditional Use Permit for a produce stand at 645 S. Alpine Highway as proposed based on the following:

- **insert finding**

ALPINE CITY PLANNING COMMISSION AGENDA

SUBJECT: Code Amendment 3.16 Open Space & 3.08 P-F Zone

FOR CONSIDERATION ON: September 3rd, 2024

PETITIONER: City Staff

ACTION REQUESTED BY PETITIONER: Recommend Approval of Proposed Code Amendment.

REVIEW TYPE: Legislative

BACKGROUND INFORMATION:

Alpine City Staff in review of Chapter 3.16 Open Space found it reference to an “open-space zone”. With no open space zone found on the current zoning map, staff is recommending removing this reference, and adding language to Chapter 3.08 Public Facility Zone, pointing to these additional standards in the Open Space chapter for any open space within the Public Facility Zone.

ALPINE CITY CODE:

- Alpine Development Code 3.16 Open Space
- Alpine Development Code 3.08 Public Facility Zone

GENERAL PLAN:

- N/A

PUBLIC NOTICE:

A public hearing is required to be held by the Planning Commission as part of this code amendment. The proper noticing has been completed as required by City and State Code.

STAFF RECOMMENDATION:

Recommend approval to the City Council of the proposed code amendment.

SAMPLE MOTION TO APPROVE:

I move to recommend approval of code amendment to chapters 3.16 and 3.08 of the Alpine Development Code as proposed.

SAMPLE MOTION TO APPROVE WITH CONDITIONS:

I move to recommend approval of code amendment to chapters 3.16 and 3.08 of the Alpine Development Code as proposed with the following conditions/changes:

- **insert additional findings**

SAMPLE MOTION TO TABLE/DENY:

I move to recommend the code amendment in chapters 3.16 and 3.08 of the Alpine Development Code as proposed be tabled/denied based on the following:

- **insert finding**

3.16.020 Permitted Uses

Permitted uses of the land in ~~designated the~~ Open Space ~~Zone~~ include:

1. Walkways
2. Paths
3. Trails
4. Picnic Shelters
5. Sanitary Facilities
6. Lawns
7. Landscaping

These permitted uses shall be part of the Alpine Park plan and shall be recommended by the Planning Commission and approved by the City Council.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

3.16.030 Conditional Uses

The following uses shall be permitted upon compliance with the requirements of this ordinance and a recommendation from the Planning Commission and approval of a site plan by the City Council and in compliance with the attached guidelines.

1. Permanent recreation facilities such as baseball diamonds with accompanying auxiliary structures, tennis courts and basketball courts.
2. Temporary recreational facilities such as soccer goals.
3. Structures for sale of food, drinks, game booths etc. which are of strictly a temporary nature for specific events.
4. Structures for use in organized group areas to be approved by the Planning Commission.
5. Wells with accompanying auxiliary structures, water, sewer and utility transmission lines and facilities.
6. Structures for the maintenance and operation of city business.
7. Other uses which are determined by the Planning Commission to be similar and compatible with the foregoing uses and in harmony with the intent of the ~~ordinance zone~~.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

3.16.040 Special Provisions

1. All public parks in the City of Alpine as noted on the attached map, hereby made a portion of this Ordinance, are ~~included in this Zone and are~~ subject to all of the provisions as set forth of this Zone.
2. Land included in these parks shall not be materially changed, improved, altered, disposed of in any manner or used for any other purpose except after a recommendation of the Planning Commission following a public hearing and by a super majority vote of the City Council (4 positive votes out of 5 City Council members

are required). A material change shall include, but is not limited to, a change to the park's present and essential defining characteristics, creation of or improvement of roadways or parking lots within the park.

3. A public hearing for a material change shall be noticed per Article 2.04 of the Development Code.

(Ord. 1998-20, 11/24/98; amended Ord. 2007-12, 08/14/07; Ord. 2016-07, 07/26/16; Ord. 2016-24, 11/09/16)

HISTORY

Amended by Ord. [2022-20](#) on 6/28/2022

3.08.020 Permitted Uses

The following uses are permitted in the P-F zone:

1. Public parks, open spaces, trails, cemeteries or other city-related activities subject to [Alpine Development Code 3.16 Open-Space](#).
2. City-owned buildings and structures.
3. City-owned or city-initiated water detention and/or debris basins.
4. City-owned water well, water storage tank and all related equipment.
5. Conservation areas including, but not limited to, wilderness areas, watershed areas, wildlife refuges, and wetlands.
6. Agriculture, including the raising of row crops, grains, and fruits and the incidental pasturage of animals. See DCA 3.21.090.

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
August 20, 2024

I. GENERAL BUSINESS

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

Chair: Alan Macdonald

Commission Members: John MacKay, Troy Slade, Michelle Schirmer, Susan Whittenburg, Greg Butterfield, Jeff Davis

Excused:

Staff: Ryan Robinson, Marla Fox

Others: Alan Dickson, Jennifer Wadsworth, Kristin Hagen

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

- C. Pledge of Allegiance:** Troy Slade

II. REPORTS AND PRESENTATIONS

Friends of the Alpine Library: Possible Restoration of the Olsen Home Located at 82 N Main Street for a Children's Library.

Ryan Robinson said the city owns the home located at 82 N Main Street. This group has approached the city about converting the home into a children's library since the Carlisle home did not work out.

Jennifer Wadsworth, resident, said she just wanted to introduce herself and let the Planning Commission know her Board will be coming back in the future to introduce a library in Alpine City. She showed pictures of other similar libraries in neighboring communities. She said the books would be donated and they would offer other programs as well. She said one day when they have a physical location they will have clubs, groups, classes, crafts, senior programs, mother's programs, etc.

Jennifer Wadsworth said they would like to repair the home at 82 N Main Street and add an addition on the back. She said these repairs and addition would be paid for by friends of the library and not by the taxpayers. She said the look would still be a historic home and not be changed into a modern looking building. They want to keep the historic pioneer look.

Jennifer Wadsworth showed a rendering of how the parking would work with the fire station parking. She said they will have sculptures around the building as well commissioned by local artists making a beautiful area. She said the Olsen home doesn't suffer the same fate as the Carlisle home and can be preserved.

Jennifer Wadsworth said they will bring forth a plan at a later time. She said they will work with the fire department to make sure they blend together well. She said they are working on getting a Historical Grant and community donations. They have three retired librarians that are excited to volunteer their time as well as other volunteers. She said this would not be part of the Highland City Library and would apply to get the book mobile money to help as well.

III. ACTION ITEMS

- A. Public Hearing: Proposed Annexation of the Box Elder South Subdivision**

1 Ryan Robinson said in February 2022, Box Elder South petitioned for annexation, which includes 59 lots.
2 This annexation had been brought to the City Council and Planning Commission previously. In July 2022,
3 it returned to the City Council for a second review.
4

5 The City Council tabled the annexation to explore the possibility of adding annexation fees to offset any
6 costs associated with the process. These fees were discussed during a work session with the City Council
7 in November 2022. Since that time, the item has not been on an agenda. It was recommended that the
8 annexation petition be returned to the Planning Commission for a public hearing and review before the City
9 Council makes a final decision on whether to annex the property.
10

11 Box Elder South was initially denied annexation by Alpine City and was later approved for development
12 in unincorporated Utah County. Since then, they have again requested to be annexed into the city. This area
13 is included in our Annexation Policy Plan & Map as a potential area for annexation. Utah State Code
14 requires areas to be included in an annexation policy plan and map to be eligible for annexation, although
15 it does not obligate the city to annex them.
16

17 According to the Annexation Policy Plan, the streets for this development have already been improved to
18 Alpine City standards. Water, sewer, and storm drainage have also been completed or connected to Alpine
19 City services, while parks and trails would be included, though pressurized irrigation would not be
20 provided. Of the 59 lots approved by Utah County as part of this subdivision, 30 single-family dwellings
21 have been constructed, with roughly seven more in progress.
22

23 Those already built or currently under construction would not be eligible for impact or other construction-
24 related fees from the city. Attached is the plat map approved by Utah County as part of the subdivision
25 review process. The Planning Commission acts as a recommending body during the annexation review
26 process. This is a legislative decision, so the city is under no obligation to annex this property, even though
27 it is included in the Annexation Master Plan. If additional information is needed, the Planning Commission
28 may table the application until that information is provided.
29

30 Ryan Robinson said this development doesn't meet the CR-40,000 Zone but does meet the open space
31 requirements. It would need some kind of exception to meet a PRD.
32

33 Alan Macdonald opened the Public Hearing.
34

35 Alan Dickson, Oakhill Drive, said he is the President of the HOA in the Box Elder South Subdivision. He
36 said they started in 2022 trying to get annexed. He said the conservation easement needed to be settled
37 before this was looked at. He said that has been resolved so this is being brought back for review. He said
38 the homes being built are substantial homes and meet the standards of Alpine. He said they have sidewalk,
39 curb, and gutter, along with open space.
40

41 Alan Dickson said there is tax income that could come to Alpine which would be about \$107,000 net income
42 to the city which are conservative estimates and would more likely be \$140,000. The only expense to the
43 city would be snow removal. He said the County has to come a great distance to come to their little area to
44 remove snow. He said by the time that happens; it is 4:00 pm in the afternoon. He said the cost is around
45 \$8,000 for this service.
46

47 Alan Dickson said the mayor talks about inclusion, but they have an Alpine address but are not part of
48 Alpine. He said they can't even buy a cemetery plot or be included in the senior dinners. He said they
49 utilize the roads, parks, and other parts of Alpine, but are not Alpine residents. He said they would like to

be included as members of Alpine City and contribute to the city. He doesn't understand what the city gains by keeping them out vs bringing them in and letting them be part of the community.

Greg Butterfield said he spoke with a city employee who said we don't have the manpower to go up there and snowplow and take care of that subdivision. He said there has been water damage in that area and the city doesn't want to have to pay to fix those issues.

Alan Macdonald said this subdivision had an opportunity to be annexed into the city, but the developer chose to go to the County to get a higher density. He said this is not the homeowner's fault, but everyone chose to buy those lots in the County. He said we need to look closer at the numbers to see what actual costs would be to annex this subdivision. Greg Butterfield asked if we could impose an impact fee from the subdivision and use the annexation fees for something good like helping the library or some other cause that is a win for Alpine.

Jeff Davis said in our Ombudsman training, in the Utah State Code Section 10.2.402 number 4, it states that a municipality cannot annex unincorporated areas for the sole reason of generating revenue. He said it also states in the same section that the city must provide services, which we already do on water and sewer. He said the issue is that this subdivision is not in compliance with our city code. We would have to make an exception and set a precedence and that is an issue.

John MacKay said we can't base future decisions on precedence so that is not a concern. He said we need to look at the true costs of managing permits, contracting with Sunrise Engineering for inspections, revenue we would receive from permits and the small portion we would receive from county taxes. He said financially, there really are no arguments to make on either side of this case. He feels like it makes sense to not have an island and to move forward with an annexation plan, but we're not ready to make that recommendation today. He said there are some things to work through and doesn't know why they weren't worked through in the past. He said the Planning Commission recommended annexation last time this came before us and the City Council tabled it. It looks like no work has been done on this for a couple of years.

Alan Dickson said no-one is losing sleep because they are in the County. He said for him, a key element is that he would like to be able to vote on issues in a city that he loves so much. He said they need help with snow removal but other than that, all the residents just want to be part of Alpine.

Alan Macdonald closed the Public Hearing.

MOTION: Planning Commissioner John MacKay moved to recommend Tabling the Box Elder Annexation petition as proposed with the following recommendation.

1. Direct city staff to work with the applicant on an annexation agreement.
Susan Whittenburg seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Alan Macdonald
John MacKay
Michelle Schirmer
Troy Slade
Susan Whittenburg
Greg Butterfield
Jeff Davis

Nays:

Excused

B. Action Item: Proposed Exception to the Off-Street Parking Requirements for Cherry Hill Farm at Burgess Orchards.

Ryan Robinson said Cherry Hill Farms applied for a Conditional Use Permit that was approved with conditions by the Planning Commission during the March 21st, 2023 meeting. One of the criteria is that the applicant provides sufficient off-street parking space to safely accommodate the anticipated level of patrons and employees. At the time of approval, the produce stand met the required number of parking spots required by the City Code. [Alpine Development Code 3.24 Off-Street Parking](#) lists the requirements for off-street parking and allows for exceptions to be granted. Exceptions were granted for the original application to not have to *provide lighting on the parking lot so long as the business hours are between dawn to dusk, waive the requirement of paving but letting them do a more natural parking lot, and meet the setbacks of the zone* as approved by the City Council.

Due to the popularity of the produce stand, additional off-street parking is needed. Cherry Hill farms recently purchased the property to the east of their current location (491 S Alpine Highway) with the intent to provide additional parking as part of their produce stand. The current proposal shows a fence separating the house from the proposed parking lot with 30 additional stalls provided with the entrance on Bateman Lane.

The applicant is requesting the same exception they received for their onsite parking be applied to their new proposed parking lot. This would include an exception to the requirement to provide lighting for the parking lot and paving, and for parking to be included in the designated front yard setback.

Ryan Robinson said they need to meet certain characteristics or get exceptions for them. The fruit stand is looking for exceptions on number one and five which is paving the parking area and lighting the parking lot.

Michelle Schirmer said this parking is now encroaching into the residential areas. She said this is hard to take because people have encroached on her property and her neighbor's property. She said these properties are not in the commercial zone. She said Bateman Lane has now become just an extension of their parking lot. Both sides are now being swallowed up by a produce stand that is staying open well past the time they are supposed to. She said this is every night six nights a week and said the neighborhood is trying to maintain their property values.

Greg Butterfield asked if the produce stand could use some of their own property to extend their parking instead of going across the street. Alan Macdonald said Michelle Schirmer has a special viewpoint because she lives next to this business. He said the business is a victim of its own success, but still needs to live up to the conditional use and be sensitive to the neighbors. He said this request has no crosswalk and a two-way road which creates a safety issue. He said he is not in favor of this solution to the parking but would rather see them take out some trees on the same side as the fruit stand.

Troy Slade asked if the additional property has already been purchased for the purpose of extra parking. Ryan Robinson said it had.

Paul Gu, owner of the fruit stand property, said he built a new home just north of the fruit stand and Derek Rowley built a new home to the west of his home. Derek Rowley is the owner of Cherry Hills. He said it is not profitable to run an orchard in the middle of alpine because of the property prices. He said it is a nice benefit for the city and wanted to continue the orchard.

Paul Gu said putting in parking is not profitable. He said he is neighbors with Michelle Schirmer and agrees that parking should not be on Bateman Lane. He said he had the opportunity to purchase the neighbor's property and thought it would be a good solution to get cars off of Bateman Lane.

Alan Macdonald asked Paul Gu how he mitigates the safety issues of people crossing a busy street. Paul Gu

1 said most people are coming to get a peach shake and that is not very profitable. Jeff Davis asked if it was
 2 worse to cross the street or have parking on both sides of Bateman Lane and into Cascade. Alan Macdonald
 3 said he was not an expert on the issue.

4
 5 Alan Macdonald asked what ordinance allows a parking lot to be built on another residential lot. Ryan
 6 Robinson said a recommendation for an exception can be sent to the City Council. Jeff Davis said we need to
 7 make it better for the residents of Alpine. He asked what needs to be done to approve an additional parking
 8 lot.

9
 10 Greg Butterfield asked if Mr. Gu could use the new property as the greenbelt to maintain the tax credits and
 11 then use the existing greenbelt as the new parking area.

12
 13 Michelle Schirmer said we are at the point of no return if we allow this parking lot. She said the peak season is
 14 almost over and feels like we have time to look at this closer. Ryan Robinson said we don't have an ordinance
 15 that allows a parking lot. Paul Gu said they are willing to look at other options, but doesn't feel very
 16 optimistic about it, because it was difficult to get the parking they already have.

17
 18 The Planning Commission had a discussion about adding additional parking on a different parcel of land
 19 across a city street.

20
 21 **MOTION:** Planning Commission member Jeff Davis moved to recommend Denying approval of the
 22 exception to the off-street parking requirements of paving, parking stalls in the designated setback and
 23 lighting on the parking lot for the produce stand at 625 S Alpine Highway because:

- 24 1. There's not a current ordinance to accept this use on another parcel the way it was
 25 presented.

26 John MacKay seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion
 27 passed.

28 **Ayes:**

29 John MacKay
 30 Michelle Schirmer
 31 Alan Macdonald
 32 Troy Slade
 33 Susan Whittenburg
 34 Greg Butterfield
 35 Jeff Davis

36 **Nays:**

37 **Excused**

38 **IV. COMMUNICATIONS**

39 Ryan Robinson said Harris Dental has cleaned up the previous sign holes in their building as instructed.

40 Jeff Davis asked if there was anything coming up with the produce stand. Ryan Robinson said yes, they
 41 would like to come in and alter their definition of a produce stand and that will probably be on September
 42 3, 2024. He said the Planning Commission is the Land Use Authority on this so you will make the decision
 43 on this. He said some of the changes they would like to make are being open year-round and changing the
 44 hours of operation. Their original hours are dawn until dusk, so if they are open later than that, we will
 45 have to look at lighting for the parking lot.

46 Susan Whittenburg asked if they are changing their conditional use or do they want to go commercial. Ryan
 47 Robinson said they want to change their conditional use and expand what they are selling. Greg Butterfield

1 said in the four months he's been here, he sees a pattern of people not getting what they want, then they go
 2 ahead and do what they want and then come in and ask for forgiveness. He said the owner doesn't want
 3 the parking lot by his house, he wants it over by the neighbor's house. He said we need to stop this now
 4 before it gets started and they spend money on it, and we end up being the bad guys.

5
 6 Ryan Robinson said the property has already been purchased and intended for parking. Alan Macdonald
 7 said in all likelihood, in the next five years or so, all the properties south of the round-a-bout will become
 8 some sort of business and the neighbors that border that zone will need to accommodate that. Michelle
 9 Schirmer said that whole area is zoned residential and not commercial, so residents are not expecting
 10 commercial businesses.

11
 12 **V. APPROVAL OF PLANNING COMMISSION MINUTES: July 16, 2024**

13
 14 **MOTION:** Planning Commissioner Greg Butterfield moved to approve the minutes for July 16, 2024, as
 15 written.

16
 17 Michelle Schirmer seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion
 18 passed.

19
 20 **Ayes:**

20 **Nays:**

20 **Excused:**

21 John Mackay
 22 Michelle Schirmer
 23 Alan Macdonald
 24 Troy Slade
 25 Susan Whittenburg
 26 Greg Butterfield
 27 Jeff Davis

28
 29 **MOTION:** Planning Commissioner Jeff Davis moved to adjourn the meeting.

30
 31 John Mackay seconded the motion. There were 7 Ayes and 0 Nays (recorded below). The motion passed.

32 **Ayes:**

32 **Nays:**

32 **Excused**

33 John MacKay
 34 Alan Macdonald
 35 Michelle Schirmer
 36 Troy Slade
 37 Susan Whittenburg
 38 Greg Butterfield
 39 Jeff Davis

40 The meeting was adjourned at 8:33 p.m.