

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, Utah
January 5, 2010

I. GENERAL BUSINESS

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

Chairman Jannicke Brewer

Commission Members: Jason Thelin, Tami Hamilton, Steve McArthur

Members not present: Steve Cosper

Staff: Charmayne Warnock, Shane Sorensen, April Naidu

Others: Brad Reneer, Aaron Holtsclaw, Jamie Hartley, Taylor Hartley, Ken Potter, Steve Painter

B. Prayer/Opening Comments: The prayer was offered by Jason Thelin. Jannicke Brewer said the previous members of the Planning Commission, Brad Reneer and Troy Stout had been elected to the City Council. Consequently, there were two vacancies on the Planning Commission which should be filled at the next City Council meeting.

C. Approve minutes of December 1, 2009

MOTION: Steve McArthur moved to approve the minutes of December 1, 2009. Tami Hamilton seconded. Ayes: 4 Nays: 0. Steve McArthur, Tami Hamilton, Jannicke Brewer and Jason Thelin voted aye. Motion passed unanimously.

II. CITIZEN COMMENT: None

III. ADMINISTRATIVE ACTION ITEMS

A. Conditional Use Permits for Home Occupations

DVO Enterprises – 620 Windsor Court – Dan Oaks: Mr. Oaks requested a permit for his business of creating and marketing cooking software. On the application he listed that he had three employees that were not members of the residing family. Since the home occupation ordinance did not permit more than one employee outside the residing family, and Mr. Oaks was not present to answer questions about his business, the item was tabled.

IV. LEGISLATIVE ACTION ITEMS

A. Development Code – Article 3.28 – Wind Energy Conversion Systems: Ken Potter at 551 Ranch Circle in Alpine wanted to put up a wind tower in his yard. However, the location in which he wanted to put it didn't comply with the setback requirements in the ordinance. He had previously requested a variance from the Alpine City Board of Adjustment at their meeting of December 10, 2009 and was denied. The Board of Adjustment suggested he approach the Planning Commission about amending the ordinance since setbacks were an issue that would affect more residents than Mr. Potter.

April Naidu had obtained a copy of Highland City's wind tower ordinance for comparison purposes, and it was included in the packet.

Alpine City's ordinance on wind towers required a setback that was equal to the height of the tower plus the radius of the blades.

Highland City's ordinance required a setback from the property line that was 50% of the total height. The setback from overhead utility lines, neighboring dwellings and accessory structures,

PC January 5, 2010

and public roads was 110% of the tower height plus the length of the blades. Also, the tower could not be located in the front yard setback

Jannicke Brewer said she felt both ordinances had some problems, but there were some items in Highland's ordinance that should be addressed in Alpine's ordinance such as locating a tower in the front setback, and proximity to roads and neighboring dwellings.

Mr. Potter said he would like to put a wind tower by the meter base on the side of his house, which would put it about 37 feet from the property line. However, with Alpine's ordinance he couldn't do it because it required a setback of about 51 feet for the 45-foot high tower. Highland's ordinance would require a lesser setback, and that would work for him. He said Alpine's ordinance, as written, was discriminatory and would prevent about 70% of the people in Alpine from putting in a wind tower. As far as a wind tower falling, he said they over-engineered and weren't going to fall down.

Tami Hamilton said she had talked to the two men in Alpine who had put up wind towers and they said they did make a noise. She said another reason for the setback requirement was noise, not just safety.

Steve Painter said he had been involved with just about every city that had an ordinance on wind towers. He said the hum from the towers was about 48 decibels which was quieter than an air conditioner.

Ken Potter said he had talked to his neighbor about the tower and he hadn't had a problem with it.

Steve McArthur there were more issues than noise and setbacks. He said that when they adopted the ordinance they hadn't envisioned that everyone would be able to have a windmill.

Steve Painter said he'd had the manufacturers for Honeywell requesting information on wind towers, and he was receiving about seven or eight emails a week from China requesting information. There was a lot of interest in alternative energy systems for home use. Honeywell had a roof-mounted model that would be marketed through Ace Hardware. Solar companies were seeing the same momentum. Customers would be going to Home Depot and Lowes and buying units and installing it themselves. He said he expected that what was coming into the market would overwhelm cities. Some of the solar generators would simply plug into an outlet. At that point the city would lose control.

Jannicke Brewer asked how tall a roof-mounted unit would be.

Steve Painter said it would be situated on a tri-pod on the roof. People would install them like a TV antennae. There were some helical units. Over the next few years he anticipated there would be tons of models coming out. For the cities to deny them would be like telling someone they couldn't put in a swamp cooler.

Tami Hamilton noted that if they were installed next to the owner's home, the neighbors wouldn't be as affected.

Jason Thelin said he understood the Potter's desire to install a wind tower, but there had to be some kind of regulation. Not everyone liked them. He said he'd asked casually around his neighborhood if they would like to see them and they were resoundingly against it.

Steve Painter said that when you said windmill, people often thought of something different from what was actually being put up.

Jason Thelin said that in the downtown area one could say they were infringing on the rights of people who wanted to put on up, but would they be infringing on the rights of people who didn't like the sound or appearance? There needed to be some kind of setback.

Ken Potter said they weren't going to eliminate them visually. There was a reason they had to be high – to catch the wind. He said when he bought his lot in his subdivision there were high-voltage, overhead power lines running along Ranch Drive. He couldn't imagine that anyone would want to build their homes under them. But they did. What used to be an eye-sore was no longer noticed. Over time, people got used to things. At what point did the preference of neighbors interfere with individual property rights? He said he had talked to almost all of his neighbors, and to his knowledge, no one was against the wind towers. In fact, a lot of them wanted to put one up.

Jannicke Brewer said that under Alpine's existing ordinance there would be some instances where a person could put a wind tower in front of the home. They needed to change that and look at other things in Highland's ordinance that they might want to incorporate into Alpine's ordinance including setback from overhead utility lines, neighboring structures and roads.

Ken Potter pointed out that he wanted to put his tower about 37 feet from the property line. Jannicke Brewer said the ordinance would need to be crafted to address the general population, not a specific instance. Ken Potter said they did need to consider the other 70 percent of the community.

Mr. Potter said that the previous summer his power had gone out about three times a week. He'd like to have a battery back-up system as well. He said the power system in this country was antiquated and all the utilities could do was patch it together. In order to make some significant upgrades, 20 percent of the users would have to be taken off grid in order to revamp the system. Alternative energy would allow areas to be taken off the grid while the system was upgraded to something that matched the needs of the country.

Regarding setbacks, Shane Sorensen said he could show some examples of different setback situations in the city for the next discussion.

Jannicke Brewer said they would have two new Planning Commission members at the next meeting. It would be useful if they could have examples of various setbacks. They could possibly look at roof-mounted models and add that to the ordinance.

Steve McArthur said he thought there should be at least two different steps in amending the ordinance. First they should change the ordinance regarding front setbacks, and then look at side setbacks, although he said he wasn't in favor of changing the side setbacks. And then look at regulation for other types of small windmills. He said he thought there should be some limiting factors on what lots could handle windmills. It didn't make sense that everyone would be able to have a windmill.

Jannicke Brewer asked Steve Painter if he would be able to make a presentation on newer technology, and maybe talk about solar panels.

Steve Painter said he was working with the Daybreak community in South Jordan. They had developed an area that incorporated alternative wind and solar energy. All of those homes were sold. The homes in the other areas were still for sale. That should give Alpine City an idea of what people were thinking. He added that he'd installed a tower in Riverton that was ten feet from the property line.

B. Development Code - Group Homes for the Disabled: April Naidu said the Utah State Municipal Code required cities to adopt an ordinance for residential facilities for the disabled. City Attorney David Church had attended the meeting of December 1, 2009 to instruct

the Planning Commission regarding current legislation regarding group homes for the disabled because they were protected by both federal and state law.

The Planning Commission had looked at Holladay City's ordinance on group homes as a possible model for Alpine's ordinance. Orem City also had an ordinance on group homes that they may want to look at.

Steve McArthur suggested that they postpone their discussion on a group home ordinance until the two new Planning Commission members were appointed so they would be included in the group home discussion from the beginning.

Taylor and Jaime Hartley said they were interested in the group home discussion. They lived on Hillside Circle in Alpine and were interested in starting a group home for people with severe disabilities. They were contemplating having up to eight people in the home with the disability plus two more people to help out.

C. Development Code – Section 3.1.11 (Definitions): This item dealt with the definition of a residence. Since it was to be discussed in conjunction with the discussion on group homes, the Planning Commission decided to also postpone this discussion until the new members were present.

MOTION: Jason Thelin moved to adjourn. Tami Hamilton seconded. Ayes: 4 Nays: 0. Steve McArthur, Tami Hamilton, Jannicke Brewer and Jason Thelin voted aye. Motion passed unanimously.

The meeting was adjourned at 8:02 pm